

Ordinary Meeting Of Council



Wollondilly Shire Council

Minutes

11 December 2017

The meeting commenced at 6.30pm and was held in the Council Chamber 62-64 Menangle Street, Picton NSW 2571.

WOLLONDILLY SHIRE COUNCIL

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RECORDING OF MEETING

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

WEBCAST NOTICE

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

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

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

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

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

PRESENT

Councillors: Hannan (Mayor), Landow (6.48pm), Gould, Khan, Lowry, Banasik, Deeth, Briggs and Smith.

ALSO PRESENT WERE

General Manager, Executive Director Corporate and Community, Director Planning, Director Infrastructure and Environment, Assistant Director People, Legal and Governance, Manager Governance, Manager Development, and two Administration Officers.

NATIONAL ANTHEM

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

ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the traditional Custodians of the Land:

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

APOLOGIES AND LEAVE OF ABSENCE REQUESTS

TRIM 88-12

There were no apologies or leave of absence requests.

DECLARATION OF INTEREST

TRIM 9156

Cr Khan declared a Pecuniary Conflict of Interest in Item GR4 relating to a Development Application for the Old Fire Station Building at 7-9 Margaret Street, Picton. The reason being the applicant in this matter is his landlord. Cr Khan advised that he would leave the meeting during consideration of this item and not vote on the matter.

Cr Gould declared a Non-Pecuniary Conflict of Interest in Item GR9 relating to a Planning Proposal for North Silverdale Commercial, Residential and Environmental Lands. The reason being he is a member of the Silverdale Volunteer Rural Fire Brigade and a brigade member lives adjacent to the proposal site. Cr Gould advised that he would remain in the meeting and vote on this matter.

Cr Gould declared a Non-Pecuniary Conflict of Interest in Item GR6 relating to a Development Application for 65 Marsh Road, Silverdale. The reason being he is a member of the Silverdale Volunteer Rural Fire Brigade and the brigade station is on Council land directly adjoining this site. Cr Gould advised that he would remain in the meeting and vote on this matter.

Cr Smith declared a Non-Pecuniary Conflict of Interest in Item GR5 relating to a Development Application for 105 Burns Road, Thirlmere. The reason being the proponent is an acquaintance of his. Cr Smith advised that he would remain in the meeting and vote on this matter.

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Cr Landow declared a Non-Pecuniary Conflict of Interest in Item GR7 relating to a Development Application for 23 Burragorang Street, The Oaks. The reason being he engaged the applicant in a private matter a number of years ago. Cr Landow advised that he would remain in the meeting to consider this item and vote on the matter.

Cr Deeth declared a Non-Pecuniary Conflict of Interest in Item GR5 relating to a Development Application for 105 Burns Road, Thirlmere. The reason being the proponent is an acquaintance of his. Cr Deeth advised that he would remain in the meeting to consider this item.

Cr Deeth declared a Pecuniary Conflict of Interest in Item GR8 relating to the Stilton Lane, Picton Planning Proposal. The reason being that his parents are part of the PTAG rezoning. Cr Deeth advised that he would leave the meeting during this item and not vote on the matter.

Cr Deeth declared Pecuniary Conflict of Interest in Item GR11 relating to the Review of the Wollondilly Development Control Plan 2016 housekeeping amendments. The reason being he resides in Station Street, Menangle. Cr Deeth advised that he would leave the meeting during this item and not vote on the matter.

The General Manager declared Pecuniary Conflict of Interest in the two Closed Reports - EC11 and EC12 which relate to the General Manager's Performance Objectives and Renewal of the General Manager's Contract respectively. The reason being as he is the General Manager these matters relate directly to him. The General Manager advised that he would leave the meeting during consideration of these items.

The General Manager declared Pecuniary Conflict of Interest in Item EC10 – Committee Membership. The reason being appointment to the General Manager's Performance Review Committee was to be considered. The General Manager left the meeting during this item.

The Assistant Director People, Legal and Governance declared a Pecuniary Conflict of Interest in Item GR6 relating to a Development Application for 65 Marsh Road, Silverdale. The reason being relatives of his have purchased land within this proposed development. The Assistant Director advised that he would leave the meeting during consideration of this item.

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CONFIRMATION OF MINUTES

TRIM 88-12

240/2017 Resolved on the Motion of Crs Khan and Banasik:

That the Minutes of the Ordinary Meeting held on Monday 20 November 2017, as circulated, be adopted as true and correct.

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

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

241/2017 Resolved on the Motion of Crs Khan and Banasik:

That the Minutes of the Closed Meeting held on Monday 20 November 2017, as circulated, be adopted as true and correct.

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

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

242/2017 Resolved on the Motion of Crs Khan and Banasik:

That the Minutes of the Extraordinary Meeting held on Monday 4 December 2017, as circulated, be adopted as true and correct.

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

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

ITEMS TABLED

TRIM 88-12

- 449 Return Register 2017/18

MAYORAL MINUTE

TRIM 531

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

Tuesday 21 November 2017 Visit to Warragamba Pre School which I attended

Thursday 23 November 2017 Photo Shoot with Adeline Café – Winner of Best Variety Garden – Wollondilly Garden Competition

Friday 24 November 2017 Camden Community Connections 30 Year Anniversary Celebrations attended by myself and Deputy Mayor Robert Khan

Saturday 25 November 2017 WAG Art Exhibition

Saturday 25 November 2017 Carols in the Park Warragamba Civic Park

Thursday 30 November 2017 Warragamba Preschool Graduation evening attended by myself

Friday 1 December 2017 Buxton Carols attended by Michael Banasik and Matthew Deeth

Friday 1 December 2017 Access All Areas Short Film Festival

Monday 4 December 2017 End of Year School Presentation Assembly Oakdale Public School

Tuesday 5 & Wednesday 6 December 2017 Local Government NSW Conference attended by Mayor Judith Hannan; Deputy Mayor, Robert Khan, Councillor Michael Banasik, Councillor Noel Lowry and General Manager, Luke Johnson

Wednesday 6 December 2017 End of Year School Presentation Assembly, Douglas Park Public School attended by Councillor Matthew Deeth

Wednesday 6 December 2017 End of Year School Presentation Assembly Warragamba Public School attended by Councillor Matt Gould

Wednesday 6 December 2017 End of Year Senior School Presentation Assembly Broughton Anglican College attended by Councillor Matthew Deeth

Thursday 7 December 2017 End of Year School Presentation Assembly Bargo Public School which I attended

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Saturday 9 December 2017 Thirlmere Lakes Community BBQ

Sunday 10 December 2017 Carols on the Hill, St James Reserve, Menangle which I attended with Councillor Matthew Deeth and Councillor Matt Smith

Monday 11 December 2017 End of Year School Presentation Assembly Appin Public School which I attended

The concept plans for the proposed Warragamba Inclusive Playground have been the subject of an extensive community consultation program that closed on Tuesday 5 December 2017.

The feedback from this consultation program is currently being reviewed such that the designs can be finalised in accordance with the program on council's website that is aiming for construction to commence in June/July 2018. The intent is for the detailed designs to be developed through to January/February.

The concept design may need to be adopted in order for the detail for construction designs to be finalised and used for the procurement process; however, if formal adoption by Council is required there will be insufficient time to discuss the plans with Councillors and provide a business paper for the next available ordinary meeting of council on the 19th of February 2018 without delaying the project.

Accordingly, I move that:

1. In accordance with Sections 355 and 377 of the Local Government Act, a sub-committee consisting of the three Councillors for North Ward be delegated the authority to adopt the concept plans for the Warragamba Inclusive Playground on Council's behalf.

I would like to advise that I have declined an offer to attend a Study Tour on Australian Transport and Land Use visiting the Netherlands to look at Dutch Transport Innovation. The tour was very relevant given our public transport needs in our Greenfield sites. Unfortunately, even though I was going to pay for all travel costs, accommodation and meals, my attendance can't be approved under Council's adopted Fees and Expenses Policy

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On Thursday 23 November 2017 I met with Adeline Café winner of Best Variety Garden in this year's Wollondilly Garden Competition.

Adeline was unable to attend the Awards night and it was a pleasure to catch up with her and congratulate her on this award.



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On Saturday 25 November 2017 I attended the Carols in the Park event at Warragamba Civic Park. I would like to thank Councillor Matt Gould for also attending this event.

I would like to thank Warragamba Silverdale Neighbourhood Centre for their organisation of this Community event which was very well attended.



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On Friday 1 December 2017 I attended Council's Access All Areas Short Film Festival "Stars in the Garden" which was held in the Botanic Gardens, Picton.



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On Monday 4 December 2017 I attended the End of Year Presentation Assembly at Oakdale Public School.



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On Thursday 7 December I attended the End of Year School Presentation Assembly at Bargo Public School.



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On Saturday 9 December 2017 I attended a community BBQ held at Thirlmere Lakes hosted by National Parks and Wildlife Service and the Friends of Thirlmere Lakes.

I would like to thank Councillor Noel Lowry for also attending.

The day provided the opportunity to speak to a planner about the precinct plan and visitor facilities in the park; get an aerial view of the lakes from the NPWS drone; experience the lakes from a canoe; meet and speak with researchers involved in investigating the water levels as well as enjoying a BBQ Lunch.



Judith Hannan
MAYOR
December 2017

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243/2017 Resolved on the Motion of Crs Hannan and Smith:

That the Mayoral Minute be accepted.

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

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

244/2017 Resolved on the Motion of Crs Hannan and Briggs:

That Council suspend standing Orders to deal with item EC9.

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

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

WOLLONDILLY SHIRE COUNCIL

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Efficient and Effective COUNCIL

EFFICIENT AND EFFECTIVE COUNCIL

EC9

Oath of Office

238

TRIM 3745-3

245/2017

Resolved on the Motion of Crs Briggs and Gould:

That Cr Matt Smith reaffirm his Oath of Office in accordance with the requirements of the Local Government Act 1993.

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

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

246/2017

Resolved on the Motion of Crs Briggs and Gould:

That Council resume standing orders.

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

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

Council

Sustainable and Balanced GROWTH

SUSTAINABLE AND BALANCED GROWTH

GR1 Development Application No. 010.2017.00000678.001 for 89-91 Argyle Street, Picton – Commercial Building and use as Food and Drink Premises (Restaurant)
27534 010.2017.00000678.001

Growth

Cr Landow joined the meeting at 6.48pm.

247/2017 Resolved on the Motion of Crs Briggs and Khan:

That the application 010.2017.00000678.001 for a Commercial building and use as food and drink premises at 89-91 Argyle Street, Picton be approved subject to the following conditions:

1. COMPLIANCE

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

- (1) Development Consent is granted for Rebuild of Commercial Building to Use as Food and Drink Premises (Restaurant) at Lot: 6 DP: 1057352, No. 89-91 Argyle Street PICTON.
- (2) Development shall take place in accordance with the submitted plans below, prepared by Drake Designs and submitted in respect of Development Application No. 010.2017.00000678.001 dated January 2017, except where varied by the following conditions:

Plan Name	Drawn By	Drawing No	Issue
Site Plan	Drake Designs	CC 01.B	7/11/17
Floor Plan	Drake Designs	CC 02.C	2/11/17
Elevation Plan	Drake Designs	CC 04.C	2/11/17
Section Plan	Drake Design	CC 03.A	18/7/17
Kitchen and Amenities Plan	Drake Design	CC 06.B	2/11/17
Electrical Plan	Drake Design	CC 05.A	18/7/17

- (3) The applicant is informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 010.2017.00000678.001 received on 28/09/2017 except where varied by the following conditions of consent.

Sustainable and Balanced GROWTH

- (4) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:
- (a) Within the footprint of an approved building, access driveway or other structure; or
 - (b) Within three (3) metres of the footprint of an approved building; or
 - (c) Preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.
- (5) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.
- (6) Works shall not commence on the site, including the placement of temporary buildings, site excavation, filling, removal of trees or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.

2. BUILDING DESIGN

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

- (1) All materials and colours to be used in the external construction of the proposed building shall be consistent throughout the total development and/or match those of the existing development. These should include:
- New metal roofs to be Custom Orb profile in galvanised finish
 - Gutter to be quad or ogee or half round profile in galvanised finish
 - Downpipes to be round profile in galvanised finish

Sustainable and Balanced GROWTH

- Ridgecap and barge cap to be roll-capping in galvanised finish
 - Weatherboards and fascia's on street frontage to be solid timber.
- (2) Prior to the issue of a Construction Certificate, a final external colour scheme, fence details and sign work mock-up are to be provided to Council's Heritage Advisor for review and approval. The building shall incorporate earthy colours. Pale or patterned brickwork or multi-coloured shall not be used.
- (3) All external painted finishes shall be undertaken in accordance with Part 5, Figure 3 of Volume 1 of Wollondilly Development Control Plan 2016 (DCP 2016). Close equivalents from other manufacturer's colour ranges may be used.
- (4) The building shall comply with AS1428 – Design for access and mobility in respect of accessibility for people with a disability. Prior to the issue of any Occupation Certificate a certificate certifying compliance with this condition prepared by a suitably qualified person must be provided to Council or the nominated Accredited Certifier.
- (5) Any above ground water storage tanks shall be coloured or painted in earthy colours to blend with the natural environment or building immediately adjoining the water tank to reduce their visual impact.
- (6) Sanitary and other facilities must be provided in accordance with the deem-to-satisfy provisions of the National Construction Code.
- (7) To reduce the visual impact of building services, fittings and utilities (including, without limitation, downpipes, conduits and vents and air conditioning units and components) the person having the benefit of this shall integrate the services with the features of any facade fronting public open space or a public street.
- (8) Water from rainwater collection tank(s) must be used for at least one of the following prior to the issue of any Occupation Certificate:
- a) Irrigation and maintenance of landscaped areas;
 - b) Cleaning and maintenance of built development;
 - c) Toilet flushing;
 - d) Laundry purposes; or
 - e) Car washing.

3. CONSTRUCTION GENERAL

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

- (1) Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.
- (2) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8.00am and 1.00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (3) Excavated area/s adjacent to the building shall be retained and drained to prevent the subsidence of the excavation and/or entry of surface water to the building. Where the retaining wall exceeds 600mm in height, plans and specifications of the retaining wall shall be submitted to Council or a nominated Accredited Certifier and approved before the issue of the Construction Certificate. Where the height exceeds 1m in height, a certificate prepared by a suitably qualified Structural Engineer shall be submitted with the plans and specifications.
- (4) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
 - (a) Must be a standard flushing toilet; and
 - (b) Must be connected:
 - (i) To a public sewer, or
 - (ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

Sustainable and Balanced GROWTH

In this condition:

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

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

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

- (5) Prior to the issue of any construction certificate, sufficient information must be forwarded to Council or the nominated Accredited Certifier illustrating compliance with the relevant provisions of the National Construction Code. Where Council is to be the nominated Accredited Certifier Council's Building Services Section may be contacted between 8:00am and 10:00am Monday to Friday on 02 4677 1100 if further clarification is required.**
- (6) Construction shall not commence until a Construction Certificate has been obtained from Council or a nominated Accredited Certifier.**
- (7) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.**
- (8) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. This receptacle must have a tight fitting lid and be suitable for the reception of food scraps, papers, etc.**
- (9) There shall be no burning of builder's rubble, felled trees or other material on site.**
- (10) Dust shall be controlled so that it will not leave the construction site.**
- (11) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Occupation Certificate for the development.**

Sustainable and Balanced GROWTH

- (12) Prior to the issue of any construction certificate for this development, the following is to be paid to Wollondilly Shire Council, if not paid at Development Application stage:
- (i) Payment of Road Damage Inspection Fee (if development cost >\$5,000 in residential zones R2, R3 & R5 or for BCA class 2, 3, 5, 6, 7, 8 and 9 construction work in all zones).
 - (ii) Payment of a Road Opening Fee (only applies to the first structure on the site).
 - (iii) Payment of Damage Bond for class 2, 3, 5, 6, 7, 8 & 9 construction work in all zones.

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

4. FLOOD PRONE AREAS

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

- (1) The parts of the commercial building and car park below the Designated Flood Level shall be constructed of flood compatible (flood damage resistant) materials. Prior to issue of the Construction Certificate, adequate certification by a suitably qualified and experienced engineer shall be provided to the nominated Accredited Certifier that the proposed building can withstand the likely conditions experienced during the Designated Flood without suffering significant damage.
- (2) Prior to issue of the Construction Certificate, the applicant must demonstrate to the nominated Accredited Certifier, that permanent maintenance free measures are incorporated into the development to ensure the timely, orderly and safe evacuation of people in the event of a flood.
- (3) A certificate from a registered Surveyor shall be supplied to the Principal Certifying Authority prior to pouring the floor slab (or placing the flooring), verifying compliance with the designed floor level.
- (4) All fencing must be compatible with the nature of flooding and be designed to pass flood flows during events up to the Designated Flood Level.

5. ENGINEERING & CONSTRUCTION SPECIFICATIONS

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

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (2) Engineering design plans for access, carparking, turning areas and stormwater drainage shall be submitted to Council or the nominated Accredited Certifier. The plans must be approved prior to the issue of a Building Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Design parameters shall comply with the requirements of Council's Design Specifications.
- (3) The Engineering Design Plans for the Civil Works must be approved prior to the issue of a Building Construction Certificate with the approved plans of the Civil Engineering Works also incorporated into the Building Plans.
- (4) Prior to any occupation of the development or the issue of any Occupation Certificate, an Engineer's Certification shall be provided to the Principal Certifying Authority for all civil works (access, carparking, drainage etc.) carried out within the private property.
- (5) Prior to any occupation of the development or the issue of Occupation Certificate, a Certificate of Practical Completion for all roadworks, including road drainage, shall be obtained from Council.
- (6) All reasonable efforts shall be taken to protect the public footway and road pavement from damage during the course of construction. Restoration of any damaged road or footway shall be at the applicant's expense. A builder's security deposit is to be lodged with Council prior to any work being undertaken on the property. Any costs incurred by Council as a result of repairing damages caused directly or indirectly by the development will be deducted from the security deposit.

Sustainable and Balanced GROWTH

- (7) A “Soil and Water Management Plan” (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to the nominated Accredited Certifier with the Engineering Plans. The measures shall be in accordance with Council’s Construction Specification and the Department of Housing’s “Blue Book”.

6. DRAINAGE/STORMWATER

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

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP.
- (3) Stormwater drainage plan shall be prepared by a qualified person for future connection to Council’s Stormwater drainage network system.

7. CARPARKING/LOADING/ACCESS

- (1) A commercial duty concrete vehicular footway crossing shall be provided at all locations where vehicles cross the footway in accordance with Councils Design Specification.
- (2) Provision shall be made for vehicles to access and leave the site in a forward direction. A manoeuvring area for the loading bay shall be provided suitable for the expected delivery and service vehicles accessing the site. Where a restriction on the size of vehicles utilising the loading area is required, clearly visible signs shall be placed to inform drivers of the vehicle size restrictions. Details and turn path simulations shall be shown on the Engineering design plans for approval.

8. PUBLIC ROADS

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

Sustainable and Balanced GROWTH

- (1) The existing footpath on Argyle Street frontage shall be replaced with a full width concrete footpath from kerb to the property boundary including any adjustment to the adjoining paths to provide standard cross falls.
- (2) The existing redundant vehicle crossings in Argyle Street shall be replaced with kerb and gutter.
- (3) Provision of Vehicular Access to the site through the construction of layback gutter crossings/concrete footpath crossings in accordance with Council's Design & Construction Specifications. All obsolete vehicular crossings must be reconstructed as kerb.

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

- (4) All works to be carried out within the road reserve must be approved and inspected by Council under Section 138 of the Roads Act. A Section 138 Consent Certificate must be obtained from Council's Infrastructure Planning a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate. Engineering plan checking and inspection fees will be advised for payment prior to the issue of the approved plans.
- (5) Council acknowledges its responsibility to construct concrete footpath on both sides of Walton Street. The applicant is to provide design details on the Engineering Plans for a minimum 1.5 metre wide concrete footpath to the back of kerb on both sides of Walton Lane. Within seven (7) days of the issue of the Construction Certificate, the applicant shall advise Council, in writing, of the anticipated timeframe for the completion of the building, and request the provision of the footpath and make reference to this Consent.

9. EROSION AND SEDIMENT CONTROL

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

- (1) Runoff and erosion controls are to be installed prior to the commencement of any site works and incorporate:

Diversion of uncontaminated up-site runoff around cleared and/or disturbed areas.

Containment of the downslope perimeter of the cleared and/or disturbed area with a silt fence and/or other devices to prevent sediment and other debris escaping from the land.

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Maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated after completion of construction.

- (2) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (3) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (4) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (5) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (6) Stockpiles of construction and landscaping materials, and site debris are to be located clear of drainage lines and in such position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, natural strip or roadway.
- (7) All excess material shall be removed from the site. The spreading or stocking piling of excess material on site is not permitted.

10. INSPECTIONS

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

- (1) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:
 - Pier holes before pouring of concrete
 - Steel reinforcing before pouring of concrete
 - Wet area damp proofing and flashing before lining
 - Stormwater drainage before backfilling
 - Frame work before internal cladding or lining is fixed
 - Completion of the building work before occupation or use.

11. SIGNS

These conditions have been imposed to ensure that signs are properly designed, located and maintained so as not to impact upon existing streetscape.

- (1) An application under the provisions of the Environmental Planning & Assessment Act, shall be submitted to and approved by Council prior to the erection and/or display of any advertising signs unless the sign is exempt development as defined by that Act and in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or Schedule 2 of Wollondilly Local Environmental Plan 2011.
- (2) The signage approved as part of this development proposal must be maintained in good condition at all times to the satisfaction of Council.
- (3) At no time shall the intensity and hours of illumination of the sign/s adversely affect the amenity of the neighbourhood. If in the opinion of Council the amenity of the neighbourhood is likely to be adversely affected, the intensity and hours of illumination must be varied to ensure that this condition is complied with.
- (4) The sign may not at any time imitate road signs in respect of colour, shape, wording or layout. This includes, but is not limited to:
 - Words such as “stop”, “halt”, “slow” or “warning”;
 - Excessive use of red, orange, yellow or green colour scheme; or
 - Imagery of traffic management devices.
- (5) The sign shall, when active, be continuously illuminated and shall not flash.
- (6) The sign shall not be activated prior to the issue of an Occupation Certificate by the Principal Certifying Authority.
- (7) The sign shall be fixed to the building in a secure and safe manner and in such a manner so that its removal will not cause irreversible damage to the building.
- (8) No advertising flags or banners or the like are to be erected on, or overhang Council’s footpath, or be attached to street lights or telegraph poles.

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- (9) In accordance with the requirements of State Environmental Planning Policy No. 64 – Advertising and Signage the approved sign and any associated structure must be removed and the building/site reinstated, within a period of 15 years from the date of consent. If the sign is to be retained after this period, a new development application must be submitted to the consent authority and approved prior to the end of the 15 year period. If the approved use is abandoned prior to the 15 year period, then the approved sign must be removed.

12. SERVICES

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

- (1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

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

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

- (2) All power and services provided to the development within the site shall be underground.
- (3) The proposed building shall be connected to the reticulated sewage scheme prior to the issue of any Occupation Certificate for the development.

13. WASTE MANAGEMENT

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

- (1) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan submitted with the Development Application.

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14. OCCUPATION & USE

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

- (1) The structure shall not be occupied as a residence or domicile.
- (2) The premises shall be maintained in a clean and tidy state at all times.
- (3) The footpaths shall be kept clear of signs, fixtures and goods at all times.
- (4) The premises shall be constructed and operated in such a manner so as not to interfere with the amenity of the neighbourhood by reason of the emission or discharge of noise, fumes, vapour, steam, soot, ash, dust, waste water, waste water products, grit, oil or other harmful products of the industry.
- (5) Dust shall be controlled so that it will not leave the site.
- (6) The business shall be conducted between the hours of 11.00am and 9.00pm Monday's to Thursday's inclusive, between 11.00am and 12.00pm Friday's and Saturday's and 11.00am to 9.00pm Sundays and public holidays.
- (7) The building shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifying Authority.
- (8) The servicing, loading/unloading associated with the premises shall not have any impact upon the operation of the public road system.
- (9) All vehicles shall enter and leave the site in a forward direction.

15. SECURITY AND SAFETY

These conditions are imposed to ensure that the development is compliant with Safer by Design principles

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- (1) All essential services (i.e. emergency lighting, exit signs, portable fire extinguishers, hose reels, smoke alarms, hydrants, fire blankets, etc) are to be inspected and certified with the regulations under the Environmental Planning and Assessment Act (as amended) 1979, every 12 months from the date of this approval. Council shall be provided with the compliance certificates in accordance with the Environmental Planning and Assessment Act (as amended) 1979.

16. SECTION 94 CONTRIBUTIONS

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

- (1) A Section 94A Development Contribution of \$2500 shall be paid to Council. This contribution is calculated from Wollondilly Section 94 Contributions Plan, 2011 based on a 1% levy for non-residential development with a value exceeding \$200,000 and an estimated construction cost of \$250,000.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Wollondilly Development Contributions Plan 2011. The contribution is to be paid prior to the release of the Construction Certificate.

17. PRESCRIBED CONDITIONS

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

- (1) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989
 - (a) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (i) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (ii) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

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- (b) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.**
- (c) This clause does not apply:**
 - (i) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or**
 - (ii) to the erection of a temporary building, other than a temporary structure to which subclause (b) applies.**
- (d) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:**
 - (i) development consent, in the case of a temporary structure that is an entertainment venue, or**
 - (ii) construction certificate, in every other case.**

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

(2) Erection of signs

- (a) For the purposes of section 80A (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.**
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:**
 - (i) showing the name, address and telephone number of the principal certifying authority for the work, and**
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and**
 - (iii) stating that unauthorised entry to the work site is prohibited.**

Sustainable and Balanced GROWTH

- (c) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (e) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (f) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

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

18. ADVICES

- (1) The land is subject to flooding and the building may be inundated by flood waters from time to time. The applicant has selected a floor level below the flood planning level and given due consideration to the flood damages associated with over floor flooding as demonstrated by the provision of the Economic Analysis Report prepared by Drake Designs dated 9 November 2017.
- (2) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., which require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.

Sustainable and Balanced GROWTH

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

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 11 December 2017

Sustainable and Balanced GROWTH

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

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

Sustainable and Balanced GROWTH

GR2 **Applications to Modify Development Consent No. 010.2005.00051506.005 and No. 010.2005.00051506.006 for a Seniors' Living Development to provide an Additional 3 Self Care Units, Managers' Residence, Maintenance Shed, Wellness Centre, Men's Shed, and to Relocate Approved Swimming Pool – 20 Brundah Road, Thirlmere**

277598

010.2005.00051506.005
& 010.2005.00051506.006

Growth

248/2017 **Resolved on the Motion of Crs Briggs and Deeth:**

1. That the application 010.2005.00051506.006 be determined under delegation following action by the applicant on the following matters to the satisfaction of the Director Planning:
 - (a) Provision of certification by a qualified engineer of the structural integrity of the retaining walls and evidence of approval of Subsidence Advisory NSW.
 - (b) Submission of an amended Landscaping Concept Plan that
 - (i) reflects the proposed amended site plan,
 - (ii) provides for perimeter hedge planting as proposed in the original approved Landscape Plan, between the eastern side boundary and the development, noting that the planting will need to be supplemented by planting between the perimeter access road and the dwellings within Stages 3 and 4,
 - (iii) demonstrates compliance with the Seniors Living SEPP in regard to the minimum landscaped area of 30% site area and minimum 15% site area to be deep soil zones.
 - (c) Submission of a whole of site wheelchair access plan that reflects the amended site plan and provides a continuous accessible path of travel, compliant with the Seniors Living SEPP and AS 1428, including access to the proposed pool and letterboxes.
 - (d) Demonstration of compliance with the requirements of disability access for private parking spaces in accordance with Schedule 3, Item 5 of the Seniors Living SEPP.
 - (e) Identify the location of garbage storage areas residents and the provision of separate containers to facilitate separation of the waste stream.
 - (f) Stormwater disposal works within the adjoining Crown road reserve shall be removed/relocated, or land owners' consent for the works is be obtained from NSW Department of Industry (Lands) by the applicant.

Sustainable and Balanced GROWTH

2. That the application 010.2005.00051506.005 be determined under delegation following action by the applicant on the following matters to the satisfaction of the Director Planning:
- (a) Provision of certification by a qualified engineer of the structural integrity of the retaining walls and evidence of approval of Subsidence Advisory NSW.
 - (b) Submission of an amended Landscaping Concept Plan that
 - (i) reflects the proposed amended site plan,
 - (ii) provides for perimeter hedge planting as proposed in the original approved Landscape Plan, between the eastern side boundary and the development, noting that the planting will need to be supplemented by planting between the perimeter access road and the dwellings within Stages 3 and 4,
 - (iii) demonstrates compliance with the Seniors Living SEPP in regard to the minimum landscaped area of 30% site area and minimum 15% site area to be deep soil zones.
 - (c) Submission of a revised Bushfire Assessment Report that relates to the proposed additional buildings (with subsequent grant of a Bushfire Safety Authority by the RFS).
 - (d) Submission of a whole of site wheelchair access plan that reflects the amended site plan and provides a continuous accessible path of travel, compliant with the Seniors Living SEPP and AS 1428, including access to the proposed pool and letterboxes.
 - (e) Demonstration of compliance with the requirements of disability access for private parking spaces in accordance with Schedule 3, Item 5 of the Seniors Living SEPP.
 - (f) Identify the location of garbage storage areas residents and the provision of separate containers to facilitate separation of the waste stream.
 - (g) Stormwater disposal works within the adjoining Crown road reserve shall be removed/relocated, or land owners' consent for the works is be obtained from NSW Department of Industry (Lands) by the applicant.

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

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

Sustainable and Balanced GROWTH

GR4 **Development Application No. 010.2017.00000043.001 – Construct Retail Building, Basement Car Park & Demolish Old Fire Station Building – 7-9 Margaret Street, Picton**
278264 010.2017.0000043.001

250/2017 **Resolved on the Motion of Crs Briggs and Banasik:**

1. COMPLIANCE

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

- (1) *Development Consent is granted for Construct Retail building, Basement Car Park & Demolish Old Fire Station Building at Lot: 1 DP: 212204, Lot: 101 DP: 1068508, No. 7 Margaret Street PICTON, 9 Margaret Street PICTON.*
- (2) *Development shall take place in accordance with the plans below submitted in respect of Development Application No. 010.2017.00000043.001, except where varied by the following conditions:*

<i>Plan Name</i>	<i>Drawn By</i>	<i>Drawing No</i>
<i>Site Plan</i>	<i>Drake Designs</i>	<i>DA 01.G</i>
<i>Northern Elevation and Section</i>	<i>Drake Designs</i>	<i>DA 05.F</i>
<i>Eastern Elevation and Section</i>	<i>Drake Designs</i>	<i>CS 04F</i>
<i>Western and Southern Elevations</i>	<i>Drake Designs</i>	<i>DA 06E</i>
<i>Parking Reconfiguration</i>	<i>Drake Designs</i>	<i>DA 07E</i>
<i>Ground Floor Plan</i>	<i>Drake Designs</i>	<i>DA 02L</i>
<i>Basement Floor Plan</i>	<i>Drake Designs</i>	<i>DA 03L</i>

- (3) *The development shall be undertaken in accordance with the recommendations contained in the Traffic Impact Assessment prepared by Traffix dated 30 June 2017.*
- (4) *Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.*

Sustainable and Balanced GROWTH

- (5) ***All building work must be carried out in accordance with the provisions of the Building Code of Australia. This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulations, 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4).***
- (6) ***Works shall not commence on the site, including the placement of temporary buildings, site excavation, filling, removal of trees or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.***

2. DEMOLITION

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

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

shall be undertaken by a licensed demolisher who is registered with SafeWork NSW (formerly WorkCover Authority of NSW). Details shall be submitted to Council or the nominated Accredited Certifier prior to the commencement of demolition works.

- (2) ***Any demolition works involving asbestos removal must comply with all legislative requirements including the publication How to Safely Remove Asbestos – Code of Practice (December 2011-WorkCover NSW & Safe Work Australia), SafeWork NSW and NSW Environment Protection Agency (EPA) requirements.***

Sustainable and Balanced GROWTH

- (3) Any work involving lead paint removal must not cause lead contamination of air or ground.**
- (4) All demolition material shall be disposed of in accordance with a waste management plan to be submitted and approved by Wollondilly Shire Council prior to the commencement of the demolition work.**
- (5) Demolition works shall not create general nuisance by reason of inadequate dust, noise or environmental controls.**
- (6) All demolition works should be carried out in a way that ensures that waste is managed in a manner consistent with the “NSW Waste Avoidance and Resource Recovery Strategy 2014-21” (copies can be obtained from the EPA website at <http://www.epa.nsw.gov.au/warr/index.htm>).**
- (7) Care should be taken when demolishing building structures likely to have been treated with pesticides to avoid contact with the top 10-20mm of soil. The top layer of soil should not be left exposed where children or other sensitive individuals may come into contact with it.**
- (8) Demolition shall be carried out to Australian Standard AS2601-2001 – The Demolition of Structures and the WorkCover Authority of NSW publication “Demolition work code of practice July 2014” including provision for:**
 - Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works**
 - Induction training for onsite personnel**
 - Management of asbestos, contamination and other hazardous materials**
 - Dust control**
 - Disconnection of gas and electrical supply**
 - The demolition shall not hinder pedestrian or vehicle mobility in the locality**
 - Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.**

Sustainable and Balanced GROWTH

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

3. HERITAGE

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

- (1) ***Delete 2.4 x 1.8 illuminated sign (a smaller, surface illuminated sign may be considered by council).***
- (2) ***Delete tree planting where there is a planting bed is less than 1 metre wide. Qualified landscape architect to provide alternative landscape detail of a green wall for council assessment.***
- (3) ***Delete above-parapet protuberances (turrets with pipe ornaments).***
- (4) ***Bowral Blue face brick to be used in the construction of the vertical wall columns.***
- (5) ***Wall sign panels to be recessed (minimum 70mm).***
- (6) ***External colours to be walls in Colorbond Cove and /or Colorbond Gully. Framing and trim in Colorbond Woodland Grey, Jasper or Monument (recessive and not imitative of Picton Mall).***
- (7) ***Awning roofs and gutters to be galvanised finish.***
- (8) ***Tree planting to be only in deep soil (no planters).***

Sustainable and Balanced GROWTH

4. BUILDING DESIGN

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

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

5. CONSTRUCTION GENERAL

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

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

Sustainable and Balanced GROWTH

- (ii) *if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.*

In this condition:

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

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

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

- (5) ***Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Occupation Certificate for the development.***
- (6) ***An appropriate fence preventing public access to the site shall be erected for the duration of construction works.***
- (7) **PROTECTION OF PUBLIC PLACES**

- (a) ***If the work involved in the erection or demolition of a building:***

- (i) ***Is likely to cause pedestrian or vehicular traffic in a place to be obstructed or rendered inconvenient, or***
- (ii) ***Building involves the enclosure of a public place;***

A hoarding or fence must be erected between the work site and the public place.

- (b) ***If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.***

Sustainable and Balanced GROWTH

- (c) *The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.*

Any such hoarding, fence or awning is to be removed when the work has been completed.

- (8) *A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. This receptacle must have a tight fitting lid and be suitable for the reception of food scraps, papers, etc.*
- (9) *A demolition/construction waste storage area (bins or bays) must be provided. This area shall separate demolition/construction waste into categories such as hard waste (e.g. bricks, concrete, tiles), soft waste (e.g. timber, gyprock, metal, glass) and light waste (e.g. paper, plastic, pods). The light waste storage area must be enclosed so as to prevent the material from escaping the enclosure.*
- (10) *There shall be no burning of builders rubble, felled trees or other material on site.*
- (11) *Dust shall be controlled so that it will not leave the construction site.*

6. ENGINEERING & CONSTRUCTION SPECIFICATIONS

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

- (1) *All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.*
- (2) *All reasonable efforts shall be taken to protect the public footway and road pavement from damage during the course of construction. Restoration of any damaged road or footway shall be at the applicant's expense. A builders security deposit is to be lodged with Council prior to any work being undertaken on the property. Any costs incurred by Council as a result of repairing damages caused directly or indirectly by the development will be deducted from the security deposit.*

7. DRAINAGE/STORMWATER

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

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.***
- (2) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP.***
- (3) An interallotment drainage system, as generally shown in the concept drainage plans by G.F.Murphy Consulting Pty, Plan No.16074, issue A dated 07.12.16, shall be provided for lot 1 in DP212204 to enable discharge of stormwater by gravity flow to the road gutter or suitable Council drainage system. This system shall be located within a drainage easement not less than 1.5 metres wide which confers appropriate drainage rights.***
- (4) Prior to Occupation of the proposed new building or issue of Occupation Certificate for the proposed new building, evidence shall be provided the certifying authority of registration of appropriate drainage easements on the certificate of title of lot 101 in DP1068508 benefitting lot 1 in DP212204.***

8. CARPARKING and ACCESS

These conditions have been imposed to:

- (a) Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.***
 - (b) Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.***
- (1) Prior to the issue of a Construction Certificate amended plans shall be submitted nominating the six (6) required bike racks on Lot 1 DP 212204, commonly known as 7 Margaret Street.***

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- (2) The development is to be provided with 16 basement car parking spaces and access thereto. Such spaces are to measure not less than 2.6m x 5.5m and are to be constructed and marked in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.**
- (3) Provision shall be made for vehicles to access and leave the site in a forward direction. A manoeuvring area for the basement carpark shall be provided for turning of 85th percentile cars. Clearly visible signs shall be placed to inform drivers of any parking restrictions within the basement carpark. Parking, signage and turn path simulations shall be shown on the building plans for approval prior to issue of Construction Certificate.**
- (4) Adequate sight distance to pedestrians in Margaret Street from vehicles exiting the basement carpark shall be provided. Prior to issue of Construction Certificate, the provision of adequate sight distance shall be confirmed with the inclusion of clear sight lines, in accordance with AS2890.1, shown on the building plans for approval by the nominated Accredited Certifier.**
- (5) Provision shall be made for pedestrian access links in accordance with the amended Traffic Impact Assessment by Traffix, Report 16.051r02v02 dated 30 June 2017 and drawing DA 07, Ref 15-6-357. Pedestrian access shall be designed in accordance with Australian Standard AS1428.1 – Design for Access and mobility.**
- (6) Prior to issue of Construction Certificate, Certification from a suitably qualified professional shall be provided to the nominated Accredited Certifier that all pedestrian access links have been designed in accordance with Australian Standard AS1428.1 – Design for Access and Mobility.**
- (7) Prior to Occupation of the proposed new building or issue of Occupation Certificate for the proposed new building, Certification from a suitably qualified professional shall be provided to the Certifying Authority that all pedestrian access links have been constructed in accordance with the approved plans and Australian Standard AS1428.1 – Design for Access and Mobility.**
- (8) Prior to the issue of a Construction Certificate sufficient information must be forwarded to Council or the nominated Accredited Certifier that four (4) disabled parking spaces are located on the consolidated lot. These parking requirements are to be in accordance with the BCA and the Australian Standard.**

Reason: to ensure both buildings are provided with sufficient disabled parking in accordance with the Australian Standard.

9. PUBLIC ROADS

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

- (1) *The existing footpath on Margaret Street frontage shall be replaced with a full width concrete footpath from kerb to the property boundary including any adjustment to the adjoining paths to provide standard cross falls.*
- (2) *Provision of Vehicular Access to the site through the construction of Commercial grade layback gutter crossings/concrete footpath crossings in accordance with Council's Design & Construction Specifications. All obsolete vehicular crossings must be reconstructed as kerb.*

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

- (3) *Prior to issue of Construction Certificate a concept Traffic Plan shall be prepared showing the layout for the Parking Control Signs in Margaret Street (Timed Loading Zone and Taxi Zone), as generally proposed in the amended Traffic Impact Assessment by Traffix, Report 16.051r02v02 dated 30 June 2017. The plan shall be submitted to Council for assessment and approval by Council's Local Traffic Committee.*

The extent of any works in relation to the installation of parking control signs will be subject to the approval and recommendations of the Local Traffic Committee.

- (4) *Prior to Occupation or the issue of any Occupation Certificate of the development, the parking control signs relating to the loading and taxi zone in Margaret Street as shown in the approved Traffic Plan shall be installed, at no cost to Council.*
- (5) *All works to be carried out within the road reserve must be approved and inspected by Council under Section 138 of the Roads Act. A Section 138 Consent Certificate must be obtained from Council's Infrastructure Planning a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.*
- (6) *Prior to Occupation or the issue of any Occupation Certificate of the development, a Certificate of Practical Completion shall be issued by Council for all works within the public road reserve.*

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10. EROSION AND SEDIMENT CONTROL

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

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.*
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.*
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.*
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.*
- (5) Stockpiles of construction and landscaping materials, and site debris are to be located clear of drainage lines and in such position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, natural strip or roadway.*
- (6) All excess material shall be removed from the site. The spreading or stocking piling of excess material on site is not permitted.*

11. INSPECTIONS

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

- (1) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:*
 - Footings.*
 - Pier holes before pouring of concrete.*
 - Steel reinforcing before pouring of concrete.*
 - Wet area damp proofing and flashing before lining.*
 - Structural steel work before covering.*
 - Stormwater drainage before backfilling.*
 - Frame work before internal cladding or lining is fixed.*
 - Completion of the building work before occupation or use.*

12. OCCUPATION & USE

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

- (1) The footpaths shall be kept clear of signs, fixtures and goods at all times.*
- (2) The person or people responsible for the operation of the development shall ensure that any graffiti is removed from the site within 24 hours of it appearing.*
- (3) The specific use of each shop shall be the subject of a separate development application to Council, unless the proposed use is exempt or complying development as specified by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*
- (4) The building shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifying Authority.*

13. SECURITY AND SAFETY

These conditions are imposed to ensure that the development is compliant with Safer by Design principles.

- (1) All essential services (i.e. emergency lighting, exit signs, portable fire extinguishers, hose reels, smoke alarms, hydrants, fire blankets, etc) are to be inspected and certified with the regulations under the Environmental Planning and Assessment Act 1979, every 12 months from the date of this approval. Council shall be provided with the compliance certificates in accordance with the Environmental Planning and Assessment Act 1979.*
- (2) The management is to ensure a responsible and suitably qualified person is present at all entertainment activities. The responsible person is to ensure that:*
 - (i) All essential emergency services are operable, accessible and in good working order on each night of public entertainment; and*
 - (ii) That all exists are accessible and clear of obstructions at all times; and*
 - (iii) Ensure the place of public entertainment does not exceed the number of approved people permitted inside the entertainment area as stated on the approved capacity.*

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14. SIGNS

These conditions have been imposed to ensure that signs are properly designed, located and maintained so as not to impact upon the existing streetscape.

- (1) *An application under the provisions of the Environmental Planning & Assessment Act, shall be submitted to and approved by Council prior to the erection and/or display of any advertising signs unless the sign is exempt development as defined by that Act and in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or Schedule 2 of Wollondilly Local Environmental Plan 2011.***
- (2) *No advertising flags or banners or the like are to be erected on or attached to the shopfront.***
- (3) *No advertising flags or banners or the like are to be erected on, or overhang Council's footpath, or be attached to street lights or telegraph poles.***
- (4) *In accordance with the requirements of State Environmental Planning Policy No. 64 – Advertising and Signage the approved sign and any associated structure must be removed and the building/site reinstated, within a period of 15 years from the date of consent. If the sign is to be retained after this period, a new development application must be submitted to the consent authority and approved prior to the end of the 15 year period. If the approved use is abandoned prior to the 15 year period, then the approved sign must be removed.***

15. LANDSCAPING

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

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

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- (e) Details of planting procedure and maintenance.*
- (f) Details of drainage and watering systems*
- (g) Provision of only native species that are endemic to the region.*
- (h) Details of compliance with the landscaping requirements of other conditions of this consent.*

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

- (2) Landscaping is to be installed in accordance with the Approved Plan prior to the release of the occupation certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times.*

16. SUBDIVISION PLANS

These conditions have been imposed to ensure:

- (a) To outline the minimum development standards and provide design guidelines for the subdivision of land in the Shire.*
- (b) To outline Council's requirements on work standards for the construction of land subdivision:*
 - (1) Proposed Lots 1 DP212204 and Lot 101 DP1068508 shall be consolidated into one Title and written notification as to the registration of such consolidation at Land and Property Information is to be submitted to Council prior to release of the Construction Certificate.*
 - (2) Submission to Council of the Linen Plan of Consolidation together with five (5) copies suitable for certification by the General Manager and lodgement at Land and Property Information. A fee for the release of the Subdivision Certificate applies.*

17. SECTION 94 CONTRIBUTIONS

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

- (1) A Section 94A Development Contribution of \$15,000 shall be paid to Council. This contribution is calculated from Wollondilly Section 94 Contributions Plan, 2011 based on a 1% levy for non-residential development with a value exceeding \$200,000 and an estimated construction cost of \$1,500,000*

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Wollondilly Development Contributions Plan 2011. The contribution is to be paid prior to the release of the Construction Certificate.

18. PRESCRIBED CONDITIONS

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

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

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

(2) Erection of signs

- (a) For the purposes of section 80A (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.**
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:**
 - (i) showing the name, address and telephone number of the principal certifying authority for the work, and**
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and**
 - (iii) stating that unauthorised entry to the work site is prohibited.**
- (c) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.**
- (d) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.**
- (e) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.**
- (f) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.**

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

19. ADVICES

- (1) ***During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., which require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.***
- (2) ***The following service providers should be contacted before commencement of construction to establish their requirements:***
 - ***Dial before you dig (various services) 1100***
 - ***Telstra (telephone) 1 800 810 443***
 - ***Endeavour Energy (electricity) 131 081***
 - ***AGL (gas) 131 245***
 - ***Sydney Water (water & sewer) 132 092***
- (3) ***At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.***
- (4) ***A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.***
- (5) ***The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:***
 - ***Motor Vehicle Insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.***
 - ***Workers Compensation Insurance.***
 - ***Twenty Million Dollar Public Liability Insurance.***
- (6) ***This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Building Services Section for building works or Council's Infrastructure Planning Section for subdivision works.***

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- (7) That Council review the heritage conservation area as it pertains to the commercial area in Picton.**

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

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

Vote Against: Cr Landow

Cr Khan returned to the meeting at 7.12pm.

Sustainable and Balanced GROWTH

GR5 Development Application No. 010.2002.00057136.002 – Intensive Agriculture – Two Additional Poultry Sheds – 105 Burns Road, Thirlmere
278264 010.2011.00057136.002

251/2017 Resolved on the Motion of Crs Smith and Briggs:

That the proposed Section 96(1A) modification 010.2002.00057136.002 at 105 Burns Road, Thirlmere to vary Condition 9.8 which removes the 3 month restriction for night time pickup of poultry be approved, subject to:

Condition 9.8 reading as follows:

9.8 “The night time pick-up of birds is permitted under this consent under the following terms:

- Clean out of the sheds shall be between 7:00am and 6:00pm weekdays and 7:00am to 4:00pm Saturdays only.
- Except in emergency circumstances where the welfare of the birds is at risk, all poultry industry related truck movements not associated with the movement of live birds are to be between 7:00am and 8:00pm weekdays and 7:00am to 4:00pm Saturdays only.
- Except where required under relevant Work Health & Safety Law; machinery, equipment, forklifts etc. that have beeping reversing alarms must not be used after 6:00pm. Truck engines and headlights are to be turned off during bird pick up operations unless entering or leaving the premises.
- Staff, contractors, sub-contractors and the like under the direct control of the grower must abide by a Code of Conduct Agreement with the poultry grower to ensure noise mitigation measures are adhered to when working on site and travelling along surrounding roads.

ADVISORY NOTE:

In accordance with Council’s Enforcement Policy, where repeated complaint(s) about noise impacts on a sensitive receiver are verified by Council, a mediation process will be initiated involving the poultry farm operator, the processor, the truck operator and Council.

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Where the mediation session fails to resolve ongoing and substantiated complaints, Council will consider enforcement action under the Protection of the Environment Operations Act including an Order placing restrictions (i.e. noise limits or curfew) upon night time pick-up of birds with or without an exception for extreme weather conditions.

A breach (other than an exception as described above) of a curfew imposed by an Order may result in Council issuing a Penalty Infringement Notice (PIN) or commencing prosecution proceedings.”

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

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

Sustainable and Balanced GROWTH

Cr Deeth left the meeting at 7.44pm due to a previously declared Conflict of Interest in the next Item.

GR8 Stilton Lane Planning Proposal

41

TRIM 7142

254/2017 Resolved on the Motion of Crs Khan and Briggs:

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

Address	Lot//DP
5 Stilton Lane	10//583245
10 Stilton Lane	1//583248
10A Stilton Lane	1//865604
15 Stilton Lane	2//583247
20 Stilton Lane	4//1180702
30 Stilton Lane	53//251857
40 Stilton Lane	54//251857
50 Stilton Lane	55//251857
60 Stilton Lane	1//1180702
2420 Remembrance Drive	60//979250
2430 Remembrance Drive	61//979250
2440 Remembrance Drive	2//1180702
2440A Remembrance Drive	201//1180801

To amend Wollondilly Local Environmental Plan, 2011 as follows:

- Amend the Land Zoning Map to rezone land from:
 - RU2 Rural Landscape to IN2 Light Industrial, SP3 Tourist, E2 Environmental Conservation and RU4 Primary Production Small Lots
 - SP2 Infrastructure to RU2 Rural Residential and SP3 Tourist
 - RU2 Rural Landscape to SP2 Infrastructure (Railway); generally in accordance with the land zone map at Attachment 3.
- Amend the Lot Size Map from a minimum lot size category of 16 hectares to:
 - no minimum lot size for E2 Environmental Conservation, SP2 Infrastructure (Railway) (current and proposed) and SP3 Tourist
 - 1500 sqm for IN2 Light Industrial Zone
 - 4 ha for RU4 Primary Production Small Lots

Sustainable and Balanced GROWTH

- **4 ha for the residue RU2 Rural Landscape Zone; generally in accordance with the lot size map at Attachment 4.**
- **Amend the Natural Resources Biodiversity map in accordance with the findings of a Flora and Fauna study.**
- **Amend the Height of Buildings Map from no Maximum Building Height to a Maximum Building Height Category of 9 metres for the IN1 Light Industrial Zone and SP3 Tourist Zone. The rural zones would retain the no maximum building height category.**
- **Amend the Land Use Table to include Zone SP3 Tourist as detailed below:**
 - Zone SP3 Tourist**
 1. **Objectives of zone**

To provide for a variety of tourist-oriented development and related uses.
 2. **Permitted without consent**

Nil.
 3. **Permitted with consent**

Food and drink premises; Camping grounds; Eco-tourist facilities; Function centres; Tourist and visitor accommodation.
 4. **Prohibited**

Any other development not specified in item 2 or 3.
- 2. **That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.**
- 3. **That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.**
- 4. **That the applicant and submitters be notified of Council's Resolution.**

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

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

Sustainable and Balanced GROWTH

Cr Deeth returned to the meeting at 7.48pm.

GR9

Planning Proposal – North Silverdale Commercial, Residential and Environmental Lands

260803

TRIM 6454

Growth

Moved on the Motion of Crs Hannan and Khan:

1. *That, in principle, Council supports finalising the planning proposal subject to the traffic and open space issues being resolved.*
2. *That, if determined necessary, a request for an altered Gateway Determination be made to the Greater Sydney Commission requesting the following amendments:*
 - a. A minimum lot size be inserted into the E3 Environmental Management zone in accordance with the revised minimum lot size map in attachment 7 in order to address the concerns raised by OEH during the Government Agency consultation.
 - b. Provisions to include an appropriate zone for the proposed open space area.
 - c. *Provisions to allow public access to the existing RE1 zone adjoining the South East corner of the site.*
3. That the NSW Department of Planning and Environment Regional Office be asked to liaise with the NSW Department of Primary Industries (Agriculture) and the proponent with a view to resolving any remaining issues raised by DPI in relation to land use conflict with the adjoining poultry farm at the northern boundary *and that a report on this matter be included if the proposal is next before council.*
4. That the proponent provide an updated Traffic Impact Assessment to address the concerns in point 3 of the RMS advice dated 19 September, 2017 and provided in attachment 11 of this report as well as the concerns raised by Council's Infrastructure Planning Team.
5. That the proponent be advised that they may wish to consider negotiating a Voluntary Planning Agreement (VPA) at the planning proposal stage to address issues surrounding land dedication and allocation of costs among landowners for future traffic infrastructure works required as part of the of the proposal.

Sustainable and Balanced GROWTH

6. *That if the proponent indicates a willingness to enter into a VPA council seek to address the following as part of those negotiations:*
 - a. *Issues surrounding land dedication*
 - b. *Provision of a foot/bike path joining the proposed B2 zone with the existing village of Silverdale*
 - c. *Road widening and general improvements to Silverdale Rd*
 - d. *Provision of kerb & guttering*
 - e. *Provision of other infrastructure as required.*
7. *That a further report be provided to Council once the above matters have been satisfactorily addressed and that the revised planning proposal, draft VPA and draft development control plan be considered at the same meeting of council.*
8. *That the proponent and those who made a submission on the Planning Proposal be notified of Council's decision.*

Councillor Gould foreshadowed the motion:

1. *That Council note the outcomes of the Public Exhibition for the North Silverdale, Commercial, Residential and Environmental Lands Planning Proposal.*
2. *That a request for an Altered Gateway Determination be made to the Greater Sydney Commission requesting the following amendments to the Planning Proposal:*
 - a) *A minimum lot size be inserted into the E3 Environmental Management zone in accordance with the revised minimum lot size map in attachment 7 in order to address the concerns raised by OEH during the Government Agency consultation.*
 - b) *Provisions to include an appropriate zone for the proposed open space area.*
 - c) *Provisions to allow public access to the existing RE1 zone adjoining the South East corner of the site*
 - d) *That the area identified as R3 Medium Density Residential Zone be altered to an R2 Low Density Residential Zone with a minimum lot size of 700m² in recognition of the lack of sufficient infrastructure including public transport to support such zoning at this time.*

Sustainable and Balanced GROWTH

- e) *That those parts of the site identified as “precinct 3” within the staging plan in attachment 8 be removed from the proposal due to the land use conflict issues with the adjoining poultry farm at the northern boundary and that the proponent be advised that a separate planning proposal can be submitted for that land after such time as the poultry farm ceases operation.*
 - f) *That the area identified as B4 Mixed use Zone be altered to an R2 Low Density Residential Zone with a minimum lot size of 2000m² for that future lots directly adjoining Silverdale Rd and a minimum lot size of 700m² for the remainder.*
 - g) *That the minimum lot size for those lots zoned R2 which are directly adjacent to Silverdale Rd or directly adjoin the southern boundary of the site be altered to be 2000m² in order to provide a natural transition between the existing R5 Large lot residential zone to the south and to retain the semi rural feel along the main entrance route to Silverdale.*
 - h) *That the proponent provide an agricultural impact study that details the loss of agricultural capability from the rezoning, any potential impacts on the capability of adjoining land to be used for agriculture and any measures required to ameliorate that impact.*
3. That the NSW Department of Planning and Environment Regional Office be asked to liaise with the NSW Department of Primary Industries (Agriculture) and the proponent with a view to resolving any remaining issues raised by DPI in relation to land use conflict with the adjoining poultry farm at the northern boundary *and that a report on this matter be included when the proposal is next before council.*
 4. That the proponent provide an updated Traffic Impact Assessment to address:
 - a) *The RMS advice dated 19 September, 2017 provided in attachment 11 of this report*
 - b) *The concerns raised by Council’s Infrastructure Planning Team*
 - c) *that the intersections of Silverdale Rd and Mulgoa Rd and Silverdale Rd and Bents Basin Rd are included in this assessment and*
 - d) *that alternative traffic management options be examined and utilised over signalised intersections where possible.*
 5. That *the intention of the proponent to negotiate a Voluntary Planning Agreement (VPA) be ascertained and that if the proponent indicates a willingness to enter into a VPA this be negotiated prior to the planning proposal coming back before council and be exhibited at the same time as the revised version of the planning proposal.*

Sustainable and Balanced GROWTH

6. *If the proponent indicates a willingness to enter into a VPA council seek to address the following as part of those negotiations:*
 - a) *Issues surrounding land dedication*
 - b) *Provision of a foot/bike path joining the proposed B2 zone with the existing village of Silverdale*
 - c) *Road widening and general improvements to Silverdale Rd*
 - d) *Provision of kerb & guttering*
 - e) *Provision of other infrastructure as required*
 - f) *allocation of costs among landowners for future traffic infrastructure works required as part of the proposal.*
7. *That advice be sought from the Environmental Commissioner of the Greater Sydney Commission on:*
 - a) *How the Metropolitan Rural Area (MRA) provisions of the Draft Western City District Plan and Draft Greater Sydney Region Plan should be applied in relation to proposals such as this; and*
 - b) *Whether proposals that are otherwise largely consistent with the draft plans but fail to comply with the MRA provisions should be considered as inconsistent with the draft plans when considering the strategic merit of a planning proposal.*
8. *That draft development control plan controls be developed for the site and this process include a councillor workshop. Further the draft development control plan be exhibited at the same time as the revised version of the planning proposal.*
9. *That once the above matters have been satisfactorily addressed the revised version of the proposal be publicly exhibited and that a special community forum be held at Warragamba Town Hall to provide an overview of the proposal, answer community questions and allow interested residents to provide speak on the proposal, any draft VPA and/or the draft development controls. Further, that the public exhibition and special community forum not be held during the school holiday period and all households in Warragamba, Silverdale and the parts of Wallacia within Wollondilly Shire be notified of both the public exhibition and the community forum.*
10. *That a further report be provided to Council once the above matters have been satisfactorily addressed and that the revised planning proposal, any draft VPA and draft development control plan be considered at the same meeting of council.*
11. *That the proponent and those who made a submission on the Planning Proposal be notified of Council's decision.*

Sustainable and Balanced GROWTH

The Motion of Crs Hannan and Khan was put to the meeting:

1. *That, in principle, Council supports finalising the planning proposal subject to the traffic and open space issues being resolved.*
2. *That, if determined necessary, a request for an altered Gateway Determination be made to the Greater Sydney Commission requesting the following amendments:*
 - a. A minimum lot size be inserted into the E3 Environmental Management zone in accordance with the revised minimum lot size map in attachment 7 in order to address the concerns raised by OEH during the Government Agency consultation.
 - b. Provisions to include an appropriate zone for the proposed open space area.
 - c. *Provisions to allow public access to the existing RE1 zone adjoining the South East corner of the site.*
3. That the NSW Department of Planning and Environment Regional Office be asked to liaise with the NSW Department of Primary Industries (Agriculture) and the proponent with a view to resolving any remaining issues raised by DPI in relation to land use conflict with the adjoining poultry farm at the northern boundary *and that a report on this matter be included if the proposal is next before council.*
4. That the proponent provide an updated Traffic Impact Assessment to address the concerns in point 3 of the RMS advice dated 19 September, 2017 and provided in attachment 11 of this report as well as the concerns raised by Council's Infrastructure Planning Team.
5. That the proponent be advised that they may wish to consider negotiating a Voluntary Planning Agreement (VPA) at the planning proposal stage to address issues surrounding land dedication and allocation of costs among landowners for future traffic infrastructure works required as part of the of the proposal.
6. *That if the proponent indicates a willingness to enter into a VPA council seek to address the following as part of those negotiations:*
 - a. *Issues surrounding land dedication*
 - b. *Provision of a foot/bike path joining the proposed B2 zone with the existing village of Silverdale*
 - c. *Road widening and general improvements to Silverdale Rd*
 - d. *Provision of kerb & guttering*
 - e. *Provision of other infrastructure as required.*

Sustainable and Balanced GROWTH

7. That a further report be provided to Council once the above matters have been satisfactorily addressed *and that the revised planning proposal, draft VPA and draft development control plan be considered at the same meeting of council.*
8. That the proponent and those who made a submission on the Planning Proposal be notified of Council's decision.

On being put to the meeting the motion of Cr Hannan and Khan was LOST.

Vote For: Crs Briggs, Khan, Lowry and Hannan

Vote Against: Crs Smith, Deeth, Gould, Banasik and Landow

255/2017

Resolved on the Motion of Crs Gould and Deeth:

1. That Council note the outcomes of the Public Exhibition for the North Silverdale, Commercial, Residential and Environmental Lands Planning Proposal.
2. That a request for an Altered Gateway Determination be made to the Greater Sydney Commission requesting the following amendments to the Planning Proposal:
 - a) A minimum lot size be inserted into the E3 Environmental Management zone in accordance with the revised minimum lot size map in attachment 7 in order to address the concerns raised by OEH during the Government Agency consultation.
 - b) Provisions to include an appropriate zone for the proposed open space area.
 - c) *Provisions to allow public access to the existing RE1 zone adjoining the South East corner of the site.*
 - d) *That the area identified as R3 Medium Density Residential Zone be altered to an R2 Low Density Residential Zone with a minimum lot size of 700m² in recognition of the lack of sufficient infrastructure including public transport to support such zoning at this time.*

Sustainable and Balanced GROWTH

- e) *That those parts of the site identified as “precinct 3” within the staging plan in attachment 8 be removed from the proposal due to the land use conflict issues with the adjoining poultry farm at the northern boundary and that the proponent be advised that a separate planning proposal can be submitted for that land after such time as the poultry farm ceases operation.*
 - f) *That the area identified as B4 Mixed use Zone be altered to an R2 Low Density Residential Zone with a minimum lot size of 2000m² for that future lots directly adjoining Silverdale Rd and a minimum lot size of 700m² for the remainder.*
 - g) *That the minimum lot size for those lots zoned R2 which are directly adjacent to Silverdale Rd or directly adjoin the southern boundary of the site be altered to be 2000m² in order to provide a natural transition between the existing R5 Large lot residential zone to the south and to retain the semi rural feel along the main entrance route to Silverdale.*
 - h) *That the proponent provide an agricultural impact study that details the loss of agricultural capability from the rezoning, any potential impacts on the capability of adjoining land to be used for agriculture and any measures required to ameliorate that impact.*
3. That the NSW Department of Planning and Environment Regional Office be asked to liaise with the NSW Department of Primary Industries (Agriculture) and the proponent with a view to resolving any remaining issues raised by DPI in relation to land use conflict with the adjoining poultry farm at the northern boundary *and that a report on this matter be included when the proposal is next before council.*
4. That the proponent provide an updated Traffic Impact Assessment to address:
- a) *The RMS advice dated 19 September, 2017 provided in attachment 11 of this report*
 - b) *The concerns raised by Council’s Infrastructure Planning Team*
 - c) *That the intersections of Silverdale Rd and Mulgoa Rd and Silverdale Rd and Bents Basin Rd are included in this assessment and*
 - d) *That alternative traffic management options be examined and utilised over signalised intersections where possible.*

Sustainable and Balanced GROWTH

5. ***That the intention of the proponent to negotiate a Voluntary Planning Agreement (VPA) be ascertained and that if the proponent indicates a willingness to enter into a VPA this be negotiated prior to the planning proposal coming back before council and be exhibited at the same time as the revised version of the planning proposal.***
6. ***That if the proponent indicates a willingness to enter into a VPA council seek to address the following as part of those negotiations:***
 - a) ***Issues surrounding land dedication***
 - b) ***Provision of a foot/bike path joining the proposed B2 zone with the existing village of Silverdale***
 - c) ***Road widening and general improvements to Silverdale Rd***
 - d) ***Provision of kerb & guttering***
 - e) ***Provision of other infrastructure as required***
 - f) ***allocation of costs among landowners for future traffic infrastructure works required as part of the proposal.***
7. ***That advice be sought from the Environmental Commissioner of the Greater Sydney Commission on:***
 - a) ***How the Metropolitan Rural Area (MRA) provisions of the Draft Western City District Plan and Draft Greater Sydney Region Plan should be applied in relation to proposals such as this; and***
 - b) ***Whether proposals that are otherwise largely consistent with the draft plans but fail to comply with the MRA provisions should be considered as inconsistent with the draft plans when considering the strategic merit of a planning proposal.***
8. ***That draft development control plan controls be developed for the site and this process include a councillor workshop. Further the draft development control plan be exhibited at the same time as the revised version of the planning proposal.***
9. ***That once the above matters have been satisfactorily addressed the revised version of the proposal be publicly exhibited and that a special community forum be held at Warragamba Town Hall to provide an overview of the proposal, answer community questions and allow interested residents to provide speak on the proposal, any draft VPA and/or the draft development controls. Further, that the public exhibition and special community forum not be held during the school holiday period and all households in Warragamba, Silverdale and the parts of Wallacia within Wollondilly Shire be notified of both the public exhibition and the community forum.***

Sustainable and Balanced GROWTH

10. **That a further report be provided to Council once the above matters have been satisfactorily addressed *and that the revised planning proposal, any draft VPA and draft development control plan be considered at the same meeting of council.***
11. **That the proponent and those who made a submission on the Planning Proposal be notified of Council's decision.**

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

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

The Mayor called for an adjournment of the meeting at 8.30pm.

The meeting resumed at 8.40pm with all present prior to the adjournment excluding the Manager Development.

Sustainable and Balanced GROWTH

GR10 Planning Proposal – 95 Great Southern Road, Bargo TRIM 7696
260803

256/2017 Resolved on the Motion of Crs Banasik and Khan:

1. That Council support the Planning Proposal for Lot 1 DP 996286 (No. 95) Great Southern Road, Bargo to amend Wollondilly Local Environmental Plan, 2011 as follows:
 - Amend the Land Zoning Map from zone RU2 Rural Landscape to E2 Environmental Conservation to the riparian corridor on the site, zone R5 Large Lot Residential on the eastern side of the riparian corridor and for a distance of 50 metres west of the E2 zone Boundary, an R5 Large Lot Residential zone for a depth of 40 metres along the Anthony Road frontage west of the riparian corridor which shall be extended around the heritage curtilage of the homestead and silo and R2 Low Density Residential to the remainder of the site
 - Amend the minimum lot size map to provide the following minimum lot sizes:
 - 5000 square metres for the land east of the riparian corridor
 - 2000 square metres for the R5 zoned land west of the riparian corridor
 - 700 square metres for the R2 zone
 - No minimum lot size for the E2 zone.
 - Amend the Height of Buildings Map to a Maximum Building Height Category of 9 metres across the entire site
 - Include certain land on the Natural Resources Biodiversity maps under WLEP 2011
 - Identify the land on the Urban Release Area maps under WLEP 2011.
2. That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 the Planning Proposal be forwarded to the Greater Sydney City Commission with a request to make arrangements for the drafting of the amended Local Environmental Plan and that prior to the plan being finalised the Commission develop an appropriate mechanism for ensuring that the development of the site does not conflict with any future underground coal mining operations in response to the advice received from Glencore Coal.

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3. **That Council support the proposed amendments to Wollondilly Development Control Plan 2016 for the purposes of community consultation as described in Attachment 5 of this report and that the proposed amendments be publicly exhibited for a minimum period of 28 days.**
4. **That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.**

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

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

Vote Against: Crs Deeth and Gould

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Management and Provision of INFRASTRUCTURE

MANAGEMENT AND PROVISION OF INFRASTRUCTURE

IN1 Stonequarry Creek – Final Draft Flood Study (Advisian 2017) – Public Exhibition

32

TRIM 6413

The Director Planning left the meeting at 8.56pm.

258/2017 Resolved on the Motion of Crs Banasik and Briggs:

1. **That the Stonequarry Creek Flood Study – Final Draft (Advisian 2017) be placed on public exhibition for a period of at least 28 days.**
2. **That a further report come back to Council following consideration of the feedback received during the exhibition period by the Wollondilly Floodplain Risk Management Committee.**
3. ***That Council undertake a media campaign and the Picton Chamber of Commerce be notified.***

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

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

Management and Provision of INFRASTRUCTURE

IN2 Recommendations Local Traffic Committee – 15 November 2017
80 TRIM 1087

259/2017 Resolved on the Motion of Crs Khan and Deeth:

That Council resolve to adopt the Recommendations of the Local Traffic Committee Meeting of 15 November 2017 as follows:

1. Proposed line marking modification on Warradale Road, Silverdale
52 TRIM 1598
 - That Council endorse the line marking modifications on the section of Warradale Road, Silverdale as shown in the Minutes.
 - The modification works are to be listed in the priority list for consideration in preparing the 2017/2018 works program, subject to availability of resources.
2. Proposed line marking modification on Production Avenue, Warragamba
52 TRIM 1598
 - That Council endorse the line marking modifications on the section of Production Avenue, Warragamba as shown in the Minutes.
 - The modification works are to be listed on the priority list for consideration in preparing the 2017/18 works program, subject to availability of resources.
3. Proposed new line marking and modification of existing on Fergusson Road, Lakesland
52 TRIM 1598
 - That Council endorse the line marking modifications on the section of Fergusson Road, Lakesland as shown in the Minutes.
 - The modification works are to be listed on the priority list for consideration in preparing the 2017/18 works program, subject to availability of resources.

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Management and Provision of INFRASTRUCTURE

4. **Proposed Give Way control on Bell Street at junction with Turner Street, Thirlmere**
52 TRIM 1598
- **That Council endorse the implementation of a Give Way Control, and install line marking at the junction of Bell Street and Turner Street, Thirlmere as shown in the Minutes.**

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

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

The Director Planning returned to the meeting at 9.01pm.

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Looking after the COMMUNITY

LOOKING AFTER THE COMMUNITY

CO1 Activate Wollondilly Project Update
249738

TRIM 9563

261/2017 Resolved on the Motion of Crs Deeth and Smith:

**That Council endorse the report outcomes and recommendations and
acknowledge the efforts of the Community Resilience Committee.**

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

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

EFFICIENT AND EFFECTIVE COUNCIL

EC1 **Annual Review of Closed Reports**
234777

TRIM 2269

Items EC1 to EC4 were moved concurrently.

262/2017 **Resolved on the Motion of Crs Banasik and Smith:**

- 1. That the reports, Items 1 & 2 of this report be released in full.**
- 2. That the reports, Items 3 & 4 of this report not be released.**
- 3. That the attachments to all the reports being released remain confidential.**

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

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

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Efficient and Effective COUNCIL

EC2 **The Role of the Mayor between Council Meetings**
234777

TRIM 1934

263/2017 **Resolved on the Motion of Crs Banasik and Smith:**

That Council acknowledge the role of the Mayor (or in the absence of the Mayor, the Deputy Mayor) to exercise in cases of necessity the policy making functions of the governing body of the Council between meetings of the Council.

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

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

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Efficient and Effective COUNCIL

EC4 **Annual Report – Code of Conduct Complaints**
238

TRIM 98

265/2017 **Resolved on the Motion of Crs Banasik and Smith:**

That the Annual Report in relation to the Code of Conduct complaints be received and noted.

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

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

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Efficient and Effective COUNCIL

EC5 **Audit, Risk, Improvement Committee – Annual Report** TRIM 5374-4
238

266/2017 **Resolved on the Motion of Crs Banasik and Briggs:**

1. **That Council receive the Audit, Risk, Improvement Committee Report.**
2. **That Council forward a letter to the external representatives thanking them for their contribution to the effectiveness of Council's Audit, Risk, Improvement Committee in the 2016/17 financial year.**

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

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

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Efficient and Effective COUNCIL

EC6 **Revised Investment Policy**
112

TRIM 1022-5

Items EC6 and EC7 were moved concurrently.

267/2017 **Resolved on the Motion of Crs Banasik and Briggs:**

That the revised Investment Policy be adopted.

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

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

EC8 Delegation to the General Manger to select Independent Hearing and Assessment Panel Community Representatives

238

TRIM 575-8

Moved on the motion of Crs Banasik and Deeth:

1. That Council notes the General Manager has commenced the process to implement the Advertising; Selection and Appointment of the community representatives for the Wollondilly Independent Hearing and Assessment Panel.
2. *That Council notes the legal advice circulated by the General Manager.*
3. *That Council work with other Councils to pursue opportunities to address concerns about State Government IHAP legislation, including calls for possible repeal, exemption and extension.*
4. *This issue be added to our State issues paper and Council continue to lobby the State Government and State Opposition on our position.*
5. *That Council nominate the Mayor, Deputy Mayor, Councillor Gould and Councillor Deeth to be on the panel to select the Community Representatives.*
6. *That we write to the minister for planning asking for the code of meeting practice, the code of conduct, whether the IHAPs will be obliged to web cast as is being part of councils meeting practice before we install our IHAPs committee.*
7. *That the minister outline the differing roles of IHAPs and the planning panel.*
8. *That we invite Peter Primrose the shadow minister for local government to council to clarify and discuss the opposition's position on forced IHAPs.*

Councillor Hannan foreshadowed the motion.

1. That Council notes the General Manager has commenced the process to implement the Advertising; Selection and Appointment of the community representatives for the Wollondilly Independent Hearing and Assessment Panel.
2. *That Council notes the legal advice circulated by the General Manager.*

Efficient and Effective COUNCIL

3. *That Council work with other Councils to pursue opportunities to address concerns about State Government IHAP legislation, including calls for possible repeal, exemption and extension.*
4. *This issue be added to our State issues paper and Council continue to lobby the State Government and State Opposition on our position.*
5. *That Council seeks advice from the Minister of Planning as to whether Councillors can be on the selection panel and, if so, to nominate the Mayor, Deputy Mayor, Cr Gould and Cr Deeth to be on the panel to select the Community Representatives.*
6. *That we write to the minister for planning asking for the code of meeting practice, the code of conduct, whether the IHAPs will be obliged to web cast as is being part of councils meeting practice before we install our IHAP committee.*
7. *That the minister outline the differing roles of IHAPs and the planning panel.*
8. *That we invite Peter Primrose the shadow minister for local government to council to clarify and discuss the opposition's position on forced IHAPs.*

The motion of Crs Banasik and Deeth was put to the meeting:

1. *That Council notes the General Manager has commenced the process to implement the Advertising; Selection and Appointment of the community representatives for the Wollondilly Independent Hearing and Assessment Panel.*
2. *That Council notes the legal advice circulated by the General Manager.*
3. *That Council work with other Councils to pursue opportunities to address concerns about State Government IHAP legislation, including calls for possible repeal, exemption and extension.*
4. *This issue be added to our State issues paper and Council continue to lobby the State Government and State Opposition on our position.*
5. *That Council nominate the Mayor, Deputy Mayor, Councillor Gould and Councillor Deeth to be on the panel to select the Community Representatives.*

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6. *That we write to the minister for planning asking for the code of meeting practice, the code of conduct, whether the IHAPs will be obliged to web cast as is being part of councils meeting practice before we install our IHAPs committee.*
7. *That the minister outline the differing roles of IHAPs and the planning panel.*
8. *That we invite Peter Primrose the shadow minister for local government to council to clarify and discuss the opposition's position on forced IHAPs.*

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

Vote For: Crs Briggs, Deeth and Banasik

Vote Against: Crs Hannan, Smith, Gould, Khan, Lowry and Landow

269/2017

Resolved on the Motion of Crs Hannan and Smith:

1. **That Council notes the General Manager has commenced the process to implement the Advertising; Selection and Appointment of the community representatives for the Wollondilly Independent Hearing and Assessment Panel.**
2. *That Council notes the legal advice circulated by the General Manager.*
3. *That Council work with other Councils to pursue opportunities to address concerns about State Government IHAP legislation, including calls for possible repeal, exemption and extension.*
4. *That this issue be added to our State issues paper and Council continue to lobby the State Government and State Opposition on our position.*
5. *That Council seeks advice from the Minister of Planning as to whether Councillors can be on the selection panel and, if so, to nominate the Mayor, Deputy Mayor, Cr Gould and Cr Deeth to be on the panel to select the Community Representatives.*
6. *That we write to the Minister for Planning asking for the Code of Meeting Practice, the Code of Conduct and whether the IHAPs will be obliged to web cast as is being part of Councils Meeting Practice before we install our IHAP committee.*

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Efficient and Effective COUNCIL

7. ***That the Minister outline the differing roles of IHAPs and the planning panel.***
8. ***That we invite Peter Primrose the Shadow Minister for Local Government to Council to clarify and discuss the opposition's position on forced IHAPs.***

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

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

Item EC9 was dealt with following the Mayoral Minute.

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Efficient and Effective COUNCIL

EC10 **Committee Membership**
234777

TRIM 534-2

The General Manager left the room at 9.41pm declaring an interest in the next matter as it deals with the General Managers Performance Committee. The Executive Director took the General Manager's Chair.

270/2017 **Resolved on the Motion of Crs Hannan and Khan:**

That Councillor Smith be appointed to existing vacancies on Internal and External Committees and the Committees be notified of the outcome.

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

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

Cr Gould left the meeting at 9.42pm.

The General Manager returned to the meeting at 9.43pm.

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Notice of Motion

NOTICE OF MOTION

TRIM 6416-7

NOM1 **Notice of Motion No. 1 submitted by Cr Banasik on 22 November 2017 regarding Camping Sites within the Shire**

Cr Gould returned to the meeting at 9.44pm.

271/2017 **Resolved on the Motion of Crs Banasik and Hannan:**

- 1. That Council investigate ways to allow more Camping sites within our Shire on public and private lands.**
- 2. That Council also write to the various State Government Authorities to encourage them to allow this to occur.**
- 3. That the matter be referred to our Tourism Committee.**

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

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

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Notice of Motion

TRIM 6416-7

NOM2 **Notice of Motion No. 2 submitted by Cr Banasik on 23 November 2017 regarding upgrades to Telopea Park, Buxton**

272/2017 **Resolved on the Motion of Crs Banasik and Briggs:**

- 1. That Council investigate upgrades to Telopea Park, Buxton including BBQ, Shelters and youth facilities.**
- 2. *That Council investigate placing a skate park in Telopea Park as requested by residents.***

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

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

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Notice of Motion

TRIM 6416-7

NOM3 **Notice of Motion No. 3 submitted by Cr Hannan on 6 December 2017 regarding the 'Exchange for Change' program**

273/2017 **Resolved on the Motion of Crs Hannan and Banasik:**

That Council contact the Environmental Protection Authority about arranging a Wollondilly collection point for the 'Exchange for Change' program *once the government clarifies any implementation issues.*

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

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

Closed Reports

CLOSED REPORTS

The General Manager left the meeting at 9.55pm due to previously declared Conflicts of Interest in the next two Items. The Executive Director took the General Manager's Chair.

274/2017 Resolved on the Motion of Crs Hannan and Gould:

That the closed reports be dealt with in open Council

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

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

EC11 General Manager's Performance Objectives

270678

TRIM 5236

275/2017 Resolved on the Motion of Crs Khan and Briggs:

That the General Managers Performance Agreement be signed by the Mayor on behalf of Council.

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

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

EC12 Mayoral Minute – Renewal of General Manager's Contract

3062

TRIM 5236

276/2017 Resolved on the Motion of Crs Hannan and Landow:

1. **That in accordance with Clause 5.2 of the General Manager's contract of employment, the Council offer to Mr Johnson a new four (4) year contract from 1 July 2018 and a report be brought forward to the next Council meeting on the conditions of employment which will apply to the renewal.**

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Closed Reports

2. **That the General Manager Performance Review Committee be authorised on behalf of the Council to conduct negotiations with Mr Johnson on the contract conditions which shall apply to the contract renewal and report to the Council meeting in February 2018 so the Council can finalise the offer.**
3. **That the General Manager be advised of Council's decision in confidence by the Mayor.**

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

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

Closed

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Closing

CLOSING

There being no further business, the Mayor declared the Ordinary Meeting closed at 9.58pm.

This and the preceding 96 pages are the Minutes of the Ordinary Meeting of Council held on Monday 11 December 2017 and were confirmed in the subsequent meeting held on Monday 19 February 2018.

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Mayor