

# Ordinary Meeting Of Council

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## Wollondilly Shire Council

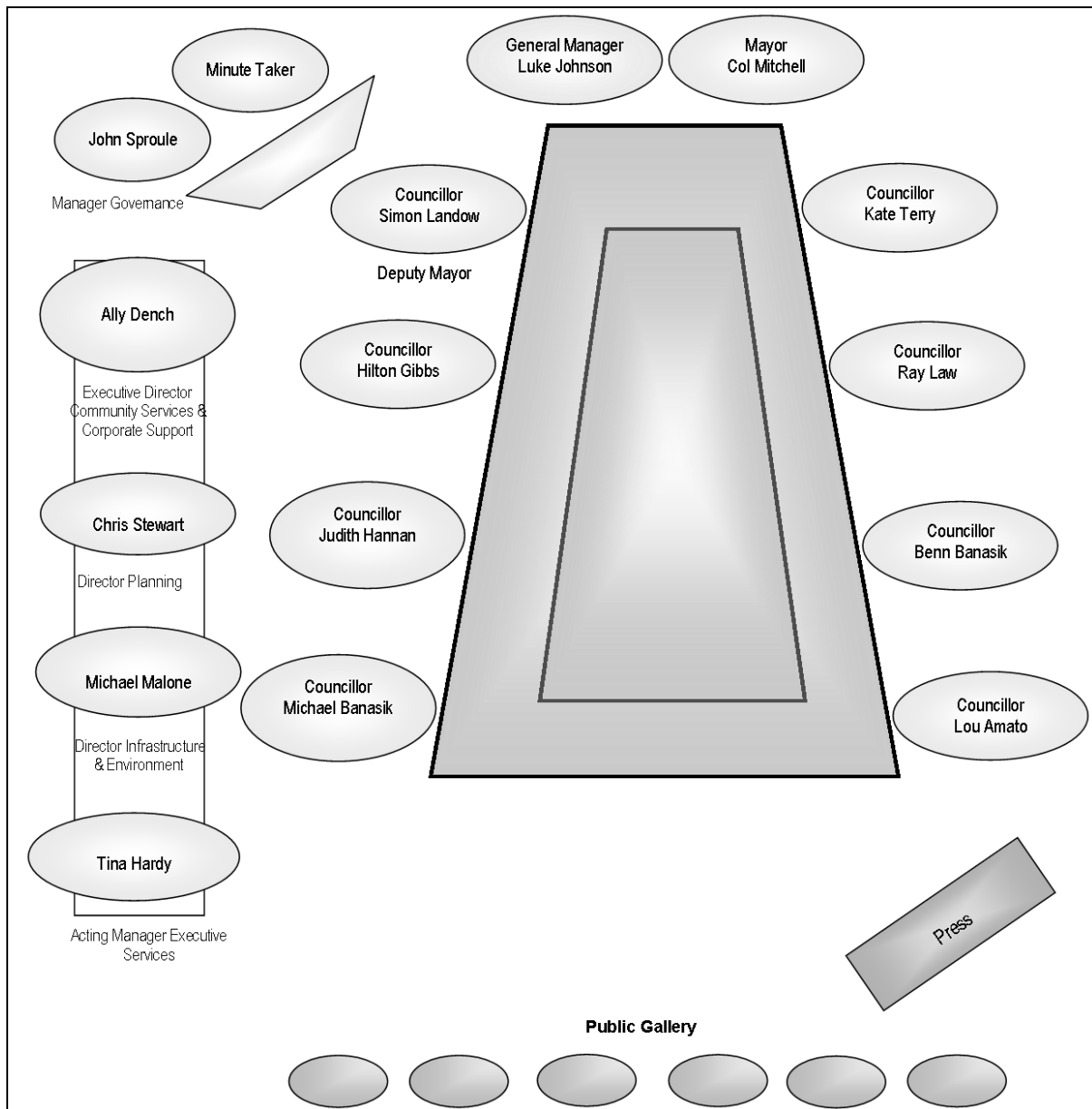
### Notice of Meeting & Agenda Monday 21 September 2015

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You are invited to attend the next Ordinary Meeting of Council to be held in the Council Chambers, 62-64 Menangle Street Picton on Monday 21 September 2015 commencing at 6.30pm.

Luke Johnson  
General Manager

# Seating in Council Chambers



## EAST WARD

Cr Benn Banasik	0434 832 636	Email: <a href="mailto:benn.banasik@wollondilly.nsw.gov.au">benn.banasik@wollondilly.nsw.gov.au</a>
Cr Ray Law	0427 901 275	Email: <a href="mailto:ray.law@wollondilly.nsw.gov.au">ray.law@wollondilly.nsw.gov.au</a>
Cr Kate Terry	0439 665 149	Email: <a href="mailto:kate.terry@wollondilly.nsw.gov.au">kate.terry@wollondilly.nsw.gov.au</a>

## CENTRAL WARD

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

## NORTH WARD

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

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

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## OPENING

## RECORDING OF THE MEETING

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

## NATIONAL ANTHEM

## ACKNOWLEDGEMENT OF COUNTRY

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- Ordinary Meeting of Council held on 17 August 2015

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# Wollondilly Community Strategic Plan 2033

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

## 1. Wollondilly Strategic Plan 2033 themes:

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

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

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

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

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

## 1.

# Community

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### Outcomes

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

### Strategies

#### CO1 - Community Building, Well-being and Identity

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

#### CO2 - Working with Others

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

#### CO3 - Social Planning

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

#### CO4 - Engagement and Communication

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

# Governance

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### Outcomes

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

# Wollondilly Community Strategic Plan 2033

## Strategies

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

## Environment

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### Outcomes

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

### Strategies

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

## Economy

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### Outcomes

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

### Strategies

#### EC1 - Economic Development

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

#### EC2 - Planning for and Supporting Business

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

#### EC3 - Manage Growth

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

#### EC4 - Managing Development and Land Use

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

#### EC5 - Protect Natural Resources

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

## Infrastructure

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### Outcomes

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

### Strategies

#### IN1 - Maintain Road Network

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

#### IN2 - Manage Road Network

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

#### IN3 - Provision of Facilities

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

#### IN4 - Emergency Management

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

#### IN5 - Advocacy and Lobbying

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

## 2.

### Environmental Principles

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#### **EQUITY**

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

#### **PRECAUTION**

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

#### **REGENERATION**

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

#### **ENGAGEMENT**

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

#### **SHARING**

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

### Social Justice Principles

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#### **EQUITY**

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

#### **ACCESS**

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

#### **PARTICIPATION**

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

#### **RIGHTS**

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

#### **GOVERNANCE**

People deserve responsible governance and fair and accountable decision making.

# Committee/Advisory Group Membership List – 2014-2015

<b>COMMITTEES OF COUNCIL</b>	<b>MEMBERS AND DELEGATES</b>	<b>RESPONSIBLE COUNCIL OFFICER</b>	<b>WHEN HELD AND VENUE</b>
<b>ORDINARY COUNCIL MEETING</b>	Mayor Deputy Mayor Full Council	Manager Governance	Meetings held at 6.30pm, 3rd Monday of each month in the Council Chambers.
<b>COMMUNITY FORUM</b>	Mayor Deputy Mayor Full Council	Manager Governance	Meetings held at 6.30pm, 2nd Monday of each month in the Council Foyer - Administration Building. Community Safety on the Agenda quarterly – February, May, August and November.
<b>AUDIT COMMITTEE</b>	Mayor Cr Gibbs	Manager Governance	Meetings held in office hours at the Council Chambers.
<b>AUSTRALIA DAY COMMITTEE</b>	Mayor Cr Hannan Cr Landow	Manager Community Outcomes	Meetings held at 6.00pm in the Council Boardroom as required.
<b>COMMUNITY LEISURE CENTRE USERS ADVISORY GROUP</b>	Cr Mitchell Cr Amato	Manager Infrastructure Planning	Meetings held at 6.00pm, March & September in the Council Chambers.
<b>COMPANION ANIMALS REFERENCE COMMITTEE</b>	All Crs welcome to attend	Manager Compliance	Meetings held at 7.00pm, 2nd Tuesday of February, April, June, August, October & December in the Council Boardroom.
<b>DISABILITY ACCESS ADVISORY COMMITTEE (DAAC)</b>	All Crs welcome to attend	Manager Community Outcomes	Meetings held at 2.00pm, 2nd Wednesday of February, May, August and November in the Council Chambers.
<b>ECONOMIC DEVELOPMENT ADVISORY COMMITTEE</b>	All Crs welcome to attend	Manager Economic Development & Tourism	Meetings held at 3.30pm, 4th Wednesday of February, May, August and November in the Council Boardroom.
<b>ENVIRONMENT AND HERITAGE COMMITTEE</b>	All Crs welcome to attend	Manager Environmental Services and Manager Planning	Quarterly.



## Committee/Advisory Group Membership List – 2014-2015

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

# Committee/Advisory Group Membership List – 2014-2015

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

# Committee/Advisory Group Membership List – 2014-2015

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

# Committee/Advisory Group Membership List – 2014-2015

<b>EXTERNAL COUNCIL COMMITTEES</b>	<b>MEMBERS AND DELEGATES</b>	<b>RESPONSIBLE COUNCIL OFFICER</b>	<b>WHEN HELD AND VENUE</b>
<b>SOUTHERN TABLELANDS REGIONAL ARTS ADVISORY GROUP</b>	Cr M Banasik	Manager Community Outcomes	Meetings held quarterly at Goulburn Council offices.
<b>SOUTH WEST SYDNEY ACADEMY OF SPORT ADVISORY GROUP</b>	Cr Hannan	Manager Infrastructure Planning	Board Meetings held quarterly in Wollondilly, Campbelltown, Camden & Liverpool. Finance Meetings - Bi-monthly UWS.
<b>SOUTH WEST REGIONAL WEEDS COMMITTEE</b>	Cr Law	Manager Environmental Services	Meetings held at 9.00am, 1st Wednesday of March, June, September and December. Various locations South West Sydney.
<b>SYDNEY PERI URBAN NETWORK</b>	No Councillor Member	Executive Director Community Services and Corporate Support	Meetings held as required at various locations.
<b>SYDNEY CATCHMENT AUTHORITY LOCAL GOVERNMENT REFERENCE PANEL</b>	Mayor	Manager Environmental Services	Meetings held at 12.00pm, 1st Monday quarterly.
<b>TAHMOOR COLLIERY COMMUNITY CONSULTATIVE COMMITTEE</b>	Cr Mitchell Staff representative	Manager Environmental Services	Meets quarterly as required at Tahmoor Colliery.
<b>WOLLONDILLY DISTRICT LIAISON COMMITTEE (SLA WITH RFS)</b>	Mayor	Manager Works	Quarterly.
<b>YERRANDERIE MANAGEMENT COMMITTEE</b>	Cr Law	Manager Environmental Services	Meetings held at 6.30pm, 1st Thursday March, June, September and December at The Heritage Centre, The Oaks. 1st Saturday of alternate months - all day Yerranderie.



# Planning & Economy

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

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

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

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

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

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 September 2015

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**Relevance to Community Strategic Plan**

**RELEVANCE TO COMMUNITY STRATEGIC PLAN – PLANNING AND ECONOMY**

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

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 September 2015

**PE1 – Planning Proposal – Picton East**

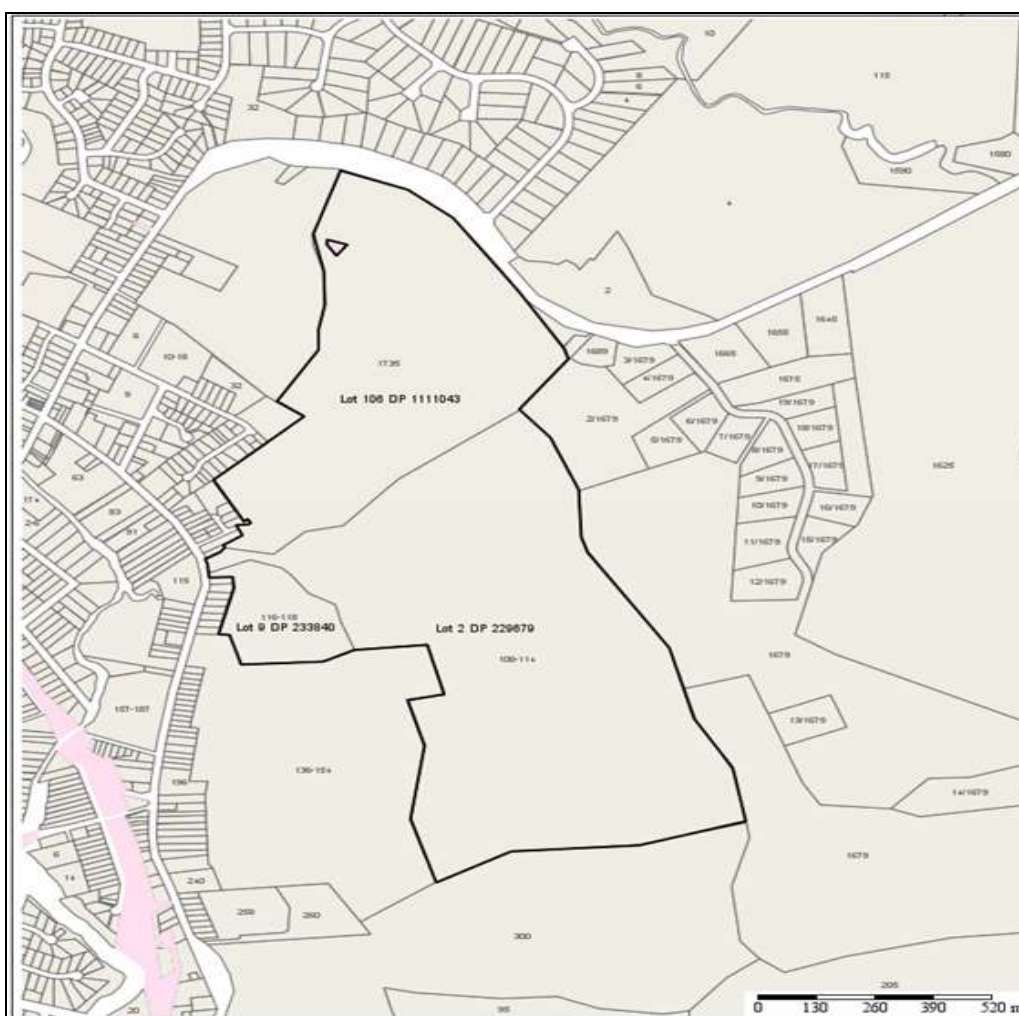
**PLANNING AND ECONOMY**

**PE1 Planning Proposal – Picton East**

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TRIM 6842

**Applicant:** Michael Brown Planning Strategies  
**Owner:** Mr LR Baxter, Mr A S Wilton and Mrs C L Wilton



Stage	Completed
Preliminary notification	16 May 2012 to 8 June 2012
Gateway Determination	28 March 2013
Consultation with Public Agencies	9 April 2013 - 3 May 2013
Specialist Studies	To be completed
Public exhibition/community consultation	To be completed
Referred to Minister for Publication	To be completed

Planning & Economy



**PE1 – Planning Proposal – Picton East**

**EXECUTIVE SUMMARY**

- The Picton East Planning Proposal includes parts of No.s 1735 Remembrance Drive, 108-114 and 116-118 Menangle Street, Picton.
- The planning proposal was previously supported by Council at its meeting held on 17 December 2012 and subsequently received gateway Determination.
- The proponent is proposing to increase the area to be rezoned, increase medium density land, change the environmentally zoned land and change areas of land for public recreation.
- The revised proposal would produce around 312 lots/dwellings according to the concept masterplan or up to 400 lots/dwellings according to the traffic report submitted with the revised proposal.
- Changes to the planning proposal will require an alteration to the Gateway Determination.
- The revised proposal, which are supported subject to further changes, was reported to the August 2015 Ordinary Meeting. At the proponent's request the report was withdrawn from the agenda to permit a further submission.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that Council support the following changes to the planning proposal and request an alteration to the Gateway Determination:
  - All land shown on the latest concept plan located east and north of indicative roads located closest to the geotechnical constraint line to be rezoned E3 Environmental Management Land, except for that portion shown as E2 Environmental Conservation Land on the latest concept plan.
  - The minimum lot size for the land to be rezoned E3 Environmental Management Land to be determined with sufficient stable land for a dwelling and ancillary development. Suitable controls to be included in the LEP and/or DCP as appropriate that prevent any dwellings or structures being erected above the geotechnical constraint line, require active land slips to be contained within one (1) allotment and which detail information which must be submitted with an application for the subdivision of land in the E3 zone regarding the management of geotechnical constraints.
  - All land shown on the latest concept plan as R3 Medium Density Land to be rezoned R2 Low Density Residential Land with a mix of minimum lot size (e.g. 250m<sup>2</sup> to 700m<sup>2</sup>) and height restrictions to be determined having regard to geotechnical constraints, visual impacts, landscape assessment and community consultation.

**PE1 – Planning Proposal – Picton East**

- Increase the amount of Zone E2 Environmental Conservation Land subject to suitable funding arrangements for its ongoing maintenance either through a bio-banking mechanism or incorporation into the residual land.
- All land shown on the original planning proposal which received Gateway Determination as RE1 Public Recreation Land to be rezoned E2 Environmental Conservation Land and R2 Low Density Residential Land as shown on the latest concept plan.
- All other aspects of the original planning proposal which received Gateway Determination remain the same.

**REPORT**

**1.1 SITE DESCRIPTION**

The planning proposal relates to an area of 27.8 hectares and encompasses portions of three properties Lot 106 DP 1111043, Lot 9 DP 233840 & Lot 2 DP 229679 being No.s 1735 Remembrance Drive, 108-114 and 116-118 Menangle Street, Picton which are located immediately east of Picton Town Centre around Vault Hill. These properties are predominately steep lots that skirt the eastern edge of the development site leading down to low cleared hills around Menangle Street and Margaret Street. Small streams flow down from these steeper hills into Reeves Creek which then flows into Stonequarry Creek.

The three properties comprise a total area of 120.771 hectares extending between 270m to 1.75kms south-east of Picton Town Centre. The original planning proposal was reduced in scale by Council at its meeting held on 17 December 2012.

There are two roads leading to the site, Margaret Street and Baxter Lane. Margaret Street is separated from the site by a privately owned lot. The site incorporates the Vault Hill Cemetery, a disused dairy and two houses with ancillary buildings but is otherwise vacant. The site comprises cleared land previously used for dairying and currently used for grazing purposes. Significant stands of vegetation are located along the ridgelines of the outlying hills, along the banks of creeks and on some of the steeper slopes of the lower inner hills. There are also a large number of scattered mature trees throughout the site.

**1.2 DESCRIPTION OF REVISED PROPOSAL**

The proponent has provided further changes to the amendments outlined in the report which was withdrawn from the August 2015 Ordinary Meeting of Council. Discussions were held with the proponent outlining concerns raised in that report in relation to geotechnical issues, lot sizes, public recreation land and access. A letter from the proponent is attached which addresses these issues.

**PE1 – Planning Proposal – Picton East**

The changes proposed by the proponent are outlined as follows:

- Provision of additional Zone E3 Environmental Management Land around the hillside and on steeper sites
- A reduction in Zone R3 Medium Density land on unstable areas
- Removal of Zone RE1 land including the proposed land for improving access to Vault Hill
- The proponent is also proposing an 11m height limit for Zone R3 Medium Density land.

The proposed zones and areas are shown below and in Attachment 3:

Proposed Zone	Land Area in hectares
R2 Low Density Residential	21.93
R3 Medium Density Residential	3.65
E3 Environmental Management	4.95
E2 Environmental Conservation	8.17
Total Site Area	38.70

**1.3 GATEWAY DETERMINATION**

A Gateway Determination was issued in March 2013. The Determination permitted the proposal to proceed. The Gateway Determination granted that the inconsistencies with Section 117 Directions 1.2 Rural Zones are of minor significance and no further approval on these matters is required for the planning proposal to proceed.

**CONSULTATION**

**2.1 CONSULTATION WITH COUNCIL STAFF**

The following comments on the Planning Proposal were received from Council staff. It should be noted that these comments were provided prior to receipt of the further submission by the proponent.

**Infrastructure and Environment**

The Infrastructure section has raised concerns in relation to the *Slope Stability Assessment* report which highlights that a major portion of the site has land stability issues. The area along the hillside which is proposed to be added to the site is indicated as being unsuitable for residential development and described as having high to very high risk to property, making it very expensive to develop with the work likely to cost more than the value of the property. The report recommends that other areas of the site with low to moderate property risk require further investigation.

**PE1 – Planning Proposal – Picton East**

No assessment of the proposed minimum lot sizes of 450 sqm for low density residential and 250 sqm for medium density residential development has been undertaken. It is considered likely that these relatively small lot sizes are unsuitable due to the slope instability issues. The proposed subdivision layout with a slope stability assessment overlay is required.

The Traffic Study is based on a maximum dwelling yield of 400 dwellings. It has not included consideration of the traffic impact on the intersections of Margaret Street/Colden Street and Menangle Street/Colden Street. The traffic impact from the planning proposal will place an undue amount of pressure on the existing traffic management network.

**Environmental Services**

The Environmental Services section notes the high proportion of land proposed to be zoned E2 Environmental Conservation along the riparian corridor. This land would be expensive for Council to maintain should it be proposed to dedicate it to Council. If it is proposed to dedicate this land to Council then a maintenance contribution in accordance with the Dedication of Lands Policy and Environmental Protection Zones policy would be required.

The proposal includes RE1 land and particularly access to Vault Hill raises the issue of economic burden from ongoing maintenance and potential public liability requirements.

**Land & Property Panel**

A report was submitted to the Land and Property Panel in relation to the proposed land to be zoned RE1 Public Recreation and the E2 Environmental Zone. The land proposed to be zoned RE1 Public Recreation also included additional land to provide access to Vault Hill. The Land and Property Panel made the following determination:

- *The proposal is not consistent with the Open Space Strategy*
- *Does not align with the intent of the recently approved Special Rate Variation (SRV) for the maintenance of existing infrastructure*
- *Listing on the acquisition layer can constitute unfunded liability with ongoing maintenance not being funded*
- *It could be possible (subject to the owners agreement) to negotiate a voluntary planning agreement (VPA) to provide for the dedication of the land to Council at no cost and to secure funding for long term maintenance (long term may include perpetual funding).*
- *The VPA would however need to be considered against other competing priorities for Picton – eg traffic management*
- *Matter to be reconsidered by the Panel if funded through a Voluntary Planning Agreement (VPA)*

**PE1 – Planning Proposal – Picton East**

- *A VPA could be considered for dedication of the land for perpetual ongoing maintenance*
- *Competitive priorities for maintenance of the land (e.g. Picton Traffic)*
- *Access is to be confirmed from Margaret Street through Lot 202 DP 1079164*
- *E2 land is not to be accepted unless the component provides funding arrangements in accordance with Environmental Protection Zones Policy- PLA0035 and other relevant Council policies.*

**Economic Development and Tourism**

The Economic Development and Tourism Team strongly supports enhancement of access to Vault Hill via a suitable walking track.

- *Picton and surrounds has no key view points for visitors to view and experience its picturesque hills. The current planning proposal is a rare opportunity in which to secure land and create a walking track and lookout that will benefit locals, visitors and the town centre indefinitely.*
- *The position of the lookout/route is ideally located near the town centre.*
- *Picton and surrounds lack accessible activities and experiences. The lookout/route will be a foundation in which Picton can continue to build upon to create a cluster of activities in the town and for the region to attract visitors but also provides benefit to locals.*
- *Will be well supported and used by the community and visitors.*
- *The support and benefits of great lookouts and walking tracks are well known in attracting visitors. Wingecarribee and Wollongong have a number of outstanding examples.*

*The value of a potential lookout is significant, goals of such a lookout can be summarised as:*

- *Create a historical attraction for Picton*
- *To provide a lookout for locals/tourists to stop and capture an attractive viewpoint of Picton and the surrounding hills*
- *Preserve a historical site (Antill gravestones)*
- *Preserve the only known potential lookout and access route for the area*
- *Encourage and engage visitors to have an experience in Picton and stay longer*
- *To add value to the town centre and support businesses.*

*Please note consideration and effort should be given to secure the best route and space to the peak of the hill in which 360 panoramic views are possible. This would greatly increase the value, demand and attraction value of any lookout. The gravestones are positioned someway down from the peak thereby requiring an extension of walking track to a higher point.*

**PE1 – Planning Proposal – Picton East**

**2.2 REVISED PLANNING PROPOSAL**

The revised planning proposal including the latest changes nominated by the proponent seek to address the following concerns:

- The proposed additional land around the hillside and other areas within the site have been assessed in relation to land stability and areas which are more likely to be prone to such issues have been rezoned to E3 Environmental Management. Any future development on these lots will be required to undertake precautionary works outlined in the report prepared by Douglas Partners. Controls to ensure these works are undertaken can be incorporated into Wollondilly DCP.
- The current minimum lot size for R2 Low Density Residential Land in Picton is 700m<sup>2</sup>. The planning proposal seeks minimum lot sizes ranging from 450m<sup>2</sup> for Zone R2 Low Density Residential Land and 250m<sup>2</sup> for Zone R3 Medium Density Residential Land. In accordance with the recommendations within the Douglas Partners report the proponent has reduced the area of to be rezoned as R3 Medium Density Residential. Whilst it is acknowledged that staff have encouraged the proponent to consider this option, it is now recommended that all residential zoned land be Zone R2 Low Density Residential Land with a range of minimum lots sizes to be determined. In this regard a minimum lot size of 450m<sup>2</sup> in this location near the Picton town centre would potentially allow for well- located land to provide for more affordable housing. However lot sizes of 700m<sup>2</sup> are considered more appropriate in parts of the site along Menangle Street near the Picton conservation area.
- Proposed Zone E2 Environmental Conservation Land has been assessed in relation to its location adjacent to riparian corridors and in terms of its environmental sensitivity. Inclusion of land within this proposed zone is therefore considered to be the most appropriate. The proponent has indicated that they are likely to undertake biobanking of this land. Alternatively the proposed Zone E2 Environmental Conservation Land could form part of the residual areas of the site along the ridgeline. These undertakings may need to be further formalised with the proponent by negotiating a planning agreement.
- Proposed Zone RE1 Public Recreation Land has been removed from the amended planning proposal as the proposed open space is not required under Council's Open Space Strategy and would impose a financial burden on Council if placed on the Land Acquisition Reservation Map. Land within the E2 Environmental Conservation zone would be able to be used for passive open space purposes if within public ownership.

**PE1 – Planning Proposal – Picton East**

- Lot 202 DP 1079164 which Margaret Street is planned to be used for access to the site is not owned by the proponent. The proponent has advised that they will be discussing this matter with the current landowner.

**Height Limit**

A height limit of 11m is proposed along creek lines and in the central part of the site but is not supported as given the relatively small subdivision size, there is potential for unco-ordinated development which is out of character with the remainder of Picton.

**Vault Hill access**

Vault Hill and a narrow 10m access route from Margaret Street is currently zoned RE1 Public Recreation and is also included on Council's Land Reservation Acquisition map. Land adjoining on Margaret Street zoned Public Recreation is currently owned by the Department of Planning. The proponent had in the previous revision proposed additional public recreation land for providing access to Vault Hill but in the recent amendment this additional land has been removed from the planning proposal as its inclusion was not supported by the Land and Property Panel. Although this additional land has been excluded from this planning proposal this does not negate the potential for further planning to provide suitable access arrangements to Vault Hill.

**2.3 A PLAN FOR GROWING SYDNEY**

The Plan has a vision for a city of housing choice with homes that meet our needs and lifestyle and are affordable. It is considered that while housing choice would be provided, it is likely that the high cost of engineering some parts of the site to achieve safe, stable land may negate affordability. The plan highlights the need to ensure that a risk based approach is taken to strategic planning in terms of natural hazards.

**2.4 DRAFT SOUTH WEST SUBREGIONAL STRATEGY TO 2031**

The planning proposal is located near the town centre of Picton and would meet that objective in this strategy.

**2.5 METROPOLITAN PLAN FOR SYDNEY TO 2036**

This plan which is now superseded by A Plan for Growing Sydney also aims to achieve affordable housing close to urban centres.

**2.6 DRAFT SOUTH WEST SUBREGIONAL STRATEGY**

It is considered that the aims of achieving sustainable housing would be difficult to achieve because of the slope instability issues.

**PE1 – Planning Proposal – Picton East**

**2.7 SECTION 117 MINISTERIAL DIRECTIONS**

It is considered that the revised planning proposal would not comply with Section 117 direction 4.2 Mine Subsidence and Unstable Land which states that a planning proposal must not permit development on unstable land which has been identified in a study, strategy or other assessment undertaken.

**2.8 AMENDMENT TO THE STATE ENVIRONMENTAL PLANNING POLICY (MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES) (COAL SEAM GAS EXCLUSION ZONES) 2013**

The 2km exclusion zone around residential land for coal seam gas mining applies to this land.

**2.9 WOLLONDILLY GROWTH MANAGEMENT STRATEGY**

It is considered that the revised planning proposal will not be consistent with the key policy direction P5.

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.).

Comment: The revised planning proposal must be in accord with the principle of appropriate growth. In this case particular attention must be paid to the geophysical constraints applying to this land. The modified proposal has sufficient regard for such constraints however additional information on management of unstable land will be required at Development Application stage.

**FINANCIAL IMPLICATIONS**

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

All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

**ATTACHMENTS**

1. Report to Council meeting 17 December 2012.
2. Letter from proponent – August 2015.
3. Geotechnical Constraints Map.
4. Proponents Latest Zone Map – August 2015.



**PE1 – Planning Proposal – Picton East**

**RECOMMENDATION**

1. That Council support the revised Picton East Planning Proposal for land at Lot 106 DP 1111043, Lot 9 DP 233840 & Lot 2 DP 229679 being No.s 1735 Remembrance Drive, 108-114 and 116-118 Menangle Street, Picton with the following changes:
  - All land shown on the latest concept plan located east and north of indicative roads located closest to the geotechnical constraint line to be rezoned E3 Environmental Management Land, except for that portion shown as E2 Environmental Conservation Land on the latest concept plan.
  - The minimum lot size for the land to be rezoned E3 Environmental Management Land to be determined with sufficient stable land for a dwelling and ancillary development. Suitable controls to be included in the LEP and/or DCP as appropriate that prevent any dwellings or structures being erected above the geotechnical constraint line, require active land slips to be contained within one (1) allotment and which detail information which must be submitted with an application for the subdivision of land in the E3 zone regarding the management of geotechnical constraints.
  - All land shown on the latest concept plan as R3 Medium Density Land to be rezoned R2 Low Density Residential Land with a mix of minimum lot size (e.g. 250m<sup>2</sup> to 700m<sup>2</sup>) and height restrictions to be determined having regard to geotechnical constraints, visual impacts, landscape assessment and community consultation.
  - Increase the amount of Zone E2 Environmental Conservation Land subject to suitable funding arrangements for its ongoing maintenance either through a bio-banking mechanism or incorporation into the residual land.
  - All land shown on the original planning proposal which received Gateway Determination as RE1 Public Recreation Land to be rezoned E2 Environmental Conservation Land and R2 Low Density Residential Land as shown on the latest concept plan.
  - All other aspects of the original planning proposal which received Gateway Determination remain the same.
2. That Council seek an alteration to the Gateway Determination for the revised planning proposal.
3. That the proponent confirm the availability of access over Lot 2 DP 1079164, Margaret Street, Picton prior to community consultation.
4. That Council undertake further investigation into public access opportunities to Vault Hill that are satisfactorily funded, managed and maintained.

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**PE1 – Planning Proposal – Picton East**

5. That the proponent be informed of Council's decision and also be informed that the final decision on this Planning Proposal will be dependent on the outcomes of the Picton Town Centre Traffic Investigation and consistent with Council's July resolution 'does not signal an approval for the development'.
6. That persons who made submissions regarding the Planning Proposal be notified of Council's decision.

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**PE1 – Planning Proposal – Picton East**

**ATTACHMENT 1 - 6842 – 21 SEPTEMBER 2015**

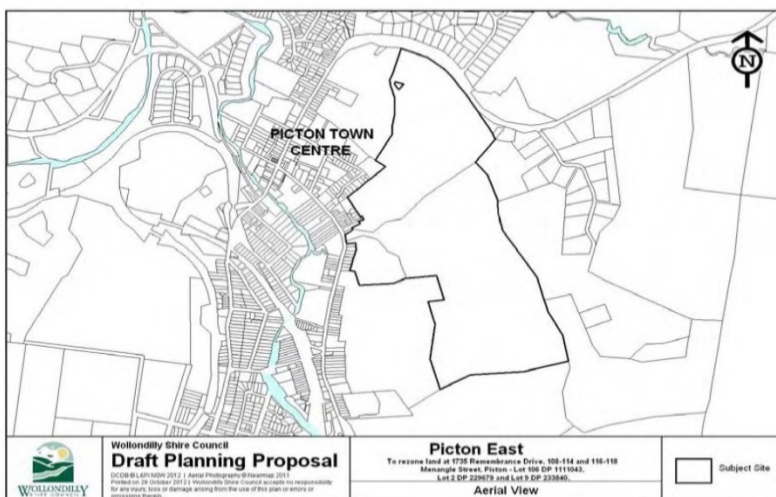
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**PE6** Draft Planning Proposal - Picton East - Remembrance Drive and Menangle Street  
41KCAR TRIM 6842

**APPLICANT:** Michael Brown  
**OWNER:** LW Baxter and A & C Wilton

**REPORT**



**EXECUTIVE SUMMARY**

- Council has received a draft Planning Proposal to rezone land at Picton for residential and rural residential purposes at 1735 Remembrance Drive (Lot 106 DP 1111043), 108-114 Menangle Street (Lot 2 DP 229679) and 116-118 Menangle Street (Lot 9 DP 233840).
- A preliminary assessment of the proposal and the submissions received from community consultation indicated substantial concerns with the proposal so it is proposed to amend the draft Planning Proposal to address these concerns.
- Accordingly this report recommends:
  - That Council support the amended draft Planning Proposal for Picton East at 1735 Remembrance Drive and 108-114 and 116-118 Menangle Street, Picton being Lot 106 DP 1111043, Lot 2 DP 229679 and Lot 9 DP 233840.
  - That the draft Planning Proposal be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination; and
  - That the persons who made submissions regarding the draft Planning Proposal be notified of Council's decision.



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**BACKGROUND**

**Site Description**

The site encompasses three properties which are located immediately east of Picton Town Centre straddling land including Vault Hill, between the two major roads leading into Picton, namely Remembrance Drive and Menangle Street. Steep hills skirt the eastern edge of the site leading down to low cleared hills around Menangle Street and Margaret Street. Small streams flow down from these steeper hills into Reeves Creek which then flows into Stonequarry Creek.

The three properties comprise a total area of 120.771 hectares extending between 270m to 1.75kms south-east of Picton Town Centre. Most of the site is within Zone RU2 Rural Landscape except for land including Vault Hill which is within Zone RE1 Public Recreation.

There are two roads leading into the site, Margaret Street and Baxter Lane. The site incorporates the Vault Hill Cemetery, a disused dairy and two houses with ancillary buildings but is otherwise vacant. The site comprises cleared land previously used for dairying and currently used for grazing purposes. Significant stands of vegetation are located along the ridgelines of the outlying hills, along the banks of creeks and on some of the steeper slopes of the lower inner hills. There are also a large number of scattered mature trees throughout the site.

**Description of Draft Proposal**

The draft proposal aims to provide additional residential land around 270m and up to a distance of around 1.75 kms from Picton Town Centre with rural residential land along the outer hills. Land around the major creek lines is proposed to be conserved and used for public recreation.

The original proposal included land at 136-154 Menangle Street Picton being Lot 12 DP 1126525. The original proposal was amended to exclude this land as it is subject to a current planning proposal which has received a Gateway determination and is proceeding with the undertaking of specialist studies.

**CONSULTATION**

**Consultation with Council Managers and Specialist Staff**

Comments on the application were sought from the following Managers and Specialist staff within Council:

- Manager Community Services
- Manager Infrastructure Planning
- Manager Environmental Services
- Manager Development Assessment and Strategic Planning
- Manager Facilities and Recreation.



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The main matters raised by Council staff requiring further investigation are:

- ecology (flora and fauna)
- drainage and stormwater
- flooding
- bushfire hazard
- traffic and transport
- contaminated land investigation
- heritage
- geotechnical
- wastewater management
- open space.

**Community Consultation**

In accordance with Council's notification policy, initial community consultation has been undertaken. The draft Planning Proposal was published on Council's website in May-June and a letter was sent to residents with a written submission period of 28 days from Wednesday 16 May 2012 until Friday 8 June 2012. At the end of the notification period a total of 20 submissions had been received. A summary of the submissions received are outlined in the table below.

**Summary table of submissions received from draft Planning Proposal**

Key Issue	Summary of Comments
Landscape Character	<ul style="list-style-type: none"> <li>▪ Loss of views across Stonequarry Creek and the hills behind Picton</li> <li>▪ Significant visual impact on the hills surrounding Picton</li> <li>▪ High visual impact on the current landscape and combined with residential development nearby on Regreme Road will significantly alter the existing rural backdrop</li> <li>▪ Hills around Picton add to its beauty and are visible from many parts of the town and should be kept clear.</li> <li>▪ This will result in 'mutilation' of the hills.</li> <li>▪ The character and setting will be irrevocably changed as the hills will be developed.</li> <li>▪ Any development beyond existing housing will impinge on hills and rural appearance.</li> <li>▪ Loss of rural landscape marking the entrance to Picton.</li> <li>▪ Picton's quaint appearance is based on these hills and is attractive to residents and tourists alike so developers should leave them alone.</li> <li>▪ Council's goal should be to maintain the rural character.</li> <li>▪ New homes likely to be visually uncomplimentary to surroundings as there are many examples of homes prominent on ridgelines.</li> </ul>
Infrastructure	<ul style="list-style-type: none"> <li>▪ An increase of around 1400 people would have a</li> </ul>

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Key Issue	Summary of Comments
	<p>major impact on Picton infrastructure.</p> <ul style="list-style-type: none"> <li>▪ Only sufficient infrastructure for 35 large residential lots not for the 450 low density lots which will overwhelm current infrastructure, particularly along Menangle Street.</li> <li>▪ Development of this magnitude should have all infrastructure improvements well underway or completed before any approvals are considered.</li> <li>▪ Additional burden on the drainage system which is already unable to cope.</li> <li>▪ Major strains on existing infrastructure and community services which are at capacity.</li> <li>▪ There is not sufficient infrastructure to support the size of this proposal.</li> <li>▪ Picton STP is at or close to capacity. The idea of using private package systems on the hill slopes would be unacceptable as wastewater would end up in backyards.</li> <li>▪ Need to address stormwater and drainage issues behind houses in Menangle Street.</li> <li>▪ Picton High School is overcrowded, dirty and dingy and there is nowhere for the school to expand and the government refuses to admit that another school is needed. Not everyone can afford to send their children to Wollondilly Anglican School.</li> <li>▪ Insufficient infrastructure in terms of roads, public transport and schools.</li> </ul>
<p><b>Traffic &amp; Transport</b></p>	<ul style="list-style-type: none"> <li>▪ Will require additional - traffic controls at all access points, parking spaces in Picton town centre and commuter parking at/near Picton railway station.</li> <li>▪ No indication of transport routes</li> <li>▪ Current roads inadequate to cater for additional traffic – particularly Menangle Street</li> <li>▪ Increased traffic flows and population pressure placed on local resources and infrastructure.</li> <li>▪ Existing traffic congestion will worsen</li> <li>▪ Poor public transport will need to be improved</li> <li>▪ The proposal will dramatically increase the volume of traffic and create major traffic concerns particularly on Menangle Street.</li> <li>▪ Traffic chaos will increase on Menangle Street with two access points and widening is not an option.</li> <li>▪ The claim that the development will be within easy walking distance is refuted given the extent of housing proposed on hilly country.</li> <li>▪ There is currently inadequate and minimal public transport which does not accord with requirements in the Sydney Metropolitan Strategy.</li> <li>▪ Menangle Street has inadequate capacity to cater for additional traffic</li> <li>▪ Major traffic problems result from closure of Prince Street bridge and freeway diversion through Menangle</li> </ul>

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Key Issue	Summary of Comments
	<p>Street</p> <ul style="list-style-type: none"> <li>The proximity of Victoria Park to the Menangle Street access point will cause traffic conflict when sporting events are held.</li> <li>Need for a range of traffic controls and infrastructure to deal with potential traffic problems.</li> <li>Road maintenance is currently inadequate and will worsen with additional traffic</li> <li>Maintenance of roads is already difficult and more funding will be required.</li> </ul>
Geotechnical	<ul style="list-style-type: none"> <li>Inherent instability of the local topography and resulting soil creep.</li> <li>There is a considerable amount of unstable land namely slippage, flooding and mine subsidence.</li> <li>Hills prone to slumps particularly with longwall mining.</li> <li>Instability and slippage are well known and visible.</li> <li>Slippage problems are an issue and controls would be required to ensure hillside lots are safe and will not impact on existing properties.</li> <li>Potential slippage problems and increase risk of natural disaster from overdevelopment of steep hills.                             <ul style="list-style-type: none"> <li>The site is largely unsuitable for building especially the 16-25% gradients.</li> </ul> </li> <li>Razorback Range is unstable and prone to landslips and slippage with development is likely to lead to disaster.</li> <li>Trees are required to stabilise these hills and the few remaining are likely to be cut down for housing and associated development.</li> <li>There are land areas better suited to development at Thirlmere, Bargo, Tahmoor or Wilton.</li> </ul>
Flooding	<ul style="list-style-type: none"> <li>The additional proposed development will increase potential flooding over and above the current risk as detailed in the Floodplain Risk Management Plan.</li> <li>Flood plain land has been developed and built up over recent years exacerbating the flood problem.</li> <li>Excessive development will impact on floodplain.</li> <li>Flood and stormwater hazard will increase.</li> <li>Issues with stormwater and flooding from run-off from hills.</li> </ul>
Bushfire	<ul style="list-style-type: none"> <li>The area has a high bushfire rating.</li> <li>Ferocity and speed of bushfires requires consideration of bushfire control and escape routes.</li> </ul>
Heritage	<ul style="list-style-type: none"> <li>The development is too large and will overshadow the existing historic feel of the town.</li> <li>Picton is one of the most significant examples of agricultural heritage left in NSW.</li> <li>Picton's cultural heritage should not be eroded by such a vast planning proposal.</li> <li>Existing growth has protected the historic part of town.</li> <li>Houses would surround the existing heritage items and conservation area and detract from their</li> </ul>

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Key Issue	Summary of Comments
<b>Economic</b>	<ul style="list-style-type: none"> <li>▪ significance.</li> <li>▪ The development would impact on the adjoining heritage conservation area.</li> <li>▪ Picton could lose its attractiveness for tourists as this large proposal will be a blight on the area.</li> <li>▪ The Picturesque rural scenery is a major drawcard for potential residents and tourists.</li> <li>▪ Picton is the antithesis of Sydney's urban sprawl and tourists are attracted to its hills and rural landscape.</li> <li>▪ The proposal will compromise all the aesthetic aspects and rural landscape of the towns which attracts visitors and residents and give it its rural feel.</li> <li>▪ The proposal will alter the scenic visual amenity of the hills which are attractive for both residents and tourists.</li> <li>▪ The land is supposed to be developed for tourist accommodation.</li> <li>▪ The land is only of "marginal agricultural value" because the land owner has allowed it to become this way.</li> <li>▪ Construction jobs will be short term only.</li> <li>▪ It is not against the public interest for the land to remain in a "residential holding pattern" and there is no reason why the land cannot be maintained with grazing stock for example.</li> <li>▪ Need a vision for a rural village atmosphere that attracts business for retailers for eg. a caravan park.</li> <li>▪ Not enough employment for additional population</li> <li>▪ Loss of agricultural land for Picton and the wider Sydney basin</li> </ul>
<b>Biodiversity</b>	<ul style="list-style-type: none"> <li>▪ Impact on Cumberland Woodland remnant habitat for native fauna.</li> <li>▪ Native fauna is under threat.</li> <li>▪ Loss of habitat for protected species of flora and native animals generally many of which are regularly seen.</li> <li>▪ Council's goal should be to protect the Shire's natural environment.</li> </ul>
<b>Community Consultation</b>	<ul style="list-style-type: none"> <li>▪ Poor community consultation as the maps have no legend and are extremely difficult to read.</li> <li>▪ Photos in the report are taken from the tops of the hills which gives a false impression of the visual impact.</li> <li>▪ Many of the statements in the proposal are incorrect and there are also omissions.</li> <li>▪ Diagrams in the proposal are difficult to read due to their condensed size and absence of legends.</li> </ul>
<b>Planning Policies</b>	<ul style="list-style-type: none"> <li>▪ Picton's essential geographic, geological and innate peculiarities make this development inappropriate.</li> <li>▪ Disagrees with proposed overhead rather than underground power lines.</li> </ul>

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Key Issue	Summary of Comments
	<ul style="list-style-type: none"> <li>▪ Council has spent a large amount of money on the LEP. What is the point of the LEP being changed constantly.</li> <li>▪ Vision 2025 supported by Councillors indicated that Picton would always remain a rural village with planned, appropriate and minimal growth.</li> <li>▪ It does not meet the objectives of the GMS which is aimed to ensure that this type of unfettered growth and large development would not threaten the heritage, history and rural aspect of Wollondilly towns such as Picton.</li> <li>▪ The proposal is for an entire new suburb and is in opposition to 'Vision 2025' which was drawn up to ensure Picton would not become an urban area.</li> <li>▪ The Growth Management strategy appears to have been ignored – the proposal will adversely affect the heritage, history and rural aspect of Picton.</li> <li>▪ The proposal does not comply with Council's GMS criteria in relation to visual impact and geotechnical</li> <li>▪ The proposal does not accord with the targeted strategy in the GMS which refers to land in the immediate vicinity of existing residential land.</li> <li>▪ Major variation – one third of the village of Picton - to the LEP which took 5 years to prepare</li> <li>▪ Remaining landowners also likely to seek a variation which result in inappropriate development and poor infrastructure.</li> <li>▪ The LEP should be revised as an integrated whole to achieve balanced development.</li> </ul>
<p><b>General Planning Concerns</b></p>	<ul style="list-style-type: none"> <li>▪ It is probable that should this planning proposal be supported then there will be further proposals.</li> <li>▪ The development will encourage further development around Picton and further detract from its small town appeal.</li> <li>▪ Council should ensure that development does not adversely affect property values and safety.</li> <li>▪ Individual land owners should not change the face of a community in such a profound way</li> <li>▪ Proposal will completely change Picton from a rural village to an urban sprawl</li> <li>▪ Cumulative impacts of 27 planned large developments, Xstrata stacks, employment lands and possible airport on quality of air and land and children's health.</li> <li>▪ The proposal needs to be pared back considerably.</li> <li>▪ Councillors should ensure that as elected representatives that they keep Picton rural.</li> <li>▪ Size and scope of the development will adversely affect Picton</li> <li>▪ It is grossly inappropriate and will forever change the face of the 'Rural Living' held dear by residents, Councillors and Council</li> </ul>

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Key Issue	Summary of Comments
	<ul style="list-style-type: none"> <li>▪ Hope that Council and Councillors will protect and honour that vision.</li> <li>▪ The proposal does not meet the expectations of the community and is for vested self interest not long term benefit</li> <li>▪ Will not improve the area and the wider community does not want the development.</li> <li>▪ A VPA does not equate to improvement of the public domain.</li> <li>▪ Increase in population pressure will lower the quality of life</li> <li>▪ Proposal to rezone to medium density but unclear where proposed new zones are located</li> <li>▪ The target hillsides extend nearly 2 kilometres along Menangle Road and along both main entry points into Picton township.</li> <li>▪ Subdivisions would extend to the ridge tops all along the valley and development would be near the top.</li> </ul>

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**Assessment of Draft Planning Proposal**

A preliminary assessment of the original draft planning proposal was undertaken with reference to the submissions made by the community and comments from Council staff. As a result of that assessment it was determined that the Planning Proposal would require amendment for the following reasons:

**Scale of the Development**

The main issue with the original planning proposal as evidenced by community submissions relate to the scale of the development which covered an extensive area to the east of Picton town centre. The proposal for development extending almost two kilometres to the south and almost one kilometre to the east would potentially result in a major change to the rural character of Picton impacting on a large proportion of the existing population. Servicing such a large area with roads and other infrastructure would be expensive. There are also significant concerns regarding bushfire hazard, flooding and drainage, protection of environmentally significant land and geotechnical concerns.



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**Cumulative Growth**

The cumulative growth from this proposal for around 400 dwellings, when added to those proposals already planned would result in the zoning target for dwellings for Picton, Tahmoor and Thirlmere almost being reached within 2 years of the release of the GMS. This was not envisaged by the GMS which is a longer term approach over 25 years with growth occurring gradually. The planning proposal has not provided evidence of a strong demand for residential land in Picton and there are indications that the current supply is well able to meet demand. When the current planning proposals are realised there may be an oversupply of land with a resultant impact on the local real estate market.

Provision of a significant number of additional dwellings over a relatively short term would also place strain on infrastructure, services, facilities and Council resources. The land is outside the Sydney Water servicing boundary and there are strong indications that Sydney Water would not have the capacity to service the proposed housing with reticulated water and sewer.

**Rural-Residential Development**

The draft proposal includes a high proportion of rural residential zoned land being divided into relatively small 5000m<sup>2</sup>-2ha allotments which would potentially impact on the landscape character of the hills around Picton. The proposed rezoning of land for rural residential and large lot residential purposes would also result in the fragmentation of a significant amount of land suitable for larger scale agricultural purposes.

The proposed large lot residential land along Remembrance Driveway is considered to be unsuitable in this location due to the steep slope and the potential issues with wastewater management in addition to being at the entrance to the town of Picton. In addition the proposed access point to this land from this section of Remembrance Driveway would impact on traffic flow and create traffic conflict and is unlikely to be supported by Roads and Maritime Services.

There appears to be limited demand for rural residential land in the Shire with the converse being a demand by many rural-residential land owners to reduce the size of their landholdings due to the difficulty and cost of maintenance. In the longer term there would be pressure for further rezoning of this rural residential land to allow increase subdivision potential.

**Topography and Geotechnical**

The site is topographically a series of hills and valleys and a significant area of the site is impacted by steep slopes. Further assessment of the suitability of the land within the amended planning proposal site for residential development would be required to determine the most appropriate zone and allotment size for the proposed residential development. Some land in the lower, nearest hills to Picton would need to be maintained in their natural vegetated state due to potential issues with erosion and slip.

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**PE1 – Planning Proposal – Picton East**

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**Amended Draft Planning Proposal**

It is proposed to amend the proposal to reduce the area of the site subject to rezoning. This would enable a more compact better serviced development and ensure that most of the site remains in larger landholdings suitable for continued agricultural use. This would also result in better environmental outcomes with less fragmentation of environmentally significant land, less rural land use conflict and reduced potential for bushfire hazard impacts for new residents and lower infrastructure servicing costs. An indicative concept zoning plan for a portion of the site is attached (**Attachment 2**) and would be further refined by specialist studies should Council resolve to support the amended draft proposal.

**Consultation with Government Departments**

If endorsed by Council, consultation will be required with the Department of Planning & Infrastructure (DP&I), the Office of Environment & Heritage (OEH) and other government agencies on the Planning Proposal. It is considered that should the proposal be supported the Gateway Determination will outline the further consultation requirements with the DP&I, OEH and any other relevant government agencies.

**Further community consultation**

If this draft planning proposal progresses, further community consultation opportunities will occur as part of the preparation and exhibition of a draft local environmental plan in accordance with the new Gateway process. Council has the opportunity to recommend the engagement process and other consultation appropriate for this draft proposal.

**RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES**

All draft planning proposals are assessed against the key themes and directions of Council's Community Strategic Plan. It is considered that the amended proposal in principle is capable of delivering outcomes consistent with the CSP, particularly the following:

*Outcome – Environment – A community that is surrounded by a built and natural environment that is valued and preserved.*

The community of Picton values the surrounding natural environment and would like to ensure that it is preserved and that there is minimal encroachment of the built environment into this land.

*Outcome – Economy – A community that is supported through appropriate, sustainable land use.*

Development should be largely catered for by existing infrastructure, services and facilities and not impose additional burden on the local economy or the natural environment over the longer term.

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**POLICIES & LEGISLATION**

**Planning Proposals**

The draft Planning Proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and relevant Department of Planning & Infrastructure guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. The draft Planning Proposal addresses the matters required by the Director-General to be addressed in all Planning Proposals.

The draft Planning Proposal that has been submitted is requesting the rezoning of the subject land. If Council wishes to proceed with the proposal to rezone the land, Council must resolve to support the draft Planning Proposal and to forward it to the Minister for Planning & Infrastructure for a Gateway Determination.

**Council's Options/Role**

In deciding whether to forward the Planning Proposal on to the Minister for Planning & Infrastructure for a Gateway Determination, Council is effectively endorsing the Planning Proposal in principle and from that point on the Planning Proposal is deemed to be *Council's* Planning Proposal - no longer the applicant's Planning Proposal. Despite the Planning Proposal becoming Council's at that point, the costs of any required studies are to be borne by the applicant.

Council's options are:

1. Resolve to support the draft Planning Proposal as submitted. This option means that the existing Planning Proposal from then on becomes *Council's* Planning Proposal. Council then sends it to the Minister for a Gateway Determination. Unresolved matters are assumed to be capable of resolution through future studies as determined by the Gateway process.
2. Resolve that the Planning Proposal needs to be amended before it can receive Council support and be forwarded to the Minister for a Gateway Determination. As is the case with option 1 above, the Planning Proposal becomes *Council's* and unresolved matters are assumed to be capable of resolution through future studies as determined by the Gateway process.
3. Resolve not to support the Planning Proposal. The applicant could choose to revise/amend their proposal and submit a new application. (Note that there are no appeal rights through the Land and Environment Court against Council's refusal to support a Planning Proposal).

Option 2 is the recommendation of this report.

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**Gateway Determination**

When a Planning Proposal has been endorsed by Council, it is then forwarded to the Minister for Planning & Infrastructure for a Gateway Determination. The Gateway Determination is a checkpoint for Planning Proposals before significant resources are committed to carrying out technical studies and investigations. It enables Planning Proposals that are not credible or well founded or not in the public interest to be stopped early in the process before resources are committed to detailed studies and investigations, and before government agencies are asked to commit their own resources to carrying out assessments.

At the Gateway Determination, the Minister 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 resubmitted 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 or 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 & Infrastructure or delegated to Council.

Under the new plan making procedures, the Planning Proposal and supporting studies are placed on public exhibition. The written draft local environmental plan amendment (the draft LEP) is prepared by Parliamentary Counsel when the Planning Proposal is finalised, immediately before it is made by the Minister or delegate. The LEP takes effect when it is published on the NSW legislation website.

The ultimate development of the land would then require further approvals through detailed Development Applications.

**Wollondilly Local Environmental Plan 2011**

The site is currently zoned RU2 Rural Landscape Zone under Wollondilly LEP 2011. The minimum lot size for this area is currently 100 hectares. The three allotments within the subject site are less than 100 hectares in area and therefore have no further potential for subdivision.

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It is proposed to amend the WLEP 2011 in the following manner:

- Amend the Land Zoning Map to allow for zones suited to the site depending on the results of the specialist studies. Indicative zones include R3 Medium Density Residential Zone, R2 Low Density Residential Zone, R1 Public Recreation Zone, E2 Environmental Conservation Zone and E3 Environmental Management Zone, and
- Amend the Lot Size Map to allow for a range of lot sizes depending on the results of the specialist studies and the choice of zones, and
- Amend the Height of Buildings Map to allow for a maximum height of 9 metres for new development.

Additional amendments to the Natural Resources Water and Biodiversity Maps are also likely to be required depending on the outcome of the specialist studies.

**Site Specific Development Control Plan (DCP)**

Amendments to the Wollondilly Development Control Plan (DCP) may be prepared for the subject land which would include specific site objectives and development controls for the future development of the site and may include a range of design and built form controls, including (but not limited to):

- Building envelopes
- Building setbacks based on the environmental features of the site
- Site landscaping
- Public domain treatments
- Bushfire asset protection zones
- Treatment of the urban /rural/ environmental protection interface
- Urban sensitive water design.

The range of provisions included in the DCP would be informed by specialist studies undertaken to support the proposal and would be reported to Council when prepared.

Alternatively, Council may choose to only apply the existing controls contained within Wollondilly Development Control Plan 2010, Volume 3 – Residential and Tourist Uses.

**RELEVANT CONSIDERATIONS**

**Wollondilly Growth Management Strategy (GMS)**

Wollondilly GMS has recently been adopted by Council. Planning Proposals are required to be assessed against the GMS to determine whether they should or should not proceed.

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The GMS sets directions for accommodating growth in the Shire for 25 years. The GMS contains Key Policy Directions which form the overarching growth strategy for Wollondilly. The amended draft planning proposal conforms to the main aim of the GMS which is to provide for housing which is conveniently located near existing towns and villages and which results in consolidated growth reducing infrastructure and facility requirements and supporting services.

The following table sets out the relevant Key Policy Directions within the GMS along with comments relating to the draft proposal:

Key Policy Direction	Comment
<b>General Policies</b>	
<b>P1</b> 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.	In its amended form the draft planning proposal is considered to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS.
<b>P2</b> All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS)	The amended draft proposal is generally consistent with the concept and vision of 'Rural Living' as it is of a suitable scale, maintains the existing town and landscape character and should be capable of being serviced with minor augmentation of existing infrastructure.
<b>P3</b> All Council decisions on land use proposals shall consider the outcomes of community engagement.	The amended draft proposal has considered the community response which outlined a range of significant issues with the original draft proposal.
<b>P4</b> The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	There have been no such representations regarding this draft proposal and therefore this Key Policy Direction has been satisfied.
<b>P5</b> 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.).	The draft proposal represents a logical rezoning of the subject site for low and medium density residential purposes in keeping with adjoining land uses. Land with environmentally significant characteristics is proposed to be zoned for environmental conservation and management purposes. Land is also proposed for open space/recreation purposes but an assessment of the need for additional open space requirements should be undertaken. Within the constraints of the site the proposal is considered appropriate as it will facilitate the provision of an additional range of low and medium density residential land well located in relation to the existing township of Picton. Conservation and enhancement of natural systems is intended. Existing infrastructure is to be utilised and embellished.

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<b>Housing Policies</b>	
<b>P6</b> Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	The draft proposal contributes toward Council's dwelling target for Picton outlined in the GMS. The Structure Plan for Picton, Tahmoor and Thirlmere includes the subject land as a 'potential residential growth area'.
<b>P8</b> 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.	It is proposed to provide a mix of residential sites to improve housing diversity with the majority of lots being similar in size to surrounding low density allotments in a range of from 450m <sup>2</sup> to 700m <sup>2</sup> . A small section of medium density sites may be considered and these would have a minimum lot size of 975m <sup>2</sup> in conformity with existing medium density zones. Areas proposed for environmental management zones would remain in single lots to improve environmental management outcomes.
<b>P9</b> 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").	The amended draft proposal is near Picton town centre and could provide low density and some medium density for housing such as villas and townhouses.
<b>P10</b> Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The amended draft planning proposal is located immediately adjacent to the town of Picton and extends a distance of almost 1km from the town centre.
<b>Macarthur South Policies</b>	
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	Not applicable
<b>Employment Policies</b>	
<b>P15</b> Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes	The proposal will create short-term employment opportunities through the construction jobs associated with the civil and building works, and will provide stimulus to the local economy by boosting population.
<b>P16</b> 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.	The site is not proposed to be zoned to facilitate further employment opportunities. Modest opportunities exist for home business and tradesman residency.
<b>Integrating Growth and Infrastructure</b>	
<b>P17</b> 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	The amended draft planning proposal would allow for the development of a limited amount of additional residential allotments in the locality which is not likely to adversely burden Council. Developer contributions payable at the development application stage will fund the necessary local infrastructure required to support any future development.

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<i>burdens on Council or the Shire's existing and future community.</i>	Likely state and regional infrastructure demands will be assessed by relevant agencies post Gateway Determination.
<b>P18</b> <i>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 amended draft proposal limits the extent of growth which will ensure that the provision of services and infrastructure would be more cost-effective leading to a longer term more sustainable development.
<b>P19</b> <i>Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</i>	The amended draft proposal does not contribute toward dispersed population growth as it proposes urban growth adjacent to the urban area.
<b>P20</b> <i>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 amended draft proposal would be likely to contribute around 200 new dwellings and is within one of the key growth areas nominated for population growth. The draft proposal contributes toward Council's dwelling target for Picton identified in the GMS.
<b>Rural and Resource Lands</b>	
<b>P21</b> <i>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>	Ecologically valuable riparian land is proposed to be conserved by zoning for environmental conservation purposes. Land which contributes to the scenic value of Picton is proposed to be zoned for environmental management purposes. The proposal would not result in any adverse environmental impacts provided the scale of the proposal is reduced as proposed.
<b>P22</b> <i>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>	Key Policy Direction P22 is not applicable to the draft proposal.

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**FINANCIAL IMPLICATIONS**

As noted previously in this report, the draft Planning Proposal is deemed to be Council's Planning Proposal once endorsed by Council and forwarded to the Minister. Despite the Planning Proposal becoming Council's at that point, the costs of any required studies are to be borne by the applicant.



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If the Planning Proposal receives a positive Gateway Determination it will proceed to the next stage which involves further investigations into contributions towards infrastructure and facility provision through planning agreements and section 94 contributions.

**CONCLUSION**

The amended draft proposal is consistent in principle with Council's adopted Growth Management Strategy and it is therefore recommended that the Planning Proposal be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination.

**ATTACHMENTS**

1. Aerial photo of the site
2. Concept Zoning Map for amended Draft Planning Proposal
3. Draft Zoning Map
4. Draft Lot Size Map

**RECOMMENDATION**

1. That Council support the amended draft Planning Proposal for the rezoning of land at Picton East at 1735 Remembrance Drive and 108-114 and 116-118 Menangle Street, Picton being Lot 106 DP 1111043, Lot 2 DP 229679 and Lot 9 DP 233840.
2. That the draft Planning Proposal be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination.
3. That the persons who made submissions regarding the draft Planning Proposal be notified of Council's decision.

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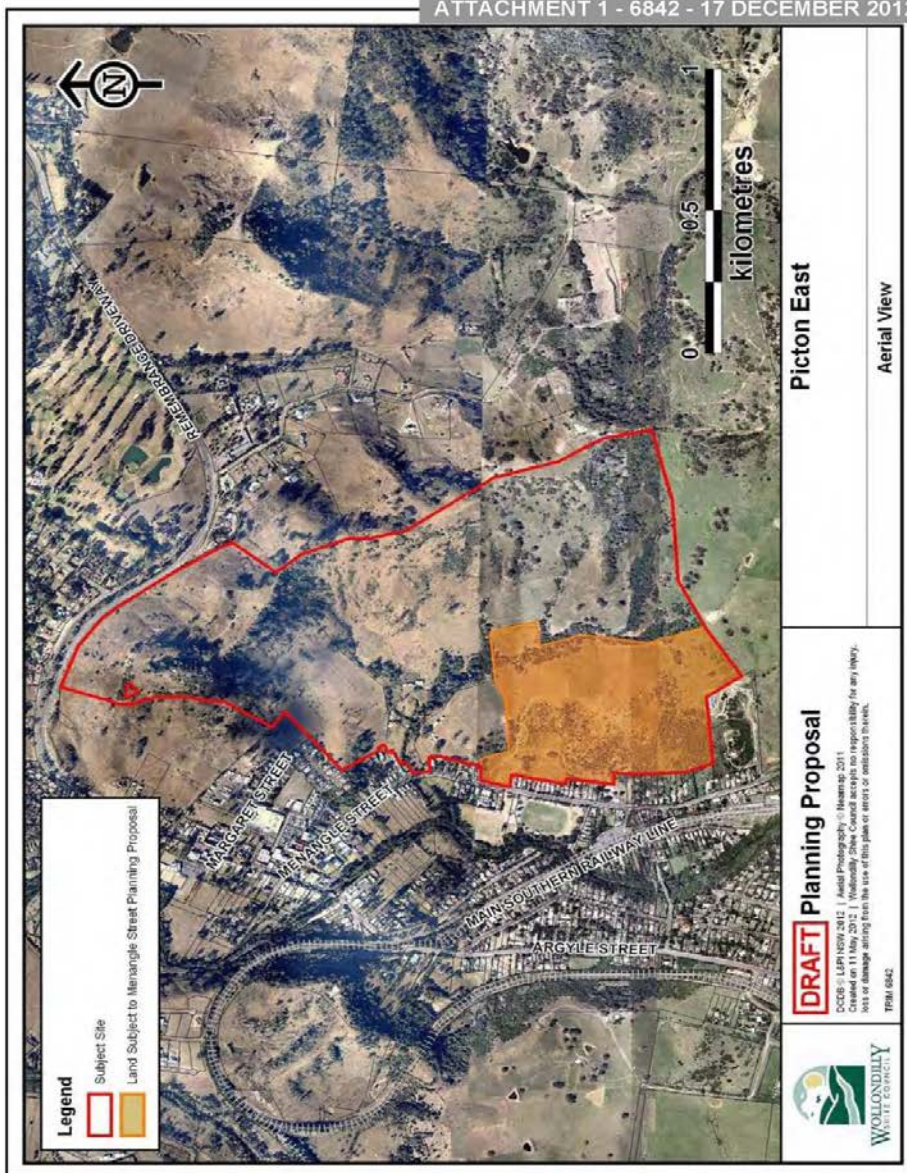
**PE1 – Planning Proposal – Picton East**

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**ATTACHMENT 1 - 6842 - 17 DECEMBER 2012**



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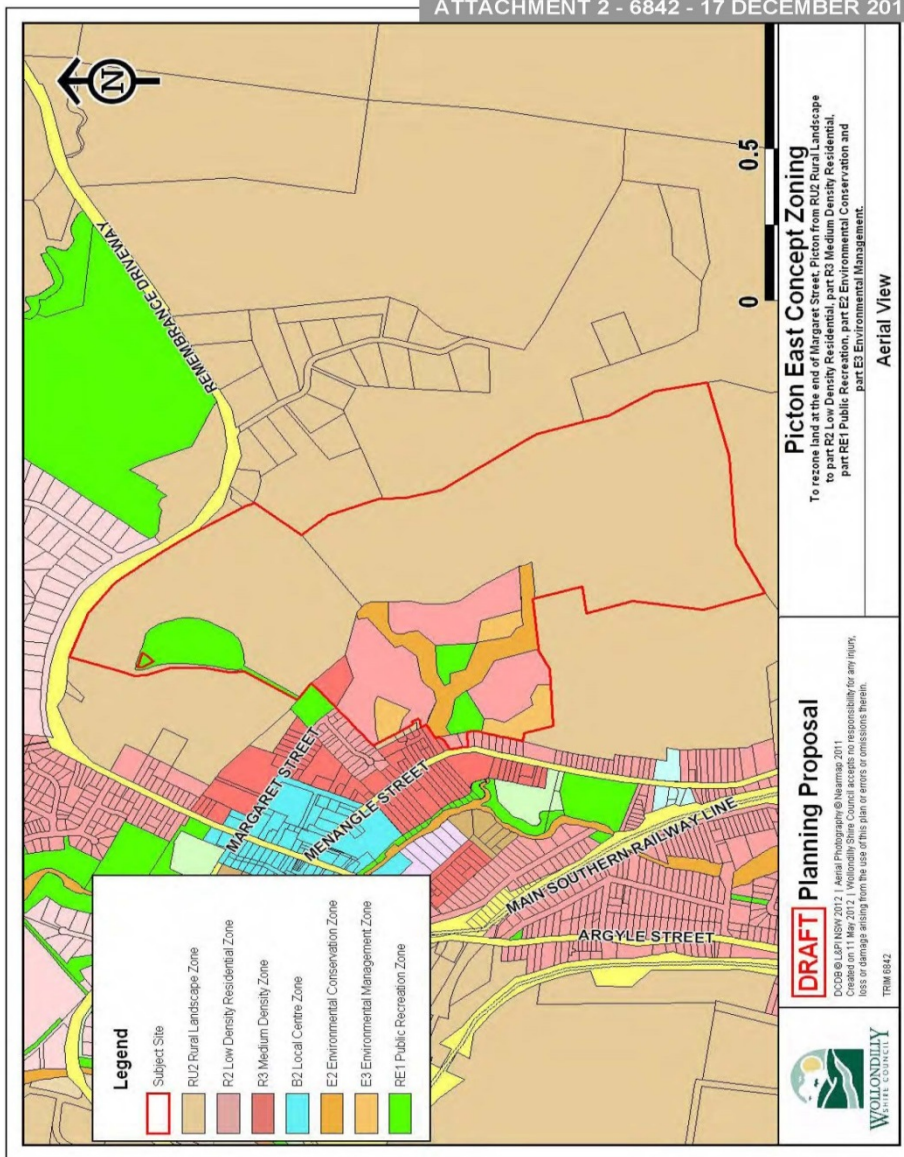
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ATTACHMENT 2 - 6842 - 17 DECEMBER 2012



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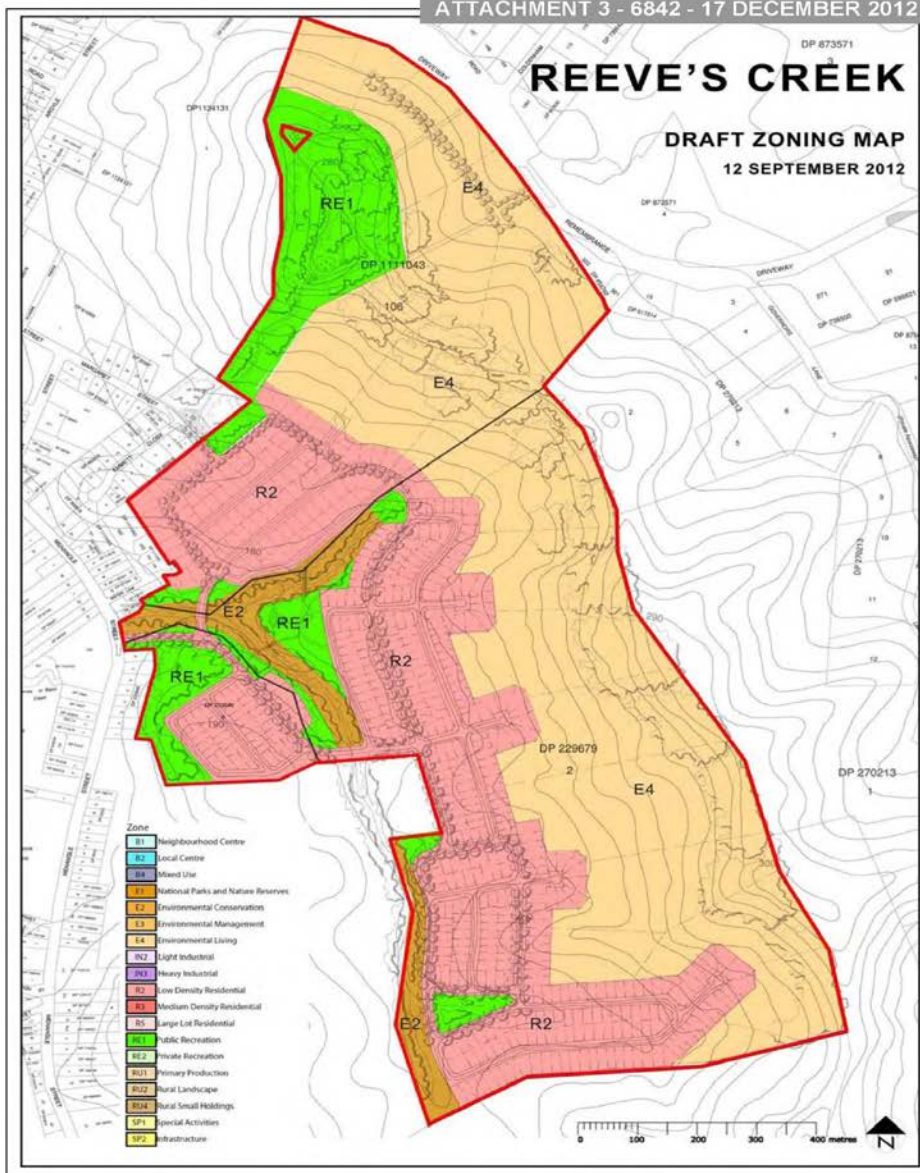
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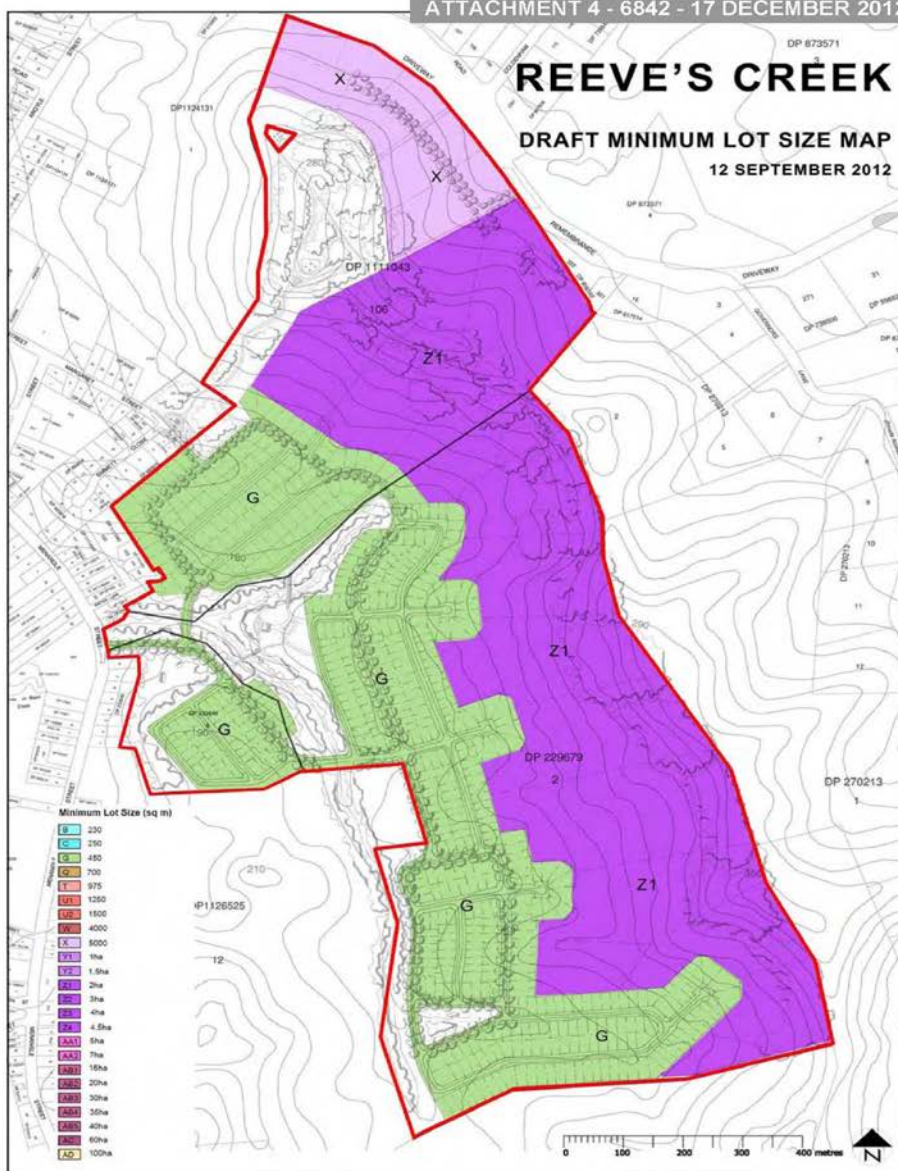
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25 August 2015

Your Ref: 6842

Our Ref: 59/11

The General Manager  
Wollondilly Shire Council  
PO Box 21  
Picton NSW 2570

Attention: Ms K Carter

Dear Kitty,

**RE: Picton East Planning Proposal – 1735 Remembrance Driveway & 108-118 Menangle Street, Picton – Response to Council report of 17 August 2015**

We act for Messrs Baxter and Kellner owners of land in Menangle Street, Picton. Reference is also made to previous discussions concerning the above matter.

On the 17 August 2015, a report was to be considered by Council in respect of the Planning Proposal lodged by this firm in relation to land known as Picton East. This firm requested that the report to the Council meeting be deferred on the basis that the recommendation was that Council not support the proposed changes to the Picton East Planning Proposal.

There were a number of issues raised in the report for the recommendation to Council. The following provides a response to the matters within the report, with a request that Council amend the Planning Proposal. It should be noted that extensive consultation occurred with the NSW Office of Water (NoW) regarding their requirements for the riparian corridor (Reeve Creek) and the requirements to address the class of the streams within the two catchments. Considerable work was undertaken by the consultants in concert with NoW to ensure that stormwater, water quality and biodiversity were met and compliant. It was critical that the extensive work was done at this stage of the proposal to ensure that all issues were addressed to the satisfaction of NoW.

1. Slope stability – This issue has been further assessed based on Council's concerns. In this regard Douglas Partners (DP) have reviewed the plans and have provided the following comments to support the amended proposal.

*"Lot sizes are considered appropriate as long as the recommendations of DPs stability investigation report are followed.*

*With the exception of the north eastern most row of lots, all lots fall within the developable areas of the site.*

1

Menangle Street, Picton Planning Proposal – response



**PE1 – Planning Proposal – Picton East**

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*The north eastern most lots all have building envelopes with a minimum lot depth of 30 m.*

*Parts of the lots that are beyond the Geotechnical constraint line must be managed in accordance with the recommendations of DPs stability investigation report.*

*Instability is expected in this area of the site. Consideration should be given to refining lot boundaries to wholly include identified landslides. One portion of the site will require further investigation as identified in our report (refer to attached drawings). Investigation should be undertaken prior to development application."*

The DP report recommended the following works be undertaken:

*Precautionary works within the non-developable landslide affected areas should include:*

- *Planting of deep-rooted native trees and shrubs across the slope;*
- *Improvement of surface drainage to reduce the potential for saturation and instability of the debris materials, where this is possible without adversely affecting the already disturbed materials;*
- *Surface and subsoil drainage at the toes of debris lobes where seepage is observed or inferred.*

The above recommendations would be a requirement of the subdivision of the land.

The plans have been amended to reflect this issue and to reduce lot depths in northwest corner, such that the lots do not extend beyond the constraint line and there are no buildings/structures proposed above the constraints line. Fencing; however, is permitted. Lots have also been amended to align with potential instability issues.

2. Traffic Study issues – Cardno has provided a response to the comments raised in the report, as follows:

In response to the issues raised above we wish to offer the following justification:

1. *Regarding the traffic report noting that the development includes 400 dwellings. This had been included to determine an 'upper limit' for the capacity of the existing traffic system and not the total yield of the development (which would be determined by the planning documentation supporting the proposal);*
  2. *Cardno's initial traffic impact assessment had considered the Argyle Street intersections as these were assessed to have the largest traffic volumes. While we understand there may be an impact to the Colden street intersections these were assessed as being less significant restriction to rezoning. It would be assumed that the impacts to these intersections would be considered and addressed as part of any subsequent development applications.*
  3. *As noted in section 4.1.6 of the Traffic Impact Assessment we have noted that the existing Argyle Street/Menangle Street intersection is at capacity in the 2016 Baseline scenario (without the additional consideration of the development). It was assumed that these intersections would be upgraded as part of required infrastructure upgrades within Picton.*
3. Ecological land – we were provided with the Council policies – Dedication of Lands and Environmental Protection Zones and our submission was based on the fact that we would have to comply with these Policies and would be part of discussions with resolutions with a Voluntary Planning Agreement (VPA). Notwithstanding these comments Eco Logical Australia has reviewed this matter, refer to attached letter.

*"The residual land contains a number of endangered ecological communities and lends itself well to the establishment of a Biobanking Agreement. A Biobanking Agreement would provide for the in-perpetuity protection and management of the ecological values of the site at no cost to Council.*

**PE1 – Planning Proposal – Picton East**

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*The establishment of a Biobanking Agreement would be a 6 – 12 months process requiring the preparation of applications, review and signoff by OEH.*

*The Biobanking Agreement would incorporate payment of funds into the OEH administered Biobanking Trust Fund. The level of funding required would be determined in consultation with OEH, however based on experience on similar sites we would anticipate an amount in the order of \$50,000 per hectare would be required.*

*Establishment of the Biobanking Agreement would need to be undertaken separately to the rezoning process, and in this context a Biobanking Agreement can be established on land that has multiple land use zones – the Biobanking Agreement should not influence the proposed rezoning and vice-versa.*

*If during the rezoning process Council places a direct obligation on the land owner to protect and/or maintain the land for biodiversity purposes, then under the Biobanking legislation this land would not be permitted to have a Biobanking Agreement established, as this would be considered to be an existing conservation obligation. Similarly, entering into a Voluntary Planning Agreement (VPA) or placing a restriction or obligation on the land via the Conveyancing Act, would potentially negate a Biobanking Agreement from being established on the land.*

*Establishing a Biobanking Agreement on the site would enable the land owner to sell the credits to third parties. It is likely that these credits would recoup a sum that exceeds the Trust Fund contribution, providing a substantial financial incentive for the land owner to establish a Biobanking Agreement on the site.*

*In summary, a Biobanking Agreement will provide for the highest level of protection and management of the site. This can be achieved at zero cost to council and the land owner will be able to recoup the cost of establishing the Biobanking Agreement through sale of credits to third parties.*

*If Council holds concerns that the financial incentive for the land owner is not sufficient enough to guarantee the establishment of a Biobanking Agreement, then Council could exercise its powers during the Development Application stage to obligate the landowner to undertake management of the site."*

4. Proposed RE1 – Public Recreation – during discussions, we provided Council with the scenario of gaining public access to Vault Hill. Vault Hill is zoned RE1, but remains in private ownership and would need to be purchased by Council, as it is outside the boundaries of the Planning Proposal. Regardless pedestrian access to the top was not only difficult, but too narrow to construct a pathway from Margaret Street. We considered that to achieve pedestrian access, additional lands could be incorporated; such the open space land was more meaningful and achievable. However, given the comments in the report, we have now deleted this from the amended Planning Proposal.
5. Areas of zoned land – the report raised issues in respect of land areas and proposed zones. The amended plans now addressed this in more detail and at the same time clarify the number of lots proposed by the application.
6. Access via Margaret Street – the report has raised an issue of access via Lot 2 DP 1079164. This is not a Planning Proposal issue, but needs to be resolved with the owners of this land regarding purchase of the land. We understand that the previous owner has passed away and that we will need to deal with current owner.

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**PE1 – Planning Proposal – Picton East**

**ATTACHMENT 2 - 6842 – 21 SEPTEMBER 2015**

Having regard to the amended plans and the comments from the various consultants, we respectfully request that the application be considered at the Council meeting of September 2015, with a recommendation that supports the proposal being forwarded to the Department of Planning and Environment for an alteration to the Gateway Determination.

Should you require clarification of any aspect of this correspondence please do not hesitate to contact me.

Sincerely yours,



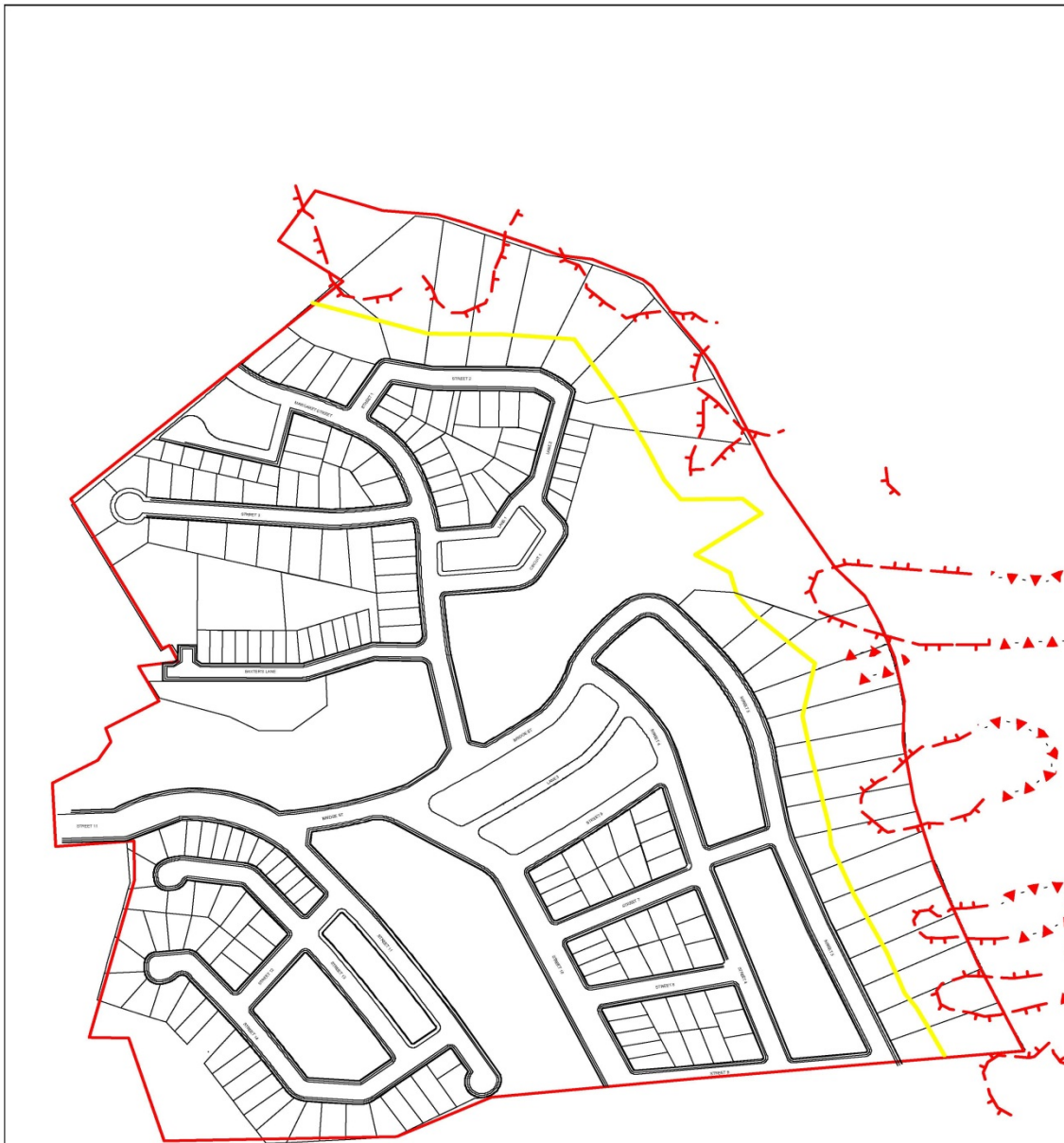
M J BROWN  
DIRECTOR  
MICHAEL BROWN PLANNING STRATEGIES PTY LTD

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 September 2015

**PE1 – Planning Proposal – Picton East**



**ATTACHMENT 3 - 6842 – 21 SEPTEMBER 2015**

**Planning & Economy**



**LEGEND**

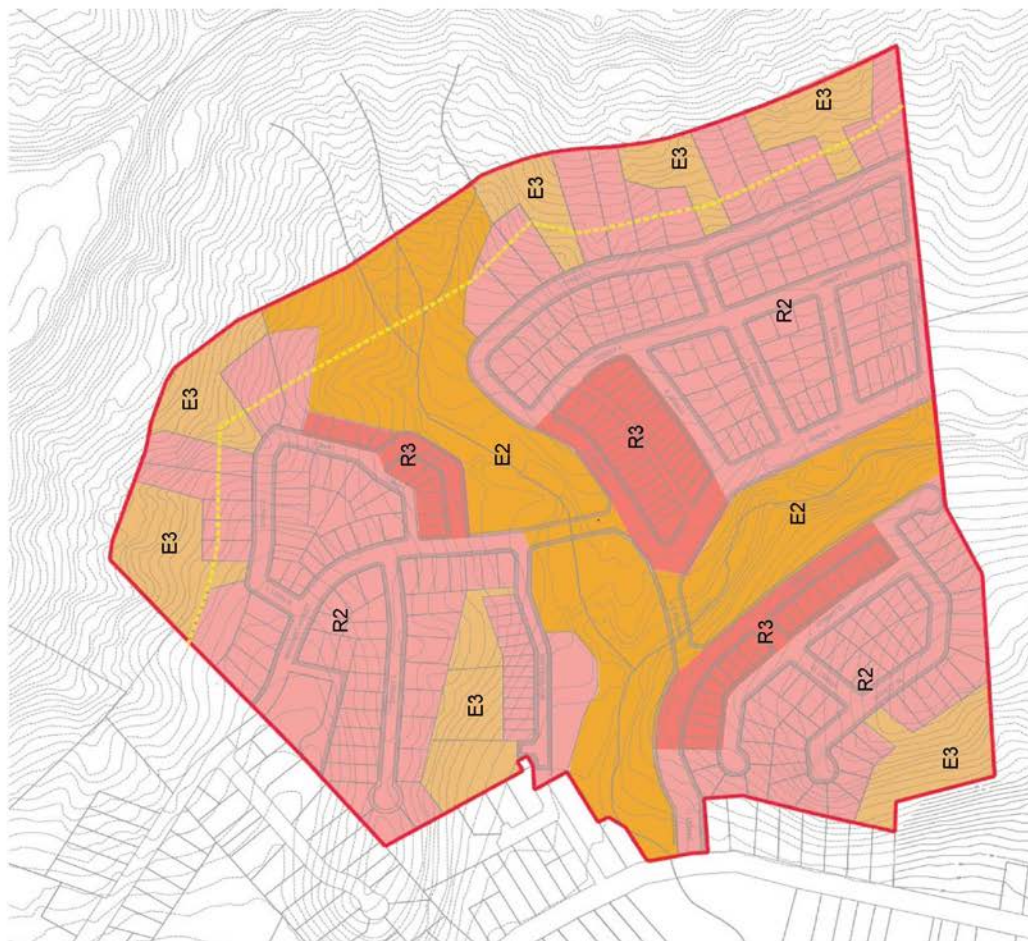
- Proposed Lot Boundaries
- Geotechnical Constraint Line
- Site boundary






















 <p><b>Douglas Partners</b> Geotechnics   Environment   Groundwater</p>	<p><b>Known Landslides</b> Drawing Review - Proposed Subdivision Reeves Creek, PICTON</p>				OFFICE: Macarthur
	CLIENT: Dartanyan Pty Ltd	PROJECT No: 76579.08	DRAWING No: 2		REVISION: A
					SCALE: 1:3000 @ A3

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 September 2015

**PE1 – Planning Proposal – Picton East**

**ATTACHMENT 4 - 6842 – 21 SEPTEMBER 2015**



- |   |                                       |
|---|---------------------------------------|
|  | Subject Site                          |
|  | B1 Neighbourhood Centre               |
|  | B2 Local Centre                       |
|  | B4 Mixed Use                          |
|  | E1 National Parks and Nature Reserves |
|  | E2 Environmental Conservation         |
|  | E3 Environmental Management           |
|  | E4 Environmental Living               |
|  | IN1 Light Industrial                  |
|  | IN3 Heavy Industrial                  |
|  | R2 Low density Residential            |
|  | R3 Medium Density Residential         |
|  | R5 Large Lot Residential              |
|  | RE1 Public Recreation                 |
|  | RE2 Private Recreation                |
|  | RU1 Primary Production                |
|  | RU2 Rural Landscape                   |
|  | RU4 Rural Small Holding               |
|  | SP1 Special Activities                |
|  | SP2 Infrastructure                    |
|  | Geo-technical Constraint Line         |

PROPOSED ZONING

Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 September 2015

**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

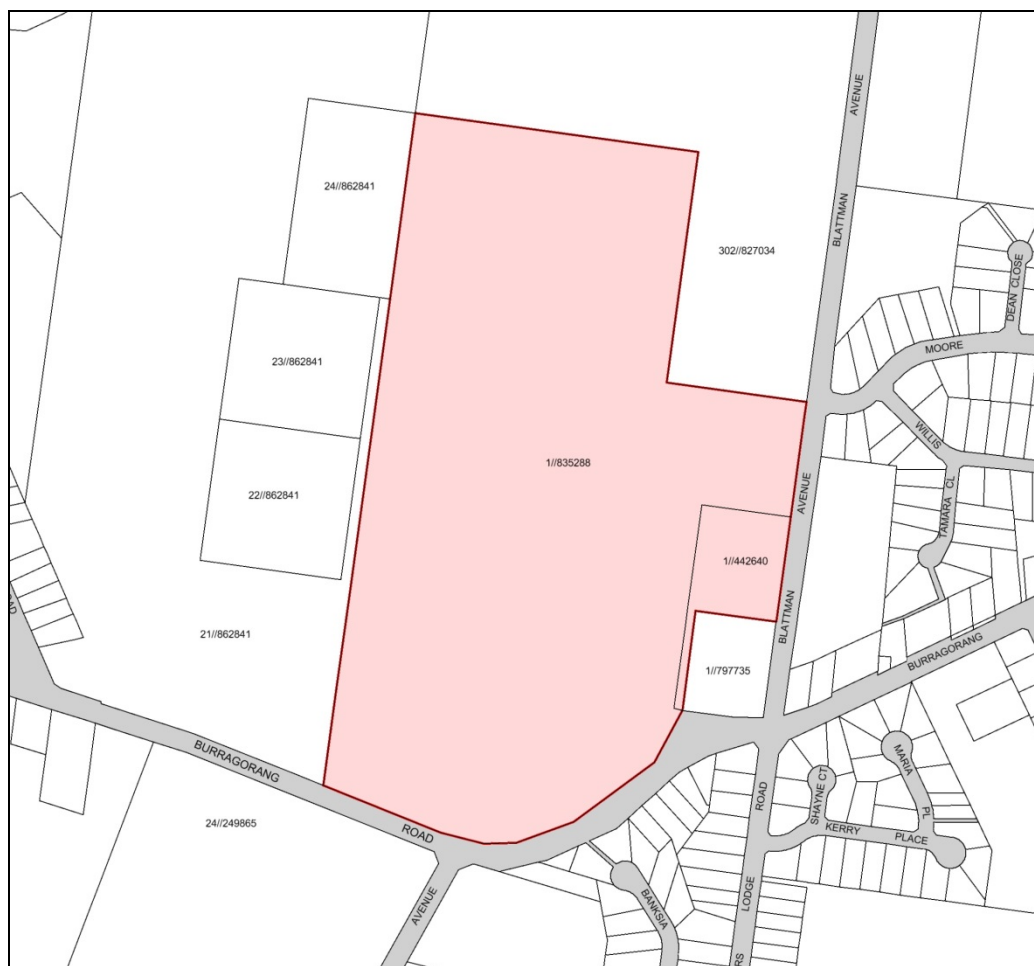
PE2

**Planning Proposal – Land Adjoining Oakdale Public School**

1010

TRIM 6649

**Applicant:** Siteplus  
**Owner:** Petton Pty Ltd (1550 Burragorang Road) and NSW Department of Education and Training - Oakdale Public School (1540 Burragorang Road)



Stage	Completed
Preliminary notification	March - April, 2012
Gateway Determination	April, 2013
Consultation with Public Agencies	May - July, 2013
Specialist Studies	March, 2014
Public exhibition/community consultation	June - July, 2015
Referred to Minister for Publication	Not yet completed

Planning & Economy

**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

**EXECUTIVE SUMMARY**

- This Planning Proposal has been prepared by Wollondilly Shire Council. It seeks to amend the provisions of Wollondilly Local Environmental Plan, 2011 as they apply to Lot 1 DP 835288 (No. 1550 Burragorang Road) and Lot 1 DP 442640 (No 1540 Burragorang Road) Oakdale to:
  - Change the zoning of the land to Zone R2 Low Density Residential, Zone E4 Environmental Living and Zone B1 Neighbourhood Centre
  - Change the minimum lot size to 450m<sup>2</sup> and 700m<sup>2</sup> in the R2 Low Density Residential Zone and 1 hectare in the E4 Environmental Living Zone
  - Change the maximum building height to 9m across the entire site
  - Include certain land on the Natural Resources (Water) and Natural Resources (Biodiversity) maps.
- The Planning Proposal is consistent with the Key Policy Directions and Assessment Criteria within Council's Growth Management Strategy.
- Three (3) submissions were received in response to Community Consultation all of which objected to the proposal, the main theme being lot size.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended:
  - That the advertised Planning Proposal be altered by reducing the amount of land with a 450m<sup>2</sup> minimum lot size in the R2 Zone and replacing it with a 700m<sup>2</sup> minimum lot size.
  - That the Planning Proposal be finalised and forwarded to the Minister for Planning and Environment for publishing.
  - That the proponent and persons who made submissions be notified of Council's decision.

**REPORT**

**1.1 SITE DESCRIPTION**

The site consists of two allotments as follows:

- Lot 1 DP 835288 (No. 1550 Burragorang Road) Oakdale; and
- Lot 1 DP 442640 (No. 1440 Burragorang Road, Oakdale).

**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

No 1550 Burragorang Road is located on the northern side of Burragorang Road and to the west and north of the Oakdale Public School site. It is a large lot which is a total of 22.71ha in area and has a frontage to Burragorang Road and to Blattman Avenue. The site contains an existing dwelling and ancillary buildings in the south eastern corner of the site towards Burragorang Road.

The site contains a vegetated watercourse along the central eastern part of the site, north of Oakdale Public School near Blattman Avenue. Scattered remnant native vegetation is present throughout a majority of the site. There are two main areas where the density and condition of the vegetation is higher than in most other parts of the site. The first being a strip of vegetation that runs along the north western boundary of the site, as well the strip that runs adjacent to the watercourse through the central east of the site.

No. 1440 Burragorang Road is located to the immediate north of the Oakdale Public School. This lot was not originally included in the Planning Proposal. A condition on the Gateway Determination recommended that Council give consideration to including this lot to avoid an isolated pocket of rural land being created by the Planning Proposal and Council later resolved to include this lot in the Planning Proposal. The lot is 9693 square metres in area and has a frontage to Blattman Avenue of 100.584m. The lot is a battle axe shape and contains a battle axe leg which fronts Burragorang Road. The lot is currently used as a sports field by the Oakdale Public School.

The lot is predominantly cleared with the exception of some scattered vegetation around the boundaries and within the road reserve adjacent to Blattman Avenue. The battle axe handle off Burragorang Road also contains substantial tree cover. The lot is wholly bushfire prone land.

**Surrounding lands**

The lands to the south east of the site include the edge of the existing residential zone of Oakdale, while lands to the south west and west comprise large rural allotments. The large lot to the immediate west of the site known as lot 21 DP 862841 is the subject of a Planning Proposal to rezone the site for approximately 50 lots. The land adjoins the Oakdale Public School and on the opposite side of Blattman Avenue to the east, the land comprises the existing Oakdale commercial area and residential zone. Lands to the north of the site comprise large rural allotments.

**1.2 DESCRIPTION OF PROPOSAL**

The Planning Proposal intends to rezone the site to allow for future growth in the form of approximately 100 additional lots of varying size.

The Planning Proposal seeks to amend the LEP provisions as they apply to the site in the following manner:



**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

- Amend the land zoning map from zone RU1 Primary Production to part Zone R2 Low Density Residential, part E4 Environmental Living and part B1 Neighbourhood Centre
- Amend the height of buildings map to impose a height limit of 9 metres for the entire site
- Amend the minimum lot size map to 450 square metres and 700 square metres in the R2 Low Density Residential Zone and 1 hectare in the E4 Environmental Living Zone
- Include certain land on the Natural Resources (Water) and Natural Resources (Biodiversity) maps.

**1.3 GATEWAY DETERMINATION**

A Gateway Determination was issued on 4 April, 2013. The Determination permitted the proposal to proceed. The Gateway Determination granted that the inconsistencies with Section 117 Directions 1.2 Rural Lands are of minor significance and no further approval on these matters was required for the project to proceed.

The conditions of the Gateway Determination are summarised in the following table with comments as to how these have been addressed in the Planning Proposal process.

<b>Gateway Condition</b>	<b>Addressed by:</b>
In addition to the proposed rezoning, Council is to consider also rezoning rural land to the immediate east of the subject site to ensure an isolated pocket of rural land is not created by the proposal. If Council supports this suggestion it is to amend the planning proposal to reflect the suggested approach.	Council resolved at its Ordinary meeting on 19 May, 2014 to include the land within the Planning Proposal and an amended Gateway Determination was issued by the Department of Planning and Environment on 4 September, 2014 which reflects the inclusion of this land in the Planning Proposal. The proposed zoning of this land is B1 Neighbourhood Centre and the Specialist Studies prepared have considered this parcel of land.
Prior to undertaking public exhibition, Council is to update Attachments 3 and 4 of the planning proposal to include proposed lot size and height of building maps.	Completed.
Prior to undertaking public exhibition, Council is to submit the updated and amended planning proposal to the department's regional office for information.	Completed.

**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

<b>Gateway Condition</b>	<b>Addressed by:</b>
Prior to undertaking public exhibition, Council is to update the project timeline within the planning proposal to reflect the 12 month timeframe allocated for completing the LEP.	Completed.
Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.	A Phase 1 Contaminated Site Assessment was prepared as part of the Planning Proposal. The assessment satisfied the relevant clauses of SEPP 55 and recommended that a further Phase 2 Assessment will be prepared at the development application phase.
Council has identified a number of additional studies to be undertaken to support the planning proposal. Once this additional information is provided and Council has consulted with public authorities, consistency with s117 directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones and 4.3 Flood Prone Land can be determined.	Completed. Specialist Studies have been submitted which address the appropriate 117 directions.
Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act, 1979 ("EP&A Act) as follows: (a) the planning proposal must be made publicly available for a minimum of 28 days; and (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEP's (Department of Planning and Infrastructure 2012).	Completed.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 September 2015

**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

<b>Gateway Condition</b>	<b>Addressed by:</b>
<p>Consultation is required with the following public authorities under section 56(2)(d) of the EP&amp;A Act and/or to comply with the requirements of or demonstrate consistency with relevant s117 directions:</p> <ul style="list-style-type: none"> <li>▪ Department of Education and Communities</li> <li>▪ Office of Environment and Heritage</li> <li>▪ Transport for NSW – Roads and Maritime Services</li> <li>▪ Sydney Water</li> <li>▪ Endeavour Energy</li> <li>▪ NSW Rural Fire Service (s117 Direction 4.4 Planning for Bushfire Protection)</li> <li>▪ Sydney Catchment Authority (s117 Direction 5.2 Sydney Drinking Water Catchments)</li> </ul> <p>Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.</p>	<p>Completed. Further detail of the government agency responses is provided below.</p>
<p>A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&amp;A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).</p>	<p>Noted.</p>
<p>The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.</p>	<p>The Gateway condition was amended and the current completion date required by the Gateway is 11 October, 2015. The Planning Proposal is currently within this timeframe.</p>

**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

**CONSULTATION**

**2.1 CONSULTATION WITH COUNCIL STAFF**

The following comments on the Planning Proposal were received from Council staff:

**Infrastructure Planning**

**Traffic**

Council's Engineering Section advised that based on the indicative road layout and minimum lot size plan, it appears that approximately two thirds of the traffic would use the intersection with Burraborang Road and the remainder use the Blattman Avenue intersection for access to and from proposed lots.

The proponents maintain that any access improvements to Burraborang Road and Blattman Avenue will be appropriately addressed in a traffic impact assessment lodged with the Development Application for land subdivision.

For the number of lots proposed, split of generated traffic and good condition of Burraborang Road, this approach is agreed.

**Flooding/Drainage**

Council's Design Engineer recommended that the heavily vegetated watercourse on the eastern edge of the site be included on the Natural Resources - Water Maps.

**Comment**

Any intersection works or road upgrades would be considered at the development application stage, however, the volume of traffic likely to be generated is not considered unsatisfactory. The watercourse on the eastern side of the site has been included on the Natural Resources Water maps and will incorporate a buffer distance of 10 metres from the watercourse.

**Environmental Services**

Council's Environmental Services Section recommended that large lots be established in the areas where the vegetation is most significant.

The findings of the Flora and Fauna Report that was submitted with the proposal and a site inspection undertaken suggests that the southern portion of the property could most likely sustain a higher density of housing development (i.e. 450-900 square metres) assuming sewer is available with a larger lot semi-rural feel towards the north of the site.

The vegetation along the North West and along the creek to the east is of high value and should be retained.

**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

Council's Environment Officer also noted that the flora and fauna assessment identifies the need for an Assessment of Significance to be done at a later stage. This would be most appropriately done in concert with a development application which identifies significance and incorporates appropriate strategies through subdivision design and layout to sustainably manage the ecological values of the site.

Council's Environment Officer recommended that the assessment of significance be undertaken now to aid the establishment of zoning and lot yield otherwise the proponent may be up for substantial delay and cost during the subdivision phase if the vegetation yields a significant outcome under the assessment of significance.

Comment:

Larger lots (minimum 1 hectare) have been included in the northern half of the site where the vegetation is identified as being moderate to high condition. These larger lots as well as the use of the natural resource maps would ensure that the significant vegetation along the North West and also along the creek would be capable of being retained.

It was recommended to the proponent that the Assessment of Significance be carried out now in accordance with advice from Council's Environment Officer. The proponent advised that it was their preference to have the future subdivision layout and yield informed by the findings of a Species Impact Statement if the development was found to have a significant impact.

**Environmental Health Officer**

Raised concerns with the smaller (450 square metre) minimum lot sizes, mainly due to lack of services available (transport, health etc).

Comment:

These concerns have been addressed through some changes to the proposed minimum lot size map that was placed on exhibition. The minimum lot size map that was placed on public exhibition included a 450 square metre minimum lot size in the south eastern portion of the site which comprised approximately 5 Ha of the site. This has been amended to include a 700 square metre minimum lot size for land fronting Burraborang Road and also for land adjoining the proposed E4 zoned land at the north of the site.

Approximately 2.5 Ha of the site will retain a 450 square metre minimum lot size which is in close proximity to the existing town centre and would have better access to the Public School and existing commercial area. It is also noted that the NSW Department of Planning does encourage lots of this size and in some cases smaller lot sizes close to town centres to promote a mix of lot sizes and housing types to meet different demands and market prices.

**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

It is considered that future development would be able to occur and contribute to a variety of housing in the area. Similar lot sizes have been established in areas such as Bingara Gorge, Bridgewater and Picton.

**2.2 CONSULTATION WITH PUBLIC AGENCIES**

The Gateway Determination required consultation with the following Public Agencies:

- OEH Heritage Division
- OEH Environment Division
- Sydney Water
- Water NSW
- Transport for NSW
- NSW Rural Fire Service
- Endeavour Energy
- NSW Department of Education.

The following is a summary of the matters raised by public authorities and assessment comments.

**Office of Environment and Heritage (OEH)**

During the public exhibition period the Office of Environment and Heritage (OEH) advised that they will not be providing comments or advice on this planning proposal in regard to biodiversity, Aboriginal Cultural Heritage and flood risk management matters due to other priorities. This should not be construed as support for the proposal, or that these matters do not need to be considered and assessed by Council.

OEH had previously provided advice which recommended that areas within the site containing Endangered Ecological Communities and habitat for threatened species be included in the Natural Resources - Biodiversity Map to facilitate the protection and conservation of environmentally sensitive areas.

OEH also recommended in this previous advice that in addition to environmental protection zones over areas of high and moderate biodiversity value and clustering development to avoid impacts, consideration should be given to the use of split zoning to enable portions of lots to be zoned for development while providing a protective zone over the remainder.

**Comment:**

The Flora and Fauna Assessment supporting the Planning Proposal identified much of the site to contain Grey Ironbark Open Forest which is identified as an Endangered Ecological Community. The parts of the site which contain EEC and that have been identified as having moderate to high/very high significance have been included on the Natural Resources - Biodiversity Layer in accordance with advice from OEH.

**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

The northern part of the site which contains most of the significant vegetation has been captured by an environmental living zone in accordance with advice from OEH. The inclusion of a larger lot size of 1 hectare within this zone (a minimum lot size of 4000 square metres was originally proposed for this part of the site) would enable greater opportunities for protection of significant parts of the site.

The suggestion from OEH of split zonings was not adopted with this Planning Proposal, however it is considered that the application of an environmental living zone across the top half of the site is a more desirable outcome as it would still enable significant vegetation to be retained within larger lots, particularly the stands of vegetation along the north western boundary and central east of the site. Significant vegetation could be retained through building envelopes and private covenants that require future landowners to retain the vegetation on the site could be imposed at the subdivision stage.

**Sydney Water**

Sydney Water made the following specific comments in relation to the Planning Proposal during public exhibition:

**Water**

The subject lot is located adjacent to an existing 300mm drinking water main which is located along Burragorang Road. Preliminary assessment shows that this main has sufficient capacity to serve the proposed development.

**Wastewater**

The existing Oakdale wastewater system has capacity to accept the proposed flows from the subject development site. The potential connection point for the proposed development is the 150mm wastewater main traversing the property. The proposed development can be connected if the following criteria are met:

- The proponent is prepared to pay the full cost of connection
- The proponent fully complies with Sydney Water's connection requirements.

**Comment:**

The advice from Sydney Water indicates that there is sufficient capacity and ability for the site to connect into the existing water and wastewater network. Advice obtained from Sydney Water at an earlier stage of the Planning Proposal indicated that there was sufficient capacity in the existing system to accommodate 300 additional lots in Oakdale. There is an existing development approval for 35 residential lots at 35 Egans Road which is yet to be developed. It is likely that reticulated sewer would be provided to this site and some infill lots prior to services being required for the subject site.

**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

There are two other Planning Proposals in Oakdale and this Planning Proposal is substantially further progressed than these proposals. The subject Planning Proposal proposes approximately 100 residential lots and it is considered that the site could be serviced by reticulated sewer at the development stage.

**Water NSW**

Water NSW provided the following comments during public exhibition:

**Strategic Land and Water Capability Assessment**

The SLWCA mapping shows that across the majority of the site there is a moderate risk to water quality from residential unsewered development with lots in the range of 4000 square metres to 2 hectares. The risk increases to high and extreme within 100m of the waterway that runs along part of the eastern side of the subject site.

Water NSW supports the proposal for a riparian buffer around the watercourse and application of the biodiversity clause. These promote the water quality and ecological integrity objectives for the Warragamba Special Areas. Any future subdivision and development should be designed to avoid impacts to the watercourse.

**State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011**

Water NSW notes that MUSIC Modelling was completed to demonstrate that post-development stormwater can be appropriately managed on site and achieve NORBE.

We note that the modelling provides a conceptual analysis and identifies a single bio-retention basin and onsite detention system. As further modelling will be required to support any specific proposals, Water NSW considers this appropriate. For specific proposals, consideration should be given to provision of multiple, smaller basins. This can be more adaptable to staging of development and more effective at managing water on site during periodic maintenance.

**Sewage Management**

Water NSW notes that the proposed R2 and B1 land along Burraborang Road and Blattman Avenue is proposed to be connected to reticulated sewerage. Water NSW considers that connection to reticulated sewerage is necessary for development on the proposed 450 square metre and 700 square metre lots to meet NORBE.



**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

The lots to the north of the site proposed to be zoned E4 with a 1ha minimum lot size will not be connected to reticulated sewage, and will require on-site sewage management. Water NSW considers the E4 Environmental Living zone to be appropriate for the environmental values of the subject site, particularly its location within the Warragamba Special Area.

Water NSW considers that the entire site should be connected to reticulated sewerage to avoid future problems and challenges that arise from the use of on-site systems.

Any future development proposal for subdivision of the site will need to demonstrate that suitable envelopes can be provided for dwellings and all ancillary development, including appropriate areas for on-site sewage management systems.

Comment:

The provision of a minimum lot size of 1 hectare in the northern part of the site would address concerns previously raised by Water NSW and allow suitable area for on-site effluent disposal. Further detailed stormwater modelling would be carried out at the development application stage. Sydney Water has confirmed that the proposed R2 zoned land is able to connect to sewer which addresses the concerns from Water NSW with regards to possible impacts from wastewater disposal from those lots.

**Transport for NSW**

Transport for NSW advised that they had reviewed the documentation submitted in support of the planning proposal and have no further comment.

**NSW Rural Fire Service**

The RFS advised that a perimeter road would be the most appropriate mechanism to achieve separation between hazardous vegetation which cannot be modified as a result of environmental constraints and/or legal rights to clear property.

The RFS also provided comment on the Planning Proposal in April, 2014 following the submission of specialist studies for the proposal. The RFS provided a number of recommendations at this stage, including the provision of mechanisms for future subdivision of the land to achieve APZ's within property boundaries of lots (or likely future lots) and may achieve a radiant heat level not greater than 29kw/m in accordance with PBP 2006.

**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

Comment:

The inclusion of 1 hectare lots in the northern part of the site as opposed to the 4000 square metres that was originally proposed in this area would better enable the required APZ's to be achieved and would also allow for future dwellings to be constructed to BAL 29 or less. The inclusion of a perimeter road in accordance with RFS advice would also better enable the APZ's in the residential zoned area to be achieved. It is considered overall that future development is able to comply with the requirements identified by the RFS.

**Endeavour Energy**

Endeavour Energy advised that they have no objections to the proposal and has capacity to supply the development.

The developer will need to make arrangements for their reticulation as per normal processes.

**NSW Department of Education**

No comment was received from the Department of Education during the formal exhibition process. Comments were received from the Department of Education in February, 2014 which stated the following:

The Department understands that Council has consulted with the principal of Oakdale Public School and the principal has no objections.

The Department's assessment of the Planning Proposal is that it will not significantly affect Oakdale Public School and no objections are raised, provided appropriate building setbacks are maintained in the existing B1 zones and the new residential zones.

We note that future enrolments generated by the rezoning can be accommodated at Oakdale Public School however, additional classrooms on the site may be required.

Comment

The appropriate setback between the existing B1 zone and future buildings in the proposed residential zones would be subject to a merit based assessment at the development application stage.

**NSW Heritage Council**

There are no heritage items on the State Heritage Register on or within the vicinity of the site. The Planning Proposal identifies that the nearest locally-listed heritage items are a church and slab cottage located at least 800m away.

**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

The Heritage Council recommended that consideration be given to:

- The potential for any significant historic archaeology or relics that may be uncovered by future ground disturbance
- Retaining the setting of identified heritage items in the vicinity.

Comment: There are no listed items of environmental heritage on the site. Some areas have been identified as having moderate sensitivity due to a low level of previous disturbance. Should an aboriginal relic or similar item be discovered during future works on the site then works are required to cease until either a permit to remove / destroy is issued by OEH or the development proposal is modified to allow the heritage item to remain.

**3.1 COMMUNITY CONSULTATION**

The Gateway Determination specified a 28 day period of community consultation and public exhibition. During this time the Planning Proposal, specialist studies and other documents as required by the Gateway Determination were made available for public viewing on Council’s website, at Council’s Administration Building and at Wollondilly Library. A public notice was placed in the local newspaper. Letters were sent to those who made previous submissions and to immediately adjoining landowners.

The issues raised in submissions that are relevant to the assessment of the Planning Proposal are summarised in the following table along with assessor's comments:

Issue Raised	Assessment Comment
A minimum lot size of 450 square metres is out of character with the Wollondilly motto of rural living.	The area of the site with a proposed minimum lot size of 450 square metres has been reduced from that proposed when the Planning Proposal went to public exhibition.  Some area with a minimum lot size of 450m <sup>2</sup> has been retained to ensure that development is maximised in proximity to the existing town centre and promote a variety in lot size.
If Council lets the small lot sizes go through, it will give the green light to other developers to do the same.	Each Planning Proposal would be assessed on a case by case basis; however, it is not considered that this would set an undesirable precedent. The reduced area proposed for a 450m <sup>2</sup> minimum lot size is considered suitable due to its proximity to the town centre and existing public school.
The Vanderville Estate at The Oaks contains 975 square metre minimum lot sizes and rural fencing	It is acknowledged that the Vanderville estate included a 975m <sup>2</sup> lot size, however, this site was on the edge of an existing township and was quite a distance from the town centre,

**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

Issue Raised	Assessment Comment
<p>which has made for a development that is in keeping with Council's policy of rural living. Why can't the Oakdale development have the same benefits as this? We want equality for out towns in the decisions that are made by Council.</p>	<p>and therefore a larger lot size was considered more suitable for The Oaks site. The Oakdale site immediately adjoins the Oakdale Public School and a commercial zone and it is considered appropriate that a part of the site in close proximity to the town centre can support a smaller lot size. A minimum lot size of 700m<sup>2</sup> is now proposed for the site along the Burragorang Road frontage to ensure consistency with the greater area.</p>
<p>Most existing lots in Oakdale are 1000 square metres and lots at 450 square metres will be out of character with existing area.</p>	<p>It is acknowledged that a majority of lots in the residential area of Oakdale are approximately 1000m<sup>2</sup>; however, most of these lots have a minimum lot size under Council's LEP of 700m<sup>2</sup>.</p> <p>The aim of the 450m<sup>2</sup> minimum lot size is to enable maximum development on the part of the site that adjoins the existing township and commercial zone. Smaller lots would potentially provide opportunities for more affordable housing.</p>
<p>450 square metre lot sizes will not fit in with what Oakdale is about. Most people live in the town because it is rural and quiet and to get away from an urban environment.</p>	<p>The intent of the 450m<sup>2</sup> minimum lot sizes is to allow for a maximum number of lots to occur in close proximity to the town centre and also to enable a range of lot sizes within the release area. It is noted that the Department of Planning have recently encouraged smaller lot sizes closer to town centres to ensure housing variety and affordability. The amount of land on the site proposed for 450m<sup>2</sup> has been substantially reduced following public exhibition in an effort to address concerns raised in submissions.</p>
<p>The use of access roads (Blattman Avenue and Burragorang Road) will impact on existing residents through increased traffic through local streets.</p>	<p>There is the ability for numerous entry points to be provided into the site from both Blattman Avenue and Burragorang Road. It is considered that the level of traffic generated from the future development of the site would not be unreasonable. Future road upgrades and intersection works would be detailed in a further traffic study to be prepared at the development application stage.</p>
<p>There are no footpaths in Blattman Avenue and at the moment school children and other</p>	<p>The future lot layout to be determined at the development application stage will provide an indication of the level of pedestrian movements along Blattman Avenue. The</p>

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Issue Raised	Assessment Comment
pedestrians have to walk on the road and this will not be a safe option if development takes place.	construction of a footpath along this area may be required at this stage if appropriate.
Moore Road should possibly be made a no through road as people will use it a short cut and cause a safety hazard.	It is likely that entry/exit roads would be made available to the site to Burragorang Road and Blattman Avenue. It is considered unlikely that Moore Road would experience a significant increase in traffic volume and future access roads are likely to feed onto Blattman Avenue and Burragorang Road.
The number of lots comprising 450 square metres and 700 square metres is a large development with not enough infrastructure to cope with it.	It is expected that the site has adequate services and infrastructure available to cope with the demand from the development of the site. Sydney Water has provided advice that indicates that water and sewer can be provided to the future residential lots, while the larger lots within the E4 zoned part of the Shire are capable of accommodating on-site wastewater disposal. Roads and other infrastructure required by the site are adequate for the Planning Proposal to proceed.
Consultation with the community has not been adequate. Important information was not included in the Wollondilly Advertiser advertisement, e.g. min size of lots and number of lots in the development.	The estimated number of lots that the Planning Proposal may generate was included on the advertisement. Other important information such the Planning Proposal Document, specialist studies and the maps indicating proposed zoning, minimum lot size etc were available to view on Council's website, the Wollondilly Library and also at Council's administration building. The methods for viewing the Planning Proposal and supporting documentation were stated in the exhibition notice.
The proposal needs far more consultation with the people of Oakdale.	The Planning Proposal was exhibited for the minimum 28 day exhibition period that was required by the Gateway Determination. This included written notification to previous submitters and immediately adjoining landowners. All relevant information including the specialist studies that form part of the Planning Proposal were made available to community and it is considered that sufficient consultation was carried out.

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In summary, the matters raised in submissions have been addressed by adjustments to the Planning Proposal and some matters may be subject to further studies/requirements more appropriate at the development application stage.

**4.1 PLANNING PROPOSAL**

The Planning Proposal has been prepared in accordance with Section 55 to the EP&A Act, 1979 and the guidelines published by the DP&E. The Planning Proposal has been revised from the publicly exhibited version in response to matters raised through consultation.

Council's options are:

1. Resolve to support the Planning Proposal in the form as described in Section 4.9.1 of this report.
2. Resolve to support the Planning Proposal in the form it was exhibited (ie., a greater area of 450m<sup>2</sup> minimum lot size).
3. Resolve to support the Planning Proposal in another form. With this option a new Gateway Determination, amended specialist studies and a new public exhibition period may be required.
4. Resolve not to support the Planning Proposal. With this option there is no further action to be taken on the Planning Proposal other than to inform the applicant, submitters and the Department of Planning and Environment that the Planning Proposal has been terminated. The applicant could choose to submit a new Planning Proposal. There are no appeal rights through the Land and Environment Court against Council' refusal to support the Planning Proposal at this stage of the process.

Option 1 is the recommendation of this report.

**4.2 A PLAN FOR GROWING SYDNEY**

A Plan for Growing Sydney was introduced in December, 2014 and is intended to guide strategic land use planning decisions for Sydney over the next 20 years. The plan identifies population growth targets and includes strategies for the balancing of housing growth with protecting the natural environment and creating liveable cities. The Plan comprises 4 key goals which consist of key directions and actions to assist the implementation of the plan. The key goals that apply to this Planning Proposal are described below:

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▪ Goal 2 – Sydney’s Housing Choices

Projections within the plan identify that an additional 664,000 new dwellings will be required over the next 20 years and these projections form the basis for planning new housing in the Sydney. The Planning Proposal would allow future development for over 100 dwellings which would contribute to this overall target.

▪ Goal 4 - A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources

The Plan includes an action to protect and deliver a network of high conservation value land by investing in green corridors and protecting native vegetation. The application of an E4 zone in the northern part of the site with a minimum lot size of 1 hectare (which was previously proposed to be zoned R5 Large Lot Residential with a minimum lot size of 4000 square metres) allows the significant vegetation corridors along the north western boundary and central eastern portion of the site to be retained.

The Planning Proposal is considered to incorporate proposed zonings and minimum lot sizes that would ensure a satisfactory impact on the natural environment when future development takes place.

**4.3 DRAFT SOUTH WEST SUBREGIONAL STRATEGY**

The Planning Proposal would contribute to approximately 100 new allotments with a variety of zones and lot sizes, which would contribute to the target of 155,000 additional dwellings in the sub-region over the next 25 years. The proposal is consistent with the actions in the Strategy.

**4.4 METROPOLITAN PLAN FOR SYDNEY TO 2036**

The Metropolitan Plan also includes a dwelling target of 155,000 new dwellings for the south west region by the year 2036, with more than half being located in new release areas. The Planning Proposal would contribute to the dwelling target identified in the plan and would also be consistent with the objectives outlined in the plan.

**4.5 SECTION 117 MINISTERIAL DIRECTIONS**

**Direction 1.2 Rural Zones**

Part 4 of this direction states that:

(4) *A Planning Proposal must:*

(a) *not rezone land from a rural zone to a residential, business, industrial, village or tourist zone;*

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- (b) *not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).*

Council requested in its Gateway Submission to the NSW Department of Planning that the Minister (or his delegate) make an exception for this Planning Proposal on the grounds that:

*"Council's Growth Management Strategy identifies the site as potentially appropriate to accommodate the future residential growth immediately adjacent to the existing urban edge of Oakdale and that in the relative scale of the proportion of rural zoned land to urban zoned land in the Oakdale locality, this Planning Proposal is of minor significance."*

The Gateway Determination supported this view and stated that the Planning Proposal's inconsistency with s117 Direction 1.2 Rural Lands is of minor significance and that no further approval is required in relation to this direction.

**Direction 2.1 Environmental Protection Zones**

This direction states that "a draft LEP shall include provisions that facilitate the protection and conservation of environmentally sensitive areas". An environmental zone is proposed over vegetated areas of the site identified as being of moderate to high/very high condition as well as areas containing tree hollows which would be consistent with this direction.

**Direction 2.3 Heritage Conservation**

An Aboriginal Archaeological and Cultural Heritage Assessment was submitted with the Planning Proposal which identified areas of low and moderate sensitivity which will assist in the conservation of any items of aboriginal or heritage conservation value and have been used to guide zoning and lot size across the site. Further investigations would be required at the future subdivision stage to guide an appropriate lot layout and ensure that any relics, works etc are appropriately retained.

**Direction 3.1 Residential Zones**

The planning proposal would enable additional residential lots on the fringe of the existing township of Oakdale which would contribute to broadening the choice of building types and locations available in the housing market as required by the ministerial direction.

**Direction 4.3 Flood Prone Land**

It is unlikely that any future development on the site would occur in close proximity to the watercourse due to the natural constraints of this area. Further flooding/stormwater modelling may be required at the development application stage.



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**Direction 4.4 Planning for Bushfire Protection**

Adequate provision has been made for asset protection zones to be included in lots without impacting on important vegetation through the imposition of larger lots in the northern part of the site. Adequate provision has been made for perimeter roads to be included within the proposed residential zones in accordance with the direction.

**Direction 5.2 Sydney Drinking Water Catchments**

The proposal is consistent with this direction. The more sensitive area in the northern part of the site has been given an environmental zoning, and on the basis that this part of the site will not have reticulated sewer available has also been prescribed a minimum lot size of 1ha to ensure that the planning proposal is matched to land and water capability of the site and surrounding area. These are concepts that have been endorsed by Water NSW.

**4.6 STATE ENVIRONMENTAL PLANNING POLICIES**

**State Environmental Planning Policy 55 - Remediation of Land**

A Phase 1 Contamination Assessment has been prepared with the Planning Proposal which satisfies the requirements of Clause 6 of the SEPP. The Contamination Assessment identified that some parts of the site have a moderate to high likelihood of contamination and recommended that a further investigation be carried out at a later stage. This would require the submission of a Phase 2 Contamination Assessment at the subdivision stage.

**State Environmental Planning Policy - Sydney Drinking Water Catchment**

A Stormwater Study has been submitted including a MUSIC Model which demonstrates that a Neutral or Beneficial Effect on water quality is able to be achieved. Further modelling which accounts for the proposed lot layout and exact location of effluent disposal areas would be required at the development application stage. Water NSW has not raised any objections to the proposal.

**4.7 AMENDMENT TO THE STATE ENVIRONMENTAL PLANNING POLICY (MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES) (COAL SEAM GAS EXCLUSION ZONES) 2013**

The proposal is not located within an area that is affected by mining approvals and is located within the two kilometre exclusion zone required for coal seam gas development.

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**4.8 WOLLONDILLY GROWTH MANAGEMENT STRATEGY**

Key Policy Direction	Comment
<b>General Policies</b>	
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.	This proposal meets all of the relevant key policy directions and assessment criteria contained within the GMS.
P2 All land use proposals need to be compatible with the concept and vision of “Rural Living” (defined in Chapter 2 of the GMS).	The Planning proposal is consistent with the concept of rural living. An appropriate proportion of large lots would be retained in the northern part of the site and the Planning Proposal would not impact on more suitable agricultural lands in the area as it would ensure that future development occurs on the fringe of the existing township.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	Preliminary consultation was carried out in the early stages of the Planning Proposal and formal public exhibition was carried out in June-July 2015. The Planning Proposal has been altered to address the concerns raised during the community engagement process.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	No such representations have been made regarding the subject Planning Proposal and therefore this key policy direction has been satisfied.
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.).	The Planning Proposal would allow for approximately 100 additional lots which is seen as appropriate for the township of Oakdale. It was recognised during the assessment of the Planning Proposal that the northern part of the site was capable of supporting a low scale of growth due to physical constraints and locational attributes and therefore this land has been captured in an environmental living zone.

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Key Policy Direction	Comment
<b>Housing Policies</b>	
<p>P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.</p>	<p>The GMS indicates a total dwelling target of 350 additional dwellings for Oakdale to 2036.</p> <p>The Planning Proposal contributes towards this dwelling target. The structure plan for Oakdale identifies the subject land as a 'potential residential growth area' and the Planning Proposal for the site is consistent with these findings of the GMS.</p>
<p>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.</p>	<p>The scale of the Planning Proposal and the variety in proposed land use zones and minimum allotment sizes across the site will allow a diverse range of housing types to be provided in a single land release area.</p>
<p>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").</p>	<p>The proposed residential zone includes two minimum lot sizes being 450 square metre lots and 700 square metres. A majority of the site will comprise a 700 square metre minimum lot size, with the 450 square metre minimum lot size area to occur closer to the existing town centre which is consistent with this direction.</p>
<p>P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.</p>	<p>The southern portion of the site which is proposed to be zoned R2 Low Density Residential comprises approximately 11.4ha of land and sits immediately adjacent to the town centre (adjoining Oakdale Public School). It is anticipated that a minimum of 100 lots could be established within this area. The northern part of the site which does not directly adjoin the town centre and has some environmental qualities would generate approximately 10-11 lots. The majority of new housing from future development of the site would therefore occur on the land adjacent to the existing town centre.</p>

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<b>Key Policy Direction</b>	<b>Comment</b>
<b>Macarthur South Policies</b>	
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.	These key policy directions are not applicable to this proposal.
<b>Employment Policies</b>	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	The site proposes to rezone the land at 1540 Burraborang Road, Oakdale to B1 Neighbourhood centre which would be capable of generating some future commercial use. Many shops in Oakdale are currently underutilised and it is considered that there is sufficient capacity to accommodate the proposed level of growth.
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.	The proposed commercial zone would contribute to a variety of employment types in the area.
<b>Integrating Growth and Infrastructure</b>	
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.	The Planning Proposal has demonstrated that appropriate infrastructure can be provided in the form of drinking water, wastewater treatment and drainage. It is unlikely that an unsustainable burden on Council's roads or other infrastructure would arise from the development.
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.	The site immediately adjoins the existing village of Oakdale and the required infrastructure is capable of being provided in a viable manner.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The growth would occur on the fringe of an existing town centre and the proposal is therefore consistent with this direction.

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<b>Key Policy Direction</b>	<b>Comment</b>
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.	The proposal is not within the areas of Picton, Tahmoor or Thirlmere; however it does propose a smaller growth opportunity in an area identified for potential future residential growth in the GMS and the Planning Proposal is therefore consistent with this direction.
<b>Rural and Resource Lands</b>	
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.	The Planning Proposal includes measures to ensure that future development would not cause an unreasonable level of impact on biodiversity, Sydney's Drinking Water Catchment and aboriginal and European heritage and waterways. Sufficient and more suitable agricultural lands located further from the township would be retained.
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.	Not applicable.

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**4.9 FINAL FORM OF PLANNING PROPOSAL**

**4.9.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)**

Based on the specialist studies, consultation with public agencies and engagement with the community, the following changes are recommended to the exhibited version of the Planning Proposal for WLEP 2011:

**Amendments have been made to the proposed minimum lot size map to include a 700 square metre parcel of land along the south east frontage of Burragorang Road and another portion of 700 square metre parcel in the north west corner of the proposed R2 zoned land. These parts of the site were previously identified for a 450 square metre minimum allotment size and have been amended to include a larger minimum lot size to address concerns raised during the public exhibition of the Planning Proposal.**

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

- Amend the Land Zoning Map LZN\_007B from Zone RU1 Primary Production to Zone R2 Low Density Residential, Part E4 Environmental Living Zone and Part B1 Neighbourhood Centre Zone as shown in Attachment 2.
- Amend the Minimum Lot Size Map LSZ\_007B to allow for a minimum lot size of 450m<sup>2</sup> and 700m<sup>2</sup> for proposed R2 land and a minimum lot size of 1 hectare for proposed E4 land as shown in Attachment 3.
- Amend the Height of Buildings Map to a Maximum Building Height Category of 9 metres for the entire site as shown in attachment 4.
- Amend the Natural Resources - Biodiversity Map Sheet NRB\_007 to include the land identified on the map shown as attachment 4.
- Amend the Natural Resources - Water Map Sheet NRW\_007 to include a 10 metre buffer distance around the watercourse at the east of the site in accordance with the map shown as attachment 5.

**FINANCIAL IMPLICATIONS**

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

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

**ATTACHMENTS**

1. Site Identification Map.
2. Land Zoning Map.
3. Lot Size Map.
4. Height of Building Map.
5. Natural Resources - Biodiversity Map.
6. Natural Resources - Water Map.

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**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

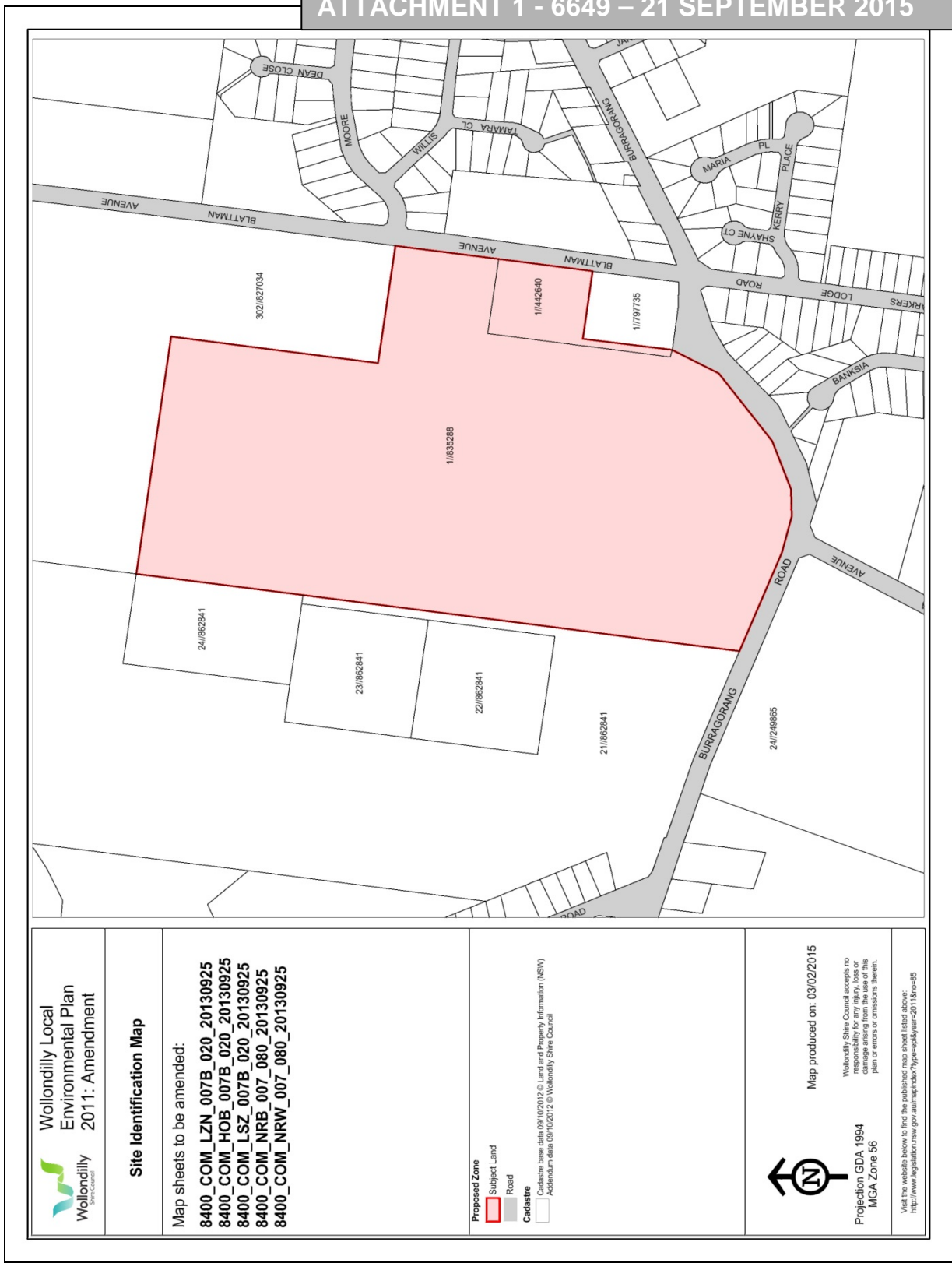
**RECOMMENDATION**

1. That Council support the Planning Proposal for land being Lot 1 DP 442640 (No. 1540 Burragorang, Road) and Lot 1 DP 835288 (No. 1550 Burragorang Road) Oakdale to amend Wollondilly Local Environmental Plan, 2011 as follows:
  - Amend Wollondilly Local Environmental Plan 2011 Land Zoning Map LZN\_007B from Zone RU1 Primary Production to Zone R2 Low Density Residential, E4 Environmental Living Zone and B1 Neighbourhood Centre Zone;
  - Amend Wollondilly Local Environmental Plan 2011 Minimum Lot Size map Sheet LSZ\_007B to allow for a minimum lot size of 450 square metres and 700m<sup>2</sup> for proposed R2 land and a minimum lot size of 1 hectare for proposed E4 land;
  - Amend Wollondilly Local Environmental Plan 2011 Height of Buildings Map to a Maximum Building Height Category of 9 metres for the entire site;
  - Amend Wollondilly Local Environmental Plan 2011 Natural Resources - Biodiversity Map Sheet NRB\_007 to include the land identified on the map attached;
  - Amend Wollondilly Local Environmental Plan 2011 Natural Resources Water Map Sheet NRW\_007 to include a 10 metre buffer distance around the watercourse at the east of the site.
2. That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 the Planning Proposal be forwarded to the Director-General with a request to make arrangements for the drafting of the amended Local Environmental Plan and that the Minister make the Plan in the form as detailed in this report and in the Planning Proposal.
3. That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.

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**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

**ATTACHMENT 1 - 6649 – 21 SEPTEMBER 2015**



<p>Wollondilly Local Environmental Plan 2011: Amendment</p> <p>Wollondilly Shire Council</p>	<p><b>Site Identification Map</b></p> <p>Map sheets to be amended:</p> <p>8400_COM_LZN_007B_020_20130925</p> <p>8400_COM_HOB_007B_020_20130925</p> <p>8400_COM_LSZ_007B_020_20130925</p> <p>8400_COM_NRB_007_080_20130925</p> <p>8400_COM_NRW_007_080_20130925</p>	<p><b>Proposed Zone</b></p> <p>Subject Land</p> <p>Road</p> <p><b>Cadastre</b></p> <p>Cadastre base data 09/10/2012 © Land and Property Information (NSW)</p> <p>Addendum data 09/10/2012 © Wollondilly Shire Council</p>	<p>Map produced on: 03/02/2015</p> <p>Wollondilly Shire Council accepts no liability for any damage arising from the use of this plan or errors or omissions therein.</p> <p>Projection: GDA 1984 MGA Zone 56</p> <p>Visit the website below to find the published map sheet listed below: <a href="http://www.legislation.nsw.gov.au/maps/index?type=ep&amp;year=2011&amp;no=45">http://www.legislation.nsw.gov.au/maps/index?type=ep&amp;year=2011&amp;no=45</a></p>
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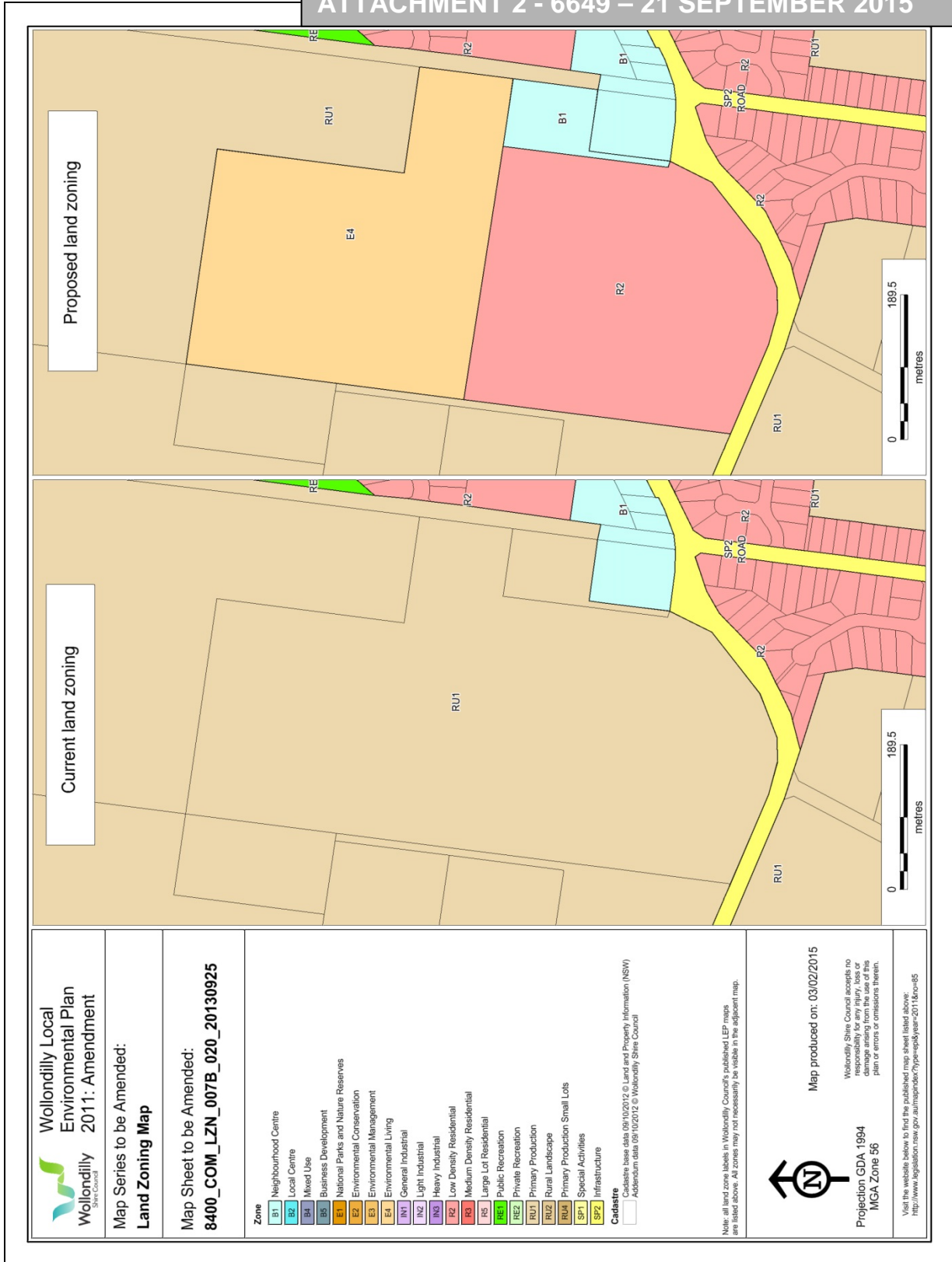
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**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

**ATTACHMENT 2 - 6649 – 21 SEPTEMBER 2015**

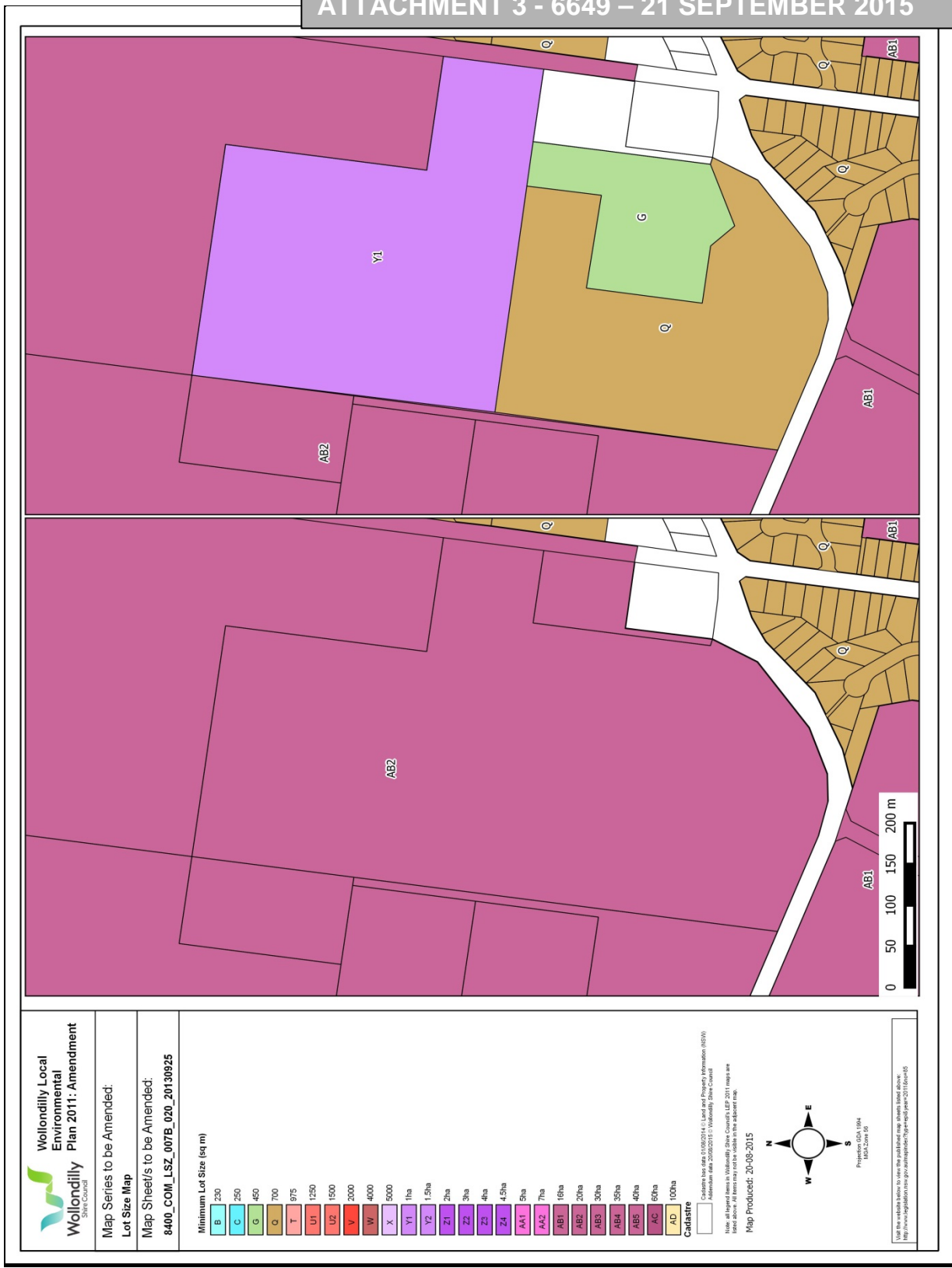


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**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

**ATTACHMENT 3 - 6649 – 21 SEPTEMBER 2015**



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**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

**ATTACHMENT 4 - 6649 – 21 SEPTEMBER 2015**



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**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

**ATTACHMENT 5 - 6649 – 21 SEPTEMBER 2015**



**Wollondilly Local Environmental Plan 2011: Amendment**  
**Map Series to be Amended:**  
**Natural Resources - Biodiversity Map**  
**Map Sheet to be Amended:**  
**8400\_COM\_NRB\_007\_080\_20130925**

**Sensitive Land**  
 Sensitive land  
**Circled**  
Content based on 007022 (2) Land and Property Information (NSW)  
 Approved on 03/02/2015 by Wollondilly Shire Council

Note: all riparian land labels in Wollondilly Council's published LEP maps are listed above. All zones may not necessarily be visible in the adjacent map.

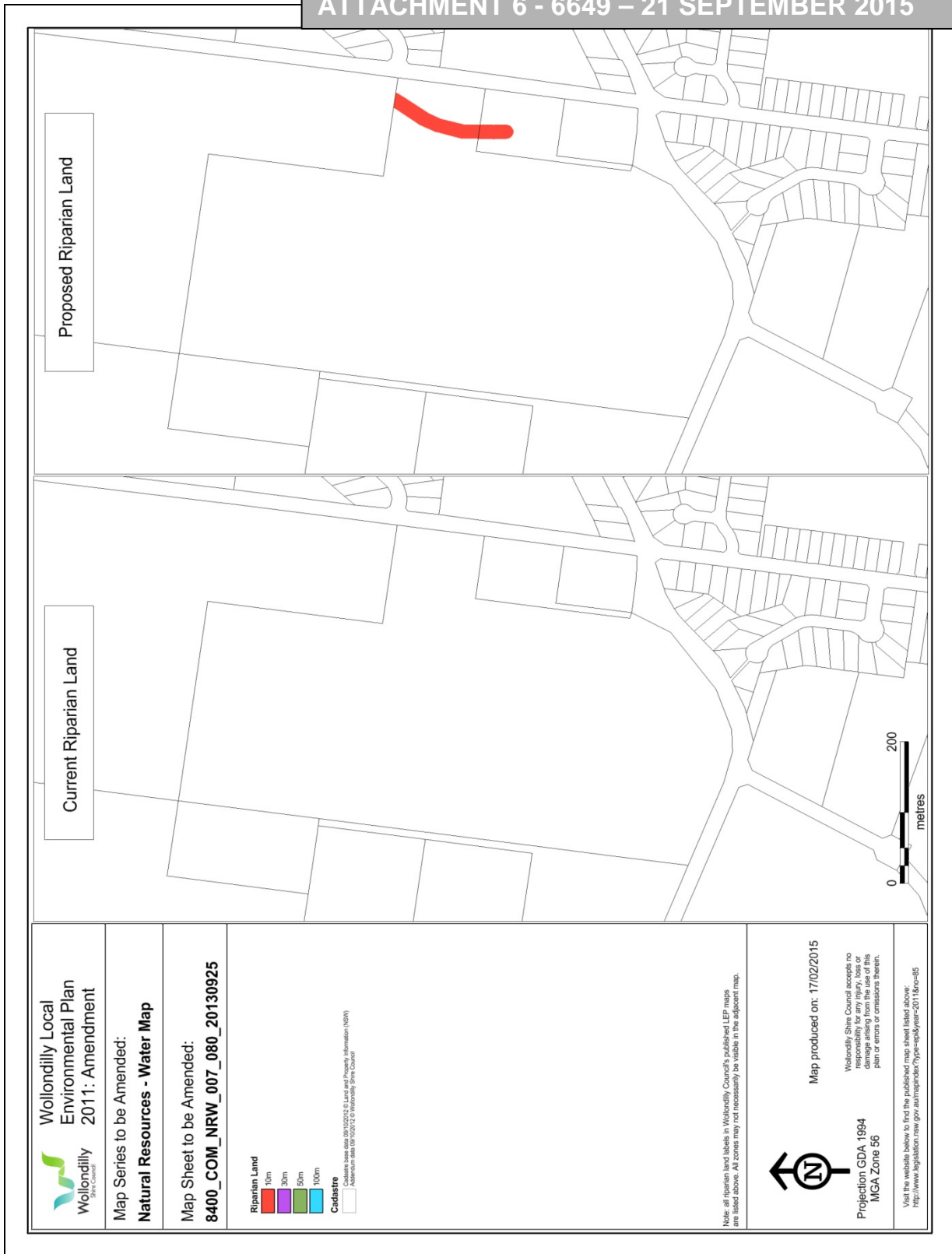
Map produced on: 03/02/2015  
 Wollondilly Shire Council accepts no responsibility for any errors or omissions arising from this or the plan or errors or omissions therein.  
 Projection GDA 1984  
 MGA Zone 56  
 Visit the website below to find the published map sheet listed above:  
<http://www.legislation.nsw.gov.au/mapindex?type=application&year=2011&loc=85>

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Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 September 2015

**PE2 – Planning Proposal – Land Adjoining Oakdale Public School**

**ATTACHMENT 6 - 6649 – 21 SEPTEMBER 2015**



<p><b>Wollondilly Local Environmental Plan 2011: Amendment</b></p>	<p>Map Series to be Amended: <b>Natural Resources - Water Map</b></p>	<p>Map Sheet to be Amended: <b>8400_COM_NRW_007_080_20130925</b></p>	<p><b>Riparian Land</b></p> <ul style="list-style-type: none"> <li>10m</li> <li>30m</li> <li>50m</li> <li>100m</li> </ul> <p><b>Contours</b></p> <ul style="list-style-type: none"> <li>1:000</li> </ul> <p><small>Note: Contour lines shown are 1:100000. © Land and Property Information (NSW). Admission data 09/10/2012 © Wollondilly Shire Council</small></p>	<p><small>Note: all riparian land labels in Wollondilly Council's published LEP maps are listed above. All zones may not necessarily be visible in the adjacent map.</small></p>	<p>Map produced on: 17/02/2015</p> <p> Wollondilly Shire Council accepts no responsibility for any injury, loss or damage arising from the use of any plan or map or omissions therefrom.</p> <p>Projection GDA 1994 MGA Zone 56</p> <p><small>Visit the website below to find the published map sheet listed above: <a href="http://www.lgis.nsw.gov.au/naturalresources/lep/ep444-2011/loc445">http://www.lgis.nsw.gov.au/naturalresources/lep/ep444-2011/loc445</a></small></p>
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Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 September 2015

**PE3 – Update on Impact of “A Plan for Growing Sydney”**

PE3

**Update on Impact of "A Plan for Growing Sydney"**  
243773

TRIM 3522-2

**EXECUTIVE SUMMARY**

- This report seeks to provide a further 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).
- Should the Greater Macarthur Investigation Area report be released prior to Council meeting then further advise will be given to Council if time permits.
- Council has written to the Department to express their disappointment in the time taken to reach an outcome on this matter and advise that all planning proposals in the Investigation area will remain on hold as per previous council resolutions in March and August 2015 pending the outcomes of the Greater Macarthur Investigation Area are made public.
- This report recommends:
  1. That all planning proposals within the Greater Macarthur Investigation Area remain on hold pending formal notification of the initial outcomes of the Greater Macarthur Investigation Area.
  2. That Council continue to work with the Department of Planning and Environment to progress the Greater Macarthur Investigation Area process.

**REPORT**

At the Ordinary Meeting of Council held on 17 August 2015, Council resolved as follows:

- 1. That Council leave all planning proposals in the Greater Macarthur Investigation Area on hold.*
- 2. That a further report be prepared to the September 2015 Ordinary Meeting outlining the status / findings of the Greater Macarthur Land Capability Study prepared by NSW Department of Planning and Environment.*
- 3. That Council write to the Department of Planning & Environment about the concern of the pressure on our community caused by their delay.*

**PE3 – Update on Impact of “A Plan for Growing Sydney”**

**1.1 A PLAN FOR GROWING SYDNEY AND DRAFT GROWTH MANAGEMENT STRATEGY**

The Greater Macarthur Urban Release Investigation Area report was due to be completed in July 2015 with public exhibition to follow. This report was to identify the land capabilities of the region and infrastructure provisions required to service the area if deemed suitable for urban development.

Recent advice from the Department indicates that this report has been completed and considered by the appropriate cabinet committee. It is now awaiting formal cabinet endorsement before being made available to the public. It is anticipated that this should occur in the next couple of weeks.

The Department will be undertaking a community engagement process following the release of the document and Council has agreed to assist with this. Council's assistance is anticipated to involve raising awareness of the report and access to it via electronic means and physical copies at key locations around the shire.

Once the Investigation Area report has been endorsed by cabinet and released for public comment a report will be prepared to a future Ordinary Meeting of Council to establish Council's position on the content of the report.

**1.2 PROGRESSION OF PLANNING PROPOSALS WITHIN THE CURRENT ADOPTED WOLLONDILLY GROWTH MANAGEMENT STRATEGY 2011**

All planning proposals within the Greater Macarthur Urban Release Investigation Area which are handled by Council have been on hold since at least March 2015. This includes six (6) planning proposals in Appin (Macquariedale Road, Brooks Point Road, Appin Bulli Road, Appin Vale, North Appin and Brooks Point) that were previously reported to Council most recently in August 2015. This decision was in response to a Council resolution at the ordinary meeting held 16 March 2015. This does not include the planning proposal at Station Street, Menangle which is being progressed by the Joint Regional Planning Panel (JRPP).

The following table summarises the various planning proposals in Appin, their scale, assessment status and whether they have been identified as locations for residential growth in the Wollondilly Growth Management Strategy 2011:

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 September 2015

**PE3 – Update on Impact of “A Plan for Growing Sydney”**

Planning Proposal	Estimated Lot Yield	Stage	Identified in the GMS 2011 for residential growth?
Macquariedale Road, Appin	280	Public exhibition completed. Further public exhibition required for voluntary planning agreement and submission of biodiversity certification application.	Yes
Brooks Point Road, Appin	228	Preliminary consultation undertaken	Yes
Appin Bulli Road	20	Gateway Determination received	Yes
Appin Vale	4000	Initial assessment not complete	No
North Appin	4000	Initial assessment not complete	No
Brooks Point	3500	Initial assessment not complete	No

Council’s options are:

1. Resolve to leave all planning proposals within the Greater Macarthur Investigation Area on hold pending formal notification of the initial outcomes of the Greater Macarthur Investigation Area.
2. Resolve to allow the assessment of those planning proposals identified in Wollondilly Growth Management Strategy 2011 as 'potential residential growth areas' to proceed. This would apply to planning proposals at Macquariedale Road, Brooks Point Road and Appin Bulli Road.

Given the impending release of the Land Capability Study into the Greater Macarthur Investigation Area, option 1 is recommended.

**CONSULTATION**

No consultation was required for this report.



Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 September 2015

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**PE3 – Update on Impact of “A Plan for Growing Sydney”**

**FINANCIAL IMPLICATIONS**

While the proposals remain on hold the associated costs to Council can be accommodated within the existing budget. The outcome of the Investigation into Greater Macarthur could have substantial financial implications for Council.

**ATTACHMENTS**

Nil.

**RECOMMENDATION**

1. That all planning proposals within the Greater Macarthur Investigation Area remain on hold pending formal notification of the initial outcomes of the Greater Macarthur Investigation Area.
2. That Council continue to work with the Department of Planning and Environment to progress the Greater Macarthur Investigation Area process.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 September 2015

**PE4 – Planning Proposal - Housekeeping Amendment to Wollondilly Local Environmental Plan 2011, Heritage Map Series Re-projection**

PE4

**Planning Proposal - Housekeeping Amendment to Wollondilly Local Environmental Plan 2011, Heritage Map Series Re-projection**

259421

TRIM 7842

**Applicant:** Wollondilly Shire Council  
**Owner:** Not Relevant

Stage	Completed
Preliminary notification	N/A
Gateway Determination	February 2014
Consultation with Public Agencies	Not Required
Specialist Studies	None required
Public exhibition/community consultation	None required
Referred to Minister for Publication	Not yet completed

**EXECUTIVE SUMMARY**

- A Planning Proposal has been prepared to make a housekeeping amendment to the Heritage Maps that form part of the Wollondilly Local Environmental Plan 2011 (WLEP 2011).
- The housekeeping amendment is required to correct errors in the existing published maps so that the map grids used for the Heritage Maps align with and correspond with the map grids used for all the other published maps which form part of the WLEP 2011.
- The timing of this correction has been aligned to minimise the impact on the progression of other planning proposals and has been chosen so that other proposals are not delayed.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirement extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended:
  1. That Council support the Planning Proposal to amend the Heritage Map series within the Wollondilly Local Environmental Plan 2011.
  2. That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 the Planning Proposal be forwarded under delegated authority to the Director-General with a request to make arrangements for the drafting of the amended Local Environmental Plan and that the Minister make the Plan in the form as detailed in the Planning Proposal.

**PE4 – Planning Proposal - Housekeeping Amendment to Wollondilly Local Environmental Plan 2011, Heritage Map Series Re-projection**

**REPORT**

**1.2 DESCRIPTION OF PROPOSAL**

The WLEP 2011 generally comprises two components, a written document and accompanying maps.

The accompanying maps include several 'map series' which define how controls within the WLEP 2011 written document apply to what land. For example, there is a Land Zoning Map series to define what land use zones apply to land.

The WLEP 2011 currently includes the following map series:

- Additional Permitted Uses Map
- Land Application Map
- Land Zoning Map
- Height of Buildings Map
- Lot Size Map
- Land Reservation Acquisition Map
- Heritage Map
- Natural Resources - Biodiversity Map
- Natural Resources - Water Map
- Original Holdings Map
- Urban Release Area Map
- Land Reclassification (Part Lots) Map.

This Planning Proposal seeks to amend the Heritage Map series. This includes 37 maps which define the location of conservation areas and heritage items across the shire.

Each map within the Heritage Map series should align and show the exact same geographical area as the map within the Land Zoning series which shares the same tile reference. So for example Heritage Map for tile 010 should show the same land area as the Land Zoning Map for tile 010. While these two maps show nearly the same area, the heritage map has been projected slightly differently and so the map is offset and does not align.

The amendments will re-project the Heritage Map series so that they have the same alignment, and show exactly the same area, as maps within other series that share the same map key. The need for amendments does not affect the application of the WLEP 2011 to heritage items and conservation areas and these locations are still protected by the existing heritage provisions.

**PE4 – Planning Proposal - Housekeeping Amendment to Wollondilly Local Environmental Plan 2011, Heritage Map Series Re-projection**

By ensuring that the map tiles for the Heritage Maps share the same alignment as other WLEP 2011 maps, there will be consistency in the appearance of map tiles which share the same tile reference and it will also assist users interpreting planning controls in Wollondilly. The nature of these changes are administrative only.

**1.3 Statutory Process so far for Planning Proposal**

In December 2013, a Planning Proposal detailing the requirement amendments to the Heritage Map series of the WLEP 2011 was forwarded to the Minister for Planning and Environment for a Gateway Determination. A Gateway Determination was subsequently issued on 24 February 2014.

The Gateway Determination sets out how the planning proposal should proceed and indicates that:

- The need for community consultation has been waived
- Consultation with public agencies is not required
- Council has been granted delegation to exercise the Minister's plan making powers and finalise the amendments.

All that is required to finalise the planning proposal is prepare the final maps in accordance with the Standard technical requirements for LEP maps and forward these to the Parliamentary Counsel's Office and request a draft instrument be prepared under section 59(1) of the Environmental Planning and Assessment Act 1979.

The finalisation of this proposal has been timed so that it has minimal impact on the finalisation of other planning proposals.

**CONSULTATION**

**2.1 CONSULTATION WITH COUNCIL MANAGERS & STAFF**

No comments have been sought from Council staff at this time except for Council's mapping (GIS) team.

Given the Planning proposal relates to an administrative correction only there is not considered to be a need to consult more broadly.

**2.2 CONSULTATION WITH PUBLIC AGENCIES**

Given the Planning Proposal relates to an administrative correction only there is not considered to be a need to consult with public agencies.

**2.3 COMMUNITY CONSULTATION**

The Planning Proposal relates to an administrative correction and will in no way change the location or status of existing conservation areas or heritage items. Subsequently, it is not considered necessary to undertake community consultation.

**PE4 – Planning Proposal - Housekeeping Amendment to Wollondilly  
Local Environmental Plan 2011, Heritage Map Series Re-projection**

**2.4 FINAL FORM OF PLANNING PROPOSAL**

**2.4.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)**

The Planning Proposal seeks amendments to the WLEP 2011 by amending the Heritage Map series as described below:

- Amend the following Wollondilly LEP 2011 Heritage Map sheets so that they align with other map series which share the same sheet reference:

Heritage Map - Sheet HER\_004A  
Heritage Map - Sheet HER\_005  
Heritage Map - Sheet HER\_006  
Heritage Map - Sheet HER\_006A  
Heritage Map - Sheet HER\_006B  
Heritage Map - Sheet HER\_007B  
Heritage Map - Sheet HER\_007C  
Heritage Map - Sheet HER\_007D  
Heritage Map - Sheet HER\_007E  
Heritage Map - Sheet HER\_007F  
Heritage Map - Sheet HER\_007G  
Heritage Map - Sheet HER\_007H  
Heritage Map - Sheet HER\_007I  
Heritage Map - Sheet HER\_007J  
Heritage Map - Sheet HER\_007K  
Heritage Map - Sheet HER\_008A  
Heritage Map - Sheet HER\_008B  
Heritage Map - Sheet HER\_008C  
Heritage Map - Sheet HER\_008D  
Heritage Map - Sheet HER\_008E  
Heritage Map - Sheet HER\_008F  
Heritage Map - Sheet HER\_008G  
Heritage Map - Sheet HER\_008H  
Heritage Map - Sheet HER\_008I  
Heritage Map - Sheet HER\_009B  
Heritage Map - Sheet HER\_010  
Heritage Map - Sheet HER\_010A  
Heritage Map - Sheet HER\_010B  
Heritage Map - Sheet HER\_011  
Heritage Map - Sheet HER\_011A  
Heritage Map - Sheet HER\_011B  
Heritage Map - Sheet HER\_011C  
Heritage Map - Sheet HER\_011D  
Heritage Map - Sheet HER\_011E  
Heritage Map - Sheet HER\_011F  
Heritage Map - Sheet HER\_011H  
Heritage Map - Sheet HER\_012

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Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 September 2015

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**PE4 – Planning Proposal - Housekeeping Amendment to Wollondilly Local Environmental Plan 2011, Heritage Map Series Re-projection**

**2.5 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2011 (WDCP, 2011)**

No amendments are proposed to WDCP 2011.

**FINANCIAL IMPLICATIONS**

This Planning Proposal is not anticipated to have any implications on Council's budget or forward estimates.

**ATTACHMENTS**

Nil.

**RECOMMENDATION**

1. That Council support the Planning Proposal to amend the Heritage Map series within the Wollondilly Local Environmental Plan 2011.
2. That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 the Planning Proposal be forwarded under delegated authority to the Director-General with a request to make arrangements for the drafting of the amended Local Environmental Plan and that the Minister make the Plan in the form as detailed in the Planning Proposal.

# Governance

Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

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**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.

**Governance**



Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

**GO1 – Notice of Motion Status Report – September 2015**

**GOVERNANCE**

**GO1 Notice of Motion Status Report – September 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 Status Report to be provided to Councillors under separate cover.

**RECOMMENDATION**

That Council note the September Notice of Motion Status Report.

**GO2 – Investment of Funds as at 31 July 2015**

GO2

**Investment of Funds as at 31 July 2015**

112

TRIM 1022-3

**EXECUTIVE SUMMARY**

- This report provides details of Council's invested funds as at 30 July 2015.
- It is recommended that the information and certification in relation to the investment of Council funds as at 31 July 2015 be noted.

**REPORT**

At its last meeting, the Reserve Bank left the cash rate at 2.00%. In relation to the domestic market, the Board of the Reserve Bank commented that:

*"In Australia, the available information suggests that the economy has continued to grow. While the rate of growth has been somewhat below longer-term averages, it has been associated with somewhat stronger growth of employment and a steady rate of unemployment over the past year. Overall, the economy is likely to be operating with a degree of spare capacity for some time yet. Recent information confirms that domestic inflationary pressures have been contained. That should remain the case for some time, given the very slow growth in labour costs. Inflation is thus forecast to remain consistent with the target over the next one to two years, even with a lower exchange rate.*

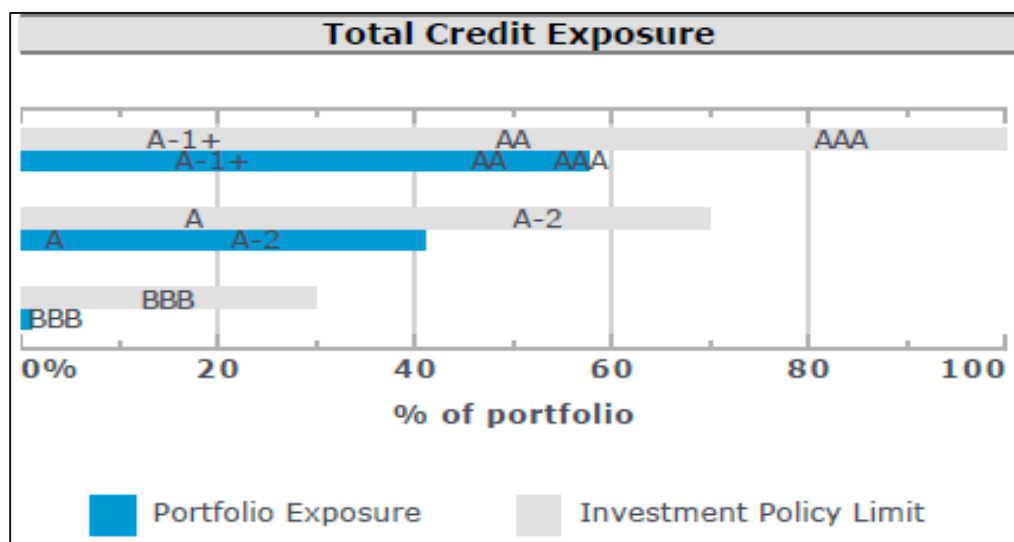
*In such circumstances, monetary policy needs to be accommodative. Low interest rates are acting to support borrowing and spending. Credit is recording moderate growth overall, with growth in lending to the housing market broadly steady over recent months. Dwelling prices continue to rise strongly in 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 been supported by lower long-term interest rates. The Australian dollar is adjusting to the significant declines in key commodity prices."*

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 July 2015 is within Council's investment policy limits.

Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

**GO2 – Investment of Funds as at 31 July 2015**



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

Parent Group	% used vs Investment Policy Limit
National Australia Bank	82% ✓
Bank of Queensland	79% ✓
Bendigo and Adelaide Bank	45% ✓
Members Equity Bank	42% ✓
Credit Union Australia	23% ✓
Macquarie Group	23% ✓
Commonwealth Bank of Australia	19% ✓
Westpac Group	18% ✓
ANZ Group	6% ✓
Emerald Reverse Mortgage (B Tranche)	6% ✓
Emerald Reverse Mortgage (A Tranche)	4% ✓

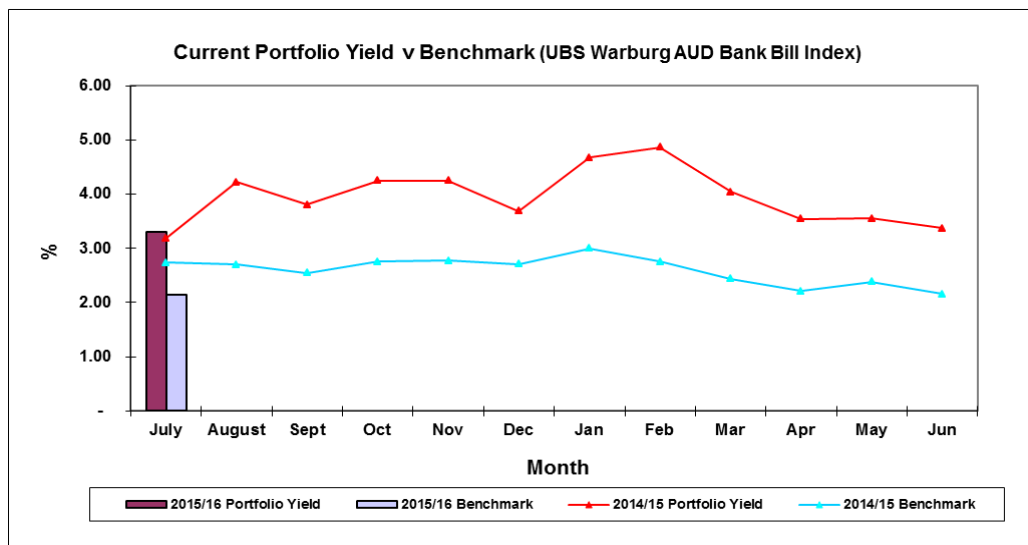
Governance

**GO2 – Investment of Funds as at 31 July 2015**

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 2014/15 and 2015/16.



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 July 2015, Council’s portfolio yielded 3.31% and returned 3.41% pa for the month, compared to the benchmark’s 2.14% 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 July 2015 are provided in attachment 1.

Governance

**GO2 – Investment of Funds as at 31 July 2015**

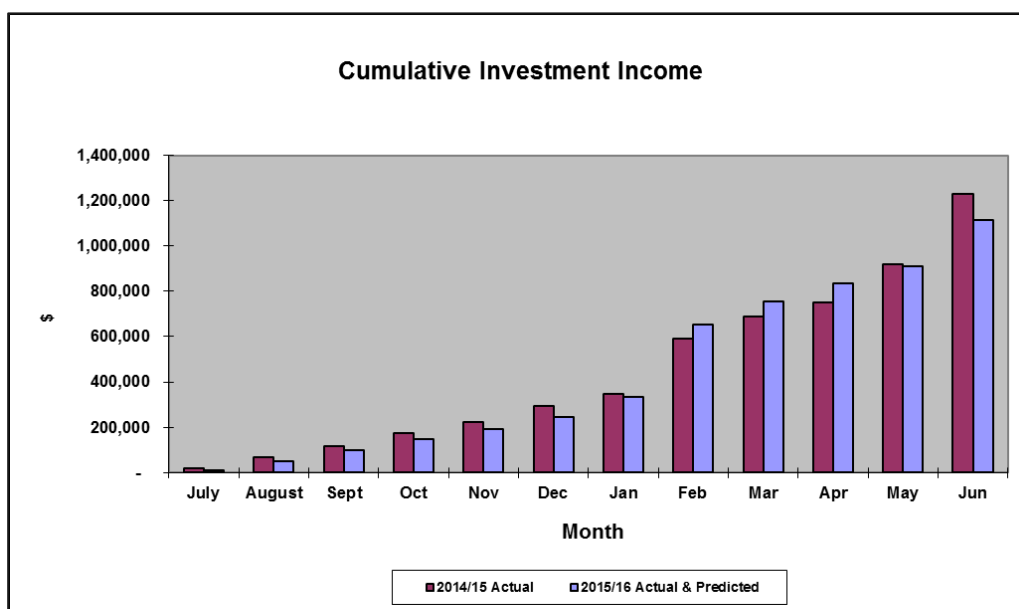
**CONSULTATION**

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 actual and predicted interest for 2015/16 with the prior year’s interest income.



Council’s investment income for 2015/16 is expected to be less than the income received for 2014/15 as interest rates on investments have remained low. Also, 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

Governance

Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

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**GO2 – Investment of Funds as at 31 July 2015**

**ATTACHMENTS**

1. Investments as at 31 July 2015 including reconciliation of invested funds.

**RECOMMENDATION**

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

WOLLONDILLY SHIRE COUNCIL

Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

**GO2 – Investment of Funds as at 31 July 2015**

**ATTACHMENT 1 – 1022-3 – 21 SEPTEMBER 2015**

INVESTMENTS AS AT 31 July 2015							
Reporting Period:		1-Jul-15	to	31-Jul-15			
Investment Institution	Rating	Face Value 31-Jul-15	Value at 31-Jul-15	% Holding	Interest/ Capital Growth %p.a.	received	Maturity
<b>CASH &amp; CASH PLUS FUNDS</b>							
<b>National Australia Bank</b>							
<i>General Account Balance (for information only. Not included in Total Cash Plus Investments)</i>			443,579				
<b>11AM At call</b>	A-1+	1,375,000	1,375,000	3.09%	2.05		At Call
<b>Term Deposits</b>							
National Australia Bank (Matured)	A-1+					782	09-Jul-15
Bank of Queensland (Matured)	A-2					1,438	16-Jul-15
National Australia Bank	A-1+	1,000,000	1,035,466	2.33%	3.65	3,100	18-Aug-15
National Australia Bank	A-1+	1,000,000	1,034,949	2.32%	3.65	3,100	27-Aug-15
National Australia Bank	A-1+	2,000,000	2,068,916	4.65%	3.65	6,200	01-Sep-15
ME Bank	A-2	1,000,000	1,032,059	2.32%	3.55	3,015	17-Sep-15
National Australia Bank	A-1+	1,000,000	1,026,637	2.31%	3.55	3,015	19-Sep-15
ME Bank	A-2	1,250,000	1,288,952	2.90%	3.60	3,822	07-Oct-15
National Australia Bank	A-1+	1,000,000	1,030,477	2.31%	3.55	3,015	21-Oct-15
National Australia Bank	A-1+	500,000	504,256	1.13%	3.55	1,253	11-Nov-15
National Australia Bank	A-1+	1,000,000	1,027,466	2.31%	3.55	3,015	09-Dec-15
National Australia Bank	A-1+	1,000,000	1,026,945	2.31%	3.55	3,015	17-Dec-15
Bank of Queensland	A-2	1,000,000	1,006,879	2.26%	3.00	2,548	07-Jan-16
Rural Bank	A-2	1,000,000	1,024,429	2.30%	3.60	3,058	13-Jan-16
Bank of Queensland	A-2	1,000,000	1,006,476	2.26%	3.00	2,548	20-Jan-16
Bank of Queensland	A-2	3,000,000	3,082,008	6.92%	4.05	10,319	03-Feb-16
National Australia Bank	A-1+	1,000,000	1,020,210	2.29%	3.20	2,718	03-Feb-16
ME Bank	A-2	1,000,000	1,017,541	2.29%	3.20	2,718	18-Feb-16
National Australia Bank	A-1+	500,000	509,121	1.14%	3.15	1,338	25-Feb-16
Rural Bank	A-2	1,000,000	1,014,367	2.28%	3.00	2,548	01-Mar-16
Credit Union Australia (CUA) (Matured)	BBB+	2,000,000	2,029,558	4.56%	3.10	5,266	08-Mar-16
National Australia Bank	A-1+	2,000,000	2,019,753	4.54%	2.93	4,977	27-Apr-16
Westpac Banking Corporation- Local Govt	AA-	1,000,000	1,026,767	2.31%	4.55	3,864	16-May-16
Westpac Banking Corporation- Local Govt	AA-	1,000,000	1,026,699	2.31%	4.55	3,864	17-May-16
Bank of Queensland	A-2	1,000,000	1,004,729	2.26%	2.90	2,463	01-Jun-16
National Australia Bank	A-1+	1,000,000	1,008,767	2.27%	2.95	2,505	15-Jun-16
Bank of Queensland	A-2	1,000,000	1,002,039	2.25%	2.90	2,384	04-Jul-16
National Australia Bank	A-1+	1,000,000	1,007,557	2.26%	2.97	1,872	06-Jul-16
Bendigo & Adelaide Bank	A-2	1,000,000	1,000,813	2.25%	2.90	1,271	13-Jul-16
<b>TOTAL CASH PLUS INVESTMENTS</b>		<b>32,625,000</b>	<b>33,258,834</b>	<b>74.71%</b>		<b>91,031</b>	
Investment Institution	Rating	Face Value 31-Jul-15	Value at 31-Jul-15	% Holding	Interest		Maturity
					%p.a.	accrued	
<b>INVESTMENT SECURITIES</b>							
			(1)				
<b>Corporate Bond</b>							
National Australia Bank	AA-	1,000,000	1,079,653	2.43%	6.00	5,110	15-Feb-17
<b>Zero Coupon Bond</b>							
Commonwealth Bank of Australia	AA-	2,000,000	1,834,660	4.12%	7.17	0	22-Jan-18
<b>Floating Rate Notes</b>							
Members Equity Bank Pty Ltd	BBB+	500,000	506,179	1.14%	3.40	1,442	28-Nov-16
Westpac Banking Corporation	AA-	500,000	513,532	1.15%	3.79	1,608	20-Feb-17
Macquarie Bank	A	1,000,000	1,007,313	2.26%	5.04	4,283	09-Mar-17
Bendigo Bank Senior FRN	A-	1,000,000	1,005,353	2.26%	3.09	2,620	17-Sep-19
ANZ Snr FRN	AA-	1,000,000	1,009,917	2.27%	2.99	2,539	11-Nov-19
Westpac Banking Corporation	AA-	1,000,000	1,005,832	2.26%	3.15	2,641	22-Jan-20
Macquarie Bank	A	1,000,000	1,006,948	2.26%	3.25	2,757	03-Mar-20
CBA Snr FRN	AA-	1,000,000	1,004,951	2.26%	3.05	1,251	17-Jul-20
<b>Mortgage Backed Securities</b>							
Emerald Reverse Mortgage Series 2007-1 Class B	AA	1,000,000	641,312	1.44%	2.79	2,338	21-Jul-27
Emerald Reverse Mortgage Series 2006-1 Class A	AAA	737,518	641,706	1.44%	2.58	1,616	22-Aug-22
<b>Total-Other Investments</b>		<b>11,737,518</b>	<b>11,257,357</b>	<b>25.29%</b>		<b>28,207</b>	
<b>Current Portfolio Yield</b>						<b>3.31</b>	
<b>TOTAL CASH &amp; INVESTMENT SECURITIES</b>		<b>\$44,362,518</b>	<b>\$44,516,191</b>	<b>100%</b>		<b>\$119,238</b>	
<b>Benchmark ( 90 day UBSA Bank Bill Index)</b>						<b>2.14</b>	
Maximum Permitted Institution Holding = 45%							

Governance

Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

**GO2 – Investment of Funds as at 31 July 2015**

**ATTACHMENT 1 – 1022-3 – 21 SEPTEMBER 2015**

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

	Face Value (\$)	Current Value (\$)	Current Yield (%)
Bonds	3,000,000.00	2,914,312.64	6.7795
Cash	1,375,000.00	1,375,000.00	2.0500
Floating Rate Note	7,000,000.00	7,060,025.96	3.4338
Mortgage Backed Securities	1,737,517.95	1,283,018.68	2.6462
Term Deposit	31,250,000.00	31,883,833.91	3.4186
	<b>44,362,517.95</b>	<b>44,516,191.19</b>	<b>3.5756</b>

Governance



Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

**GO3 – Election of Mayor and Deputy Mayor**

**GO3**

**Election of Mayor and Deputy Mayor**

234777

TRIM 3065

**EXECUTIVE SUMMARY**

- The Mayor and Deputy Mayor of Wollondilly Shire Council are required to be determined by the elected members in accordance with the Local Government (General) Regulations 2005 and Local Government Act 1993 for a period of one year.
- It is recommended:
  1. That the election of the Mayor and Deputy Mayor be conducted at this meeting.
  2. That the results of the Mayor and Deputy Mayor election be delivered or sent to the Director-General and to the Secretary of Local Government NSW.

**REPORT**

Council is required to elect a Mayor and Deputy Mayor for the period September 2015 to September 2016. The Mayor is to be elected by the Councillors from amongst their numbers in accordance with section 282(2) of the Act.

The legislative requirements and due process contained within the Local Government Act 1993 (the Act) and Schedule 7 of the Local Government (General) Regulation 2005 provide the rules for the election.

Schedule 7 of the Local Government (General) Regulation 2005 outlines the process for the election including the nomination of candidates, election of Councillors and method of voting amongst other procedural requirements. A copy of Schedule 7 forms attachment 1 to this report.

The General Manager has advised that in accordance with the Local Government (General) Regulation 2005 he will be the Returning Officer for these Elections. The process for electing the Mayor is managed by the Returning Officer and the Mayoral Chair is vacated prior to the Mayoral Election. The Mayoral Election is the first item of business following debate on any Mayoral Minutes for the meeting.

Councillors have been provided with nomination forms for these positions.

Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

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**GO3 – Election of Mayor and Deputy Mayor**

**FINANCIAL IMPLICATIONS**

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

**ATTACHMENTS**

1. Schedule 7, Local Government (General) Regulation 2005.

**RECOMMENDATION**

1. That the election of the Mayor and Deputy Mayor be conducted at this meeting.
2. That the results of the Mayor and Deputy Mayor election be delivered or sent to the Director-General and to the Secretary of Local Government NSW.

**GO3 – Election of Mayor and Deputy Mayor**

**ATTACHMENT 1 - 3065 – 21 SEPTEMBER 2015**

Local Government (General) Regulation 2005 [NSW]  
Schedule 7 Election of mayor by councillors

**Schedule 7 Election of mayor by councillors**

(Clause 394)

**Part 1 Preliminary**

**1 Returning officer**

The general manager (or a person appointed by the general manager) is the returning officer.

**2 Nomination**

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

**3 Election**

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause:  
*ballot* has its normal meaning of secret ballot.  
*open voting* means voting by a show of hands or similar means.

**Part 2 Ordinary ballot or open voting**

**4 Application of Part**

This Part applies if the election proceeds by ordinary ballot or by open voting.

**5 Marking of ballot-papers**

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

**6 Count—2 candidates**

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

**GO3 – Election of Mayor and Deputy Mayor**

**ATTACHMENT 1 - 3065 – 21 SEPTEMBER 2015**

Local Government (General) Regulation 2005 [NSW]  
Schedule 7 Election of mayor by councillors

**7 Count—3 or more candidates**

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

**Part 3 Preferential ballot**

**8 Application of Part**

This Part applies if the election proceeds by preferential ballot.

**9 Ballot-papers and voting**

- (1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

**10 Count**

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
- (4) In this clause, *absolute majority*, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

**11 Tied candidates**

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

**GO3 – Election of Mayor and Deputy Mayor**

**ATTACHMENT 1 - 3065 – 21 SEPTEMBER 2015**

Local Government (General) Regulation 2005 [NSW]  
Schedule 7 Election of mayor by councillors

- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes — the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

**Part 4 General**

**12 Choosing by lot**

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

**13 Result**

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- (a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and
- (b) to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Association of New South Wales.

Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

**GO4 – Committee and Advisory Group Membership**

**GO4**

**Committee and Advisory Group Membership**

234777

TRIM 534-2

**EXECUTIVE SUMMARY**

- The appointment of Councillor delegates for both Council and External Committees and Advisory Groups is required in line with the Mayoral Elections.
- It is recommended that Committee and Advisory Group Councillor delegates be determined and the Committees and Advisory Groups be notified of the outcome.

**REPORT**

Nominations for Councillor representation on Council convened and various external Committees and Advisory Groups are called for each year following the Mayoral elections. These nominations are endorsed by resolution of Council.

Under Council's advised arrangements the attached Committees are required to report back to Council.

Council resolved on 16 September 2013 that Councillor attendance at non-legislated Committees and Advisory Groups is optional, with exception to the Australia Day Committee which requires a continued allocation of Councillor representatives as part of the selection panel for the Australia Day Awards.

It is considered that optional Councillor attendance provides greater flexibility allowing Councillors with varied interest areas to attend a number of committees throughout their term of office, thus giving them the opportunity to broaden their understanding of community matters and connect with different community members.

The current Committee/Advisory Group membership list including Councillor representation is included as attachment one (1) to this report.

**CONSULTATION**

Nil.

**FINANCIAL IMPLICATIONS**

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

Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

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**GO4 – Committee and Advisory Group Membership**

**ATTACHMENTS**

1. Councils Committee and Advisory Group membership list 2014 - 2015.

**RECOMMENDATION**

That Committee and Advisory Group Councillor delegates be determined and the Committees and Advisory Groups be notified of the outcome.

Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

**GO4 – Committee and Advisory Group Membership**

**ATTACHMENT 1 – 534-2 – 21 SEPTEMBER 2015**

**Committee/Advisory Group  
Membership List – 2014-2015**

<b>COMMITTEES OF COUNCIL</b>	<b>MEMBERS AND DELEGATES</b>	<b>RESPONSIBLE COUNCIL OFFICER</b>	<b>WHEN HELD AND VENUE</b>
<b>ORDINARY COUNCIL MEETING</b>	Mayor Deputy Mayor Full Council	Manager Governance	Meetings held at 6.30pm, 3rd Monday of each month in the Council Chambers.
<b>COMMUNITY FORUM</b>	Mayor Deputy Mayor Full Council	Manager Governance	Meetings held at 6.30pm, 2nd Monday of each month in the Council Foyer - Administration Building. Community Safety on the Agenda quarterly – February, May, August and November.
<b>AUDIT COMMITTEE</b>	Mayor Cr Gibbs	Manager Governance	Meetings held in office hours at the Council Chambers.
<b>AUSTRALIA DAY COMMITTEE</b>	Mayor Cr Hannan Cr Landow	Manager Community Outcomes	Meetings held at 6.00pm in the Council Boardroom as required.
<b>COMMUNITY LEISURE CENTRE USERS ADVISORY GROUP</b>	Cr Mitchell Cr Amato	Manager Infrastructure Planning	Meetings held at 6.00pm, March & September in the Council Chambers.
<b>COMPANION ANIMALS REFERENCE COMMITTEE</b>	All Crs welcome to attend	Manager Compliance	Meetings held at 7.00pm, 2nd Tuesday of February, April, June, August, October & December in the Council Boardroom.
<b>DISABILITY ACCESS ADVISORY COMMITTEE (DAAC)</b>	All Crs welcome to attend	Manager Community Outcomes	Meetings held at 2.00pm, 2nd Wednesday of February, May, August and November in the Council Chambers.
<b>ECONOMIC DEVELOPMENT ADVISORY COMMITTEE</b>	All Crs welcome to attend	Manager Economic Development & Tourism	Meetings held at 3.30pm, 4th Wednesday of February, May, August and November in the Council Boardroom.
<b>ENVIRONMENT AND HERITAGE COMMITTEE</b>	All Crs welcome to attend	Manager Environmental Services and Manager Planning	Quarterly.

**Governance**



Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

**GO4 – Committee and Advisory Group Membership**

**ATTACHMENT 1 – 534-2 – 21 SEPTEMBER 2015**

**Committee/Advisory Group  
Membership List – 2014-2015**

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

**Governance**

Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

**GO4 – Committee and Advisory Group Membership**

**ATTACHMENT 1 – 534-2 – 21 SEPTEMBER 2015**

**Committee/Advisory Group  
Membership List – 2014-2015**

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

**Governance**

Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

**GO4 – Committee and Advisory Group Membership**

**ATTACHMENT 1 – 534-2 – 21 SEPTEMBER 2015**

**Committee/Advisory Group  
Membership List – 2014-2015**

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

**Governance**

Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

**GO4 – Committee and Advisory Group Membership**

**ATTACHMENT 1 – 534-2 – 21 SEPTEMBER 2015**

**Committee/Advisory Group  
Membership List – 2014-2015**

<b>EXTERNAL COUNCIL COMMITTEES</b>	<b>MEMBERS AND DELEGATES</b>	<b>RESPONSIBLE COUNCIL OFFICER</b>	<b>WHEN HELD AND VENUE</b>
<b>SOUTHERN TABLELANDS REGIONAL ARTS ADVISORY GROUP</b>	Cr M Banasik	Manager Community Outcomes	Meetings held quarterly at Goulburn Council offices.
<b>SOUTH WEST SYDNEY ACADEMY OF SPORT ADVISORY GROUP</b>	Cr Hannan	Manager Infrastructure Planning	Board Meetings held quarterly in Wollondilly, Campbelltown, Camden & Liverpool. Finance Meetings - Bi-monthly UWS.
<b>SOUTH WEST REGIONAL WEEDS COMMITTEE</b>	Cr Law	Manager Environmental Services	Meetings held at 9.00am, 1st Wednesday of March, June, September and December. Various locations South West Sydney.
<b>SYDNEY PERI URBAN NETWORK</b>	No Councillor Member	Executive Director Community Services and Corporate Support	Meetings held as required at various locations.
<b>SYDNEY CATCHMENT AUTHORITY LOCAL GOVERNMENT REFERENCE PANEL</b>	Mayor	Manager Environmental Services	Meetings held at 12.00pm, 1st Monday quarterly.
<b>TAHMOOR COLLIERY COMMUNITY CONSULTATIVE COMMITTEE</b>	Cr Mitchell Staff representative	Manager Environmental Services	Meets quarterly as required at Tahmoor Colliery.
<b>WOLLONDILLY DISTRICT LIAISON COMMITTEE (SLA WITH RFS)</b>	Mayor	Manager Works	Quarterly.
<b>YERRANDERIE MANAGEMENT COMMITTEE</b>	Cr Law	Manager Environmental Services	Meetings held at 6.30pm, 1st Thursday March, June, September and December at The Heritage Centre, The Oaks. 1st Saturday of alternate months - all day Yerranderie.

Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

**GO5 – Committees/Advisory Groups of Council – Achievements, Outcomes and Future Focus – Annual Report**

**GO5**      **Committees/Advisory Groups of Council – Achievements, Outcomes and Future Focus – Annual Report**  
238      TRIM 7632-2

**EXECUTIVE SUMMARY**

- This is the annual report of Council's committees/advisory groups as required under the terms of reference of each.
- The report outlines the achievements of nine committees/advisory groups over the last 12 months and their proposed strategies for the next 12 months.
- It is recommended that Council note the contribution and achievements of each of the Committees/Advisory Groups for the past twelve months and supports the future direction of each Committee/Advisory Group.

**REPORT**

**BACKGROUND**

The role of Council's committees/advisory groups is to:

- Facilitate links and partnerships between Council and community
- Provide opportunity for community voice and input
- Give a grass roots perspective on local issues
- Provide timely advice in relation to community issues
- Assist in implementing Council's Community Strategic Plan.

A review of Council's committees/advisory groups was completed mid 2013 with Council adopting the new model at the ordinary council meeting on 16 September 2013. The purpose of the review was to:

- Give the committees/advisory groups focus by aligning them with the Wollondilly Community Strategic plan
- Provide clear and consistent terms of reference, operating and reporting structures.

This report covers the following nine committees/advisory groups of Council that were the subject of the 2013 review:

- Disability Access Advisory Committee
- Rural Industry Liaison Committee
- Economic Development Advisory Group
- Youth Advisory Committee
- Companion Animals Reference Committee
- Minerals and Energy Resources Committee
- Transport Advisory Committee

**GO5 – Committees/Advisory Groups of Council – Achievements, Outcomes and Future Focus – Annual Report**

- Environment and Heritage Committee
- Road Safety Group.

This report does not deal with other Council committees as listed below. These committees either have separate reporting frameworks and procedures or are not required to prepare an annual report to Council because of their specific nature.

- Local Emergency Management Committee
- Local Traffic Committee
- Audit Committee
- Picton Flood Plain Risk Management Committee
- Australia Day Committee
- Community Leisure Centre Users Advisory Group.

**RELEVANCE TO COMMUNITY STRATEGIC PLAN 2033**

The following tables show the achievements of the committees/advisory groups over the last 12 months and their proposed actions for the next 12 months in relation to Wollondilly Community Strategic Plan 2033.

<b>DISABILITY ACCESS ADVISORY COMMITTEE</b>	
<b>Achievements in past 12 months</b>	<b>Relevant CSP Strategies</b>
International Day of People with Disability was celebrated at Tea's and Greens, Bingara Gorge with two outstanding guest speakers - Laura O'Reilly and Rebecca Ho. The breakfast was attended by workers in the sector to promote inclusiveness in Wollondilly.	<i>Strategy CO1 – Community Building, Well-being and Identity</i>
Council's involvement in the Macarthur Access Group for Inclusive Communities led to Wollondilly having the first business represented as a business of "MAGIC" in the Macarthur Region (Tea's and Greens), the Disability Access Advisory Committee are represented by Emma-Jayne Gardiner and Eric Third at this working group.	<i>Strategy CO2 – Working with Others</i>
<b>Proposals for next 12 months</b>	<b>Relevant CSP Strategies</b>
Assist in research and preparation of a Disability Inclusion Plan.	<i>Strategy CO3 – Social Planning</i>
Organise International Day of People with Disability.	<i>Strategy CO1 – Community Building, Well-being and Identity</i>

**Governance**

**GO5 – Committees/Advisory Groups of Council – Achievements, Outcomes and Future Focus – Annual Report**

<p>Continue to support and be involved in Macarthur Access Group for Inclusive Communities to encourage businesses to be inclusive and accessible for all.</p>	<p><i>Strategy CO2 – Working with Others</i></p>
<p>Comments:</p> <p>Over the past 12 months the DAAC has met on three occasions. One meeting was well attended, while the other two meetings had only two attendees. Because of this, in the coming year the DAAC will attempt to recruit new active members from the community to ensure that the DAAC remains active and involved.</p> <p>There were no major development proposals considered by the Disability Access Advisory Committee in the reporting period.</p> <p>DAAC are considering a rename to "Wollondilly Access and Inclusion Committee". Renaming the Committee will assist in promoting positive community attitudes and behaviours through broader inclusion and access in creating liveable communities, which responds to the Disability Inclusion Act 2014.</p>	

<b>RURAL INDUSTRY LIAISON COMMITTEE</b>	
<b>Achievements in past 12 months</b>	<b>Relevant CSP Strategies</b>
<p>Feedback on Planning Proposals and Development Applications which are likely to impact (positively or negatively) on agricultural production.</p>	<p><i>Strategy EC4 – Managing Development and Land Use</i></p>
<p>Facilitate communication between industry and various levels of government.</p>	<p><i>Strategy GO4 – Advocacy</i></p>
<p>Create and support opportunities and initiatives that will enhance agricultural production.</p>	<p><i>Strategy EC1 – Economic Development</i> <i>Strategy EC2 – Planning for and Supporting Business</i></p>
<b>Proposals for next 12 months</b>	<b>Relevant CSP Strategies</b>
<p>Implementation of the Draft Rural Action Plan.</p>	<p><i>Strategy EC1 – Economic Development</i> <i>Strategy EC2 – Planning for and Supporting Business</i> <i>Strategy EC3 – Manage Growth</i> <i>Strategy EC4 – Managing Development and Land Use</i> <i>Strategy EC5 – Protect Natural Resources</i> <i>Strategy GO4 – Advocacy</i></p>

Governance

Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

**GO5 – Committees/Advisory Groups of Council – Achievements, Outcomes and Future Focus – Annual Report**

Comments:

Over the past 12 months the Rural Industry Liaison Committee has met on four occasions. All meetings have been well attended.

In June 2015 Council’s Manager Economic Development & Tourism became the Convenor of the Rural Industry Liaison Committee.

This Committee has met its charter by working together to provide a positive communication channel in which Council has heard the concerns of the industry and taken positive steps to address them.

<b>ECONOMIC DEVELOPMENT ADVISORY GROUP</b>	
<b>Achievements in past 12 months</b>	<b>Relevant CSP Strategies</b>
<p>Wollondilly Integrated Primary and Community Care Alliance</p> <p>Economic Development represented Council on the initial development team for the Wollondilly Health Alliance which is partnered by Council, Medicare Local and SWS Health District. Planning for this program came from Tourism &amp; Economic Development funding. (\$20,000 provided by each partner).</p> <p>This funding was provided for consultants to undertake an area wide health audit which now serves to deliver further projects to address issues raised through the audit.</p>	<p><i>Strategy CO2 Working with Others</i> <i>Strategy EC2 Planning for and Supporting Business</i></p>
<p>UWS Medical Scholarships</p> <p>The Economic Development Team again sponsored two Medical Awards through UWS.</p>	<p><i>Strategy CO2 Working with Others</i> <i>Strategy EC2 Planning for and Supporting Business</i></p>
<p>Warragamba Economic Development Activity</p> <p>A student was engaged through the UWS to undertake research in to the Economic downturn in Warragamba.</p> <p>This project is partnered with SCA with partners agreeing to provide UWS with \$10,000 each to cover the costs of the project.</p> <p>The initial Literature Review Document was received on the 22 September 2014 with the final Thesis document being received on the 1 June.</p> <p>This Thesis will form the basis of the Revitalisation of Warragamba Project with the final Recommendations report being produced by UWS.</p>	<p><i>Strategy EC2 : Planning and Supporting Business</i></p>

**Governance**



**GO5 – Committees/Advisory Groups of Council – Achievements, Outcomes and Future Focus – Annual Report**

<p>Procurement Training for Local Businesses</p> <p>As part of the Recommendations Paper from the Wollondilly Jobs Forum which was held on 9 May 2014, the Economic Development Team facilitated Local Government and Procurement Training on Thursday 2 October 2014 for local businesses.</p> <p>This training was provided for Wollondilly based businesses that are keen to grow their business and interested in securing contracts with Councils across Macarthur (Wollondilly, Campbelltown and Camden) and wider NSW. This was a partnership between Council and Local Government Procurement.</p> <p>The Training was very successful and well received by attendees.</p>	<p><i>Strategy EC2 : Planning and Supporting Business</i></p>
<p>RV Sites</p> <p>Two RV Dump Points in Warragamba and Appin were completed in addition to the RV Dump Point already at Appin.</p> <p>This project was initially brought to EDAG by WTAI.</p>	<p><i>Strategy EC2 Planning for and Supporting Business</i> <i>Strategy IN3 Provision of Facilities</i></p>
<p>Old Hume Highway 31 Formation</p> <p>A meeting was held in Yass on 16 July 2014 in relation to resurrecting Old Hume Highway 31 along similar lines to Route 66 in the USA.</p> <p>Diane Gardiner from Council's Economic Development Team has been appointed to the Board and is a Member of the Steering Committee for the 'Old Hume Highway 31' project, representing the Macarthur region.</p> <p>Frank Burke the Convenor of 'Old Hume Highway 31' presented at the November 2014 EDAG meeting, where it was agreed that the project would have benefits for the Shire.</p>	<p><i>Strategy EC2 Planning for and Supporting Business</i></p>

**GO5 – Committees/Advisory Groups of Council – Achievements, Outcomes and Future Focus – Annual Report**

<p>illuminARTe &amp; Music Festival</p> <p>Economic Development worked with the Picton Chamber of Commerce, local Picton businesses and Council's Community Services department to assist in the delivery of this event. The Economic Development &amp; Tourism reserves provided funds of around \$20,000 for this event to be delivered.</p> <p>After the IlluminARTe and Music Festival events the Team undertook a survey of local Picton businesses to gauge how the event affected their business and to seek information that could assist in planning further events.</p> <p>Whilst this was not an EDAG lead event, several members of EDAG provided substantial sponsorship for this event.</p>	<p><i>Strategy CO1 Community Building, Well-being and Identity</i></p>
<p>Strengthening Rural Industries</p> <p>Council's Manager Economic Development &amp; Tourism Manager is the new convener of the Rural Industry Liaison Committee (RILC) with the first meeting taking place on the 3 June 2015.</p>	<p><i>Strategy GO4 Advocacy</i></p>
<p><b>Proposals for next 12 months</b></p>	<p><b>Relevant CSP Strategies</b></p>
<p>A new Economic Development Strategy is in the final stages of completion. The five key strategic directions from the new Strategy for Economic Development and Tourism are:</p> <ul style="list-style-type: none"> <li>- Planning for the Future</li> <li>- Supporting Existing Businesses</li> <li>- Marketing Promotion and Branding</li> <li>- Investment Attraction</li> <li>- Advocacy</li> </ul>	<p><i>Strategy EC1 Economic Development</i>  <i>Strategy EC2 Planning for and Supporting Business</i>  <i>Strategy EC4 Managing Development and Land Use</i>  <i>Strategy GO4 Advocacy</i></p>
<p><u>Comments:</u></p> <p>Over the past 12 months the EDAG has met 6 times held from July 2014 to June 2015. An additional two half day Economic Development Planning Workshops were also held.</p> <p><b>Economic Development Advisory Group Structure</b></p> <p>It was put to the Economic Development Advisory Group the proposal to change the Economic Development Advisory Group Meeting from monthly meetings to quarterly meetings.</p> <p>The Economic Development Advisory Group endorsed the change from monthly meetings to quarterly meetings, with the meetings to be held in February, May, August and November.</p>	

**Governance**

**GO5 – Committees/Advisory Groups of Council – Achievements, Outcomes and Future Focus – Annual Report**

<b>YOUTH ADVISORY COMMITTEE</b>	
<b>Achievements in past 12 months</b>	<b>Relevant CSP Strategies</b>
<p>Leadership Experience/Opportunities</p> <p>Lions Youth Leadership Project – LEO's SOL's Leadership Program</p> <p>Attended the Youth Week "Minding our Mental Health Forum" Sydney</p> <p>Youth Week Regional Youth Forum</p> <p>Attend the Max Potential Showcase</p> <p>Attended the "Shift This" Youth Action 2014 Conference</p>	<p><i>Strategy CO2 – Working with Others</i> <i>Strategy CO1 – Community Building, Well-being and Identity</i></p>
<p>Advocate and raise awareness of youth related challenges by attending the WSC Community Forum.</p> <p>Sexual Health DVD</p> <p>Consulting on Council's Beach Bus project</p> <p>Participated in a focus group session for the Social Plan</p> <p>Conducted surveys with young people for the Wollondilly Social Plan</p>	<p><i>Strategy CO3 – Social Planning</i> <i>Strategy CO4 – Engagement and Communication</i></p>
<p>Plan and implement youth events in the Shire</p> <p>Gig Night in the Gardens (postponed due to weather)</p> <p>Volunteered at the 2014 Wollondilly Employment Expo, NAIDOC Family Day, Australia Day, Mayor's Gaming Challenge, and various other community events.</p> <p>Provision of free events in Wollondilly during Youth Week</p>	<p><i>Strategy CO1 – Community Building, Well-being and Identity</i></p>
<b>Proposals for next 12 months</b>	<b>Relevant CSP Strategies</b>
<p>Review Youth Week and evaluate the need to deliver an event, or to refocus their objective to something more beneficial.</p>	<p><i>Strategy CO4 – Engagement and Communication</i></p>

**Governance**

**GO5 – Committees/Advisory Groups of Council – Achievements, Outcomes and Future Focus – Annual Report**

<p>Continue to raise awareness of the YAC and to further the reach by promoting it through tertiary educational institutions.</p>	<p><i>Strategy CO2 – Working with others</i></p>
<p><u>Comments:</u></p> <p>Over the past 12 months the YAC has met 14 times Revise the Times and Venues for 2016 to make it accessible to more young people.</p> <p>Move to rotate the chairperson for each meeting so that each YAC member can experience this responsibility</p>	

<p><b>COMPANION ANIMALS REFERENCE COMMITTEE</b></p>	
<p><b>Achievements in past 12 months</b></p>	<p><b>Relevant CSP Strategies</b></p>
<p>Two (2) open days have been conducted at the animal shelter to promote our services and to display to the public the facility being offered for Companion Animals.</p> <p>The open days have also offered free micro-chipping for Companion Animals to promote and educate animal registration in accordance with the Companion Animals Act.</p>	<p><i>Strategy GO3 - Customer Service</i> <i>Strategy GO8 - Corporate Image</i></p>
<p>Council has advocated for funding and has been successful in obtaining a Responsible Pet Ownership Program grant for an animal de-sexing and micro chipping program for low income and disadvantaged residents.</p>	<p><i>Strategy CO4 - Advocacy</i></p>
<p>The Companion Animals Committee is committed to working with the best use of Council resources and the allocation of improvements and well-being equipment with the assistance of Council allocated funding, donations and grants.</p>	<p><i>Strategy GO6 - Resource Efficiency</i></p>
<p><b>Proposals for next 12 months</b></p>	<p><b>Relevant CSP Strategies</b></p>
<p>Future open days to promote education of Companion Animals and the operation of the animal shelter.</p>	<p><i>Strategy CO1 – Community Building, Well-being and Identity</i> <i>Strategy CO2 – Working with Others</i></p>
<p>Seek further funding from grants being offered by external organisations.</p>	<p><i>Strategy CO4 - Advocacy</i></p>

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Invite further guest speakers who can enhance the management of Companion Animals.	<i>Strategy CO2 – Working with Others</i>
Seek improvements in animal rescue and rehoming to ultimately reduce the euthanise rate.	<i>Strategy CO2 – Working with Others</i>
Further educate the positives of the animal shelter and the benefits of registration in accordance with the Companion Animals Act.	<i>Strategy CO2 – Working with Others Strategy CO4 - Advocacy</i>
<p><u>Comments:</u></p> <p>Over the past 12 months the CARC has met five (5) times. One meeting of 2 December 2014, was cancelled due to not having a quorum.</p> <p>To date we have had presentations from the following guests:</p> <p>Justin Nyholm (Wollondilly Shire Council) – Developing and Implementing an Emergency Evacuation Plans for Animals.</p> <p>Anne Oakenful (Department of Primary Industries) - Preparing your Animals for Evacuations.</p> <p>Sharon Stewart (Paws Pet Therapy) - Companion Animals for Therapy Pets.</p>	

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<b>MINERALS AND ENERGY RESOURCES COMMITTEE</b>	
<b>Achievements in past 12 months</b>	<b>Relevant CSP Strategies</b>
The gas drainage program associated with the Bulli Seam Project including the proposed power station as part of this program.	<i>Strategy EN1 – Biodiversity Resilience Strategy EN-3- Development Assessment Strategy EC4 – Managing Development and Land use Strategy EC5 – Protect Natural Resources Strategy CO1- Community building, well-being and identity. Strategy GO4- Advocacy</i>
Discussion of Government Policy announcements including amendments to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) and the draft Integrated Mining Policy.	<i>Strategy EN-3- Development Assessment Strategy EC4 – Managing Development and Land use. Strategy EC5 – Protect Natural Resources Strategy GO4- Advocacy</i>

**GO5 – Committees/Advisory Groups of Council – Achievements, Outcomes and Future Focus – Annual Report**

Discussion of mining and coal seam gas applications such as the proposed Russell Vale Colliery Expansion and the Subsidence Management Plan application associated with the Tahmoor Colliery.	<i>Strategy EN1- Biodiversity Resilience Strategy EN-3- Development Assessment Strategy EC4 – Managing Development and Land use. Strategy EC5 – Protect Natural Resources Strategy GO4- Advocacy</i>
The need for the review of the Mine Subsidence Compensation Act and involvement of Council in this process.	<i>Strategy CO 4 – Engagement and Communication Strategy GO4 - Advocacy</i>
Impacts of aquifer interference activities on the condition of Thirlmere Lakes.	<i>Strategy EN1 – Biodiversity Resilience Strategy EN-3- Development Assessment Strategy CO1- Community building, well-being and identity. Strategy GO4- Advocacy</i>
Improvement of the energy efficiency of existing residential and commercial buildings.	<i>Strategy CO 4 – Engagement and Communication Strategy GO4 - Advocacy</i>
<b>Proposals for next 12 months</b>	<b>Relevant CSP Strategies</b>
Subsidence related impacts to the natural, cultural and built environment attributable to mining operations and the rehabilitation of these impacts where they occur.	<i>Strategy EN1 – Biodiversity Resilience Strategy EN-3- Development Assessment Strategy EC5 – Protect Natural Resources Strategy CO1- Community building, well-being and identity. Strategy GO4- Advocacy</i>
The impacts of aquifer interference activities on the condition of Thirlmere Lakes and management of these impacts as part of the implementation of the Thirlmere lakes National Park and Subsidence Management Plans associated with the Tahmoor Colliery Project	<i>Strategy EN1 – Biodiversity Resilience Strategy EC4 – Managing Development and Land use Strategy EC5 – Protect Natural Resources Strategy CO1- Community building, well-being and identity. Strategy GO4- Advocacy</i>
The assessment and management of environmental and health impacts associated with coal seam gas exploration and production activities as part of the Camden Gas Project.	<i>Strategy EN1 – Biodiversity Resilience Strategy EN-3- Development Assessment Strategy EC4 – Managing Development and Land use Strategy EC5- Protect Natural Resources Strategy CO1- Community building, well-being and identity. Strategy GO4- Advocacy</i>
Provision of information that will assist Council in the preparation of submissions and relevant strategies.	<i>Strategy GO4- Advocacy Strategy CO4 – Engagement and Communication. Strategy EN-3- Development Assessment</i>

**Governance**

**GO5 – Committees/Advisory Groups of Council – Achievements, Outcomes and Future Focus – Annual Report**

<p>The advocacy by Council on a range of concerns of members of the Committee in regard to mining and coal seam gas related issues.</p>	<p><i>Strategy CO3- Social Planning Strategy CO4- Engagement and Communication Strategy GO 4 – Advocacy</i></p>
<p>Engagement with industry representatives who provide presentations at meetings as well as other relevant Committees such as the Economic Development Advisory Group.</p>	<p><i>Strategy CO2- Working with Others Strategy CO4- Engagement and Communication Strategy GO 4 – Advocacy</i></p>
<p><u>Comments:</u></p> <p>Over the past 12 months the MERC has met 3 times since its establishment as a separate entity to the Environment and Heritage Committee in February 2015. The current attendance is six community members with the average attendance being four to five.</p> <p>Members and special guests are encouraged to make representation to the group on issues of interest. To date this has involved a presentation from Illawarra Coal in regard to issues associated with the Mine Safety Gas Drainage Project. In addition, a presentation from Tahmoor Coal representatives on air quality monitoring activities is scheduled to be provided at the meeting scheduled for 20 August 2015.</p> <p>The Committee also discussed aspects of Stage 1 of the Integrated Mining Policy introduced by the NSW Governments. Issues raised were incorporated into the submission on this Policy which was endorsed by Council at its meeting on 20 July 2015.</p>	

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<b>TRANSPORT ADVISORY COMMITTEE</b>	
<b>Achievements in past 12 months</b>	<b>Relevant CSP Strategies</b>
<p>Successfully applied for grants under the Country Passenger Transport Infrastructure Grants Scheme for \$257,250 for various bus shelter improvement works throughout the Shire</p>	<p><i>Strategy CO1 – Community Building, Well-being and Identity</i></p>
<b>Proposals for next 12 months</b>	<b>Relevant CSP Strategies</b>
<p>Initiate contact with Transport for NSW with the intent that they are represented at TAC meetings</p>	<p><i>Strategy CO1 – Community Building, Well-being and Identity</i></p>
<p>Refocus the committee on strategic advice and direction for Transport related issues</p>	<p><i>Strategy CO1 – Community Building, Well-being and Identity</i></p>
<p>Continue to review potential funding sources such as RMS grants and the CPTIGS program</p>	<p><i>Strategy CO1 – Community Building, Well-being and Identity</i></p>

**GO5 – Committees/Advisory Groups of Council – Achievements, Outcomes and Future Focus – Annual Report**

Review Councils Bike Plan with the intent of commencing a review in 2016	<i>Strategy CO1 – Community Building, Well-being and Identity</i>
<p><u>Comments:</u></p> <p>Over the past 12 months the TAC has met on two occasions. Each meeting was well attended by representatives from agencies except for Transport for NSW. Only one resident representative attended the meetings and another resident resigned from the committee.</p> <p>There were no major development proposals considered by the Transport Advisory Committee in the reporting period.</p>	

<b>ENVIRONMENT AND HERITAGE COMMITTEE</b>	
<b>Achievements in past 12 months</b>	<b>Relevant CSP Strategies</b>
Many environmental issues have been discussed including the biodiversity policy change.	<i>EN1 Biodiversity Resilience EN7 Sustainable living</i>
<b>Proposals for next 12 months</b>	<b>Relevant CSP Strategies</b>
Picton Heritage and heritage Shire wide - look for project funding	<i>EN4 Environmental Responsibility</i>
DCP review - and discussion.	<i>EN4 Environmental Responsibility</i>
Sydney water to address the group regarding the Picton Sewerage Scheme Upgrades and changes in October.	<i>GO4 Advocacy</i>
<p><u>Comments:</u></p> <p>Over the past 12 months the EHC has met 8 times and the group consists of 9 active members.</p> <p>The group resolved to meet every second month which is a variation from the original terms set out by Council staff for convening meetings, however the group wanted additional meetings due to the time frames for submissions to be formalised on Environmental issues.</p> <p>Members and special guests are encouraged to make representation to the group on environmental issues that they are interested in at every meeting.</p> <p>To date we have had presentations from the following:</p> <p>Dr Ian Wright - UWS - Water quality and catchment management                      Julie Shepard - Group Member and NPA rep. Bargo Gorge national park                      Vanessa Morshel - Group Member - Heritage values                      David Henry - Biodiversity policy                      BHPBIC - gas plant presentation                      Dan Meehan - Waste presentation                      Mark Ruddiman - Strategic planner - heritage and the DCP review</p>	

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**GO5 – Committees/Advisory Groups of Council – Achievements, Outcomes and Future Focus – Annual Report**

<b>ROAD SAFETY GROUP</b>	
<b>Achievements in past 12 months</b>	<b>Relevant CSP Strategies</b>
<p>Learner Driver Log Book Run (4 x events) targeting learner drivers.</p> <p>The project aims to reduce the incident and severity of road crashes by improving road user behaviour throughout the community and assist young and novice drivers to gain the required hours to obtain their drivers licence.</p>	<p><i>Strategy IN2 – Manage Road Network</i> <i>Strategy CO4 – Engagement and Communication</i></p>
<p>GLS Workshops' (2 x events) developed by RMS and presented by Councils Road Safety Officer to parents/guardians of learner drivers twice yearly.</p>	<p><i>Strategy IN2 – Manage Road Network</i> <i>Strategy CO4 – Engagement and Communication</i></p>
<p>2014 U-Turn the Wheel for Year 11 Students in both Picton High and Wollondilly Anglican College (approximately 160 students)</p> <p>A one day event with 7 presentations from various presenters such as Police (x2); NSW Ambulance; Road Crash Victims; NRMA; Picton Tyre and Mechanical &amp; Cawdor Haulage.</p>	<p><i>Strategy IN2 – Manage Road Network</i> <i>Strategy CO4 – Engagement and Communication</i></p>
<p>Safe Child Restraints (3 x events) was a project offering free child restraint fitting checks, subsidised with RMS project funding to enable parents/guardians an opportunity to have their child restraints in cars checked by a local RMS authorised fitting station (Picton Tyre &amp; Mechanical) free of charge on specific dates during the year.</p> <p>This project also involves an information stand displayed at Councils Australia Day event.</p>	<p><i>Strategy IN2 – Manage Road Network</i> <i>Strategy CO4 – Engagement and Communication</i></p>
<p>Older Drivers (4 x events) project was developed for seniors safety and delivered to seniors in local Retirement Villages.</p>	<p><i>Strategy IN2 – Manage Road Network</i> <i>Strategy CO4 – Engagement and Communication</i></p>

**Governance**

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**GO5 – Committees/Advisory Groups of Council – Achievements, Outcomes and Future Focus – Annual Report**

School zone awareness (7 x events) working with Camden LAC Police and local schools to promote 'Go 40 For Me' campaign and responsible parking for parents around the school zones.	<i>Strategy IN2 – Manage Road Network Strategy CO4 – Engagement and Communication</i>
Thirlmere Steam Festival Event involved the Road Safety Group members attending with a chocolate wheel and quiz based on the RMS campaign 'Top 10 Most Misunderstood Road Rules'	<i>Strategy IN2 – Manage Road Network Strategy CO4 – Engagement and Communication</i>
<b>Proposals for next 12 months</b>	<b>Relevant CSP Strategies</b>
The Road Safety Group will continue to develop all of the above projects in 2015/2016 (subject to approved grant funding) along with an additional three road safety projects such as Motorcycle Awareness; Alcohol Awareness and Speed Monitoring.	<i>Strategy IN2 – Manage Road Network Strategy CO4 – Engagement and Communication</i>
<p><u>Comments:</u></p> <p>Over the past 12 months the RSG has met 6 times.</p> <p>The World Day of Remembrance has been held in Wollondilly for the past 9 years, since 2007. As this is a community run project the Road Safety Group will no longer attend in an official capacity.</p>	

**Governance**

**CONSULTATION**

Consultation was carried out with the relevant Managers.

**FINANCIAL IMPLICATIONS**

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

**ATTACHMENTS**

Nil.

**RECOMMENDATION**

That Council note the contribution and achievements of each of the Committees/Advisory Groups for the past twelve months and supports the future direction of each Committee/Advisory Group.

Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

**GO6 – Amendment to Councillors Fees, Expenses & Facilities Policy**

GO6

**Amendment to Councillors Fees, Expenses & Facilities Policy**

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TRIM 111

**EXECUTIVE SUMMARY**

- The Local Government Remuneration Tribunal has published the latest figures for the payment of expenses and the provision of facilities for Mayors and Councillors for Councils in NSW.
- The Councillors Fees, Expenses & Facilities Policy has been amended in order to reflect current Councillors Fee arrangements for Councillors.
- It is recommended:
  1. That the amended Councillors Fees, Expenses & Facilities Policy be placed on Public Exhibition for a period of 28 days with a further 14 day period for submissions.
  2. That a report come to Council following the submission period for the policy to be adopted.

**REPORT**

To ensure transparency, accountability and community confidence it is important that council officials observe their obligations in relation to the use of council resources. All council officials must use council resources ethically, effectively and carefully.

Council resources must be used in accordance with the Local Government Act 1993, the Guidelines as issued by the Division of Local Government and the Councillors Fees, Expenses and Facilities Policy.

**CONSULTATION**

Consultation was held with the Manager – Governance, GIS/Property & Administration Team Leader and the Manager Technology, Information & Corporate Strategy.

**FINANCIAL IMPLICATIONS**

Allocation of funding is available under the Local Democracy and Information Technology Budgets.

**ATTACHMENTS**

1. Summary of Changes.
2. Draft Councillors Fees, Expenses & Facilities Policy.

Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

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**GO6 – Amendment to Councillors Fees, Expenses & Facilities Policy**

**RECOMMENDATION**

1. That the amended Councillors Fees, Expenses & Facilities policy be placed on Public Exhibition for a period of 28 days with a further 14 days for submissions.
2. That a report come to Council following the submission period for the policy to be adopted.

**GO6 – Amendment to Councillors Fees, Expenses & Facilities Policy**

**ATTACHMENT 1 – 111 – 21 SEPTEMBER 2015**



**SUMMARY OF CHANGES – COUNCILLORS FEES, EXPENSES & FACILITIES POLICY**

Location	Previous Wording	New Wording	Reasoning
Page 1 – 4.1	The fees for the current financial year are set at \$17,930 per Councillor in line with the most recent determination of the Remuneration Tribunal	The fees for the current financial year are set at <b>\$18,380</b> per Councillor in line with the most recent determination of the Remuneration Tribunal	The Local Government Remuneration Tribunal has released the Report and Determination for the increase of Councillor Fees.
Page 1 – 4.2	The Mayoral fee in addition to the Councillors fee for the current financial year is set at \$39,110 in line with the most recent determination of the Remuneration Tribunal	The Mayoral fee in addition to the Councillors fee for the current financial year is set at <b>\$40,090</b> in line with the most recent determination of the Remuneration Tribunal	The Local Government Remuneration Tribunal has released the Report and Determination for the increase of Councillor Fees.
Page 10 – 10.3	DLG Circular 14/12 - Determination of the Local Government Remuneration Tribunal	<b>OLG Circular 15-24 – 2015/16</b> Determination of the Local Government Remuneration Tribunal	Updated Circular number.

**Governance**

**GO6 – Amendment to Councillors Fees, Expenses & Facilities Policy**

**ATTACHMENT 2 – 111 – 21 SEPTEMBER 2015**



**Governance  
Councillors Fees, Expenses and  
Facilities – GOV0001**

**1. POLICY OBJECTIVES**

- 1.1 To ensure all Councillors are treated in a consistent and fair manner in the payment of fees, reimbursement of expenses and provisions of facilities by Council.
- 1.2 To ensure accountability and transparency in the reimbursement of expenses incurred by Councillors.
- 1.3 To ensure that the facilities provided to assist Councillors to carry out their civic duties are reasonable.

**2. BACKGROUND**

- 2.1 Section 252 of the *Local Government Act 1993* addresses the issue of councils setting limits to the payment of various expenses within Council. Council may disburse money only if the disbursement is authorised by the *Local Government Act 1993*, either expressly or because it is supplemental, incidental to or consequential upon the exercise of its functions.

**3. ELIGIBILITY**

- 3.1 This policy applies to all Councillors, including the Mayor and Deputy Mayor. They are also relevant to NSW council administrators where applicable.
- 3.2 This policy applies to all Council Officers required to process expense reimbursements for Councillors.
- 3.3 This policy applies to all Council Officers involved with any matters relating to payment of Councillor Fees.

**4. GUIDELINES**

**Part 1 - (Payment of Councillor Fees)**

- 4.1 The fees for the current financial year are set at **\$18,380** per Councillor in line with the most recent determination of the Remuneration Tribunal.
- 4.2 The Mayoral fee in addition to the Councillors fee for the current financial year is set at **\$40,090** in line with the most recent determination of the Remuneration Tribunal.
- 4.3 Should the Deputy Mayor be requested by the Mayor or if the Mayor is prevented (for a minimum duration of 1 month) by illness; absence or otherwise or during a casual vacancy in the office of the Mayor to exercise any function of the Mayor, they will be paid 1/12<sup>th</sup> of the annual Mayoral Allowance - pro-rata for the period. The payment will be taken from the allowance paid to the Mayor.

**GO6 – Amendment to Councillors Fees, Expenses & Facilities Policy**

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**Part 2 - (Reimbursement of Expenses)**

**There is no provision of a General Expense Allowance for Councillors.**

- 4.4 Each Councillor is entitled to an equal set amount of reimbursements for the financial year, in accordance with the allocated budget allowances within the Local Democracy Budget. *The amount for the current financial year is shown in the attached table (Attachment 9.4).*
- 4.5 All reimbursement lodgements must be accompanied by an appropriate receipt. The receipt must include the Business Name and ABN of the provider, Date of Receipt, and GST component (where applicable).
- 4.6 All reimbursement lodgements must be accompanied by a completed "Reimbursement of Councillor Expenses" form. The claimed amount must be authorised by the General Manager. *Claim form is attached (Attachment 9.3).*
- 4.7 All receipts for reimbursement of expenses should be lodged with Council within thirty (30) working days of the final day of the financial quarter in which the charge has been incurred.
- 4.8 Councillors may seek an advanced payment of expenses for the cost of a service associated with a civic duty. In these instances, joint permission from the Mayor and General Manager to do so must be sought. Reconciliation of such expenses must be made with the Council within eight (8) working days of the date on which the expense was incurred.
- 4.9 Councillors may be reimbursed for expenses for child care charges, elderly care charges, disabled care and/or sick immediate family member's care, during hours where a Councillor is required to undertake their Council business obligations. The reimbursements of care charges outlined in this clause are conditional on the child/family member being in the care of a registered carer. This amount will be set *as per the attached table (Attachment 9.4).*
- 4.10 Expenses including Councillors' fees are paid monthly in arrears by direct credit to a nominated local bank, building society or credit union account.

**Part 3 - (Approval for Attendance and Reimbursement of Expenses - Conferences)**

- 4.11 Councillors must submit a request in writing to attend any conference or event other than the LGNSW Conference and the National General Assembly for the Local Government Conference, prior to registration. The submission should outline the benefits to Council.

**GO6 – Amendment to Councillors Fees, Expenses & Facilities Policy**

**ATTACHMENT 2 – 111 – 21 SEPTEMBER 2015**



**Governance  
Councillors Fees, Expenses and  
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- 4.12 Permission to attend conferences or events must be granted by Council at an official meeting of Council.
- 4.13 In circumstances where an official meeting of Council is not held within a reasonable timeframe for approval for attendance at the conference or event to be granted, the approval may be granted jointly by the Mayor and General Manager.
- 4.14 Once approval has been granted for attendance at a conference, Council will pay the following costs (subject to any special conditions of approval for the attendance):
  - 4.14.1 Registration fees.
  - 4.14.2 Accommodation booked by Council (for Councillor only).
  - 4.14.3 Meals and refreshments (for Councillor only).
  - 4.14.4 Travel, under the following guidelines:
    - 4.14.4.1 Council will designate the mode and provider for travel.
    - 4.14.4.2 Where Council does not arrange for the mode of transport and a private vehicle is used, the cost of petrol and relevant running expenses will be reimbursed upon production of receipts (refer to clauses 4.6, 4.7 & 4.8 of this policy for details) (**Attachment 9.2**).
    - 4.14.4.3 Only travel to and from the conference, as well as travel expenses incurred as part of attendance requirements for the conference.
  - 4.14.5 Incidental expenses such as telephone or facsimile calls, refreshments, internet charges, laundry and dry cleaning, newspapers, taxi fares and parking fees (**Attachment 9.4**) and claim form (**Attachment 9.3**).
- 4.15 Any Councillor attending a conference or representing Council other than the LGNSW Conference or the National General Assembly for the Local Government Conference is required to submit a written report on the aspects of the conference or representation relevant to Council business and/or the local community. This report should be tabled at the first Council Meeting following the conference.
- 4.16 All expenses relating to a Councillor attending a conference other than the LGNSW Conference or the National General Assembly for the Local Government Conference will be costed to that Councillor's set allocation outlined in clause 4.4.

Governance



**GO6 – Amendment to Councillors Fees, Expenses & Facilities Policy**

**ATTACHMENT 2 – 111 – 21 SEPTEMBER 2015**



**Governance  
Councillors Fees, Expenses and  
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***Part 4 - (Spouse and Partner Expenses)***

- 4.17 Costs incurred by a Councillor on behalf of their spouse, partner or accompanying person will not be reimbursed by Council.

This includes attendance at official council functions that are of a formal and ceremonial nature, attendance at conferences, seminars and the like and peripheral expenses incurred by spouses, partners or accompanying persons such as grooming, special clothing and transport are not considered reimbursable expenses.

- 4.18 Councillors attending the LGNSW Conference will be responsible for the expenses of spouses, partners or accompanying persons.

***Part 5 - (Reimbursement of Expenses – Travel (Non-conference related))***

- 4.19 All travel by Councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport, subject to any personal medical considerations. The amount for the current financial year is shown in the attached table (**Attachment 9.4**) and the Travel Expenses claim form (**Attachment 9.2**).

- 4.20 Travelling expenses for use of a private vehicle are paid in accordance with the Local Government Award by claim for:

4.20.1 Attendance at a meeting of the Council or any Committee of the Council including Management Committees.

4.20.2 Participation in a Council inspection within the area.

4.20.3 Undertaking business of the Council within or outside of the area in compliance with a resolution of the Council as a delegate or representative of Council.

- 4.21 Interstate travel must be approved by a meeting of Council prior to confirming any arrangements. When seeking approval from Council, the motion must outline the full details of the travel, including an itinerary and costs, as well as reason for the travel.

- 4.22 Overseas travel will not be funded by Council. A leave of absence must be given to the General Manager.

- 4.23 Councillors undertaking overseas travel should table a written report to Council within two months of their return, outlining the aspects of the trip relevant to Council business and/or the local community.

***Part 6 - (Training and Educational Expenses)***

- 4.24 Any Councillor wishing to undertake training must submit their request for training in writing to the Mayor and General Manager (**Attachment 9.1**).

**GO6 – Amendment to Councillors Fees, Expenses & Facilities Policy**

**ATTACHMENT 2 – 111 – 21 SEPTEMBER 2015**



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Councillors Fees, Expenses and  
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- 4.25 It is essential where Council is paying for these courses that the training or educational course is directly related to the councillors civic functions and responsibilities. Approval to cover the cost of training will only be granted in line with Council's Training Policy and approval procedures (**Attachment 9.4**).
- 4.26 An in-house Councillor training program will be at no cost to the Councillors (**Attachment 9.4**).
- 4.27 In line with the Department of Local Government *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (October 2009) Participation, Equity and Access* the following applies:
- 4.27.1 Provision of appropriate resources to enable participation of a Councillor who has a vision or hearing impairment will be made on an individual needs basis.
- 4.27.2 Consideration of the provision of appropriate support mechanisms for transportation for Councillors unable or unwilling to drive on an individual needs basis.

**Part 7 - (Attendance at Dinners and other Non-Council Functions)**

- 4.28 Approval for attendance at formal dinners and other non-council functions may only be granted when the function is relevant to the Council's interest. Approval for these functions should be sought in line with clauses 4.12, 4.13 & 4.14.
- 4.29 Once approval for attendance at the non-council function has been granted, only the cost of the service provided will be met. Reimbursements for any component of the ticket that is additional to the service cost of the function (such as a donation to a political party or candidate's electoral fund, or some other private benefit) will not be authorised. An additional payment to a registered charity may be acceptable only as part of the cost of the function.

**Part 8 - (Provision of Facilities)**

- 4.30 The Mayor will have both business and private use of the Mayoral Vehicle, which shall be of a style, standard and size appropriate for the position of Mayor, as well as a fuel card for exclusive use with the vehicle. Other nominated drivers will be named using the Nominated Drivers Form (**Attachment 9.6**). An incidental usage form can be obtained from the General Manager on request.
- 4.31 The driver of the vehicle is personally responsible for all traffic or parking fines incurred while travelling in a private or a Council vehicle on Council business. This applies to the Mayor and all Councillors acting on behalf of Council.
- 4.32 The Mayor will be allocated a car-parking space outside the Council administration building.
- 4.33 The Mayor will be provided with an office facility, including a computer with email and internet access, telephone and secretarial support.

**GO6 – Amendment to Councillors Fees, Expenses & Facilities Policy**

**ATTACHMENT 2 – 111 – 21 SEPTEMBER 2015**



**Governance  
Councillors Fees, Expenses and  
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- 4.34 The Mayor and Councillors will be provided with mobile phones for official business of Council. All associated costs will be borne by Council. Personal use of the mobile phone will be charged as per Council's "Mobile Phone Procedure".
- 4.35 Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.
- 4.36 All equipment provided to Councillors during their term of office must be returned at the end of that term, unless the Councillor is re-elected for the following term.
- 4.37 Councillors will be provided with refreshments prior to each Council Meeting, Community Forum and Scheduled Workshop. Refreshments will be provided in accordance with Council's catering procedures and allowances.
- 4.38 Councillors should not obtain private benefit from the provision of equipment and facilities, nor from travel bonus or any other such loyalty schemes. However it is acknowledged that incidental use of council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment.
- 4.39 An iPad with internet and email access, iPad cover and MFP printer will be provided to each Councillor for use in their civic duties subject to the provisions of this policy (**Attachments 9.4 and 9.5**).

**Part 9 - (Use of Council Resources)**

- 4.40 Councillors shall be scrupulously honest in their use of Council facilities, funds, staff services and equipment and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body.
- 4.41 Councillors shall use Council resources entrusted to them effectively and economically in the course of the duties, and not otherwise.
- 4.42 Councillors shall not use Council resources (including the services of Council staff) for private purposes; unless properly authorised to do so, and appropriate payments are made (as determined by the General Manager or the Council).
- 4.43 Councillors shall only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Council.
- 4.44 In circumstances where it is appropriate for councillors to give a gift or benefit (for example, on a council business related trip or when receiving visitors), these gifts and benefits should be of token value and in accordance with Council's Gifts and Benefits Policy.

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***Part 10 – (Insurance Expenses and Obligations)***

4.45 Councillors are to receive the benefit of insurance for:

4.45.1 Personal injury whilst engaged in or on any activity directly or indirectly connected with or on behalf of Council including whilst travelling to and/or from such activity. Such injury being bodily injury caused by violent, accidental, external and visible means and including death, permanent disablement, temporary total disablement and temporary partial disablement, but not including medical expenses, subject to the conditions and limitations of Council's Professional Indemnity Insurance policy current at the time of the notification to Council of a relevant claim, or matter which might give rise to a relevant claim.

4.45.2 For matters arising out of Councillors' performance of civic duties or exercise of their function as Councillors provided the performance or exercise of the relevant civic duty or function is in the opinion of Council bona fide and/or proper, subject to the conditions and limitations of Council's Professional Indemnity Insurance policy current at the time of the notification to Council of a relevant claim, or matter which might give rise to a relevant claim.

4.45.3 For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, subject to the conditions and limitations of Council's Public Liability Insurance policy current at the time of the occurrence of the incident giving rise to a relevant claim.

***Part 11 – (Legal Expenses and Obligations)***

4.46 Council may disburse money only if the disbursement is authorised by the Local Government Act 1993, either expressly or because it is supplemental or incidental to or consequential upon the exercise of its functions.

4.47 In the particular circumstances outlined below, Council may therefore indemnify or reimburse the reasonable legal expenses for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including:

- (i) Local Government Pecuniary Interest and Disciplinary Tribunal
- (ii) Independent Commission Against Corruption
- (iii) Office of the NSW Ombudsman
- (iv) Division of Local Government, Department of Premier and Cabinet
- (v) NSW Police Force
- (vi) Director of Public Prosecutions
- (vii) Council's Conduct Review Committee/Reviewer

Governance

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4.47.1 A Councillor defending an action arising from the performance in good faith of a Councillors' function under the Local Government Act; and

- (a) The matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review.
- (b) In the case of a conduct complaint made against a councillor, legal costs should only be made available where a matter has been referred by a General Manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Code of Conduct.
- (c) In the case of a pecuniary interest or misbehaviour matter legal costs should only be made available where a formal investigation has been commenced by the Division of Local Government.

In addition, legal costs must only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a Councillor's conduct, a finding by an investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a Councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

- 4.48 Council will not meet the costs of an action in defamation taken by a Councillor as plaintiff in any circumstances.
- 4.49 Council will not meet the costs of a Councillor seeking advice in respect of possible defamation or in seeking a non-litigious remedy for possible defamation.
- 4.50 Council will not meet the costs in respect of any legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 4.51 A Council may lawfully obtain insurance cover against the risk of having to meet the reasonable legal costs of a Councillor, or to reimburse those costs, provided that the cost or reimbursements are ones that the Council is authorised to meet.
- 4.52 Council will meet the costs of a Councillor seeking advice in respect of Conflict of Interests declarations up to an amount of \$1000 per annum (**Attachment 9.4**).

**5. RESPONSIBILITY/ACCOUNTABILITY**

- 5.1 The designated finance officers are responsible for ensuring that reimbursement of expenses are forwarded to the Councillors in a timely manner, in line with Council procedure.

**GO6 – Amendment to Councillors Fees, Expenses & Facilities Policy**

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**Governance  
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- 5.2 The Manager – Governance is responsible for co-ordinating the notification to the appropriate Council Officers of any increase in Councillor Remuneration as released by the Remuneration Tribunal. This includes:
  - 5.2.1 Notifying the Payroll Officer, Executive Director Community Services & Corporate Support and General Manager of the change.
  - 5.2.2 Submitting a report to Council as appropriate, outlining the change to the Policy.
  - 5.2.3 Notifying the Payroll Officer once the change has been approved by Council.
- 5.3 The payroll officer is responsible for ensuring that the correct pay rate is applied to each Councillor's remuneration, in accordance with the instructions received in line with Guideline 5.2.3.
- 5.4 The General Manager and Mayor are responsible for the management of the Local Democracy Budget line items relating to the reimbursement of expenses for Councillors.

**6. RELATED POLICIES**

- 6.1 Code of Conduct

**7. RELATED PROCEDURES**

- 7.1 Mobile Phone Procedure – TRIM 2365#14

**8. RELATED LEGISLATION**

- 8.1 *Section 23A of the Local Government Act 1993*
- 8.2 *Section 249 of the Local Government Act 1993*
- 8.3 *Section 250 of the Local Government Act 1993*
- 8.4 *Sections 252 & 252(5) of the Local Government Act 1993*
- 8.5 *Section 253 of the Local Government Act 1993*
- 8.6 *Section 254 of the Local Government Act 1993*
- 8.7 *Clause 403 of the Local Government (General) Regulation 2005*

**GO6 – Amendment to Councillors Fees, Expenses & Facilities Policy**

**ATTACHMENT 2 – 111 – 21 SEPTEMBER 2015**




**Governance  
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**9. ATTACHMENTS**

9.1	Councillor Activity Forecast Form .....	12
9.2	Members Travel Expenses Claim Form .....	13
9.3	Reimbursement of Expenses Claim Form .....	14
9.4	Monetary Limits to Expenses .....	15
9.5	Available Facilities.....	16
9.6	Nominated Driver Form .....	17

**10. RESOURCES**

- 10.1 Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW – DLG October 2009
- 10.2 ICAC Publication – No excuse for misuse, preventing the misuse of Council resources. This publication is available on the ICAC website at [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)
- 10.3  LG Circular 15-24 – 2015/16 Determination of the Local Government Remuneration Tribunal

**11. IMPLEMENTATION STATEMENT**

- 11.1 To ensure this policy is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and council representatives and will involve:
  - 11.1.1 Policy placed in Policy Folder in Customer Service
  - 11.1.2 Policy placed on Councils Website
  - 11.1.3 Copy of Policy given to Councillors and incorporated into Councillor training
  - 11.1.4 Copy of Policy sent to Department of Premier and Cabinet
  - 11.1.5 Policy discussed at Staff Meetings.

Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

**GO6 – Amendment to Councillors Fees, Expenses & Facilities Policy**

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**12. POLICY HISTORY**

12.1	Date First Adopted	25 September 2000
12.2	Most Recent Adoption	13 October 2014
12.3	Next Review Date	October 2015
12.4	Responsible Officer	Manager Governance

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

**Governance**



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**Governance**  
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**ATTACHMENT 9.1**



FORECAST		
Activity	Details	Estimated Cost
<i>NSW Farmer's Conference</i>	<i>Held in Tamworth on 3/3/06. Require accommodation for 1 night + travel reimbursement by car + meals.</i>	<i>Conference Admission \$80 Travel Cost \$95 Accommodation \$120 Meals \$60</i>
<b>TOTAL</b>		<b>\$355</b>

Your Name:

FORECAST		
Activity	Details	Estimated Cost
<b>TOTAL ESTIMATED COSTS:</b>		

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**Governance  
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**ATTACHMENT 9.2**



**CLAIM FOR MEMBERS' TRAVEL EXPENSES**

COUNCILLOR: ..... MONTH OF .....

ADDRESS: .....

**TRAVELLING**

DATE	DESCRIPTION OF MEETING	KILOMETRES TRAVELLED	ENGINE CAPACITY OF CAR (ie. > 2.5 ltr or <2.5 ltr)
<b>TOTAL KILOMETRES</b>		<input style="width: 80px;" type="text"/>	

**CERTIFICATION**

I hereby certify that this claim is in accordance with Section 252 of the Local Government Act and Councils Policy "Councillor Fees, Expenses and Facilities".

.....  
Signature of Claimant

.....  
Signature of General Manager

One form should be submitted for each month and include all claimable travelling expenses. The meeting attendance book is to be signed for Council meetings only.

TRIM 526#76

**Governance**

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**GO6 – Amendment to Councillors Fees, Expenses & Facilities Policy**

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**Governance  
Councillors Fees, Expenses and  
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**ATTACHMENT 9.3**



**CLAIM FOR REIMBURSEMENT OF COUNCILLOR EXPENSES**

COUNCILLOR: ..... MONTH OF .....

ADDRESS: .....

**EXPENSE**

DATE	DESCRIPTION OF EXPENSE	Business Name and ABN No.	Cost
<b>TOTAL</b>			

**CERTIFICATION**

I hereby certify that this claim is in accordance with Section 252 of the Local Government Act and Councils Policy "Councillor Fees, Expenses and Facilities".

.....  
Signature of Claimant

.....  
Signature of General Manager

One form should be submitted for each month and include all claimable expenses and receipts. The receipt must include the Business Name and ABN of the provider.

TRIM 526#87

**Governance**

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**GO6 – Amendment to Councillors Fees, Expenses & Facilities Policy**

**ATTACHMENT 2 – 111 – 21 SEPTEMBER 2015**



**Governance  
Councillors Fees, Expenses and  
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**ATTACHMENT 9.4**

**MONETARY LIMITS TO EXPENSES**

Expense	Mayor	Deputy Mayor	Councillors	Indicative Annual Expense			
Conferences & Seminars	\$1,000	\$500	\$500				
Local & Interstate Travel	\$2,000	\$1,000	\$1,000				
Mobile Phone & Internet Usage*	\$1680	\$1680	\$1680				
Carer	\$100	\$100	\$100				
In-house Training	N/A	N/A	N/A				
Overseas Travel	N/A	N/A	N/A				
Legal Expenses – Conflict of Interests	\$1,000	\$1,000	\$1,000				

\* \$140.00 is allocated for mobile and internet usage per month. \$100.00 may be reimbursed on request (as per clause 4.5 of this policy). \$40.00 Data Plan (iPad data) will be paid by Council and may not be claimed.

Governance

Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015

**GO6 – Amendment to Councillors Fees, Expenses & Facilities Policy**

**ATTACHMENT 2 – 111 – 21 SEPTEMBER 2015**



**Governance  
Councillors Fees, Expenses and  
Facilities – GOV0001**

**ATTACHMENT 9.5**

Equipment	Cost per Councillor	Mayor	Deputy Mayor	Councillors
		<b>Facilities Available/Not Available for Council business use</b>		
iPad3 16GB 3G WIFI	\$680	Available*	Available*	Available*
iPad Cover	\$70	Available*	Available*	Available*
MFP printer	\$570	Available*	Available*	Available*
3G Data Plan (4GB)	\$40 per month	Available*	Available*	Available*
Vehicle use		Available	Not Available	Not Available
Stationery, office supplies, postage, business cards & other similar consumables		Available	Available	Available
Ceremonial garb	N/A	Available*	Not Available	Not Available
Mobile phone (Blackberry)		Available*	Not Available	Not Available
Mobile Phone	N/A	N/A	Available*	Available*
<b>Facilities</b>				
Furnished mayoral office		Available		
Secretarial & administrative support		Available	Not Available	Not Available
Councillors Room		Available	Available	Available
Meals/refreshments related to council meetings, office functions and committee and work group meetings		Available	Available	Available
Disabled Access		Available	Available	Available
Hearing impaired		Available	Available	Available
Vision impaired	N/A	Not Applicable	Not Applicable	Not Applicable
Corporate clothing	N/A	Not Applicable	Not Applicable	Not Applicable

*\*Equipment remains the property of Council*

**Governance**

Report of Governance to the Ordinary Meeting of Council held on Monday 21 September 2015


**GO6 – Amendment to Councillors Fees, Expenses & Facilities Policy**

**ATTACHMENT 2 – 111 – 21 SEPTEMBER 2015**



**Governance  
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**ATTACHMENT 9.6**



**NOMINATED DRIVER AGREEMENT**

**MAYORAL VEHICLE**

I .....  
(Elected Mayor)

Of .....  
(Residential Address)

Acknowledge that by virtue of my position as Mayor of Wollondilly Shire Council I have been given both business and incidental private use of a Council owned vehicle.

I have named the following nominated drivers as required:

Nominated Driver	Name	Address
Immediate Family Member/s		
Other Assigned Drivers		

1. I agree that I have read and understand the conditions of use of the Mayoral Vehicle in accordance with the Councillor Fees, Expenses & Facilities Policy.
2. I agree that nominated drivers have read and understand the conditions of use of the Mayoral Vehicle in accordance with the Councillor Fees, Expenses and Facilities Policy.

This agreement is to commence on ##### and will continue throughout my term as Mayor of Wollondilly Shire Council.

.....  
(Mayor)

.....  
(General Manager)

.....  
(Date)

.....  
(Date)

TRIM 111#53

**Governance**

# Infrastructure

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 September 2015

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**Relevance to the Community Strategic Plan**

**RELEVANCE TO COMMUNITY STRATEGIC PLAN - INFRASTRUCTURE**

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



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Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 September 2015

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**IN1 – Recommendations Local Traffic Committee Meeting – 19 August 2015**

**INFRASTRUCTURE**

**IN1** **Recommendations Local Traffic Committee Meeting – 19 August 2015** TRIM 1087  
52

**EXECUTIVE SUMMARY**

- The Local Traffic Committee met on Wednesday 19 August 2015 to consider a number of reports for traffic management in the Wollondilly Local Government Area and to submit the Recommendations for Councils consideration. The agenda papers were distributed to all Councillors.
- It is recommended that Council resolve to adopt the Recommendations of the Local Traffic Committee meeting of 19 August 2015.

**REPORT**

**BACKGROUND**

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

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

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

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

**CONSULTATION**

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

**FINANCIAL IMPLICATIONS**

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

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 September 2015

**IN1 – Recommendations Local Traffic Committee Meeting – 19 August 2015**

**ATTACHMENTS**

The Minutes of the Local Traffic Committee meeting of 19 August 2015 have been distributed, are available in the Mayor's Office and are on the Council website. Copies will be tabled at the Council meeting.

**RECOMMENDATION**

That Council resolve to adopt the Recommendations of the Local Traffic Committee Meeting of 19 August 2015 as follows:

1. **Bargo Public School – Request for road closures**

52

TRIM 2487

**RECOMMENDATION**

**T13/15**

That permission is granted for the "Bargo School Fete 2015" and the road closure on section of Great Southern Rd between Bargo Rd and Avon Dam Rd. on Saturday, 10/10/2015 from 8.00am – 3.00pm subject to the following conditions:

1. Proof of Police and RMS concurrence of the closure and detours must be provided to Council before the event.
2. A copy of the Traffic Control Plan (TCP) by authorised personnel must be provided to Council before the event.
3. Notice of the event is to be published in a local newspaper/s at least seven (7) days prior to the event advising of the road closure, the detours and the time these changes apply.
4. Organisers shall notify the following people/organisations of the event and impacts for traffic management:
  - All residents along the affected route and side roads within the route
  - Bus Operator of the area
  - Emergency services including RFS (Rural Fire Service), Ambulance, Police and NSW Fire Brigade.
5. Access shall be maintained for all residents and emergency service vehicles.
6. All traffic controls must be implemented, maintained and removed by authorised personnel (Traffic Controllers) only.

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 September 2015

**IN1 – Recommendations Local Traffic Committee Meeting – 19 August 2015**

7. Proof of \$10 million Public Liability Insurance indemnifying Wollondilly Shire Council must be provided before the event.
8. The messages of VMS must be approved by Council prior to its inception.

All signs relating to the closures and detours must be in place prior to the event and be removed immediately after the event.

2. **University of Sydney (Camden Campus) – Request to change on street parking on Werombi Rd (western side)**  
52 TRIM 1093

**RECOMMENDATION**  
**T14/15**

The existing parking arrangements to be altered to be Rear to Kerb Only. Council to amend signage accordingly to reflect the changes.

3. **Line marking changes on reconstructed section of the road - Camden Road, Douglas Park**  
251831 TRIM 8105

**RECOMMENDATION**  
**T15/15**

That the new BB type line marking be installed on the reconstructed section of Camden Road, Douglas Park from Sullivans Road to Menangle Road junctions in order to conform with the current Design Guidelines as shown in Plan no. R2872 sheet no.17.

4. **“Kangaroo” Re-enactment of Recruitment March**  
52 TRIM 2487

**RECOMMENDATION**  
**T16/15**

1. That Council support and endorse the “Kangaroo” Re-enactment of Recruitment March parades in Thirlmere and Picton on Thursday 8 October 2015 subject to all conditions being met in accordance to RMS and Police approvals.

**IN1 – Recommendations Local Traffic Committee Meeting – 19 August  
2015**

2. That Council approve sections of various streets (Barbour Rd; Westbourne Ave; North St; Victoria Rd and Oaks St) in Thirlmere and (Station St; Menangle St; Argyle St; Picton Ave; Lumsdaine St and Prince St) Picton to be closed for a short period of time to facilitate the Kangaroo Re-enactment March parade to be held on 8 October 2015 under Police Escort as per TCP 1.
  
5. **Request for temporary No Stopping zone and speed reduction - Remembrance Driveway - 12/9/2015 from 11pm to 8.30pm**  
52 TRIM 1598

**RECOMMENDATION**  
**T18/15**

That Council approve the implementation of a temporary work zone speed of 60kph on section of Remembrance Driveway in front of WAC where the school zone exist together with No Stopping zone on both sides of the road for 250m each way on approaches to the school's entrance during the event subject to the following conditions:

1. Proof of Police and RMS concurrence must be provided to Council before the event.
2. A copy of the Traffic Control Plan (TCP) by authorised personnel must be provided to Council before the event.
3. Notice of the event is to be published in a local newspaper/s at least seven (7) days prior to the event.
4. Organisers shall notify the following people/organisations of the event and impacts for traffic management:
  - All residents along the affected route and side roads within the route
  - Bus Operator of the area
  - Emergency services including RFS (Rural Fire Service), Ambulance, Police and NSW Fire Brigade.
5. Access shall be maintained for all residents and emergency service vehicles (where applicable).
6. All traffic controls must be implemented, maintained and removed by **authorised** personnel (Traffic Controllers) only.

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 September 2015

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**IN1 – Recommendations Local Traffic Committee Meeting – 19 August 2015**

7. Proof of \$10 million Public Liability Insurance indemnifying Wollondilly Shire Council must be provided before the event.
8. The messages on VMS must be approved by Council prior to their inception.
9. All signs relating to the closures and detours must be in place prior to the event and be removed immediately after the event.

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 September 2015

**IN2 – Private Road – ‘Ridge Road’ Oakdale – Status and Maintenance**

IN2

**Private Road – ‘Ridge Road’ Oakdale – Status and Maintenance**

32

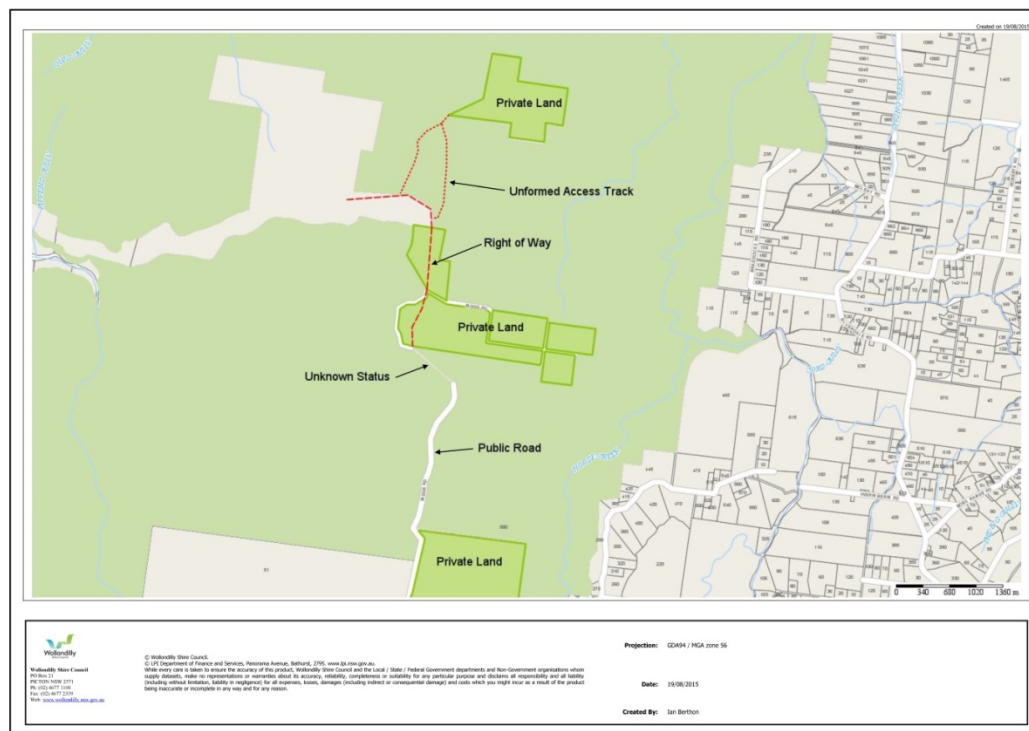
TRIM 3192

**EXECUTIVE SUMMARY**

- The matter of access to four properties Ridge Road Oakdale has been considered by Council a number of times and there is an expectation that Council will create a public road.
- Two of the landowners have approached Council requesting maintenance works and that a public road connection from their properties to Ridge Road be created.
- This report seeks to formalise the position that Council does not have a responsibility to undertake the gazettal of the road nor the financial ability to acquire the relevant land.

**REPORT**

**BACKGROUND**



The matter of access to four properties off Ridge Road Oakdale has been considered by Council a number of times. The property owners have an expectation that Council will create a public road connection to their properties and take responsibility for maintaining this road.

Infrastructure

**IN2 – Private Road – ‘Ridge Road’ Oakdale – Status and Maintenance**

The matter is complex as access is currently over a combination of public road, right of way through private property, and a section of apparently un-regulated track through National Park.

The recent history is:

- In 1999 a Right of Way was executed for access along a dirt section of unformed “Ridge Road” at Oakdale to facilitate access to a number of properties.
- Council at that time agreed to maintain the section of road even though this is not reflected in the 88B.
- In correspondence to residents on 5 August 1999, Council stated it would “be responsible for the maintenance of the roadway over lots 65, 99 and 102, subject to the cessation of a mining purpose lease in favour of Brimstone Coal Limited and the creation of a public road reserve over the aforementioned lots.”
- In correspondence to residents on 27 September 1999, Council stated “Council cannot advise of a definite timetable for creating the road as Council public road at this time....lengthy investigation involved, in the meantime, the road remains as a ROW benefitting all affected property owners.”
- In April 2000 Council received legal advice that Council has no ability to acquire land and dedicate it as it is not compliant with Section 16 of the Roads Act.
- In June 2000 there was a report to Council on the matter and Council resolved to commence the process of acquiring the ROW and dedicating it as a public road and requested a draft budget be investigated and that a further report be provided to Council on the outcomes.
- In February 2001 Council received further legal advice in advised that native claim exists over the lands.
- In June 2001 Council resolved to request various Ministers to dedicate the road under their respective acts.
- In July 2001 Council wrote to the Minister for Roads requesting he declare the road over crown land Public Road under Roads Act 1993 and that the Department purchase the private owned portions of the road.
- In August 2001 the Minister for Roads advised that it was a matter for the Department of Land and Water Conservation.
- In November 2001 the Minister for Land and Water Conservation advised Council that the issues are complex including native title issues and a meeting would be convened to establish a working party and that the private land acquisitions were a matter for Council.
- In 2002 Council advised the Minister for Lands and Water that they would investigate and contact his office to undertake due process to have the road dedicated.

**IN2 – Private Road – ‘Ridge Road’ Oakdale – Status and Maintenance**

- In 2003 residents pursued the previous Council commitment to make the public road.
- In December 2003 the Department of Lands advised the resident that the Coal mine was non-operational but not decommissioned. Lands have no objection to transferring the Crown land to Council's care control and maintenance. By 2005 Council had advised property owners that the road is not a public road or road reserve but is over private lands.
- By 2009 the resident was still requesting Council to gazette the road.
- In July 2009 Council wrote to the resident stating that Ridge Road is not a public road vested in the care and control of Wollondilly Shire Council and as such Council has no authority or responsibility regarding Ridge Road – and saying the costs are prohibitive and they should discuss this with the State Government.
- Since 2009 Council as maintained the position that it does not have a responsibility to undertake the gazettal of the road nor the financial ability to acquire the relevant land to do so.
- The owners of the isolated properties approached Council in January 2015 asking that Council accept responsibility for the access track, undertake necessary maintenance of the access track and make the track a public road.

The terms of the Right of Carriageway provide for:

*Full and free right for every person who is at any time entitled to an estate or interest in possession (including any estate granted under a mining lease) in the land herein indicated as lots benefited or any part thereof with which the right shall be capable of enjoyment, and every person authorised by that person, to go, pass and repass at all times and for all purposes with or without animals or vehicles or both to and from the said lots benefited or any such part thereof PROVIDED THAT for such time as Brimstone Coal Limited is the operator of Brimstone Colliery, Brimstone Coal shall have the duty to maintain the right of way granted under this instrument. Upon such date as Brimstone Coal ceases to be the operator of the Brimstone Colliery then the registered proprietors of lots 33, 90 and 106 in DP 751296 shall have responsibility for the maintenance and repair of the right of way granted under this instrument PROVIDED FURTHER THAT should one (or more) of the registered proprietors of lots 33, 90, and 106 in DP 751296 fail to contribute to the cost of maintenance of the right of way then such registered proprietor shall be disentitled from the use and enjoyment of the right of way granted in this instrument.*



**IN2 – Private Road – ‘Ridge Road’ Oakdale – Status and Maintenance**

**Legal Status of Current Access**

Access to the isolated private lots within the Blue Mountains National Park is via:

1. A private access road (the access to the former mine) constructed on the Right of Carriageway across two private lots
2. From the end of the Right of Carriageway, via combination of the private access road and then a graded fire trail

All of the access is by either a Right of Carriageway, where Council is a not a registered party on the Section 88B instrument, or a fire trail through the Nations Park - Fire Trail 10.

The access is therefore not a "public road" as defined under the Roads Act 1993 and therefore, not under Council's care or control. The responsibility for construction and or maintenance of the "road" remains either with:

- a. *The parties identified in the Section 88B Instrument and as such the owners have the right to reach agreement for maintenance with adjacent owners or undertake their own maintenance, as may suit their needs; or*
- b. *The National Parks & Wildlife Service.*

The fire trail section is maintained on an 'as needs' basis by the National Parks & Wildlife Service (NPWS) for fire fighting access only i.e. access for the private properties is not agreed or guaranteed.

**Council's Responsibility**

Council is not responsible for the maintenance of any of the access route from Ridge Road through to the isolated private properties. Further, as the access track from the haulage road through to the subject properties is not defined, it cannot be considered a "private road" under the Roads Act and remains a fire trail that happens to provide access.

Further, despite Council's earlier "agreement" (circa 1999) to maintain the access track, as the land is wholly within land not owned or under the care or control of Council, Council does not have legal access to the land to undertake such maintenance activities and would have to traverse through other private properties to gain access to the trail. As such, the agreement may have been incorrectly made as there was no supporting resolution, as required under Section 67 of the Local Government Act, for undertaking private works and fixing a fee for the recovery of costs.

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 September 2015

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**IN2 – Private Road – ‘Ridge Road’ Oakdale – Status and Maintenance**

Council has previously written to the various responsible Ministers offering to accept the access as a public road and this offer has not been accepted.

Given that the access route does not perform the function of public road, is periodically maintained by NPWS and provides access to only four private properties, it is not financially feasible for Council to seek to declare it as a public road as this would require the acquisition of the entire length (approximately 2 km) of the access route and undertake construction and maintenance activities.

**RECOMMENDATION**

1. That Council confirm it has no responsibility for the creation of an extension to the existing Public Road i.e. Ridge Road, Oakdale, to the isolated properties, and that this is the responsibility of the relevant property owners.
2. That the relevant property owners be advised of Council's decision.

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 September 2015

**IN3 – Private Road – ‘Avoca Road’ Silverdale – Status and Maintenance**

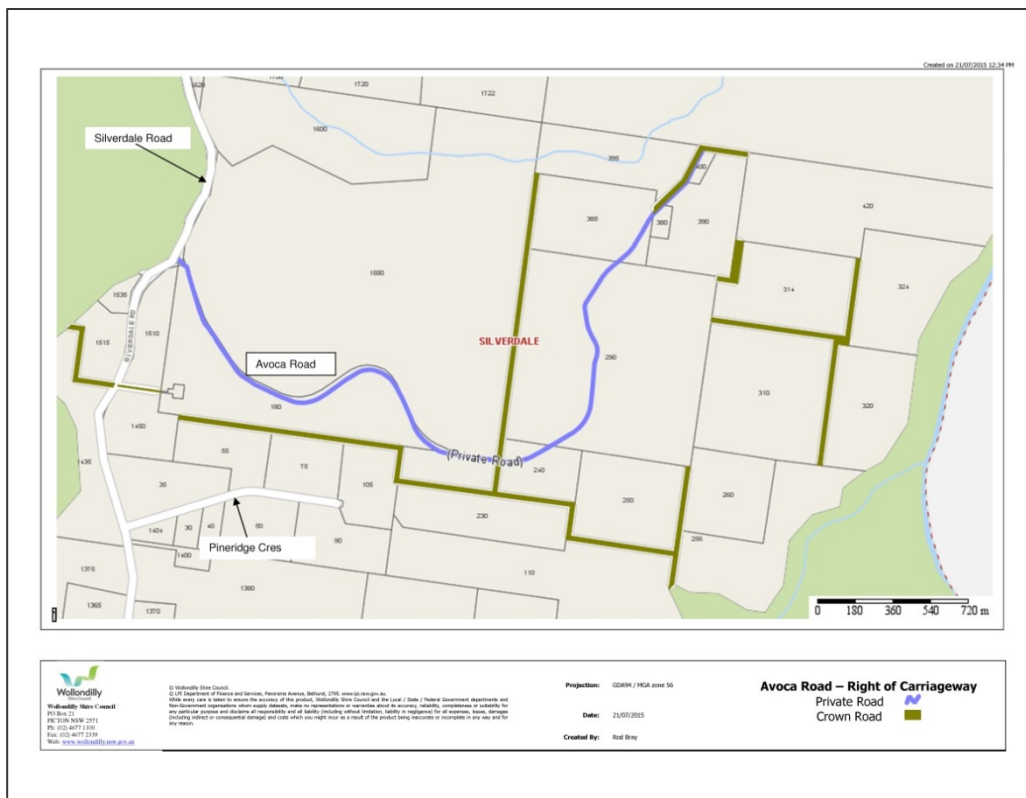
**IN3 Private Road - 'Avoca Road' Silverdale - Status and Maintenance** TRIM 3192

**EXECUTIVE SUMMARY**

- A situation was created some time ago where 17 lots gain access to Silverdale Road using a right of carriageway over private land.
- As a result of previous Council resolutions, residents have an expectation that Council has some responsibility for maintenance of the private road and this results in regular correspondence to council requesting maintenance works
- This report recommends that no further maintenance be provided to 'Avoca Road' unless it is on a fee for service basis for full cost recovery.

**REPORT**

**BACKGROUND**



A situation was created some time ago where 17 lots gain access to Silverdale Road using a right of carriageway over private land. The pavement is unsealed and in mixed condition along the length.

Infrastructure

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 September 2015

**IN3 – Private Road – ‘Avoca Road’ Silverdale – Status and Maintenance**

Domestic waste servicing currently takes place at Silverdale Road as the relevant property owners have not provided indemnity for damage by the collection contractor’s vehicles to allow them to enter ‘Avoca Road’.

A brief history is:

- In 1992, Council offered to coordinate proposals to initially create public road reserve on the existing alignment and look at various levels of maintenance/construction funded by the property owners.
- In April 1998, Council confirmed that it would maintain its commitment of grading the road once a year.
- In 2002, Council resolved to undertake one off grading to allow easier access for water carts and emergency vehicles. This took place over three days in December 2002.
- In 2004, in a memorandum to all councillors, it was detailed that "Council has plans to provide one day of grading which will cover about 1/3 of the length [of Avoca Road] or 1 kilometre of the road".
- In August 2004 it was resolved by Council that "the status of Avoca Road be dealt with as business of an urgent nature."
- In January 2005 council received a petition (letter of commitment) signed by nine of the seventeen owners authorising them as a committee to "investigate the course of action" once Council's position in relation to dedicating this road was known.
- Council's position has been maintained throughout this time that roads should be dedicated and formed before Council can assume full maintenance of them.

The current position has been for Council to spend one day per year undertaking maintenance grading on a portion of the total length; however, requests for additional width and complaints about the condition of the road are regularly the subject of correspondence to council.

**Legal Status of "Avoca Road"**

The Deposited Plans and Section 88B Instrument define the "road" as a Right of Carriageway providing benefit to each and every lot by burdening each and every other lot. Wollondilly Shire Council is not a listed beneficiary or party to the instrument.

The "road" is therefore not a "public road" as defined under the Roads Act 1993 and, hence, not under Council's care or control. The responsibility for construction and or maintenance of the "road" remains with the parties identified in the Section 88B Instrument and as such the owners have the right to reach agreement for maintenance with adjacent owners or undertake their own maintenance, as may suite their needs.

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Report of Infrastructure to the Ordinary Meeting of Council held on Monday  
21 September 2015

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**IN3 – Private Road – ‘Avoca Road’ Silverdale – Status and Maintenance**

If the Right of Carriageway were deemed to be a "private road" under the Roads Act 1993, Council may either direct that necessary works be undertaken by the respective owners or undertake the works on a cost recovery basis.

Under Section 67 (Private Works) of the Local Government Act 1993, Council may, by agreement, undertake works on private property for an adopted Fee which seeks to recover Council's costs.

**Works to date**

Under previous resolutions of Council, works have been undertaken without agreement for the recovery of the costs to be incurred.

Given Council's efforts to improve its operating efficiency as a part of the meeting the sustainability challenge, that is partly being met by the recently adopted Special Rate Variation, it is inappropriate to continue allocating resources to undertake works that remain the responsibility of private landowners at the expense of maintaining public assets.

Section 67 of the Local Government Act permits Council to reach agreement with an owner or occupier of private land to carry out work, provided it proposes to charge an approved fee.

**RECOMMENDATION**

1. That Council provide no further maintenance of the private road known as Avoca Road unless it is on a fee for service basis for full cost recovery.
2. That the relevant property owners be advised of Council's decision.

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 September 2015

**IN4 – Wollondilly Community Leisure Centre – Fees and Charges 2015/16**

**IN4** **Wollondilly Community Leisure Centre – Fees and Charges 2015/16**  
240 TRIM 5469

**EXECUTIVE SUMMARY**

- Each year the contracted operator of the Wollondilly Community Leisure Centre, Leisure Management Services (LMS Pty Ltd), submit a proposal of programs and the associated fees and charges for the upcoming 12 months, as per their contractual arrangement with Council.
- This Report outlines the proposed programs to be offered and associated fees and charges to be levied by LMS at the Wollondilly Community Leisure Centre under Contract 2005/20 for the following 12 months commencing 1 October 2015.
- It is recommended:

That Council approve the attached Programs, Fees and Charges for implementation at the Wollondilly Community Leisure Centre by Leisure Management Services (LMS) Pty Ltd under Contract 2005/20, commencing 1 October 2015.

**REPORT**

LMS commenced operations at the Wollondilly Community Leisure Centre (WCLC) on 3 October 2006.

As a condition of Contract 2005/20 - the Contractor must provide to the Superintendent a proposal outlining the types of programs to be offered at the Centre.

This report outlines these proposed programs and their associated fees commencing 1 October 2015 for a duration of 12 months.

Since commencing operations at the Centre on 3 October 2006, LMS Pty Ltd has implemented a Gymnasium/Health Club, Spin Classes, Pool Inflatable activities and Birthday Parties, School Holiday Activity Days, Gymnastics, Junior Learn to Play Sports, Indoor Soccer, Indoor Volleyball, Personal Training, and Nutrition Management. All of these activities have been well received and patronised, with Gymnasium/Health Club memberships currently matching those forecast to-date.

The fees and charges have been generally increased by CPI. In some cases the fee is slightly higher or lower as they are rounded off to the nearest appropriate amount.

A full list of the proposed fees & charges is attached to this Report. In the attached table, a comparison is carried out between the current fees and the proposed fees.

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Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 September 2015

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**IN4 – Wollondilly Community Leisure Centre – Fees and Charges 2015/16**

The programs, fees and charges will enable increased participation in sporting and leisure activities whilst improving Council's ability to continue to provide and improve the Centre for an extended period.

The current contract with LMS expires on 2 October 2016. Accordingly, a new tender will be called for the operation of the Centre from 3 October 2016.

**CONSULTATION**

The proposed programs are the result of ongoing customer feedback and usage patterns of programs at the Centre. An update on programs and proposed programs are outlined at WCLC Users Advisory Group meetings.

**FINANCIAL IMPLICATIONS**

The proposed fees and charges will increase Council's revenue share under contract 2005/20.

**ATTACHMENTS:**

1. Proposed Programs with Fees and Charges for WCLC from 1 October 2015.

**RECOMMENDATION**

That Council approve the attached Programs, Fees and Charges for implementation at the Wollondilly Community Leisure Centre by Leisure Management Services (LMS) Pty Ltd under Contract 2005/20, commencing 1 October 2015.

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 September 2015

**IN4 – Wollondilly Community Leisure Centre – Fees and Charges 2015/16**

**ATTACHMENT 1 – 5469 – 21 SEPTEMBER 2015**

<b>Wollondilly Leisure Centre - Fees And Charges</b>	<b>2014/15</b>		<b>2015/16</b>
Last updated - 11th April 2014			
<b>Pool Fees</b>	<b>2014/15</b>	<b>Change</b>	<b>2015/16</b>
Adult Swim	\$5.00	0%	\$5.00
Child Swim	\$3.90	3%	\$4.00
Concession	\$3.90	3%	\$4.00
Spectator	\$2.50	0%	\$2.50
Family	\$15.50	3%	\$16.00
Adult 12 Visits	NEW		\$58.00
Concession 12 Visits	NEW		\$46.00
Adult 20 Visits	\$92.00	3%	\$95.00
Concession 20 Visits	\$74.00	3%	\$76.00
Fortnightly Pass - Adult	\$19.50	3%	\$20.00
Fortnightly Pass - Concession	\$16.50	3%	\$17.00
Fortnightly Pass - Family	\$39.00	3%	\$40.00
Adult - 3 month	\$128.00	3%	\$132.00
Concession 3 Month	\$100.00	3%	\$103.00
Family - 3 month	\$240.00	3%	\$246.00
<b>Aqua Aerobics</b>	<b>2014/15</b>	<b>Change</b>	<b>2015/16</b>
Aqua Class - Adult	\$11.50	0%	\$11.50
Aqua Class - Concession	\$10.00	0%	\$10.00
Aqua Class - Senior	\$7.80	3%	\$8.00
Aqua Class 10 Visit	\$93.00	2%	\$95.00
Aqua Class - Concession 10 Visit	\$82.00	3%	\$84.50
<b>Clubs</b>	<b>2014/15</b>	<b>Change</b>	<b>2015/16</b>
Swim Club Casual	\$3.20	3%	\$3.30
Sports Club / Presentation	\$4.20	5%	\$4.40
<b>Learn to Swim (from term 4)</b>	<b>2014/15</b>	<b>Change</b>	<b>2015/16</b>
Swim Lesson - Term Payment	\$13.80	3%	\$14.20
Swim Lesson - Fortnightly	\$27.60	3%	\$28.40
<del>Holiday Workshop</del> - No Longer Offered	\$10.80		NA
Parent Spectators	FREE		FREE
Pool Entry, anytime outside lessons	FREE		FREE

Infrastructure



WOLLONDILLY SHIRE COUNCIL

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 September 2015

**IN4 – Wollondilly Community Leisure Centre – Fees and Charges 2015/16**

**ATTACHMENT 1 – 5469 – 21 SEPTEMBER 2015**

Health Club	2014/15	Change	2015/16
Adult - Casual	\$15.00	0%	\$15.00
Concession Casual	\$10.50	5%	\$11.00
Adult - Fortnightly Debit No Contracts	\$35.00	0%	\$35.00
Concession - Fortnightly Debit No Contracts	\$30.00	0%	\$30.00
Adult - Fortnightly Debit	\$30.00	3%	\$31.00
Concession - Fortnightly Debit	\$27.00	2%	\$27.50
Family - Fortnightly Debit	\$75.00	3%	\$77.00
Swim Parent / Corporate - Fortnightly Debit	\$27.00	2%	\$27.50
Adult 3 month	\$265.00	2%	\$270.00
Concession 3 month	\$195.00	3%	\$200.00
Family 3 month	\$495.00	0%	\$495.00
Adult 6 month*	\$530.00	0%	\$530.00
Concession 6 month*	\$390.00	0%	\$390.00
PT - 30 min	\$40.00	0%	\$40.00
PT - 60min	\$60.00	0%	\$60.00
PT - 5x 60min***	\$260.00	0%	\$260.00
Professional Services - Disability Group	\$10.00	-	\$10.00
Professional Services - Individual	\$20.00	-	\$20.00
Professional Services - Group (max 5 clients)	\$85.00	-	\$85.00

Stadium	2014/15	Change	2015/16
Casual Booking - 1 Court	\$43.00	2%	\$44.00
Casual Booking - 2 Courts	\$67.00	3%	\$69.00
Regular Booking - 1 Court	\$38.00	3%	\$39.00
Regular Booking - 2 Courts	\$58.00	2%	\$59.00
Casual Sport	\$5.00	2%	\$5.10
Casual Sport Concession	\$4.10	2%	\$4.20
Game Fee - Individual	\$8.40	1%	\$8.50
Learn to Play Sports - Casual	\$10.20	3%	\$10.50
Learn to Play Sports - fortnightly membership	\$15.40	3%	\$15.80
Parent Spectators	FREE		FREE

WOLLONDILLY SHIRE COUNCIL

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 September 2015

**IN4 – Wollondilly Community Leisure Centre – Fees and Charges 2015/16**

**ATTACHMENT 1 – 5469 – 21 SEPTEMBER 2015**

Recreation	2014/15	Change	2015/16
Birthday Parties Per Person	\$18.50	3%	\$19.00
Inflatable Fun Day - Child	\$6.20	3%	\$6.40
Inflatable Fun Day - Family	\$20.50	2%	\$21.00
Inflatable Hire Per Hour* (New Regulations)	\$77.00	3%	\$79.00
Events Hire Pool / Stadium Entry	\$3.60	3%	\$3.70
Pool Hire - Per Lane, Per Hour (community group)	\$62.00	3%	\$64.00
Pool Hire - Per Lane, Per Hour (professional services) - NEW	\$114.00	3%	\$117.00
Out of Hours Staff, Per Person, Per Hour	\$77.00	3%	\$79.00
Lap Club - Adult	\$5.00	0%	\$5.00
Lap Club - Concession	\$3.90	3%	\$4.00
Fortnightly Pass - Adult	\$19.50	3%	\$20.00
Fortnightly Pass - Concession	\$16.50	3%	\$17.00
Fortnightly Pass - Family	\$39.00	3%	\$40.00
School Holiday Activity Days - 4 hrs	\$21.50	2%	\$22.00

Schools	2014/15	Change	2015/16
School Swim - Education Dep	\$2.30	4%	\$2.40
School Stadium / Pool Entry	\$3.30	3%	\$3.40
School Carnival Entry	\$3.70	3%	\$3.80
School Aqua Class	\$5.70	2%	\$5.80
School Fitness Session	\$5.70	2%	\$5.80
School Lesson - 1 - Ratio 1:12	\$5.40	2%	\$5.50
School Lesson - 2 - Ratio 1:10	\$6.00	2%	\$6.10
School Lesson - 3 - Ratio 1:8	\$6.70	1%	\$6.80
School Lesson - 4 - Ratio 1:7	\$7.50	1%	\$7.60
School Lesson - 5 - Ratio 1:6	\$8.50	2%	\$8.70
School Lesson - 6 - Ratio 1:5	\$9.60	2%	\$9.80
Carnival Booking (equipment hire)	\$66.00	3%	\$68.00

Swim Squad	2014/15	Change	2015/16
All Squad - Casual	\$10.00	0%	\$10.00
Bronze Squad - Fortnightly	\$52.00	2%	\$53.00
Silver / Adult Squad - Fortnightly	\$57.00	2%	\$58.00
Gold Squad - Fortnightly	\$62.00	2%	\$63.00
Bronze Squad - 3 months	\$333.00	1%	\$335.00
Silver /Adult Squad - 3 months	\$369.00	0%	\$370.00
Gold Squad - 3 months	\$400.00	0%	\$400.00
10 Visit Pass - Fitness Squad	\$79.00	3%	\$81.50
10 Visit Pass - Squads	\$100.00	0%	\$100.00
Stroke Correction - Casual	\$12.00	3%	\$12.40
Stroke Correction - 10 visit pass	\$100.00	0%	\$100.00
Parent Spectators	FREE		FREE
Pool Entry, anytime outside lessons	FREE		FREE

WOLLONDILLY SHIRE COUNCIL

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 September 2015

**IN4 – Wollondilly Community Leisure Centre – Fees and Charges 2015/16**

**ATTACHMENT 1 – 5469 – 21 SEPTEMBER 2015**

Program Fees	2014/15	Change	2015/16
Aquatic Theme Day - Adult	\$6.20	3%	\$6.40
Aquatic Theme Day - Concession	\$4.10	2%	\$4.20
Aquatic Theme Day - Family	\$18.50	3%	\$19.00
Water Safety Course - Session	\$12.80	3%	\$13.20
Water Safety Course - Term	\$128.00	2%	\$130.00
2 Week Holiday Pass - Family	\$41.00	2%	\$42.00
4 Week Holiday Pass - Family	\$62.00	2%	\$63.00
6 Week Holiday Pass - Family	\$82.00	2%	\$84.00
Indoor Activity Session - Term	\$56.00	2%	\$57.00
Indoor Activity Session - Casual	\$62.00	3%	\$64.00
Fitness masterclass - individual	\$10.30	2%	\$10.50
Fitness masterclass - group	\$5.10	2%	\$5.20
Fitness Blitz - 15min	\$5.10	2%	\$5.20
Fitness Blitz - 20min	\$7.70	3%	\$7.90
Fitness Blitz - 30min	\$10.30	3%	\$10.60
Fitness - 5 pack pass	\$60.00	3%	\$62.00
Fitness - 10 pack pass	\$120.00	3%	\$124.00
6 Week Fitness Program	\$90.00	3%	\$93.00

# NOTICE OF MOTION

Notice of Motion to the Ordinary Meeting of Council held on Monday  
21 September 2015

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**NOTICE OF MOTION**

TRIM 6416-5

Nil.

# QUESTIONS FOR NEXT MEETING

Questions for Next Meeting to the Ordinary Meeting of Council held on Monday  
21 September 2015

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**QUESTIONS FOR NEXT MEETING**