



Attachments Booklet

Ordinary Meeting of Council
Monday 17 July 2017

Includes PE1, PE2, GO2, GO3, GO4, GO5 & EN1

PE1 Attachments

1. Plans submitted with modification application.
2. Original consent site plan.

Monday 17 July 2017

PE1 – Application to Modify Development Consent
No.010.2005.00051506.005 - 20 Brundah Road,
Thirlmere



AMMENDED SITE PLAN - Stage 4

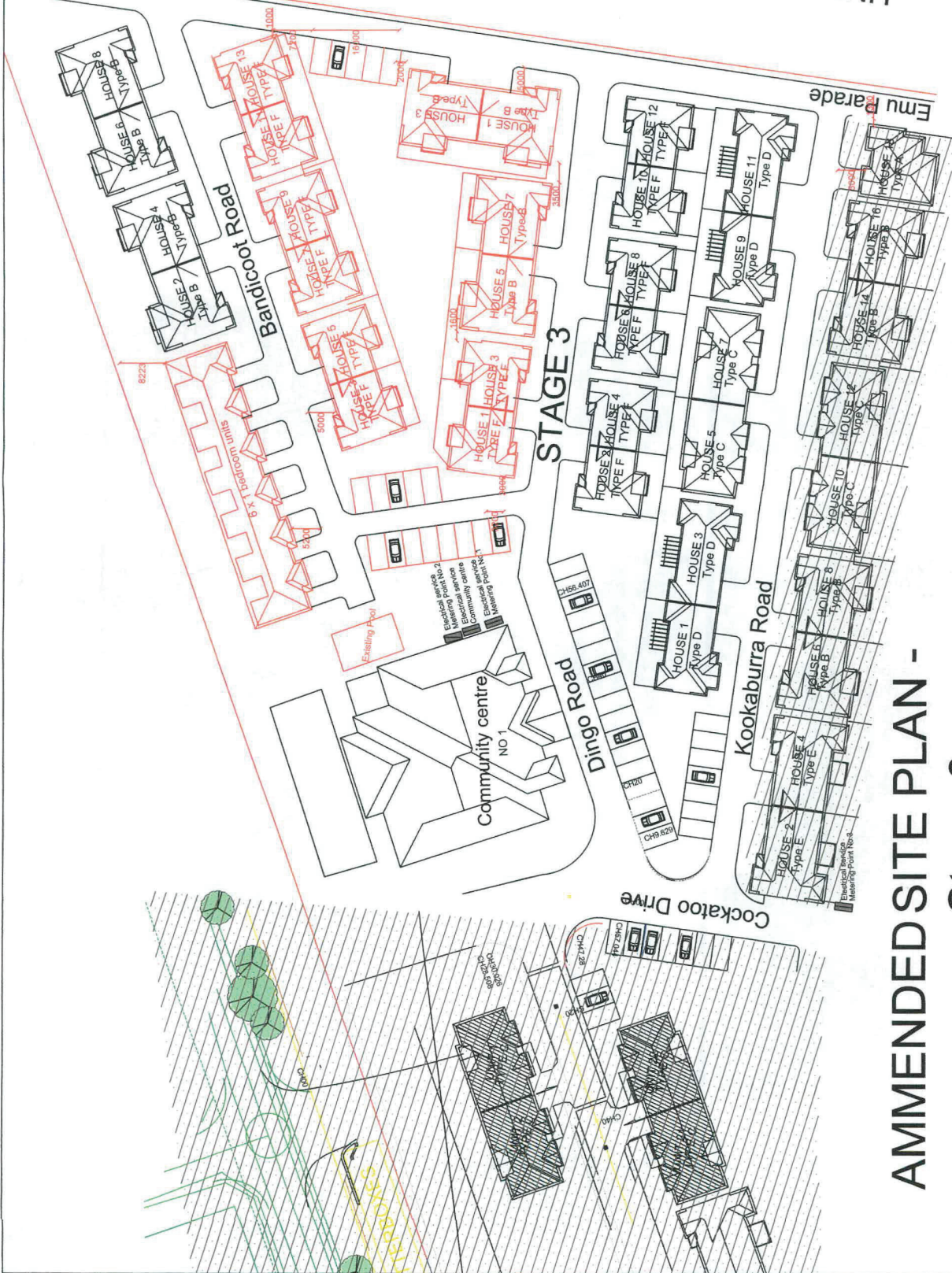
SCHEDULE OF AMENDMENTS

AMENDMENT DETAIL	EDITION
Site stage 3	17-06-15
Site stage 4 ammended and proposed	02-02-16

80 PACIFIC AV WERRI BEACH NSW 2534 PH: (02) 42 340512 FAX: (02) 42340701	PLAN OF STAGE 4 SHOWING AMMENDED & PROPOSED LAYOUT	DESIGNER: DRW DRAWN: DRW SHEET 1
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SHIRE OF WOLLONDILLY	LOC: THIRLMERE	SCALE 1:350	"A1"	DATE: 02-02-16	IN_ENG
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- LEGEND**
- A- Macarthur
 - B- Buragorang
 - C- Nattai
 - D- Waratah
 - E- Stonequarry



AMMENDED SITE PLAN - Stage 3

SCHEDULE OF AMENDMENTS

AMENDMENT DETAIL	EDITION
Site stage 3	IN ENG 17-05-15
Site stage 3 amended and proposed	IN ENG 02-02-16

PRESTIGE BUILDERS NSW
SHIRE OF WOLLONDILLY LOC: THIRLMERE SCALE 1:350 "A1" DATE: 02-02-16

80 PACIFIC AV
MERRI BEACH NSW 2554
PH: (02) 42 340512
FAX: (02) 42340701

**PLAN OF STAGE 3
SHOWING AMMENDED & PROPOSED LAYOUT**

DESIGNER: DRW	IN_ENG
DRAWN: DRW	
SHEET 1	

LANDSCAPE
CONCEPT PLAN
11/3/2006

SCOPE OF WORKS:
UNDERGROUND SERVICE LINES
locate prior to starting work

GARDEN BEDS: Spray all areas with herbicide prior to cultivation. All soils to AS4419
switching to AS 4404
cultivate to 150mm
top 100mm garden mix

100% SEED AREAS
spray all zones with herbicide prior to cultivation
additive to 100mm
support 100mm topsoil
seed or turf
verify water during establishment phase.

resistant blades -retains or equivalent self flushing
system that 75mm a week can be delivered to all
open area.
- install backflow prevention device and do hydrostatic
tests.
- provide a drawing to the project manager at end of
installation showing location of controller, main line,
valves, sprinklers and junctions.
- work to irrigation standards AS 3000
- comply to AS 2032/ AS 1406.1

ANT SUPPLY
sure plants are healthy, well watered,
in root bound and firm in pot at time
planting.

• **Establishment Phase**
• Place any dead plants
• Top up mulch to ensure 75mm coverage
• Remove noxious weeds
• Ensure stables and ties are firm and attached
• Carry out irrigation checks and repair any damage

- prune shrubs to encourage dense growth
- going maintenance
- placement of dead or stolen plants
- placement with dynamic litter once a year in spring
- go on maintenance and repair
- removal of stakes and ties when trees established
- mulch weeding

up of mulch to 75mm coverage

CRITICAL PLANT LIST

Scientific Name / Common Name	Mature Size
IES - Large Evergreen for boundaries	
<i>Myrica caribea</i> / Narrow Leaf Ironbark	20m
<i>Myrica punctata</i> / Grey Gum	15m
<i>Myrica asperifolia</i> / Stringybark	14m

IES - Evergreen - to boundary areas and some communal

ES = Ecdiuous / small in close proximity to houses

Q4843
Pinus urbaniana / Ash / 6m
 ■ Bradford / Pear / 5m
 ■ Isornis Pina / Crab Apple / 4m
Pinus strobus / Magnolia / 4m

Blue White Wings / White Grenivies / 2m
 Single Yuccas / Coastal Rosemary / 1.5m
 Blue Victoria's / 2m
 Lemon salignus / Bottlebrush / 2.5m

UBS
 Lemon myopoides / Eriostemon / 2m
 Blue myopoides / One-flower / 1.5m

JUNGLE COVERS

Junonia sinaitica / *Chrysomela* / 0.1m
apollonia / *Cypris* / 1m
hedionda / *Violet* / 0.1m
ella / *Ismaelica* / *Dianella* / 1m
ndra / *longifolia* / *Sedge* / 1.5m
onum / *pervillorum* / *Creeeping* / *Boobiala* / 0.2m
pervillorum / *ella* / *Microphyllum* / 0.3m
ella / *scandens* / *Stake* / *Wine* / 0.3m

Local Australia / Kangaroo Grass / 0.8m
 New Zealand / Ryegrass / 0.2m
 New Zealand / Ryegrass / 0.15m

DRAINAGE STATUS ☐ DA ☐ COUNCIL
 DRAIN TITLE LANDSCAPE
 CONCEPT PLAN

PROJECT ADDRESS
Lot 1, 2 & 3 Dp 709428
Brundah Street
Thirlmere NSW

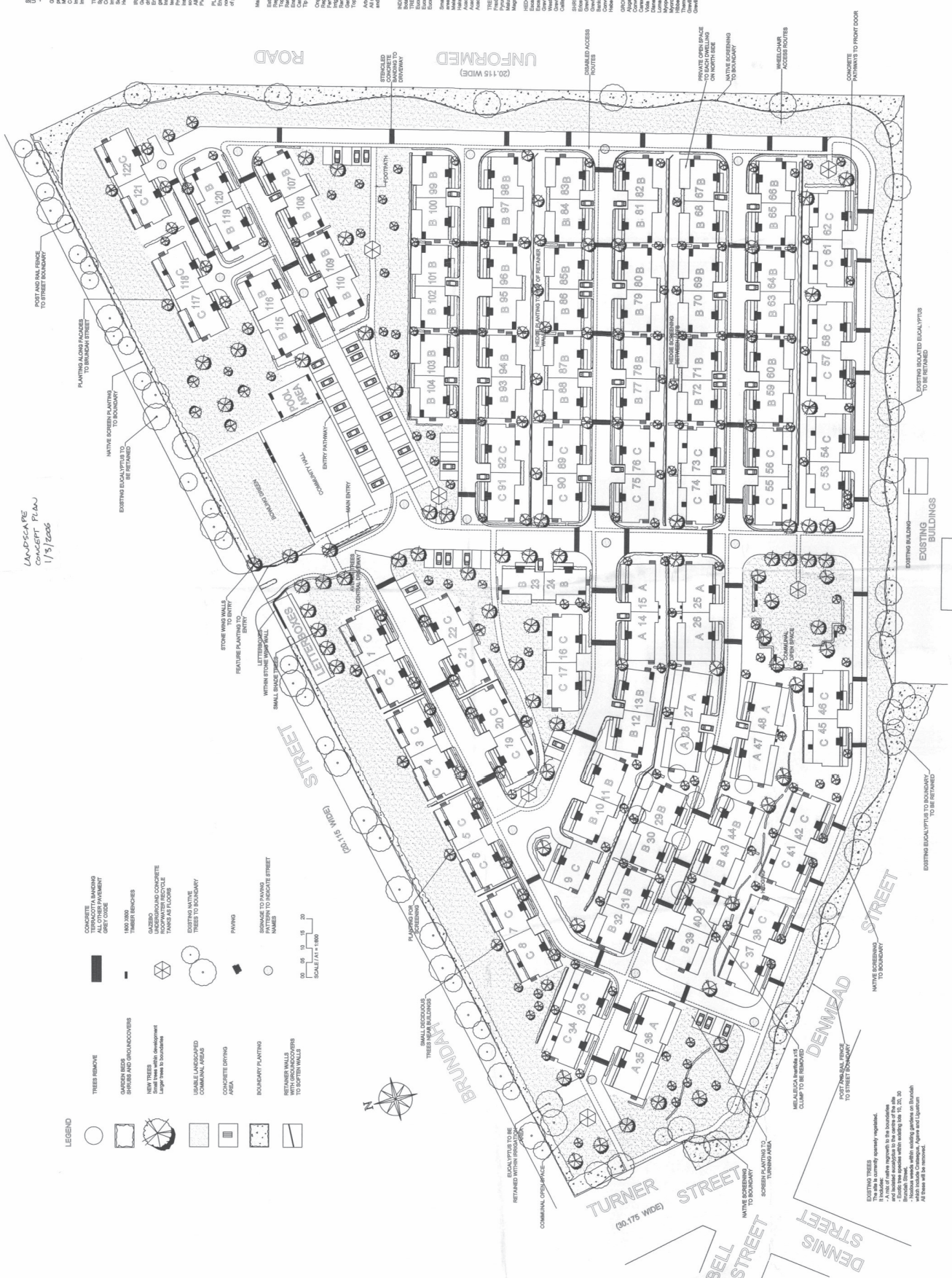
PROJECT
SENIORS LIVING
LANDSCAPE ARCHITECTS

NICHOLAS BRAY
LANDSCAPES
PTY LTD
Tel 0417 278 287
PO Box 323 Mowee Vale NSW 2827



SCALE: 1:500
DRAWN: 3
DATE: 10/1/01

01.03.08



PE2 Attachments

1. Council report and minutes 21 September 2015.
2. Applicant's revised zoning plan.
3. Applicant's revised lot layout.
4. Applicant's revised maximum height map.
5. Council's Zoning Plan with Gateway Determination.

Monday 17 July 2017

PE2 – Picton East Planning Proposal

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

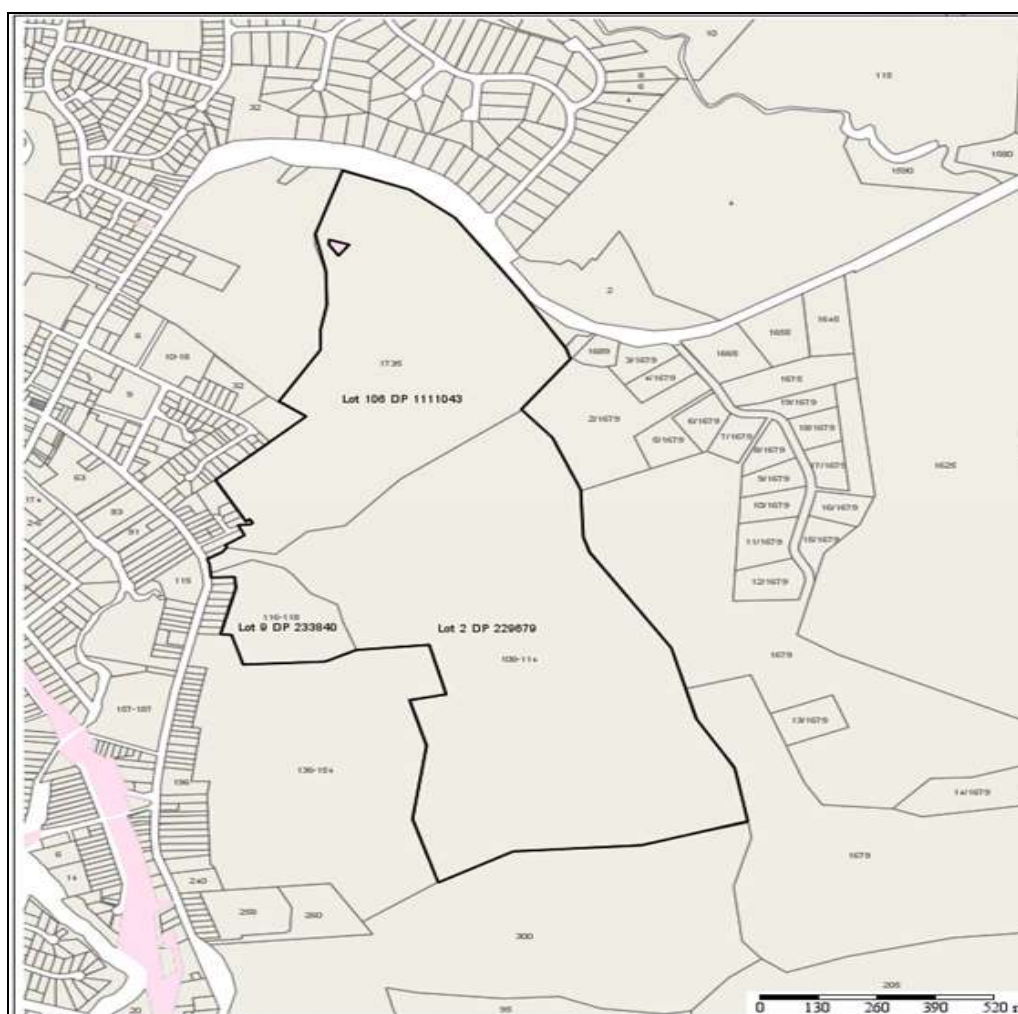
PE1 – Planning Proposal – Picton East

PLANNING AND ECONOMY

PE1 **Planning Proposal – Picton East**
41

TRIM 6842

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



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

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

PE1 – Planning Proposal – Picton East

EXECUTIVE SUMMARY

- The Picton East Planning Proposal includes parts of No.s 1735 Remembrance Drive, 108-114 and 116-118 Menangle Street, Picton.
- The planning proposal was previously supported by Council at its meeting held on 17 December 2012 and subsequently received gateway Determination.
- The proponent is proposing to increase the area to be rezoned, increase medium density land, change the environmentally zoned land and change areas of land for public recreation.
- The revised proposal would produce around 312 lots/dwellings according to the concept masterplan or up to 400 lots/dwellings according to the traffic report submitted with the revised proposal.
- Changes to the planning proposal will require an alteration to the Gateway Determination.
- The revised proposal, which are supported subject to further changes, was reported to the August 2015 Ordinary Meeting. At the proponent's request the report was withdrawn from the agenda to permit a further submission.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that Council support the following changes to the planning proposal and request an alteration to the Gateway Determination:
 - All land shown on the latest concept plan located east and north of indicative roads located closest to the geotechnical constraint line to be rezoned E3 Environmental Management Land, except for that portion shown as E2 Environmental Conservation Land on the latest concept plan.
 - The minimum lot size for the land to be rezoned E3 Environmental Management Land to be determined with sufficient stable land for a dwelling and ancillary development. Suitable controls to be included in the LEP and/or DCP as appropriate that prevent any dwellings or structures being erected above the geotechnical constraint line, require active land slips to be contained within one (1) allotment and which detail information which must be submitted with an application for the subdivision of land in the E3 zone regarding the management of geotechnical constraints.
 - All land shown on the latest concept plan as R3 Medium Density Land to be rezoned R2 Low Density Residential Land with a mix of minimum lot size (e.g. 250m² to 700m²) and height restrictions to be determined having regard to geotechnical constraints, visual impacts, landscape assessment and community consultation.

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

PE1 – Planning Proposal – Picton East

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

REPORT

1.1 SITE DESCRIPTION

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

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

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

1.2 DESCRIPTION OF REVISED PROPOSAL

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

PE1 – Planning Proposal – Picton East

The changes proposed by the proponent are outlined as follows:

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

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

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

1.3 GATEWAY DETERMINATION

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

CONSULTATION**2.1 CONSULTATION WITH COUNCIL STAFF**

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

Infrastructure and Environment

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

PE1 – Planning Proposal – Picton East

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

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

Environmental Services

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

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

Land & Property Panel

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

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

PE1 – Planning Proposal – Picton East

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

Economic Development and Tourism

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

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

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

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

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

PE1 – Planning Proposal – Picton East

2.2 REVISED PLANNING PROPOSAL

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

- The proposed additional land around the hillside and other areas within the site have been assessed in relation to land stability and areas which are more likely to be prone to such issues have been rezoned to E3 Environmental Management. Any future development on these lots will be required to undertake precautionary works outlined in the report prepared by Douglas Partners. Controls to ensure these works are undertaken can be incorporated into Wollondilly DCP.
- The current minimum lot size for R2 Low Density Residential Land in Picton is 700m². The planning proposal seeks minimum lot sizes ranging from 450m² for Zone R2 Low Density Residential Land and 250m² for Zone R3 Medium Density Residential Land. In accordance with the recommendations within the Douglas Partners report the proponent has reduced the area of to be rezoned as R3 Medium Density Residential. Whilst it is acknowledged that staff have encouraged the proponent to consider this option, it is now recommended that all residential zoned land be Zone R2 Low Density Residential Land with a range of minimum lots sizes to be determined. In this regard a minimum lot size of 450m² in this location near the Picton town centre would potentially allow for well- located land to provide for more affordable housing. However lot sizes of 700m² are considered more appropriate in parts of the site along Menangle Street near the Picton conservation area.
- Proposed Zone E2 Environmental Conservation Land has been assessed in relation to its location adjacent to riparian corridors and in terms of its environmental sensitivity. Inclusion of land within this proposed zone is therefore considered to be the most appropriate. The proponent has indicated that they are likely to undertake biobanking of this land. Alternatively the proposed Zone E2 Environmental Conservation Land could form part of the residual areas of the site along the ridgeline. These undertakings may need to be further formalised with the proponent by negotiating a planning agreement.
- Proposed Zone RE1 Public Recreation Land has been removed from the amended planning proposal as the proposed open space is not required under Council's Open Space Strategy and would impose a financial burden on Council if placed on the Land Acquisition Reservation Map. Land within the E2 Environmental Conservation zone would be able to be used for passive open space purposes if within public ownership.

PE1 – Planning Proposal – Picton East

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

Height Limit

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

Vault Hill access

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

2.3 A PLAN FOR GROWING SYDNEY

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

2.4 DRAFT SOUTH WEST SUBREGIONAL STRATEGY TO 2031

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

2.5 METROPOLITAN PLAN FOR SYDNEY TO 2036

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

2.6 DRAFT SOUTH WEST SUBREGIONAL STRATEGY

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

PE1 – Planning Proposal – Picton East

2.7 SECTION 117 MINISTERIAL DIRECTIONS

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

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

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

2.9 WOLLONDILLY GROWTH MANAGEMENT STRATEGY

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

P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).

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

FINANCIAL IMPLICATIONS

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

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

ATTACHMENTS

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

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

PE1 – Planning Proposal – Picton East

RECOMMENDATION

1. That Council support the revised Picton East Planning Proposal for land at Lot 106 DP 1111043, Lot 9 DP 233840 & Lot 2 DP 229679 being No.s 1735 Remembrance Drive, 108-114 and 116-118 Menangle Street, Picton with the following changes:
 - All land shown on the latest concept plan located east and north of indicative roads located closest to the geotechnical constraint line to be rezoned E3 Environmental Management Land, except for that portion shown as E2 Environmental Conservation Land on the latest concept plan.
 - The minimum lot size for the land to be rezoned E3 Environmental Management Land to be determined with sufficient stable land for a dwelling and ancillary development. Suitable controls to be included in the LEP and/or DCP as appropriate that prevent any dwellings or structures being erected above the geotechnical constraint line, require active land slips to be contained within one (1) allotment and which detail information which must be submitted with an application for the subdivision of land in the E3 zone regarding the management of geotechnical constraints.
 - All land shown on the latest concept plan as R3 Medium Density Land to be rezoned R2 Low Density Residential Land with a mix of minimum lot size (e.g. 250m² to 700m²) and height restrictions to be determined having regard to geotechnical constraints, visual impacts, landscape assessment and community consultation.
 - Increase the amount of Zone E2 Environmental Conservation Land subject to suitable funding arrangements for its ongoing maintenance either through a bio-banking mechanism or incorporation into the residual land.
 - All land shown on the original planning proposal which received Gateway Determination as RE1 Public Recreation Land to be rezoned E2 Environmental Conservation Land and R2 Low Density Residential Land as shown on the latest concept plan.
 - All other aspects of the original planning proposal which received Gateway Determination remain the same.
2. That Council seek an alteration to the Gateway Determination for the revised planning proposal.
3. That the proponent confirm the availability of access over Lot 2 DP 1079164, Margaret Street, Picton prior to community consultation.
4. That Council undertake further investigation into public access opportunities to Vault Hill that are satisfactorily funded, managed and maintained.

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

PE1 – Planning Proposal – Picton East
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5. That the proponent be informed of Council's decision and also be informed that the final decision on this Planning Proposal will be dependent on the outcomes of the Picton Town Centre Traffic Investigation and consistent with Council's July resolution 'does not signal an approval for the development'.
6. That persons who made submissions regarding the Planning Proposal be notified of Council's decision.

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

PE1 – Planning Proposal – Picton East

ATTACHMENT 1 - 6842 – 21 SEPTEMBER 2015

WOLLONDILLY SHIRE COUNCIL

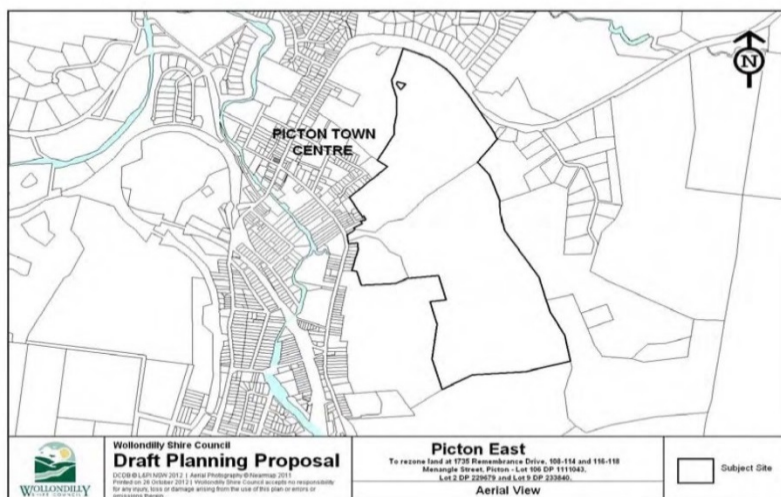
Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 17 December 2012

PE6

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

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

REPORT



EXECUTIVE SUMMARY

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



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

PE1 – Planning Proposal – Picton East

ATTACHMENT 1 - 6842 – 21 SEPTEMBER 2015

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 17 December 2012

BACKGROUND

Site Description

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

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

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

Description of Draft Proposal

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

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

CONSULTATION

Consultation with Council Managers and Specialist Staff

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

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



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

PE1 – Planning Proposal – Picton East

ATTACHMENT 1 - 6842 – 21 SEPTEMBER 2015

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 17 December 2012

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

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

Community Consultation

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

Summary table of submissions received from draft Planning Proposal

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



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

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



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



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

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

Assessment of Draft Planning Proposal

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

Scale of the Development

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

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Cumulative Growth

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

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

Rural-Residential Development

The draft proposal includes a high proportion of rural residential zoned land being divided into relatively small 5000m²-2ha allotments which would potentially impact on the landscape character of the hills around Picton. The proposed rezoning of land for rural residential and large lot residential purposes would also result in the fragmentation of a significant amount of land suitable for larger scale agricultural purposes.

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

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

Topography and Geotechnical

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



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Amended Draft Planning Proposal

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

Consultation with Government Departments

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

Further community consultation

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

RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES

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

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

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

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

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



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POLICIES & LEGISLATION

Planning Proposals

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

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

Council's Options/Role

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

Council's options are:

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

Option 2 is the recommendation of this report.

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Gateway Determination

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

At the Gateway Determination, the Minister will decide:

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

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

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

Wollondilly Local Environmental Plan 2011

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

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

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

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

Site Specific Development Control Plan (DCP)

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

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

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

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

RELEVANT CONSIDERATIONS

Wollondilly Growth Management Strategy (GMS)

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

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

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

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

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Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	The draft proposal contributes toward Council's dwelling target for Picton outlined in the GMS. The Structure Plan for Picton, Tahmoor and Thirlmere includes the subject land as a 'potential residential growth area'.
P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.	It is proposed to provide a mix of residential sites to improve housing diversity with the majority of lots being similar in size to surrounding low density allotments in a range of from 450m ² to 700m ² . A small section of medium density sites may be considered and these would have a minimum lot size of 975m ² in conformity with existing medium density zones. Areas proposed for environmental management zones would remain in single lots to improve environmental management outcomes.
P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").	The amended draft proposal is near Picton town centre and could provide low density and some medium density for housing such as villas and townhouses.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The amended draft planning proposal is located immediately adjacent to the town of Picton and extends a distance of almost 1km from the town centre.
Macarthur South Policies	
Key Policy Directions P11, P12, P13 and P14 are not applicable to this Planning Proposal. The subject land is not with the Macarthur South area	Not applicable
Employment Policies	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes	The proposal will create short-term employment opportunities through the construction jobs associated with the civil and building works, and will provide stimulus to the local economy by boosting population.
P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.	The site is not proposed to be zoned to facilitate further employment opportunities. Modest opportunities exist for home business and tradesman residency.
Integrating Growth and Infrastructure	
P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable	The amended draft planning proposal would allow for the development of a limited amount of additional residential allotments in the locality which is not likely to adversely burden Council. Developer contributions payable at the development application stage will fund the necessary local infrastructure required to support any future development.

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<i>burdens on Council or the Shire's existing and future community.</i>	Likely state and regional infrastructure demands will be assessed by relevant agencies post Gateway Determination.
P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.	The amended draft proposal limits the extent of growth which will ensure that the provision of services and infrastructure would be more cost-effective leading to a longer term more sustainable development.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The amended draft proposal does not contribute toward dispersed population growth as it proposes urban growth adjacent to the urban area.
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	The amended draft proposal would be likely to contribute around 200 new dwellings and is within one of the key growth areas nominated for population growth. The draft proposal contributes toward Council's dwelling target for Picton identified in the GMS.
Rural and Resource Lands	
P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.	Ecologically valuable riparian land is proposed to be conserved by zoning for environmental conservation purposes. Land which contributes to the scenic value of Picton is proposed to be zoned for environmental management purposes. The proposal would not result in any adverse environmental impacts provided the scale of the proposal is reduced as proposed.
P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.	Key Policy Direction P22 is not applicable to the draft proposal.

FINANCIAL IMPLICATIONS

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

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

CONCLUSION

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

ATTACHMENTS

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

RECOMMENDATION

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

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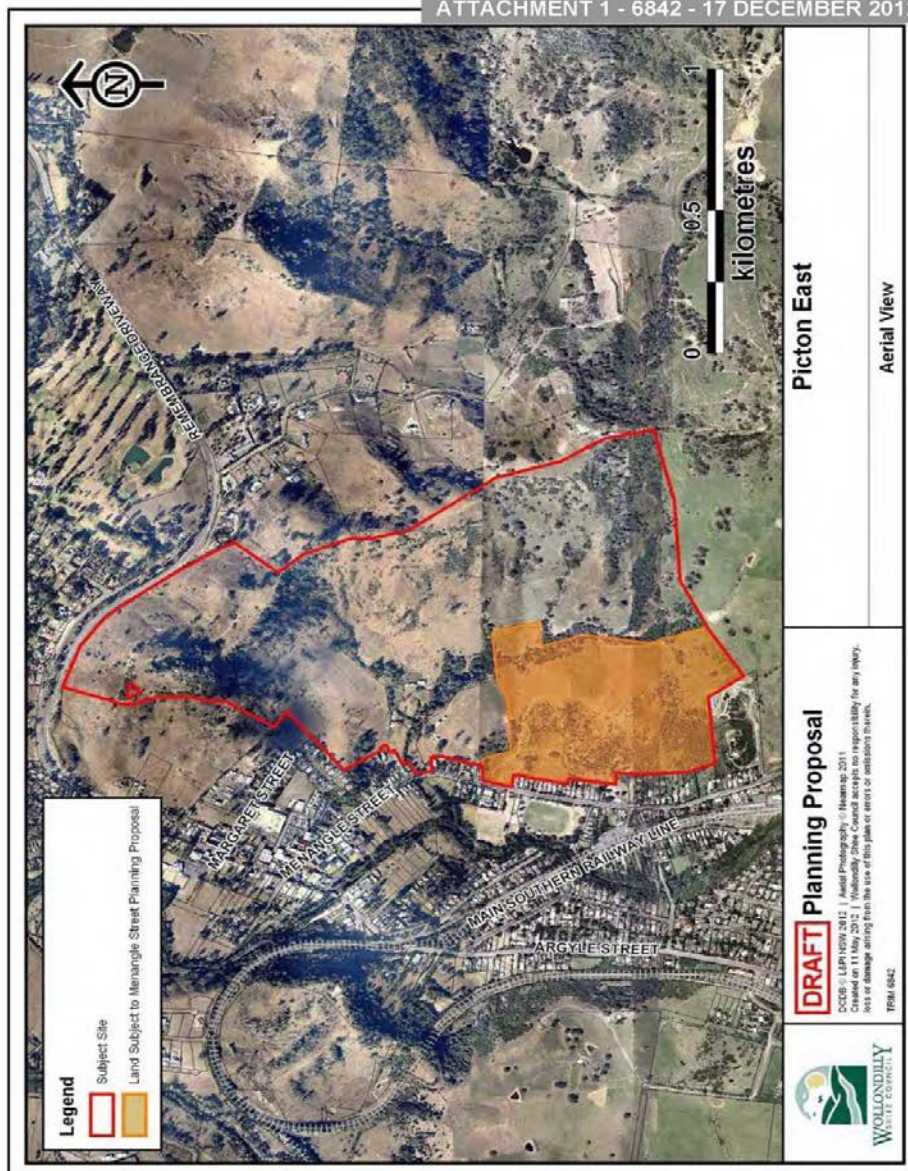
PE1 – Planning Proposal – Picton East

ATTACHMENT 1 - 6842 – 21 SEPTEMBER 2015

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 17 December 2012

ATTACHMENT 1 - 6842 - 17 DECEMBER 2012



Planning & Economy

Planning & Economy

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

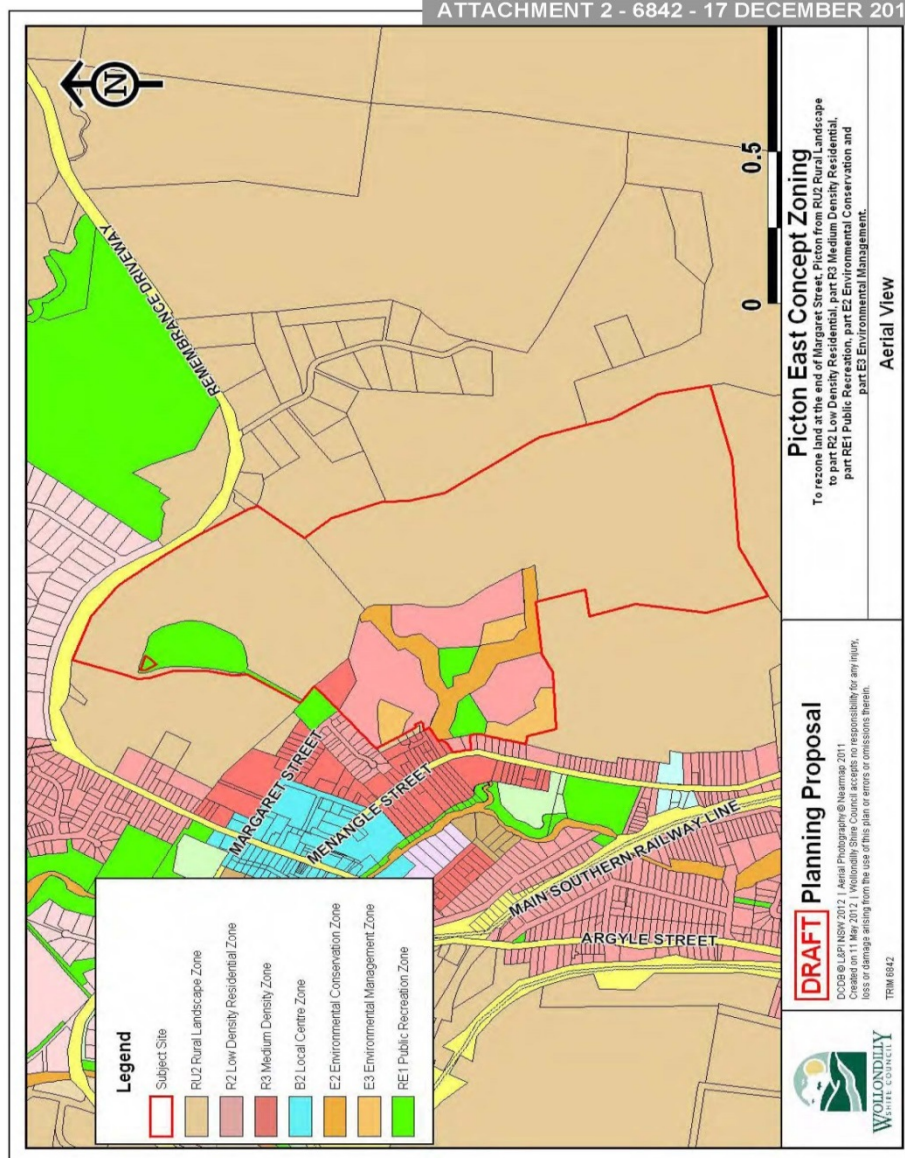
PE1 – Planning Proposal – Picton East

ATTACHMENT 1 - 6842 – 21 SEPTEMBER 2015

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 17 December 2012

ATTACHMENT 2 - 6842 - 17 DECEMBER 2012



202

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

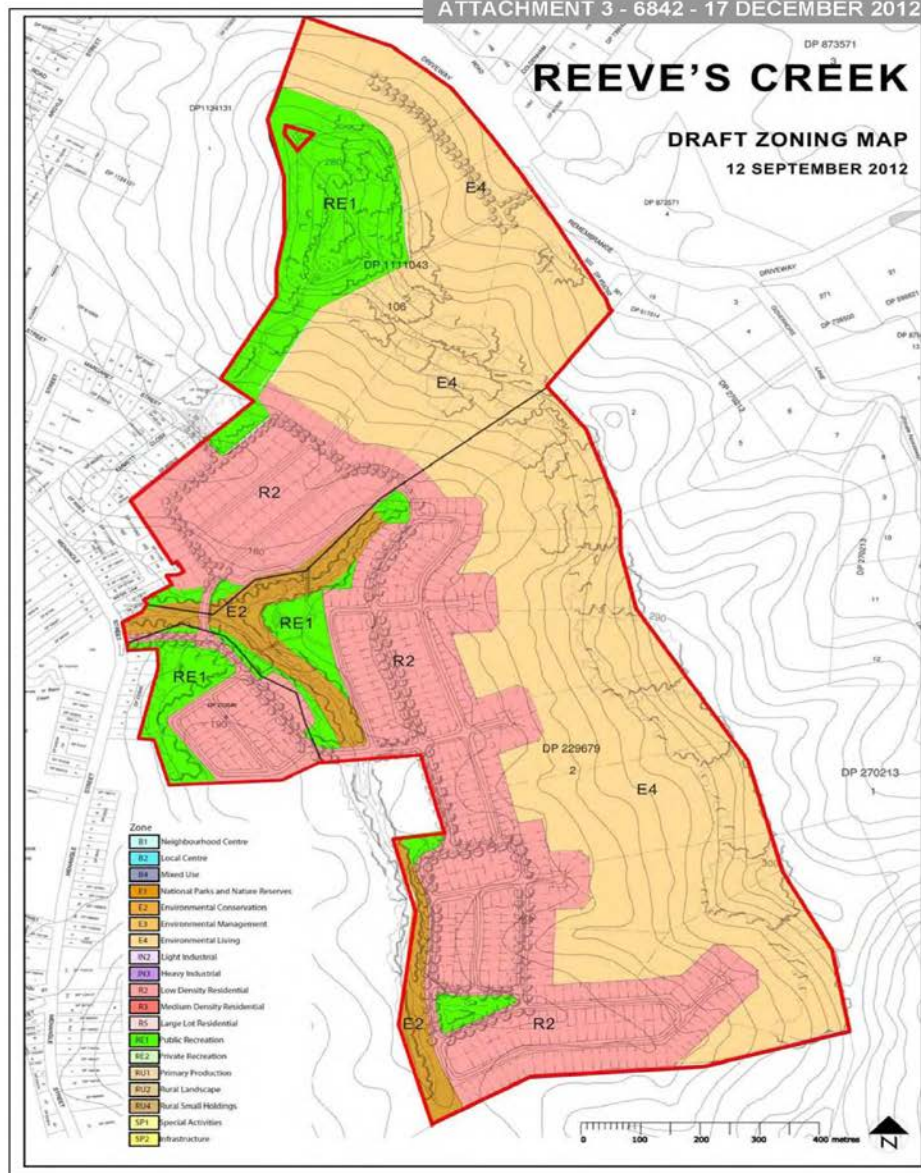
PE1 – Planning Proposal – Picton East

ATTACHMENT 1 - 6842 – 21 SEPTEMBER 2015

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 17 December 2012

ATTACHMENT 3 - 6842 - 17 DECEMBER 2012



Planning & Economy

Planning & Economy



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

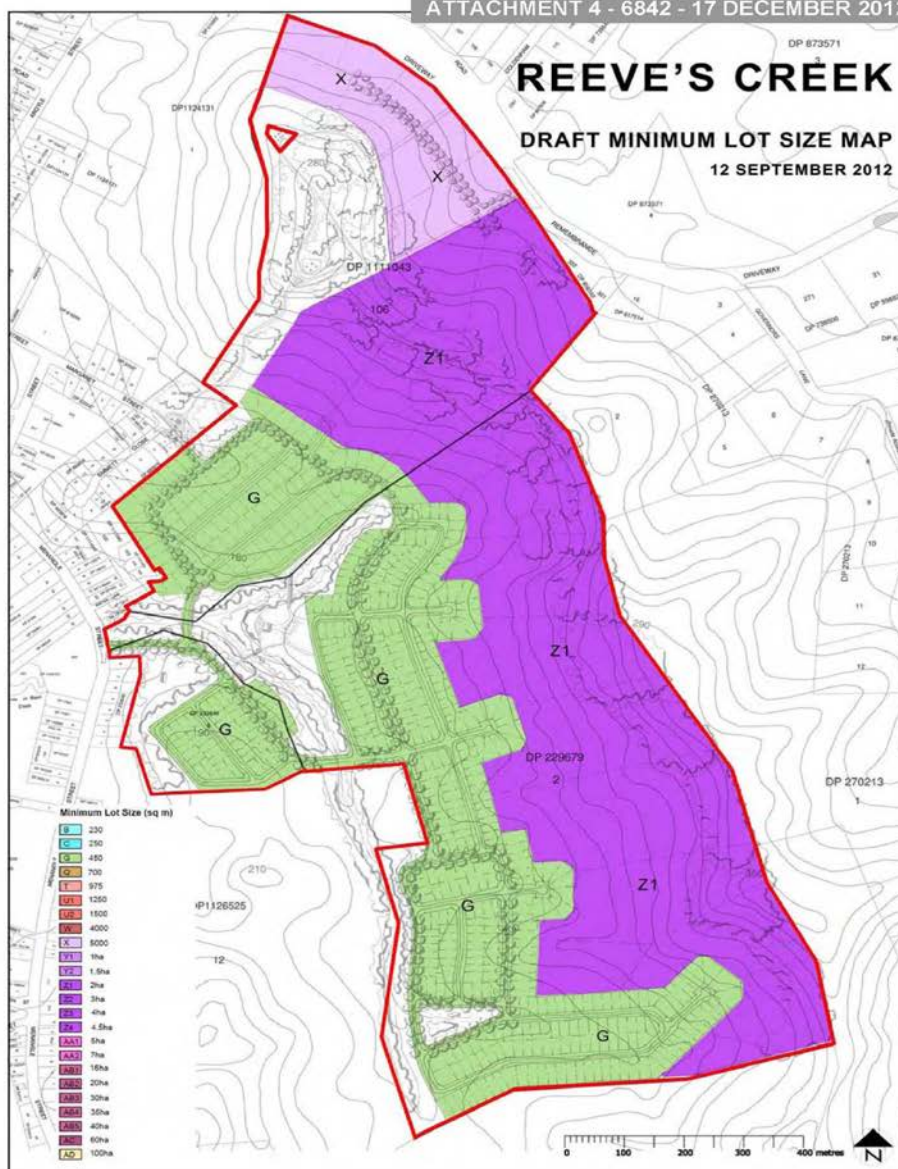
PE1 – Planning Proposal – Picton East

ATTACHMENT 1 - 6842 – 21 SEPTEMBER 2015

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 17 December 2012

ATTACHMENT 4 - 6842 - 17 DECEMBER 2012



Planning & Economy

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

PE1 – Planning Proposal – Picton East

ATTACHMENT 2 - 6842 – 21 SEPTEMBER 2015



PO Box 295
CAMDEN NSW 2570
Suite 5 Level 1 Harrington Plaza
Fairwater Drive
HARRINGTON PARK NSW 2567

Phone: 46 480877

Mobile: 0418620718
Email: michael@michaelbrown.com.au
ABN 52 162 313 895

25 August 2015

Your Ref: 6842

Our Ref: 59/11

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

Attention: Ms K Carter

Dear Kitty,

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

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

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

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

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

"Lot sizes are considered appropriate as long as the recommendations of DP's stability investigation report are followed.

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

1

Menangle Street, Picton Planning Proposal – response

PE1 – Planning Proposal – Picton East

ATTACHMENT 2 - 6842 – 21 SEPTEMBER 2015

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

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

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

The DP report recommended the following works be undertaken:

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

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

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

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

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

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

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

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

PE1 – Planning Proposal – Picton East**ATTACHMENT 2 - 6842 – 21 SEPTEMBER 2015**

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

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

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

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

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

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

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

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

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

PE1 – Planning Proposal – Picton East

ATTACHMENT 2 - 6842 – 21 SEPTEMBER 2015

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

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

Sincerely yours,



M J BROWN
DIRECTOR
MICHAEL BROWN PLANNING STRATEGIES PTY LTD

4

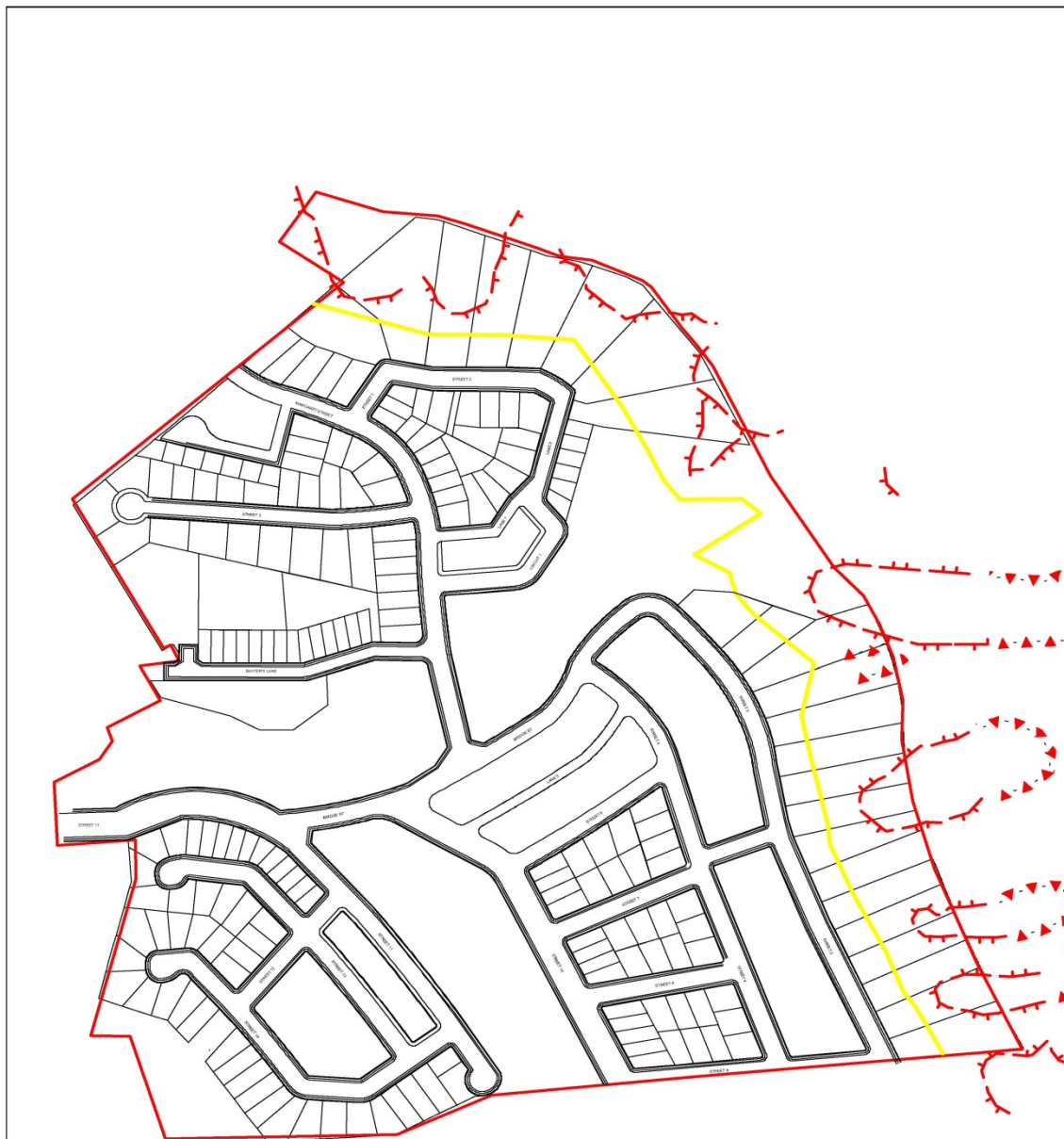
Menangle Street, Picton Planning Proposal – response

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

PE1 – Planning Proposal – Picton East

ATTACHMENT 3 - 6842 – 21 SEPTEMBER 2015

Planning & Economy



Known Landslides
Drawing Review - Proposed Subdivision
Reeves Creek, PICTON



OFFICE: Macarthur
DRAWN BY: CCK
DATE: 20.08.15

CLIENT: Dartanyan Pty Ltd

PROJECT No: 76579.08

DRAWING No: 2

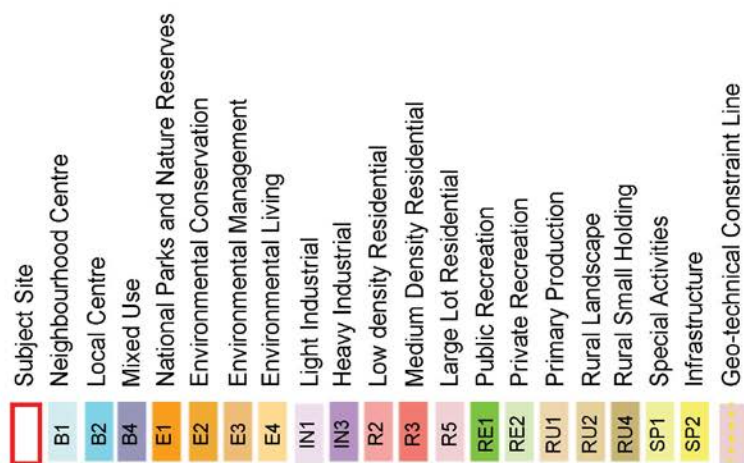
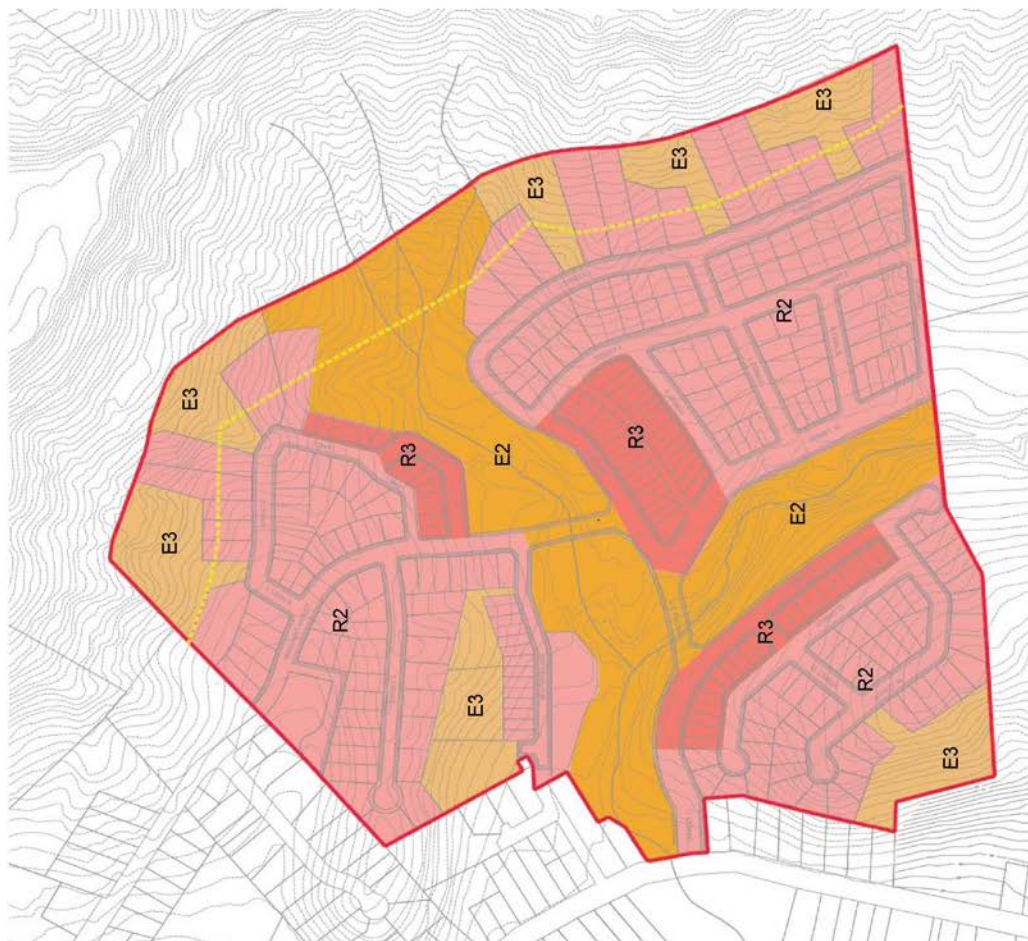
REVISION: A

SCALE: 1:3000 @ A3

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

PE1 – Planning Proposal – Picton East

ATTACHMENT 4 - 6842 – 21 SEPTEMBER 2015



PROPOSED ZONING

Planning and Economy

PLANNING AND ECONOMY

PE1 Planning Proposal – Picton East
41

TRIM 6842

160/2015 Resolved on the Motion of Crs Amato and Mitchell:

1. That Council support the revised Picton East Planning Proposal for land at Lot 106 DP 1111043, Lot 9 DP 233840 & Lot 2 DP 229679 being No.s 1735 Remembrance Drive, 108-114 and 116-118 Menangle Street, Picton with the following changes:
 - All land shown on the latest concept plan located east and north of indicative roads located closest to the geotechnical constraint line to be rezoned E3 Environmental Management Land, except for that portion shown as E2 Environmental Conservation Land on the latest concept plan.
 - The minimum lot size for the land to be rezoned E3 Environmental Management Land to be determined with sufficient stable land for a dwelling and ancillary development. Suitable controls to be included in the LEP and/or DCP as appropriate that prevent any dwellings or structures being erected above the geotechnical constraint line, require active land slips to be contained within one (1) allotment and which detail information which must be submitted with an application for the subdivision of land in the E3 zone regarding the management of geotechnical constraints.
 - All land shown on the latest concept plan as R3 Medium Density Land to be rezoned R2 Low Density Residential Land with a mix of minimum lot size (e.g. 250m² to 700m²) and height restrictions to be determined having regard to geotechnical constraints, visual impacts, landscape assessment and community consultation.
 - Increase the amount of Zone E2 Environmental Conservation Land subject to suitable funding arrangements for its ongoing maintenance either through a bio-banking mechanism or incorporation into the residual land.
 - All land shown on the original planning proposal which received Gateway Determination as RE1 Public Recreation Land to be rezoned E2 Environmental Conservation Land and R2 Low Density Residential Land as shown on the latest concept plan.
 - All other aspects of the original planning proposal which received Gateway Determination remain the same.

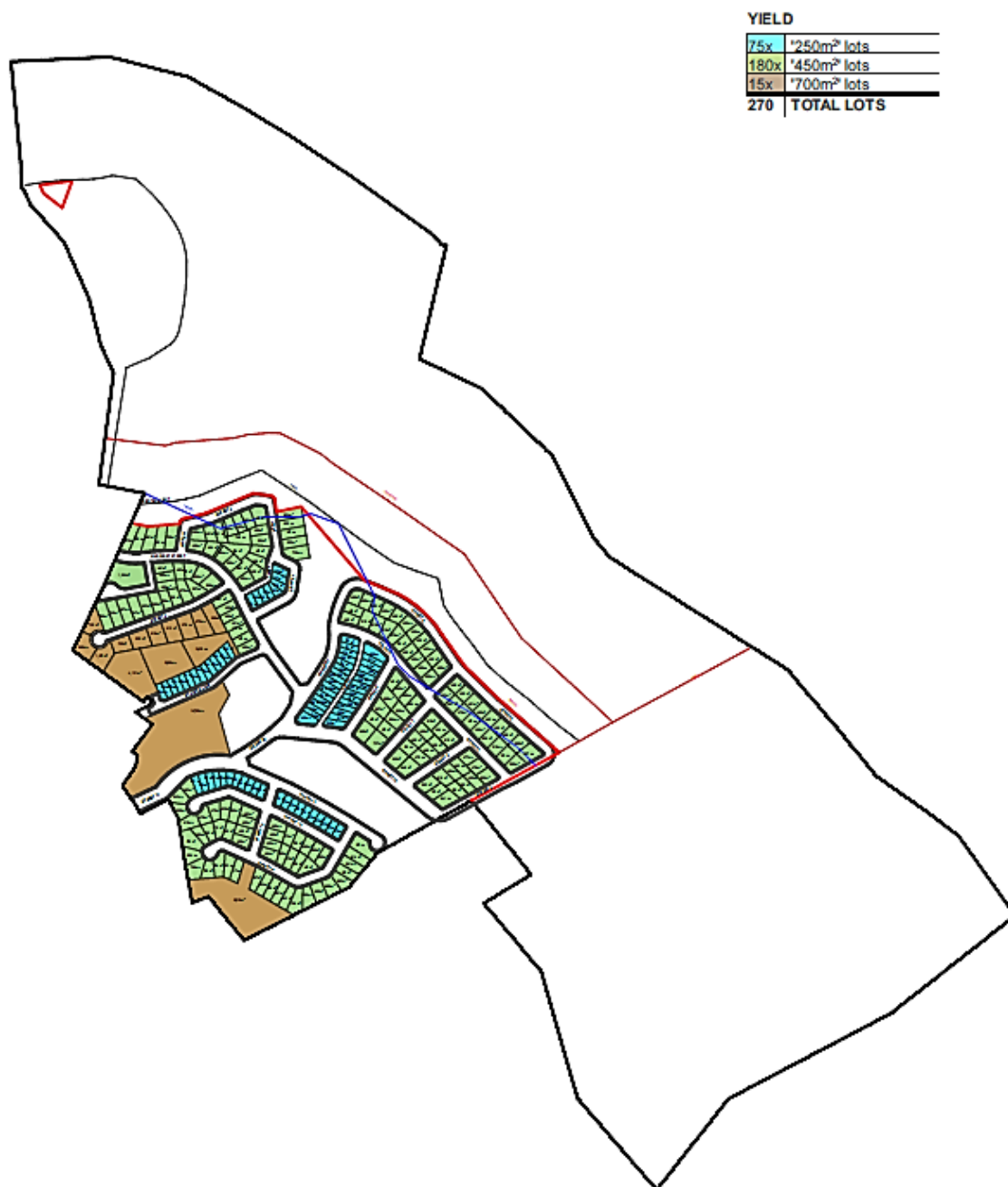
Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 September 2015, commencing at 6.31pm

Planning and Economy

2. That Council seek an alteration to the Gateway Determination for the revised planning proposal.
3. That the proponent confirm the availability of access over Lot 2 DP 1079164, Margaret Street, Picton prior to community consultation.
4. That Council undertake further investigation *to identify suitable land for public access to Vault Hill. The land shall be considered for inclusion on the Land Reservation Acquisition Map, if acquisition is not an outcome of the Picton East Planning Proposal and that the outcome of the further investigation be reported back to Council.*
5. That the proponent be informed of Council's decision and also be informed that the final decision on this Planning Proposal will be dependent on the outcomes of the Picton Town Centre Traffic Investigation and consistent with Council's July resolution 'does not signal an approval for the development'.
6. That persons who made submissions regarding the Planning Proposal be notified of Council's decision.

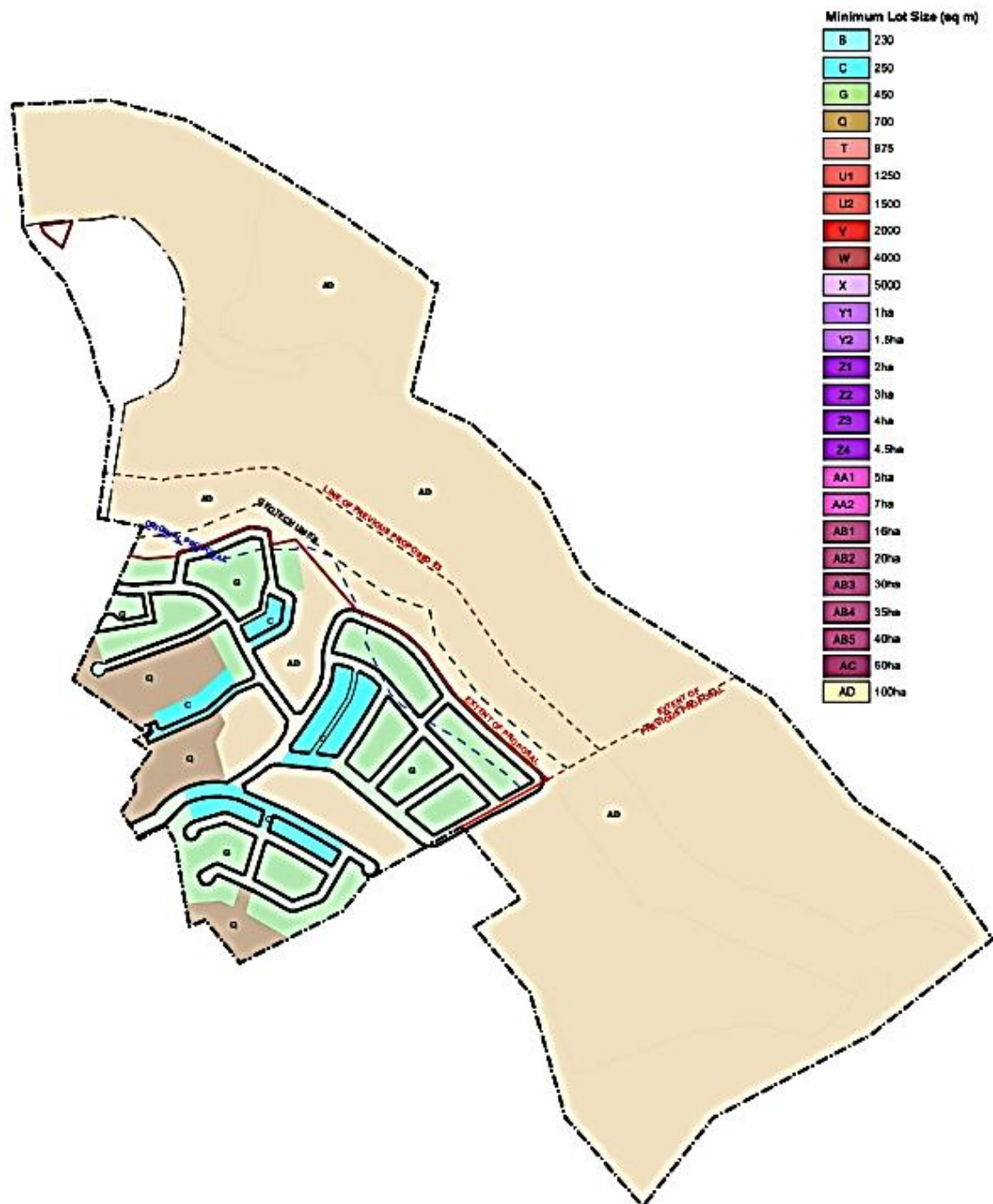
On being put to the meeting the motion was declared CARRIED.

Vote For: Crs Amato, B Banasik, Landow, Mitchell, Gibbs and M Banasik
Vote Against: Crs Hannan, Terry and Law



YIELD	
75x	'250m ² lots
180x	'450m ² lots
15x	'700m ² lots
270	TOTAL LOTS





**Saturday
Studio**

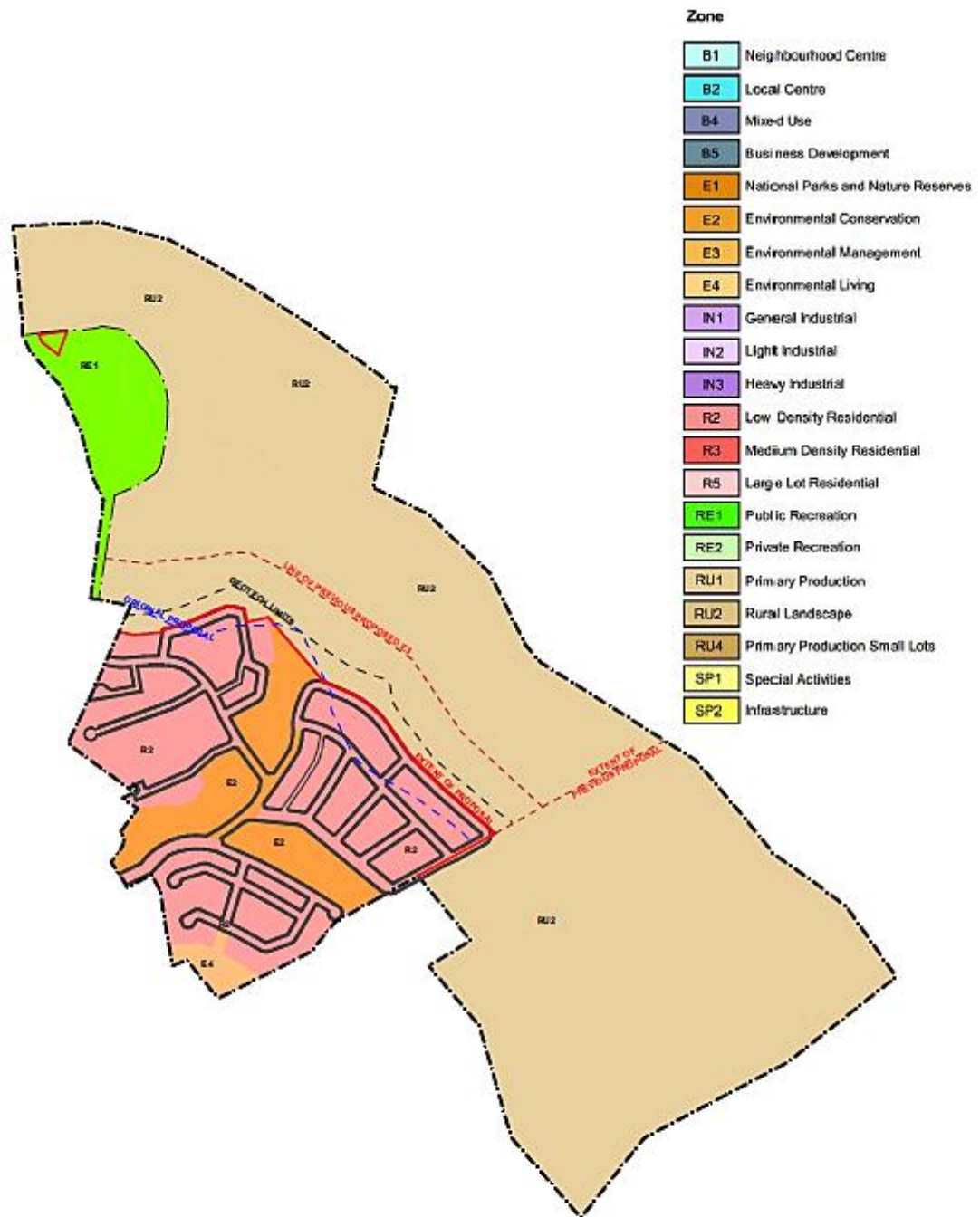
SATURDAYSTUDIO.COM.AU

13043 REEVES CREEK
DARTANYON

DD0 1:01
24/03/2017

MINIMUM LOT SIZE
T 1:6000 @A3







Saturday
Studio

SATURDAYSTUDIO.COM.AU

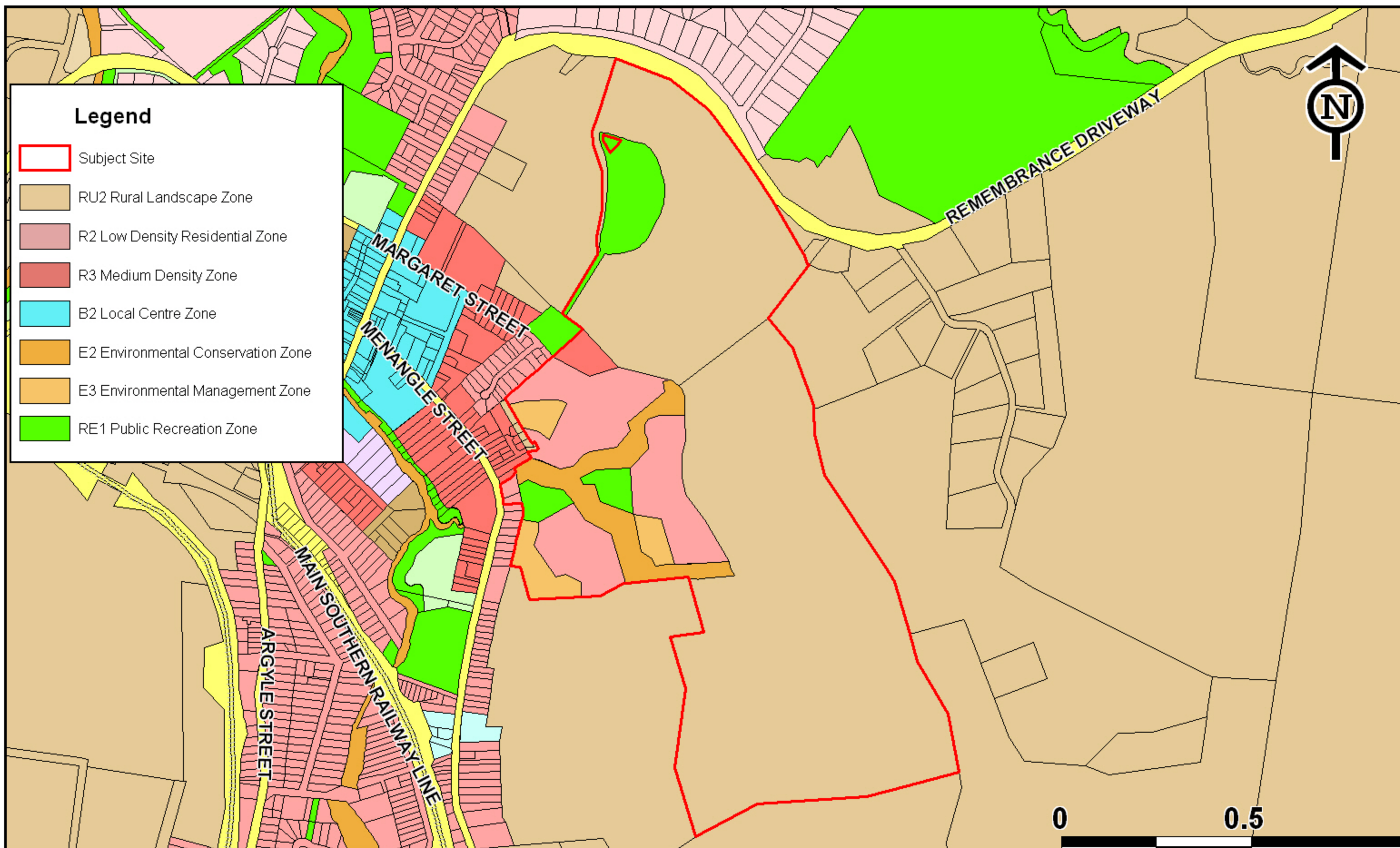
13043 REEVES CREEK
DARTANYON

DD01:02
24/03/2017

BUILDING HEIGHT
T 1:6000@A3



Proponents Revised Maximum Building Height



GO2 Attachment

1. Investments as at 31 May 2017

Monday 17 July 2017

GO2 – Investment of Funds as at 31 May 2017

INVESTMENTS AS AT 31 May 2017

Reporting Period:

1-May-17

to

31-May-17

Investment Institution	Rating	Face Value	Current Value	Percentage	Interest		
		31-May-17	31-May-17	Holding	%p.a.	Received / Accrued	Maturity
CASH INVESTMENTS							
National Australia Bank							
General Account Balance (for information only. Not included in Total Cash Plus Investments)		695,472					
11AM At call	AA	4,295,000	4,295,000	7.85%	1.55	6,790	At Call
Term Deposits							
Bank of Queensland (Matured)	A-1+					55	02-May-17
Bendigo & Adelaide Bank (Matured)	A-2					2,586	17-May-17
Bank of Queensland (Matured)	A-1+					1,764	24-May-17
Bendigo & Adelaide Bank (Matured)	A-2					2,425	31-May-17
National Australia Bank	A-1+	1,000,000	1,023,167	1.83%	2.85	2,378	05-Jun-17
Bank of Queensland	A-1+	1,000,000	1,020,342	1.83%	2.70	2,293	14-Jun-17
National Australia Bank	A-1+	1,000,000	1,025,767	1.83%	2.85	2,421	05-Jul-17
Suncorp	A-1	1,000,000	1,013,501	1.83%	2.80	2,378	12-Jul-17
ME Bank	A-2	500,000	503,736	0.91%	2.70	1,147	19-Jul-17
National Australia Bank	A-1+	1,000,000	1,023,167	1.83%	2.80	2,378	02-Aug-17
Bendigo & Adelaide Bank	A-2	1,000,000	1,022,064	1.83%	2.95	2,505	29-Aug-17
Bank of Queensland	A-1+	1,000,000	1,006,679	1.83%	2.65	2,251	05-Sep-17
Westpac Group	AA-	1,000,000	1,022,438	1.83%	3.00	2,548	13-Sep-17
Westpac Group	AA-	500,000	511,507	0.91%	3.00	1,274	27-Sep-17
Westpac Group	AA-	1,000,000	1,022,356	1.83%	3.10	2,548	23-Aug-18
Westpac Group	AA-	1,000,000	1,021,370	1.83%	3.00	2,548	04-Oct-17
ME Bank	A-2	750,000	752,341	1.37%	2.65	1,688	18-Oct-17
Credit Union Australia	A-2	2,000,000	2,018,937	3.66%	2.88	4,892	01-Nov-17
Bendigo & Adelaide Bank	A-2	500,000	507,685	0.91%	2.75	1,168	08-Nov-17
Bank of Queensland	A-1+	1,000,000	1,007,767	1.83%	2.70	2,293	15-Nov-17
ME Bank	A-2	1,000,000	1,006,679	1.83%	2.65	2,251	06-Dec-17
Bank of Queensland	A-1+	1,000,000	1,012,964	1.83%	2.80	2,378	13-Dec-17
Bank of Queensland	A-1+	1,000,000	1,012,504	1.83%	2.80	2,378	20-Dec-17
ME Bank	A-2	1,000,000	1,004,290	1.83%	2.70	2,293	02-Jan-18
Commonwealth Bank of Australia	A-1+	1,000,000	1,006,260	1.83%	2.72	2,310	10-Jan-18
Bank of Queensland	A-1+	1,000,000	1,007,841	1.83%	2.70	1,993	14-Feb-18
Rural Bank	A-2	1,000,000	1,006,732	1.83%	2.70	2,293	05-Mar-18
Commonwealth Bank of Australia	A-1+	1,000,000	1,006,306	1.83%	2.74	2,327	07-Mar-18
ME Bank	A-2	1,000,000	1,002,663	1.83%	2.70	2,293	24-Apr-18
Credit Union Australia	A-2	1,000,000	1,000,625	1.83%	2.85	625	23-May-18
Bendigo & Adelaide Bank	A-2	1,000,000	1,000,074	1.83%	3.05	74	27-Aug-18
Westpac Group	AA-	1,000,000	1,023,951	1.83%	3.10	2,633	23-Aug-18
Bendigo & Adelaide Bank	A-2	1,000,000	1,023,314	1.83%	3.05	2,590	27-Aug-18
Westpac Group	AA-	1,000,000	1,023,186	1.83%	3.10	2,633	12-Sep-18
Westpac Group	AA-	1,000,000	1,025,951	1.83%	3.20	2,718	09-Aug-19
Bendigo & Adelaide Bank	A-2	2,000,000	2,002,384	3.66%	2.90	2,384	17-May-19
						0	
TOTAL CASH PLUS INVESTMENTS		36,545,000	36,963,549	66.81%		84,503	
Investment Institution	Rating	Face Value	Current Value	Percentage	Interest		
		31-May-17	31-May-17	Holding	%p.a.	Received / Accrued	Maturity
INVESTMENT SECURITIES							
Corporate Bond							
Commonwealth Bank of Australia	AA-	2,000,000	1,969,840	3.66%	7.17	0	22-Jan-18
Floating Rate Notes							
CUA Snr FRN	BBB+	500,000	506,149	0.91%	3.40	1,442	01-Apr-19
Westpac Banking Corporation	AA-	1,000,000	1,009,958	1.83%	2.74	2,332	10-May-19
AMP Snr FRN	A+	750,000	758,434	1.37%	2.90	1,844	11-Jun-19
Members Equity Bank Pty Ltd	BBB+	1,000,000	1,008,016	1.83%	3.22	2,731	18-Jul-19
Bendigo Bank Senior FRN	A-	1,000,000	1,005,474	1.83%	2.73	2,314	17-Sep-19
ANZ Snr FRN	AA-	1,000,000	1,006,687	1.83%	2.59	2,206	11-Nov-19
Greater Building Society Snr FRN	BBB+	500,000	499,932	0.91%	3.24	1,391	29-Nov-19
Westpac Banking Corporation	AA-	1,000,000	1,008,624	1.83%	2.65	2,246	22-Jan-20
Bendigo Bank Senior FRN	A-	500,000	501,568	0.91%	2.84	1,217	21-Feb-20
Macquarie Bank	A	1,000,000	1,013,744	1.83%	2.89	2,450	03-Mar-20
CUA Snr FRN	BBB+	750,000	754,680	1.37%	3.10	1,971	20-Mar-20
CBA Snr FRN	AA-	1,000,000	1,008,642	1.83%	2.66	2,263	17-Jul-20
Bendigo Bank Senior FRN	A-	1,000,000	1,002,607	1.83%	2.84	2,429	18-Aug-20
Suncorp Senior FRN	A+	1,000,000	1,014,242	1.83%	3.00	2,548	20-Oct-20
CBA Snr FRN	AA-	500,000	508,352	0.91%	2.92	1,238	18-Jan-21
Bendigo Bank Senior FRN	A-	500,000	508,267	0.91%	3.21	1,363	20-Apr-21
Westpac Banking Corporation	AA-	1,000,000	1,020,196	1.83%	2.96	2,510	03-Jun-21
AMP Snr FRN	A+	500,000	501,125	0.91%	2.85	1,208	30-Mar-22
Mortgage Backed Securities							
Emerald Reverse Mortgage Series 2007-1 Class B	AA	1,000,000	602,584	1.83%	2.30	1,953	21-Jul-27
Emerald Reverse Mortgage Series 2006-1 Class A	AAA	653,644	516,770	1.19%	2.19	1,238	22-Aug-22
		18,153,644	17,725,892	33.19%	3.02	38,895	
TOTAL CASH & INVESTMENT SECURITIES		\$54,698,644	\$54,689,441	100.00%		\$123,399	

GO3 Attachments

1. Summary of Changes - Draft Wollondilly Shire Council - Information Guide 2017
2. Draft Wollondilly Shire Council - Information Guide 2017

Monday 17 July 2017

GO3 – Information Guide Review

SUMMARY OF CHANGES – WOLLONDILLY SHIRE COUNCIL INFORMATION GUIDE 2017

Location	Previous Wording	New Wording	Reasoning
Front Page	Information Guide 2016	Information Guide 2017	Change of date
Contents Page	Nil	Organisational Vision & Corporate Values	New Activity
Contents Page	Nil	Customer Service Standards	New Activity
Contents Page	Wollondilly Shire Council's Major Activities	Wollondilly Shire Council's Functions	Proper Name
Contents Page	Communications Unit	Communication and Engagement	Proper Name
Contents Page	Development Assessment	Development Services	Proper Name
Contents Page	Nil	Environmental Services	Proper Name
Contents Page	Nil	External Committees/Advisory Groups	Proper Name
Contents Page	Nil	Community Advisory Committees	Proper Name
Contents Page	Organisational Structure 2016	Nil	Removed Link
Contents Page	Any changes or alterations will be reviewed and updated annually. Please consult our website for any changes to major operations.	Any changes or alterations will be reviewed and updated annually. Please consult our website for any up to date changes to Council's operations.	Reworded for Plain English purposes.
Introduction Page 4	<ul style="list-style-type: none"> the structure and functions of the Council ways in which the community can participate in Council's decision-making processes types of documents Council holds how the public can gain access to Council documents 	<ul style="list-style-type: none"> the organisational structure and functions of the Council ways in which the community can participate in Council's decision-making processes types of documents and information Council holds how the public can access Council documents and information 	Clarification of Councils functions
Structure and Functions Page 5	The Mayor is elected each year by the Councillors from among their numbers.	The Mayor is elected every 2 years by the Councillors from among their numbers.	Updated due to Legislation requirements

<p>Structure and Functions Page 5-6</p>	<p>The role of the Councillors, as members of the body corporate is:</p> <ul style="list-style-type: none"> • to direct and control the affairs of the Council in accordance with the Local Government Act and other applicable legislation • to participate in the optimum allocation of the Council's resources for the benefit of the area • to play a key role in the creation and review of the Council's policies, objectives and criteria relating to the exercise of the Council's regulatory functions • to review the performance of the Council and its delivery of services, management plans and revenue policies of the Council 	<p>The role of Councillors, as members of the governing body include the following:</p> <ul style="list-style-type: none"> • to direct and control the affairs of the council in accordance with the Local Government Act, • to provide effective civic leadership to the local community, • to ensure as far as possible the financial sustainability of the council, • to ensure as far as possible that the council acts in accordance with the principles set out in Chapter 3 (LGA) and the plans, programs, strategies and policies of the council • to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council, • to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the council's resources to implement the strategic plans (including the community strategic plan) of the council and for the benefit of the local area, • to keep under review the performance of the council, including service delivery, • to make decisions necessary for the proper exercise of the council's regulatory functions, • to determine the process for appointment of the general manager by the council and to monitor the general 	<p>Legislation changes include a more comprehensive description of the body corporate.</p>
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		<p>manager's performance,</p> <ul style="list-style-type: none"> • to consult regularly with community organisations and other key stakeholders and keep them informed of the council's decisions and activities, • to be responsible for ensuring that the council acts honestly, efficiently and appropriately. <p>The governing body is to consult with the general manager in directing and controlling the affairs of the council.</p>	
Structure and Functions Page 6	<p>The role of a Councillor is, as an elected person:</p> <ul style="list-style-type: none"> • to represent the interests of the residents and ratepayers • to provide leadership and guidance to the community • to facilitate communication between the community and the Council 	<p>The role of a Councillor is as follows</p> <ul style="list-style-type: none"> • to be an active and contributing member of the governing body, • to make considered and well informed decisions as a member of the governing body, • to participate in the development of the integrated planning and reporting framework, • to represent the collective interests of residents, ratepayers and the local community, • to facilitate communication between the local community and the governing body, • to uphold and represent accurately the policies and decisions of the governing body, • to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor. <p>A councillor is accountable</p>	<p>Legislation changes include a more comprehensive description of the Councillors role.</p>

		to the local community for the performance of the council.	
Structure and Functions Page 6	<p>The role of the Mayor is:</p> <ul style="list-style-type: none"> • to preside at meetings of the Council • to carry out the civic and ceremonial functions of the office • to exercise, in cases of necessity the decision making functions of the body corporate, between its meetings • to perform any other functions that the Council determines 	<p>The role of the Mayor is:</p> <ul style="list-style-type: none"> • to be the leader of the council and a leader in the local community, • to advance community cohesion and promote civic awareness, • to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities, • to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council, • to preside at meetings of the council, • to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act, • to ensure the timely development and adoption of the strategic plans, programs and policies of the council, • to promote the effective and consistent implementation of the strategic plans, programs and policies of the council, • to promote partnerships between the council and key stakeholders • to advise, consult with and provide strategic direction to the 	<p>Legislation changes include a more comprehensive description of the Mayors role.</p>

		<p>general manager in relation to the implementation of the strategic plans and policies of the council,</p> <ul style="list-style-type: none"> • in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community • to carry out the civic and ceremonial functions of the mayoral office • to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level, • in consultation with the councillors, to lead performance appraisals of the general manager, • to exercise any other functions of the council that the council determines. 	
Structure and Functions Page 7	Implementation of Council's Equal Employment Opportunity Management Plan.	Implementation of Council's Workforce Management Strategy.	Change of Title
Structure and Functions Page 7	there are three (3) Directors.	there are three (3) Directors and one (1) Executive Manager.	Change of Title
Organisational Vision and Corporate Values Page 7	Nil	<p>This vision for our organisation is to provide a resilient, safe and supported workplace that provides respectful, efficient services for our customers now and for future generations. The vision has been set to overcome identified organisational challenges and to create a workforce that delivers the best services for our community.</p>	Included for clarity of Councils operations.

		<p>We want to be an organisation that provides a resilient, safe and supported workplace. We want to provide respectful, efficient services for our customers now and for future generations. Achieving this vision is fundamentally important to our workforce and where we want to be as an organisation.</p> <p>This vision works in unison with our newly refreshed corporate values. These corporate values underpin how we make decisions and how we will behave when overcoming will the challenges ahead.</p> <p>Our corporate values are:</p> <ul style="list-style-type: none"> • Integrity • Collaboration • Accountability • Respect • Embrace Innovation 	
Customer Service Standards Page 7	Nil	<p>Wollondilly Shire Council values its customers. Council's primary function is to serve the community and have developed a set of minimum requirements to meet the service needs of our customers.</p> <p>Council's Customer Service Charter is available on Council's website.</p> <p>Council always welcomes feedback from our customers and suggestions on how we can improve our service standards.</p> <p>Feedback can be made by contacting Council.</p>	Included for clarity of Councils operations.
Organisational Structure Page 8	Organisation is set out in Appendix 1.	is set out on Council's Website	New Link
Communication and Engagement Page 8	Communications Unit	Communication and Enagement	New Title
Communication and Engagement Page 8	<ul style="list-style-type: none"> • Provides the interface between Council and the community by communicating 	<ul style="list-style-type: none"> • Provides the interface between Council and the community by 	Clarification of Councils functions

	<p>directly with the public and council staff as well as promoting initiatives and activities through publications, events, the website and the media.</p>	<p>communicating and engaging directly with the public as well as promoting initiatives and activities through publications, events, the website, social media and traditional media.</p> <ul style="list-style-type: none"> • Development and implementation of community engagement strategies that promote full and equal participation of all community members. 	
Community Outcomes Page 8	Community Services	Community Outcomes	New Title
Community Outcomes Page 8	<ul style="list-style-type: none"> • Facilitation of partnerships with community service providers and other levels of government to establish, maintain and develop appropriate community services that meet the needs of the community. • Implementation of projects and development programs that maximize local resources, strengthen local ties, develop the non-profit sector and improve community well-being. • Development and implementation of community engagement strategies that promote full and equal participation of all community members. • Provision of information, advocacy and advice on a wide range of social issues. 	<ul style="list-style-type: none"> • Facilitation of partnerships with community service providers and other levels of government to establish, maintain and develop appropriate community services that meet the needs of the community. • Implementation of projects and development programs that maximize local resources, strengthen local ties, develop the non-profit sector and improve community well-being. • Provision of information, advocacy and advice on a wide range of social issues. • Provision of Financial Assistance ("Community Grants") Schemes. • Providing and supporting a range of community events. 	Clarification of Councils functions

	<ul style="list-style-type: none"> • Provision of Financial Assistance ("Community Grants") Schemes. 		
Development Services Page 9	Development Assessment	Development Services	New Title
Development Services Page 9	<ul style="list-style-type: none"> • Ensures that development within the Shire is properly assessed and consistent with legislation and Council's Planning Policies. • Facilitates public participation in assessment development applications. • Provides a duty officer service for customer enquiries (including a heritage advisory service) • Provides a pre-lodgement service for development proposals. • Provides a Planning Certificate (S.149) Service. 	<ul style="list-style-type: none"> • Ensures that development within the Shire is properly assessed and consistent with legislation and Council's Planning Policies. • Facilitates public participation in assessment development applications. • Provides a building certification and inspection service • Provides a duty officer service for customer enquiries (including a heritage advisory service) • Provides a pre-lodgement service for development proposals. • Provides a Planning Certificate (S.149) Service. 	Clarification of Councils functions
Environmental Services Page 9-10	Nil	<ul style="list-style-type: none"> • Maintains approximately 500 hectares of publicly owned land, which is used for open space and recreation. Included in this are 13 Playing Fields, 30 Netball Courts & 10 Tennis Facilities. 	Additional Dot Points
Governance Services Page 10	<ul style="list-style-type: none"> • Ensure the smooth running of Council Meetings and Community Forums. • Maintenance of Council's Policy and Procedure Registers. • Oversees Council's 	<ul style="list-style-type: none"> • Councillor advice and support • Council meeting coordination • Code of Conduct administration • Delegations of authority • Maintenance of 	Clarification of Councils functions

	<p>Governance compliance.</p> <ul style="list-style-type: none"> • Manages and assesses Council property assets to yield an economically viable portfolio. • Implementation of Council's Internal Audit function. 	<p>Council's Policy and Procedure Registers.</p> <ul style="list-style-type: none"> • Information access (GIPAA) • Public Interest Disclosure Management • Manages and assesses Council property assets to yield an economically viable portfolio. • Implementation of Council's Internal Audit function. • Provision of Geospatial Information Services to Council. 	
Strategic Planning and Growth Management Page 11	Strategic Planning & Growth Centres Management	Strategic Planning and Growth Management	New Title
Strategic Planning and Growth Management Page 11	<ul style="list-style-type: none"> • Manage the funding and delivery of new infrastructure caused by new developments, through Developer Contributions Plans and Voluntary Planning Agreements. • <input type="checkbox"/> Develop strategic approaches to the future development of the Shire and contribute to state led planning processes like Distinct Planning and the Greater Macarthur Land Release Investigation. • <input type="checkbox"/> Assess proposed amendments to Wollondilly Local Environmental, 2011. • <input type="checkbox"/> Develop Policy documents (such as local environmental plans (LEP's), development control plans (DCP's) and other strategy documents) to guide 	<ul style="list-style-type: none"> • Contribute to Regional and District Planning activities of the Greater Sydney Commission • Undertake studies into strategic planning issues such as housing affordability, peri-urban resilience, rural land use and employment lands • Manage the funding of new infrastructure caused by new developments, through Developer Contributions Plans and Voluntary Planning Agreements. • Develop strategic approaches to the future development of the Shire and contribute to state led planning processes for the Wilton Priority Growth Area and the potential Greater Macarthur Priority Growth Area • Assess proposed 	Clarification of Councils functions

	<p>the future development of the Shire.</p> <ul style="list-style-type: none"> Facilitates public participation in the preparation of planning policies, assessment of planning proposals and on broad strategic objectives. Advocates and lobbies for positive strategic outcomes for the Shire. 	<p>amendments to Wollondilly Local Environmental, 2011.</p> <ul style="list-style-type: none"> Develop Policy documents (such as local environmental plans (LEP's), development control plans (DCP's) and other strategy documents) to guide the future development of the Shire. Facilitate public participation in the preparation of planning policies, assessment of planning proposals and on broad strategic objectives. Advocate and lobby for positive strategic outcomes for the Shire. 	
Infrastructure and Planning Page 11	Nil	<ul style="list-style-type: none"> Manages approximately 500 hectares of publicly owned land, which is used for open space and recreation. Included in this are 13 Playing Fields, 30 Netball Courts & 10 Tennis Facilities. 	Additional Dot Point
How Council's Activities Affect Residents Page 12	Governance functions do not necessarily affect the public directly but have an indirect impact on the community through provision of Governance services to the organisation.	Governance and Employee Relations functions do not necessarily affect the public directly but have an indirect impact on the community through provision of Governance and Employee Relations services to the organisation.	Clarification of Councils functions
Wollondilly Community Strategic Plan 2033 Page 13	The Wollondilly Community Strategic Plan (CSP) 2033 is a core operating document that identifies and expresses the aspirations held by the community of the Wollondilly Shire. The CSP	The Wollondilly Community Strategic Plan (CSP) "Create Wollondilly 2033" is a core operating document that identifies and expresses the aspirations held by the community of	Change of Title

	2033:	the Wollondilly Shire. The CSP 2033:	
Wollondilly Community Strategic Plan 2033 Page 13	Highlights the way forward for the Wollondilly Shire through five (5) key focus areas of: Community, Economy, Environment, Infrastructure and Governance,	Highlights the way forward for the Wollondilly Shire through five (5) key focus areas of: Community, Growth, Environment, Infrastructure and Council,	Change to Title in CSP
Wollondilly Community Strategic Plan 2033 Page 13	Links with the State Plan and Regional Planning documents that direct Community actions for regional and local outcomes,	Links with the State Plan and Draft District Plan documents that direct Community actions for regional and local outcomes	Change to Title in CSP
Wollondilly Community Strategic Plan 2033 Page 13	Wollondilly CSP 2033 was adopted at the 17 June 2013 Ordinary Council Meeting.	"Create Wollondilly" 2033 was adopted at the 18 June 2017 Ordinary Council Meeting.	Change of Title and Date
Environmental Planning & Assessment Act 1979 & Regulations Page 14	<p>This Act outlines the powers of the NSW Planning and Infrastructure and regulates all development in New South Wales, including the treatment of development applications submitted to approval bodies.</p> <p>This Act also governs how Local Environmental Plans and Development Control Plans are prepared, made and amended and the types of matters they cover. It further details the rules surrounding development contributions (S. 94) and Voluntary Planning Agreements (VPA's).</p> <p>The government is currently considering making changes to the legislative provisions incorporated into the Environmental Planning and Assessment Act, 1979 and accompanying Regulations.</p>	<p>This Act governs how Local Environmental Plans and Development Control Plans are prepared, made and amended and the types of matters they cover. It further details the rules surrounding development contributions (S. 94) and Voluntary Planning Agreements (VPA's).</p> <p>This Act also outlines some of the powers of the NSW Department of Planning and Environment and regulates all development in New South Wales, including the treatment of development applications submitted to approval bodies.</p> <p>The government is regularly making changes to the legislative provisions incorporated into the Environmental Planning and Assessment Act, 1979 and accompanying Regulations.</p>	Changes to Legislation and Regulations
Planning Controls	The long term strategic	The long term strategic	Clarification of Councils

Page 14	<p>directions for the Shire's growth are outlined in Council's Growth Management Strategy (GMS) which was adopted in February 2011 and is currently under review. The GMS is not a legally binding document but rather a broad policy document to assist Council in making decisions about where growth should occur. Land use in the Shire is controlled by the Wollondilly Local Environmental Plan (LEP) 2011. The LEP sets the framework under which Council's planning objectives are achieved when considering the future development of the Shire. This strategic planning control is supported by Development Control Plans (DCP) which in turn assists Council and its community to understand the overall objectives of planning requirements.</p>	<p>directions for the Shire's growth are outlined in Council's Growth Management Strategy (GMS) which was adopted in February 2011 and is currently under review. The GMS is not a legally binding document but rather a broad policy document to assist Council in making decisions about where growth should occur.</p> <p>Land use in the Shire is controlled by the Wollondilly Local Environmental Plan (LEP) 2011. The LEP sets the framework under which Council's planning objectives are achieved when considering the future development of the Shire. This strategic planning control is supported by Wollondilly Development Control Plan 2016 which assists Council and its community to understand the overall objectives of planning requirements.</p>	functions
Legislation & Regulations that Empower Council Page 14-15	<p>A New Tax System (Goods and Services Tax) Act 1999 [Commonwealth] Annual Holidays Act 1944 Anti-Discrimination Act 1977 Building and Construction Industry Long Service Payments Act 1986 Carers (Recognition) Act 2010 Charitable Fundraising Act 1991 Children and Young Persons (Care and Protection) Act 1998. Community Welfare Act 1987 Community Land Development Act 1989</p>	<p>A New Tax System (Goods and Services Tax) Act 1999 [Commonwealth] Annual Holidays Act 1944 Anti-Discrimination Act 1977 Building and Construction Industry Long Service Payments Act 1986 Carers (Recognition) Act 2010 Charitable Fundraising Act 1991 Children and Young Persons (Care and Protection) Act 1998. Community Land Development Act 1989 Community Welfare Act 1987</p>	Legislation is no longer applied to Council and was updated with current Legislation.

	Companion Animals Act 1998 Conveyancing Act 1919 Copyright Act 1968 [Commonwealth] Crimes Act 1900 Crown Lands Act 1989 Environmental Planning and Assessment Act 1979 Essential Services Act 1988 Fair Work Act 2009 Fines Act 1996 Food Act 2003 Fringe Benefits Tax Assessment Act 1986 [Commonwealth] Government Information (Public Access) Act 2009 Health Records and Information Privacy Act 2002 Independent Commission Against Corruption Act 1988 Interpretation Act 1987 Land Acquisition (Just Terms Compensation) Act 1991 Land & Environment Court Act 1979 Land Tax Management Act 1956 Library Act 1939 Local Planning Amendment (Planning and Reporting) Act 2009 Long Service Leave Act 1955 Motor Accidents Act 1988 Noxious Weeds Act 1993 Ombudsman Act 1974 Privacy & Personal Information Protection Act 1998 Public Interest Disclosures Act 1994 Protection of the Environment Operations Act 1997 Real Property Act 1900 Recreation Vehicles Act 1983 Regional Environmental Plans	Companion Animals Act 1998 Conveyancing Act 1919 Copyright Act 1968 [Commonwealth] Crimes Act 1900 Crown Lands Act 1989 Environmental Planning and Assessment Act 1979 Essential Services Act 1988 Fair Work Act 2009 [Commonwealth] Fines Act 1996 Food Act 2003 Fringe Benefits Tax Assessment Act 1986 [Commonwealth] Government Information (Public Access) Act 2009 Health Records and Information Privacy Act 2002 Independent Commission Against Corruption Act 1988 Industrial Relations Act 1996 Interpretation Act 1987 Land Acquisition (Just Terms Compensation) Act 1991 Land & Environment Court Act 1979 Land Tax Management Act 1956 Library Act 1939 Local Government Amendment (Governance and Planning) Act 2016 Long Service Leave Act 1955 Motor Accidents Act 1988 Noxious Weeds Act 1993 Ombudsman Act 1974 Privacy & Personal Information Protection Act 1998 Public Interest Disclosures Act 1994 Protection of the Environment Operations Act 1997 Real Property Act 1900 Recreation Vehicles Act	
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	Retail Trading Act 2008 Road Transport Act 2013 Roads Act 1993 RTA Technical directions & regulations Rural Fires Act 1997 State Authorities Superannuation Act 1987 State Emergency Service Act 1989 State Records Act 1998 Strata Schemes (Freehold Development) Act 1973 Strata Schemes (Leasehold Development) Act 1986 Swimming Pools Act 1992 Threatened Species Conservation Act 1995 Trade Practices Act 1975[Commonwealth] Transport Administration Act 1988 Valuation of Land Act 1916 Waste Avoidance and Resource Recovery Act 2001 Work Health and Safety Act 2011 Workers Compensation Act 1987	1983 Regional Environmental Plans Retail Trading Act 2008 Road Transport Act 2013 Roads Act 1993 RTA Technical directions & regulations Rural Fires Act 1997 State Authorities Superannuation Act 1987 State Emergency Service Act 1989 State Records Act 1998 Swimming Pools Act 1992 Threatened Species Conservation Act 1995 Trade Practices Act 1975[Commonwealth] Transport Administration Act 1988 Valuation of Land Act 1916 Waste Avoidance and Resource Recovery Act 2001 Work Health and Safety Act 2011 Workers Compensation Act 1987	
External Committees/Advisory Groups Page 16-17	AGL Community Consultative Committee Association of Mining Related Councils Combined Councils Southern Mining Liaison Committee Boral Cement / Maldon Plant Community Liaison Committee Campbelltown Arts Centre Cultural Precinct Advisory Group Country Public Libraries Association (South Eastern Zone) Georges River Combined Council Committee Inc. Greater Sydney Local Land Services Local Government Advisory Group Hawkesbury Nepean Local Government Advisory Group Illawarra Coal Community	Association of Mining Related Councils Combined Councils Southern Mining Liaison Committee Boral Cement - Maldon Plant - Community Liaison Committee Campbelltown Arts Centre Cultural Precinct Advisory Group Country Public Libraries Association (South Eastern Zone) Georges River Combined Council Committee Inc. Greater Sydney Local Land Services Local Government Advisory Group Illawarra Coal Community Consultative Committee Lachlan Regional Transport Committee Local Emergency Management Committee	Changes to External Committees/Advisory Groups.

	<p>Consultative Committee</p> <p>Joint Regional Planning Panel</p> <p>Lachlan Regional Transport Committee</p> <p>Local Emergency Management Committee</p> <p>Macarthur Regional Organisation of Councils (MACROC)</p> <p>MG My Gateway</p> <p>Queen Victoria Support Group</p> <p>South East Australian Transport Strategy Inc. (SEATS)</p> <p>Southern Tablelands Regional Arts Advisory Group</p> <p>South West Regional Weeds Committee</p> <p>South West Sydney Academy of Sport Advisory Group</p> <p>Sydney Catchment Authority Local Government Reference Panel</p> <p>Sydney Peri-Urban Network</p> <p>Tahmoor Colliery Community Consultative Committee</p> <p>Wollondilly District Liaison Committee</p> <p>Wollondilly/Wingecarribee – Bush Fire Management Committee</p> <p>Yerranderie Management Committee</p>	<p>Macarthur Regional Organisation of Councils (MACROC)</p> <p>MG My Gateway</p> <p>Queen Victoria Support Group</p> <p>Southern Tablelands Regional Arts Advisory Group</p> <p>South West Regional Weeds Committee</p> <p>South West Sydney Academy of Sport Advisory Group</p> <p>Sydney Peri-Urban Network</p> <p>Sydney South West Planning Panel</p> <p>Tahmoor Colliery Community Consultative Committee</p> <p>Water NSW Local Government Reference Panel</p> <p>Wollondilly District Liaison Committee</p> <p>Wollondilly/Wingecarribee – Bush Fire Management Committee</p> <p>Yerranderie Management Committee</p>	
Community Advisory Committees Page 17	Advisory Committees	Community Advisory Committees	New Title
Community Advisory Committees Page 17	<p>Australia Day Committee</p> <p>Community Leisure Centre Users Advisory Group</p> <p>Companion Animals Reference Committee</p> <p>Disability Access Advisory Committee</p> <p>Economic Development Advisory Group</p> <p>Environment and Heritage Committee</p> <p>Mineral and Energy</p>	<p>Australia Day Awards Committee</p> <p>Companion Animals Advisory Committee</p> <p>Cubbitch Barta Reserve Steering Committee</p> <p>Disability Access Advisory Committee</p> <p>Economic Development Advisory Group</p> <p>Mineral and Energy Resources, Environment</p>	Changes to Community Advisory Committees

	Resources Committee Road Safety Group Rural Industry Liaison Committee Transport Advisory Committee Youth Advisory Committee	and Waste Advisory Committee Road Safety Volunteers Group Rural Industry Community Advisory Committee Tourism and Heritage Committee Transport Advisory Committee Youth Advisory Committee	
355 Management Committees Page 17	Council delegates the authority for the care, control and management of six public facilities to committees comprising of members of the community. At present those management committees are: Bargo Sportsground and Community Centre Douglas Park Sportsground and Community Centre Tahmoor Sportsground Thirlmere Sportsground Victoria Park Sportsground Wilton Sportsground and Community Centre	Council delegates the authority for the care, control and management of five public facilities to committees comprising of members of the community. At present those management committees are: Douglas Park Sportsground and Community Centre Tahmoor Sportsground Thirlmere Sportsground Victoria Park Sportsground Wilton Sportsground and Community Centre	Clarification of Councils functions



INFORMATION GUIDE 2017

WHO WE ARE AND WHAT WE DO

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This Information Guide is true and correct at the time of publishing. Any changes or alterations will be reviewed and updated annually.

Please consult our website for any up to date changes to Council’s operations.

INTRODUCTION

Wollondilly Shire Council provides a service under the *Government Information (Public Access) Act 2009*, (GIPAA) which requires Council to provide greater access to government information Council holds. A requirement of GIPAA is that an Information Guide be produced as a reference to Councils functions, responsibilities and information.

Wollondilly Shire Council's Information Guide details:

- the organisational structure and functions of the Council
- ways in which the community can participate in Council's decision-making processes
- types of documents and information Council holds
- how the public can access Council documents and information

Luke Johnson
GENERAL MANAGER

HOW WOLLONDILLY SHIRE COUNCIL WAS CONSTITUTED

In 1895 the people of the town of Picton petitioned the New South Wales Governor for the creation of a municipality. That petition was granted and the Municipality of Picton was formed and covered only the area around the town itself.

In 1906 the government created shires in the remaining area of New South Wales not already covered by town Councils. The Shire of Wollondilly was one of these, covering the rest of what we now know as Wollondilly, except Picton. It was based at The Oaks.

In 1940 the two Councils were merged and all administration was centralised in Picton. The name of Wollondilly was retained for the combined area.

STRUCTURE AND FUNCTIONS

Wollondilly Shire Council is divided into three wards which comprise of:

- North** - Warragamba/Silverdale, Werombi, Theresa Park, Orangeville, Nattai, Oakdale, The Oaks, Mowbray Park, Yerranderie, Belimbla Park, Glenmore, Brownlow Hill
- Central** - Picton, Tahmoor, Thirlmere, Lakesland, Couridjah, Buxton, Maldon
- East** - Mt Hunter, Cawdor, Camden Park, Menangle, Douglas Park, Appin, Wilton, Bargo, Yanderra, Pheasants Nest, Razorback, Maldon, Darkes Forest

with three (3) Councillors for each Ward. The Mayor is elected every 2 years by the Councillors from among their numbers.

The role of Councillors, as members of the governing body include the following:

- to direct and control the affairs of the council in accordance with the Local Government Act,
- to provide effective civic leadership to the local community,
- to ensure as far as possible the financial sustainability of the council,
- to ensure as far as possible that the council acts in accordance with the principles set out in Chapter 3 (LGA) and the plans, programs, strategies and policies of the council
- to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council,
- to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the council's resources to implement the strategic plans (including the community strategic plan) of the council and for the benefit of the local area,
- to keep under review the performance of the council, including service delivery,
- to make decisions necessary for the proper exercise of the council's regulatory functions,
- to determine the process for appointment of the general manager by the council and to monitor the general manager's performance,
- to consult regularly with community organisations and other key stakeholders and keep them informed of the council's decisions and activities,
- to be responsible for ensuring that the council acts honestly, efficiently and appropriately.

The governing body is to consult with the general manager in directing and controlling the affairs of the council.

The role of a Councillor is as follows

- to be an active and contributing member of the governing body,
- to make considered and well informed decisions as a member of the governing body,
- to participate in the development of the integrated planning and reporting framework,
- to represent the collective interests of residents, ratepayers and the local community,
- to facilitate communication between the local community and the governing body,
- to uphold and represent accurately the policies and decisions of the governing body,
- to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

A councillor is accountable to the local community for the performance of the council.

The role of the Mayor is:

- to be the leader of the council and a leader in the local community,
- to advance community cohesion and promote civic awareness,
- to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- to preside at meetings of the council,
- to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- to promote partnerships between the council and key stakeholders
- to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community
- to carry out the civic and ceremonial functions of the mayoral office
- to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- in consultation with the councillors, to lead performance appraisals of the general manager,
- to exercise any other functions of the council that the council determines.

The Principal Officer of the Council is the General Manager. The General Manager is responsible for the efficient operation of the Council's organisation and for ensuring the implementation of Council decisions. The General Manager is also responsible for the day to day management of the Council, the exercise of any functions delegated by the Council, the appointment, direction and where necessary, the dismissal of staff, as well as the implementation of Council's Workforce Management Strategy.

To assist the General Manager in the exercise of these functions, there are three (3) Directors and one (1) Executive Manager.

ORGANISATIONAL VISION AND CORPORATE VALUES

This vision for our organisation is to provide a resilient, safe and supported workplace that provides respectful, efficient services for our customers now and for future generations.

The vision has been set to overcome identified organisational challenges and to create a workforce that delivers the best services for our community. We want to be an organisation that provides a resilient, safe and supported workplace. We want to provide respectful, efficient services for our customers now and for future generations.

Achieving this vision is fundamentally important to our workforce and where we want to be as an organisation.

This vision works in unison with our newly refreshed corporate values. These corporate values underpin how we make decisions and how we will behave when overcoming will the challenges ahead.

Our corporate values are:

- Integrity
- Collaboration
- Accountability
- Respect
- Embrace Innovation



CUSTOMER SERVICE STANDARDS

Wollondilly Shire Council values its customers. Council's primary function is to serve the community and have developed a set of minimum requirements to meet the service needs of our customers.

Council's Customer Service Charter is available on Council's website.

Council always welcomes feedback from our customers and suggestions on how we can improve our service standards. Feedback can be made by contacting Council.

ORGANISATION STRUCTURE

The functional structure of the organisation is set out on [Council's Website](#).

WOLLONDILLY SHIRE COUNCIL'S FUNCTIONS

BUILDING SERVICES

- Assesses building and construction works within the Shire for compliance with the relevant Australian Standards and the Building Code of Australia, providing safe and durable constructions.
- Provides certification services for new building works.
- Educates the community in regards to pool safety, monitors compliance with Swimming Pool Legislation and where necessary undertakes enforcement action.
- Provides certification Services for the issue of Certificates of Compliance and Buildings.
- Provides a duty officer service for customer enquiries.

CHILDREN'S SERVICES

- Provision of in-home Family Day Care – care for children 0-12 years of age in the home of registered carers who are monitored through the Family Day Care Scheme.
- Provision of Centre based child care services by fully qualified and experienced child care workers – including Occasional Care, Before and After School Care and Vacation Care.

COMMUNICATION AND ENGAGEMENT

- Provides the interface between Council and the community by communicating and engaging directly with the public as well as promoting initiatives and activities through publications, events, the website, social media and traditional media.
- Development and implementation of community engagement strategies that promote full and equal participation of all community members.

COMMUNITY OUTCOMES

- Facilitation of partnerships with community service providers and other levels of government to establish, maintain and develop appropriate community services that meet the needs of the community.
- Implementation of projects and development programs that maximize local resources, strengthen local ties, develop the non-profit sector and improve community well-being.
- Provision of information, advocacy and advice on a wide range of social issues.
- Provision of Financial Assistance ("Community Grants") Schemes.
- Providing and supporting a range of community events.

COMPLIANCE AND ADMINISTRATION SERVICES

- Ensures that areas that pose a potential risk to human health and safety are properly controlled.
- Ensures that areas of potential or actual nuisance are monitored and if necessary that enforcement action is undertaken.
- Ensures that sewage management facilities are operating in a manner such that they do not have a negative impact on water quality or neighbours.
- Provides facilities for the holding of impounded animals in a safe and humane manner.

CUSTOMER SERVICES

- An Agent for Centrelink.
- Provides support to all areas of Council through customer interactions.
- Manages the customer service provision for Council including front counter services and online customer service technologies.

CORPORATE STRATEGY

- Develop and implement Council's integrated planning and reporting framework.
- Manage business improvement initiatives and projects.
- Implement organisational change and staff transformation initiatives .

DEVELOPMENT SERVICES

- Ensures that development within the Shire is properly assessed and consistent with legislation and Council's Planning Policies.
- Facilitates public participation in assessment development applications.
- Provides a building certification and inspection services.
- Provides a duty officer service for customer enquiries (including a heritage advisory service)
- Provides a pre-lodgement service for development proposals.
- Provides a Planning Certificate (S.149) Service.

ECONOMIC DEVELOPMENT & TOURISM

- Facilitates both Economic Development and Tourism.
- The five key strategic directions for Economic Development and Tourism are:
 - Planning for the Future
 - Supporting Existing Businesses
 - Marketing Promotion and Branding
 - Investment Attraction
 - Advocacy
- Manages and operates the Visitor Information Centre in Picton.
- Facilitates the Economic Development Advisory Group and Rural Industry Liaison Committee.

EMPLOYEE RELATIONS

- Recruitment and Selection.
- Workforce Planning and Strategy.
- Industrial Relations.
- Work Experience.
- Apprenticeships and Traineeships.
- Salary Administration.
- Work Health and Safety.
- Workers Compensation.
- Public Liability.
- Organisational Learning and Development.

ENVIRONMENTAL SERVICES

- Provides domestic waste removal, recycling and disposal services to the community.
- Operates the landfill and recycling centre at Bargo.
- Provides waste avoidance and minimisation education to the community.
- Provides direction, coordination and leadership on environmental management to the community through resources, projects and planning.
- Supports sustainability initiatives by the community and Council.
- Operates a Community Nursery and Seed Bank, producing native plant material for community and Council projects and to the commercial market.
- Provides weed management services to the Council and community such as advice, fact sheets, education and control programs.
- Provides Noxious Weed Act enforcement including inspections, programs and compliance.
- Provides technical advice, conducts referrals and recommends conditions relating to vegetation on development applications and Council projects.
- Facilitates and supports Land Care and Bush Care Groups in the Shire.
- Operates a Community Environmental Resource Centre offering meeting and training

facilities for the community and other stakeholders in the Shires' environment.

- Provides education material to the community on environmental topics.
- Coordinates Councils response to mining and extraction industry activities.
- Provides technical advice, conducts referrals and recommends conditions relating the water health on development applications and Council projects.
- Represents the Shire in Regional environmental activities and programs.
- Coordinates bushfire hazard reduction activities.
- Coordinates public and private Tree Management.
- Maintains approximately 500 hectares of publicly owned land, which is used for open space and recreation. Included in this are 13 Playing Fields, 30 Netball Courts & 10 Tennis Facilities.
- Removes illegally dumped material.
- Provides kerbside clean-ups.
- Manages Street Sweeping program.

FINANCIAL SERVICES

- Levying and collection of rates.
- Provision of rating information, including the issuing of s603 certificates.
- Raising debtor invoices and issuing statements.
- Monitoring outstanding accounts and undertaking debt recovery actions.
- Coordinating the development of Council's budget and quarterly reviews.
- Preparation of internal financial management reports.
- Development and revision of Council's Long Term Financial Plan.
- Management of Council's investment portfolio.
- Maintenance of the general ledger.
- Preparation of Daily Bank Reconciliations.
- Preparation of Annual Financial Statements and other statutory financial reports.
- Provision of an Accounts Payable function.
- Monitoring compliance with Council's Purchasing Policy.
- Managing Council's GST and FBT requirements.
- Provision of financial advice to other sections of Council.
- Ensuring appropriate internal financial controls.

GENERAL MANAGEMENT

- Maintains effective, transparent and accountable government at the local level within the requirements of State Legislation.
- Supports the Council by ensuring that the organisation is efficiently and effectively executing Council's Direction and Policies

GOVERNANCE SERVICES

- Councillor advice and support
- Council meeting coordination
- Code of Conduct administration
- Delegations of authority
- Maintenance of Council's Policy and Procedure Registers.
- Information access (GIPAA)
- Public Interest Disclosure Management
- Manages and assesses Council property assets to yield an economically viable portfolio.
- Implementation of Council's Internal Audit function.
- Provision of Geospatial Information Services to Council.

PROJECTS & EVENTS

- Facilitation of community, civic and corporate events with and for the community and Council's corporate division.

STRATEGIC PLANNING & GROWTH MANAGEMENT

- Contribute to Regional and District Planning activities of the Greater Sydney Commission
- Undertake studies into strategic planning issues such as housing affordability, peri-urban resilience, rural land use and employment lands
- Manage the funding of new infrastructure caused by new developments, through Developer Contributions Plans and Voluntary Planning Agreements.
- Develop strategic approaches to the future development of the Shire and contribute to state led planning processes for the Wilton Priority Growth Area and the potential Greater Macarthur Priority Growth Area
- Assess proposed amendments to Wollondilly Local Environmental, 2011.
- Develop Policy documents (such as local environmental plans (LEP's), development control plans (DCP's) and other strategy documents) to guide the future development of the Shire.
- Facilitate public participation in the preparation of planning policies, assessment of planning proposals and on broad strategic objectives.
- Advocate and lobby for positive strategic outcomes for the Shire.

TECHNOLOGY INFORMATION

- Manages the information and communication technology infrastructure of Council.
- Support of Corporate Information Systems of Council.
- Manages networks and telecommunications for Council.
- Manages the Council's information management.
- Delivers and maintains Council's records keeping services.

INFRASTRUCTURE PLANNING

- Manage traffic and parking within the Shire to improve traffic safety, reduce congestion and ensure a sufficient range of parking controls to support business and the community.
- Deliver road safety education programs to improve traffic safety.
- Provide input into the development application and assessment process to ensure well planned and constructed towns, and supervise the construction of new public infrastructure.
- Manage the funding and delivery of new infrastructure caused by new developments, through Developer Contributions Plans and Voluntary Planning Agreements.
- Advocate for increased funding (from a range of sources) to provide a road network that is well managed, well maintained and safe.
- Develop programs of road and storm water related works, including road rehabilitation, footpaths and cycle ways, kerb and gutter, unsealed roads and drainage works, as dictated by community needs, infrastructure condition and anticipated future requirements.
- Develop and manage asset systems to support the organisation in maintaining all infrastructure assets to meet the needs of the community.
- Manage the street lighting network to provide appropriate lighting levels, with the lowest energy cost.
- Manage floodplain risks affecting the safety of the community.
- Lobbying for improvements on the state road, rail and public transport networks.
- Manage the 2 Aquatic Centres and Antill Golf course.
- Manages 186 Buildings of which 15 are available for hire and approximately 20 are stand-alone Public conveniences.
- Manages and supports Section 355 Management Committees who undertake management and maintenance of Council facilities under delegated authority, including management training.
- Manages approximately 500 hectares of publicly owned land, which is used for open space and recreation. Included in this are 13 Playing Fields, 30 Netball Courts & 10 Tennis Facilities.

LIBRARY & INFORMATION SERVICES

- Provision of a Library collection and access to other local and remote resources through centre based and mobile outreach library services.
- Facilitation of services and resources that help promote lifelong learning and literacy in the community.
- Provision of free public access to computers and information technology resources. Facilitation of connections between individuals, groups and government.
- Provision of activities and events that facilitate community participation and engagement in literacy and lifelong learning.

WORKS

- Deliver various road and building related programs of works as adopted by Council.
- Maintain the existing road network within the currently available funds.
- Manage infrastructure related customer requests to ensure the rapid resolution of requests.
- Manage the procurement of goods and services to support Council's operations, in accordance with good governance principles.
- Manage Council's plant and fleet vehicles to support the delivery of Council's services
- Responsible for Local Emergency Management and Emergency Services (RFS and SES).
- Construct new parks, playgrounds, sporting and community facilities.
- Maintains 186 Buildings of which 15 are available for hire and approximately 20 are stand-alone Public conveniences.

HOW COUNCIL'S ACTIVITIES AFFECT RESIDENTS

The activities of Council affect residents every day, from servicing issues such as roads and waste, libraries and children's services; to planning and regulation. These activities are typified as "functions" and are *Service functions, Regulatory functions, Ancillary functions, Revenue functions, Governance functions, Enforcement functions and Community Planning and Development functions.*

The Works section of Council is responsible for the construction and maintenance of roads, footpaths and drainage throughout the Shire. The Infrastructure Planning section manages the identification of the current and future needs for improvements for all infrastructure, such as community buildings, open space, roads, drainage and traffic facilities, and also manages traffic, parking and road safety issues, the traffic impacts of community events, and requests for infrastructure improvements.

Council's Environment Section, as well as managing the natural environment of the shire, is responsible for the operation and administration of the Shires Community Buildings and Public Halls, Cemeteries, and other recreation spaces.

The Rural Fire Service in conjunction with Council seeks to protect the lives and property of residents.

Planning legislation and guidelines for development control; what people can build and how they can use their land. Council's building certifiers check buildings for compliance with development consent conditions and the Building Code of Australia. Public health and environmental management ensure safe and sustainable lifestyles for residents while control of animals and noxious plants is also a role of Council. Waste services such as household garbage, recycling, and street cleaning are also provided.

Governance and Employee Relations functions do not necessarily affect the public directly but have an indirect impact on the community through provision of Governance and Employee Relations services to the organisation.

A range of community services, such as libraries and children's services are administered by Council. A branch library in Picton and a substantial mobile library servicing the rest of the Shire stock a wide variety of materials for residents to use, while the Council's family day care, occasional care, out of school hours care and vacation activity programs provide for the diverse needs of young families.

A continuing program of community development activities assists community groups and events organised by the Council through the year including Seniors Week, International Day of People with a Disability, NAIDOC Youth Week and Australia Day to name a few.

WOLLONDILLY COMMUNITY STRATEGIC PLAN 2033

Long term community strategic planning for our Community is essential to address future population increases and identify community values and expectations about the way our Shire should respond to change and develop a sustainable future.

The Wollondilly Community Strategic Plan (CSP) "Create Wollondilly 2033" is a core operating document that identifies and expresses the aspirations held by the community of the Wollondilly Shire. The CSP 2033:

- Highlights the way forward for the Wollondilly Shire through five (5) key focus areas of: Community, Growth, Environment, Infrastructure and Council,
- Has been developed in line with the Integrated Planning and Reporting Framework for NSW Local Government,
- Draws on Council's Previous CSP document, feedback from the community and numerous other strategic planning documents (including State Government Plans),
- Is governed by current State and Federal legislation and regulations, and will be implemented in line with the objects of these Acts,
- Links with the State Plan and Draft District Plan documents that direct Community actions for regional and local outcomes,
- Considers issues broader than those normally associated with local government's responsibilities, in ways that foster sustainability and resilience,
- Focuses on building community strengths and sustaining the environment,
- Recognises the ongoing need for efficient delivery of services in partnership with the community, and importantly,

"Create Wollondilly" 2033 was adopted at the 18 June 2017 Ordinary Council Meeting.

LEGISLATION & REGULATIONS THAT EMPOWER COUNCIL

LOCAL GOVERNMENT ACT 1993 AND REGULATIONS

Local Government in New South Wales is administered through the rules and regulations of the Local Government Act established by the NSW Parliament. Changes to the Act can only be made by the NSW Parliament.

The Act stipulates the powers, authorities, duties and functions of Local Government. The Local Government Act is currently under review, as well as other related Acts such as the Roads Act.

BUILDING CODE OF AUSTRALIA

This document details the construction requirements of buildings throughout Australia

ROADS ACT 1993

This Act provides for the opening, closing, management of activities, and the regulation of certain roads and related matters.

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 & REGULATIONS

This Act governs how Local Environmental Plans and Development Control Plans are prepared, made and amended and the types of matters they cover. It further details the rules surrounding development contributions (S. 94) and Voluntary Planning Agreements (VPA's).

This Act also outlines some of the powers of the NSW Department of Planning and Environment and regulates all development in New South Wales, including the treatment of development applications submitted to approval bodies.

The government is regularly making changes to the legislative provisions incorporated into the Environmental Planning and Assessment Act, 1979 and accompanying Regulations.

PLANNING CONTROLS

The long term strategic directions for the Shire's growth are outlined in Council's Growth Management Strategy (GMS) which was adopted in February 2011 and is currently under review. The GMS is not a legally binding document but rather a broad policy document to assist Council in making decisions about where growth should occur.

Land use in the Shire is controlled by the Wollondilly Local Environmental Plan (LEP) 2011. The LEP sets the framework under which Council's planning objectives are achieved when considering the future development of the Shire. This strategic planning control is supported by Wollondilly Development Control Plan 2016 which assists Council and its community to understand the overall objectives of planning requirements.

HERITAGE ACT 1977

The Heritage Act is concerned with all aspects of conservation. Its powers range from protection against damage and demolition to restoration and promotion, of buildings, constructions, relics, places or land.

FOOD ACT 2003 & REGULATIONS 2005

This Act relates to the healthy and safe preparation of food for sale, which must meet strict hygiene requirements. High and Medium risk premises require annual inspections. The results of these inspections are reported to the NSW Food Authority. Council's Environmental Health Officer enforces the Act and Regulations.

PUBLIC HEALTH ACT 2012 & REGULATIONS

This Act relates to the maintenance of proper health standards for the public, including issues such as Legionnaires disease and the hygiene of public swimming pools.

Some other legislation and regulations that enable Council to meet its obligations include:

A New Tax System (Goods and Services Tax) Act 1999 [Commonwealth]

Annual Holidays Act 1944

Anti-Discrimination Act 1977

Building and Construction Industry Long Service Payments Act 1986
Carers (Recognition) Act 2010
Charitable Fundraising Act 1991
Children and Young Persons (Care and Protection) Act 1998.
Community Land Development Act 1989
Community Welfare Act 1987
Companion Animals Act 1998
Conveyancing Act 1919
Copyright Act 1968 [Commonwealth]
Crimes Act 1900
Crown Lands Act 1989
Environmental Planning and Assessment Act 1979
Essential Services Act 1988
Fair Work Act 2009 [Commonwealth]
Fines Act 1996
Food Act 2003
Fringe Benefits Tax Assessment Act 1986 [Commonwealth]
Government Information (Public Access) Act 2009
Health Records and Information Privacy Act 2002
Independent Commission Against Corruption Act 1988
Industrial Relations Act 1996
Interpretation Act 1987
Land Acquisition (Just Terms Compensation) Act 1991
Land & Environment Court Act 1979
Land Tax Management Act 1956
Library Act 1939
Local Government Amendment (Governance and Planning) Act 2016
Long Service Leave Act 1955
Motor Accidents Act 1988
Noxious Weeds Act 1993
Ombudsman Act 1974
Privacy & Personal Information Protection Act 1998
Public Interest Disclosures Act 1994
Protection of the Environment Operations Act 1997
Real Property Act 1900
Recreation Vehicles Act 1983
Regional Environmental Plans
Retail Trading Act 2008
Road Transport Act 2013
Roads Act 1993
RTA Technical directions & regulations
Rural Fires Act 1997
State Authorities Superannuation Act 1987
State Emergency Service Act 1989
State Records Act 1998
Swimming Pools Act 1992
Threatened Species Conservation Act 1995
Trade Practices Act 1975[Commonwealth]
Transport Administration Act 1988
Valuation of Land Act 1916
Waste Avoidance and Resource Recovery Act 2001
Work Health and Safety Act 2011
Workers Compensation Act 1987

HOW YOU CAN BECOME INVOLVED IN COUNCIL'S POLICY DEVELOPMENT AND EXERCISE OF COUNCIL'S FUNCTIONS?

There are two broad ways in which the public may participate in the policy development and indeed the general activities of the Council. These are through representation and personal participation.

REPRESENTATION

In New South Wales, local government elections are held every four (4) years. The next elections are to be held in September 2016. At this election, voters will elect nine Councillors for a four (4) year term.

All residents of Wollondilly Shire who are on the electoral role are eligible to vote. Property owners who live outside of the area and rate paying lessees can also vote, but must register their intention to vote on the non-residential role. Voting is compulsory.

Members of the community are able to raise issues with and make representations to the elected Councillors. The Councillors, if they agree with the issue or representation, may pursue the matter on behalf of the community member thus allowing members of the public to influence the development of policy.

PERSONAL PARTICIPATION

Other avenues for community involvement in policy development and the functions of Council are through attendance at meetings of Council Committees which comprise or include members of the public, Community Forums, Public Exhibitions, calls for Submissions Information Kiosks and via social media. Council is also proposing to establish an online resident panel to complement existing committees and advisory groups.

COMMITTEES OF COUNCIL

Audit Committee
Local Traffic Committee
Picton Flood Plain Risk Management Committee

EXTERNAL COMMITTEES / ADVISORY GROUPS

Association of Mining Related Councils Combined Councils Southern Mining Liason Committee
Boral Cement - Maldon Plant - Community Liaison Committee
Campbelltown Arts Centre Cultural Precinct Advisory Group
Country Public Libraries Association (South Eastern Zone)
Georges River Combined Council Committee Inc.
Greater Sydney Local Land Services Local Government Advisory Group
Illawarra Coal Community Consultative Committee
Lachlan Regional Transport Committee
Local Emergency Management Committee
Macarthur Regional Organisation of Councils (MACROC)
MG My Gateway
Queen Victoria Support Group
Southern Tablelands Regional Arts Advisory Group
South West Regional Weeds Committee
South West Sydney Academy of Sport Advisory Group
Sydney Peri-Urban Network
Sydney South West Planning Panel
Tahmoor Colliery Community Consultative Committee
Water NSW Local Government Reference Panel

Wollondilly District Liaison Committee
Wollondilly/Wingecarribee – Bush Fire Management Committee
Yerranderie Management Committee

COMMUNITY ADVISORY COMMITTEES

Australia Day Awards Committee
Companion Animals Advisory Committee
Cubbitch Barta Reserve Steering Committee
Disability Access Advisory Committee
Economic Development Advisory Group
Mineral and Energy Resources, Environment and Waste Advisory Committee
Road Safety Volunteers Group
Rural Industry Community Advisory Committee
Tourism and Heritage Committee
Transport Advisory Committee
Youth Advisory Committee

355 MANAGEMENT COMMITTEES

Council delegates the authority for the care, control and management of five public facilities to committees comprising of members of the community.

At present those management committees are:

Douglas Park Sportsground and Community Centre
Tahmoor Sportsground
Thirlmere Sportsground
Victoria Park Sportsground
Wilton Sportsground and Community Centre

These committees meet regularly to effectively manage these facilities at a local level. Please refer to Council's website for contact details for these committees or contact Council on 4677 1100.

COMMUNITY FORUMS

Community Forums are held on the second Monday evening of each month at 6.30pm. Community Forums provide an opportunity for people to discuss and present a variety of matters relevant to their community on an informal face to face basis. Community Forums are to assist Council to become more effective, efficient and equitable by encouraging better citizen involvement and an understanding of Council's activities and our community's needs. The main difference between Council meetings and Community Forums is that people speak to a suggested matter not a motion. In this way, people are not automatically divided into supporting or opposing a given statement. Community Forums are not run according to formal meeting procedures with motions introduced then speakers taking the floor to talk for or against the motion.

There are no resolutions, recommendations or motions passed in Community Forums. These meetings are held in the Customer Service Foyer at Menangle Street, Picton and the public are encouraged to attend.

COUNCIL MEETINGS

Council meetings are held on the third Monday evening of each month at 6.30pm. It is at these meetings that major decisions affecting Council's functions, policies and budget are made. These meetings are held in Council's Chambers at Menangle Street, Picton and the public are welcome to attend.

PUBLIC EXHIBITIONS & CALLS FOR SUBMISSIONS

The Council regularly deals with matters that benefit from community input. Community input is sought to meet statutory requirements (e.g. development proposals) and the belief that consultation is appropriate. These exhibitions are generally held at the Council office in Picton and at both the branch and mobile libraries. Occasionally special exhibitions are held at other locations. Exhibitions are advertised in the press. Submissions received from interested parties are considered by Council as part of its decision making process.

SPECIAL COMMUNITY FORUMS / INFORMATION FORUMS / KIOSKS

From time to time Council may hold Special Community Forums or conduct information Forums and Kiosks in locations throughout the Shire to enable residents to meet with Councillors and senior staff in an informal manner. Some of these forums are specific to a particular issue and others are general in nature. These forums are publicised widely and may include notices being letterbox drops in the town where the forum will be held.

ANNUAL REPORTS

In accordance with the Local Government Act, the Council publishes its Annual Report each year. Due to the legislative requirements it is a lengthy document that is impractical to provide to every household. A copy of the Annual Report is published on Council's website.

THE "BUSH TELEGRAPH"

The "Bush Telegraph" is a weekly page within the Wollondilly Advertiser newspaper and is distributed throughout the Shire. It contains news about Council's activities.

GOVERNMENT INFORMATION HELD BY COUNCIL

In keeping with the intent of the GIPA Act to maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective, Council is committed to the proactive release of government information it holds, to the public.

Council holds a wide range of government information in both hard copy and electronic format in respect of functions undertaken by Council.

This information is categorised as:

- **Electronic Documents**
- **Physical Documents**
- **Policy Documents**
- **General Documents**

This information will primarily be available on Council's website where possible, however, information may be made available either by informal release or via an access application, (unless there is an overriding public interest against disclosure of the information in accordance with the provisions of GIPA Act) if not.

A page has been created on Council's website to assist with navigation to these documents. You can access this page by clicking on the following link [Access to Information](#)

The following documents are defined as open access information by Section 18 of GIPAA and will be released without the need for a formal application under this Act:

- the agency's information guide;
- information about the agency contained in any document tabled in Parliament by or on behalf of the agency, other than any document tabled by order of either House of Parliament,
- the agency's policy documents;
- the agency's disclosure log of access applications;
- the agency's register of government contracts;
- the agency's record of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure; and
- such other government information as may be prescribed by the regulations as open access information.

ELECTRONIC AND PHYSICAL DOCUMENTS

Prior to 2005 Council files were kept in "hard copy" filing compactus systems. Following the implementation of Council's Electronic Document/Record Management System (EDRMS) Council files have been maintained in electronic format, with the exception of development/building/construction applications which are maintained in both hard copy and electronic format.

POLICY DOCUMENTS

Council's policy documents are maintained in a register. Copies of Council policies are available on the website.

GENERAL DOCUMENTS

The Government Information (Public Access) Regulation 2009 divides the following additional open access general documents into 4 sections. These sections are:

- 1. Information about Council**
- 2. Plans and Policies**
- 3. Information about Development Applications**
- 4. Approvals, Orders and other Documents**

The GIPA Regulation 2009 requires that these documents held by Council, are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) and at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

In respect of some information, there may be an overriding public interest against publishing it on the website. Where this is the case, the information will be available for inspection at Council offices only.

Council is obligated by the State Records Act 1998 (NSW) legislation to keep different types of records for defined periods before a record may be destroyed.

In some instances "Hard Copy", Physical or Electronic records will be unavailable owing to Council not having the information.

Under the Copyright Act 1968 Council reserves its right to not release records subject to the GIPA Act (2009) without the express or implied consent of the copyright owner. These documents may be “viewed” at Council’s Administration Building 62-64 Menangle Street, Picton during business hours.

DOCUMENTS AVAILABLE FOR INSPECTION AS REQUIRED BY LEGISLATION:

1. INFORMATION ABOUT COUNCIL

- The model code prescribed under section 440 (1) of the LGA
- Council’s adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor’s Report
- EEO Management Plan
- Policy concerning the Payment of Expenses incurred by, and the Provision of Facilities to, Councillors
- Annual Reports of Bodies Exercising Functions Delegated by Council
- any Codes referred to in the LGA
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Agendas and Business Papers for any meeting of Council or any Committee of the Council
- Minutes for meetings of Council or any Committee meeting of Council
- Departmental Representative Reports presented at a meeting of Council
- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti removal work
- Register of current Declarations of Disclosures of Political Donations
- Register of Voting on Planning Matters
- Agency Information Guide

2. PLANS AND POLICIES

- Long Term Financial Plan
- Work Force Management Plan
- Asset Management Strategy and associated Asset Management Plans
- Operational Plan (Annual)
- Delivery Program (4 Years)
- Local Policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contributions Plans

3. INFORMATION ABOUT DEVELOPMENT APPLICATIONS

Development applications and any associated documents received in relation to a proposed development including the following:

- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Submissions received on Development Applications
- Heritage Consultant Reports
- Tree Inspections Consultant Reports

- Acoustics Consultant Reports
- Land contamination consultant reports
- Records of decisions on Development Applications including decisions on appeals
- Records describing general nature of documents that Council decides to exclude from public view including residential floor plans and commercially sensitive information

4. APPROVALS, ORDERS AND OTHER DOCUMENTS

- Applications for approvals under Part 1 of Chapter 7 of the LGA and any associated documents received in relation to such an application
- Applications for approvals under any other Act and any associated documents received in relation to such an application
- Records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the LGA and any reasons given under section 136 of the LGA
- Orders given under the Authority of any other Act
- Records of building certificates under the *Environmental Planning and Assessment Act 1979*
- Plans of land proposed to be compulsorily acquired by the Council
- Compulsory Acquisition Notices
- Leases and licenses for use of public land classified as community land

DOCUMENTS AVAILABLE FOR PURCHASE

- Annual tender documents
- Engineering design manual
- Engineering construction specifications
- Assorted maps
- Copies of Rate Notices
- Assorted certificates
- Assorted planning documents and local Environmental Plans, such as:
 - (i) Wollondilly Local Environmental Plan 2011
 - (ii) Various Development Control Plans relating to different areas and/or different issues
 - (iii) Wollondilly Development Contributions Plan 2005
 - (iv) Various Strategies and Studies such as the Economic Development Strategy

PRIVACY PROTECTION

In order to ensure compliance with the *Privacy and Personal Information Protection Act 1998* (PPIPA) the General Manager has appointed a Privacy Contact Officer. The Privacy Contact Officer advises council staff on the management of the collection of personal information; including rates notices; application forms; reviewing contracts and agreements with consultants and other contractors and other written requests. The Privacy Contact Officer also carries out investigation of reports of breaches of privacy.

The Privacy Contact Officer has assigned delegated Privacy Resource Officers in key areas of Council including:

- 1) Governance;
- 2) Customer Services;
- 3) Employee Relations;
- 4) Financial Services;
- 5) Children's Services;
- 6) Development and Strategic Services,

- 7) Works, and
- 8) Communications.

The Privacy Resource Officers will liaise with the Privacy Contact Officer on all matters affecting the protection of privacy within their business units.

APPLICATIONS FOR AMENDMENT OF RECORDS

An application for amendment to personal information held by Council must be made in accordance with the *Privacy and Personal Information Protection Act 1998* (PPIPA) and Information Protection Principal 8 of Council's Privacy Management Plan.

A request for amendment to personal information Council holds must be made by way of statutory declaration and be accompanied by appropriate evidence as to the cogency of the making of the amendment.

Council's Privacy Contact officer will be able to assist with enquiries.

RIGHT TO INFORMATION OFFICER

Council's Governance Manager is its Public Officer. The Public Officer has also been appointed as the Right to Information Officer. The Right to Information Officer is responsible for compliance with the GIPA Act. The Right to Information Officer is:

Manager Governance
Wollondilly Shire Council
62 – 64 Menangle Street
PICTON NSW 2571
Ph: 4677 9561

ACCESS TO INFORMATION OFFICERS

Council's Right to Information Officer has appointed two (2) Access to Information Officers who are responsible for the determination of Formal Access Applications and the conduct of internal reviews.

Principal Governance Officer
62 – 64 Menangle Street,
PICTON NSW 2571

Administration Team Leader
62 – 64 Menangle Street
PICTON NSW 2571

Council's Right to Information Officer has also appointed a Senior Administration Officer who is responsible for the determination of Formal Access Applications.

Council has employed a GIPAA Admin Officer who processes the majority of Informal GIPAA requests for information and assists other staff to respond to Informal GIPAA requests.

INFORMATION AND PRIVACY COMMISSION

For further information regarding the functions of the Information and Privacy Commission and your rights to access government information visit the IPC website at www.ipc.nsw.gov.au or call 1800 472 679 between 9am and 5pm Monday to Friday (excluding public holidays). They may also be contacted by post at GPO Box 7011, Sydney NSW 2001 or in person at Level 17, 201 Elizabeth Street, Sydney 2000.

GO4 Attachments

1. Summary of Changes
2. Draft Code of Meeting Practice

Monday 17 July 2017

GO4 – Code of Meeting Practice Amendment

SUMMARY OF CHANGES – CODE OF MEETING PRACTICE

Location	Previous Wording	New Wording	Reasoning
Page 4 – Commencement	...Sixth code...	... Seventh Code...	New version
Page 14 – Order of Business	<ol style="list-style-type: none"> 1. Opening 2. National Anthem 3. Welcome/ Acknowledgement of Country 4. Webcast Notice 5. Apologies and Leave of Absence Request 6. Declaration of Pecuniary or Conflict of Interest 7. Confirmation of Previous Minutes 8. Items to be Tabled 9. Mayoral Minute 10. Reports: <ul style="list-style-type: none"> - Planning and - Economy - Governance - Environment - Community - Infrastructure 9. Notices of Motion/Rescissions 10. "Closed Meeting" Items 11. Questions for Next Meeting 	<ol style="list-style-type: none"> 1. Opening 2. Webcast Notice 3. National Anthem 4. Welcome/ Acknowledgement of Country 5. Apologies and Leave of Absence Request 6. Declaration of Pecuniary or Conflict of Interest 7. Confirmation of Previous Minutes 8. Items to be Tabled 9. Mayoral Minute 10. Agenda Reports 11. Notices of Motion/Rescissions 12. "Closed Meeting" Items 13. Questions for Next Meeting 	<p>Moved Webcast Notice up in the order of proceedings to reflect current practice</p> <p>Removed itemised listing of report categories</p> <p>Fixed numbering error</p>
Page 16 – Notice of Motion	<p>29.(1)</p> <p>Any Councillor may give notice of any motion for consideration by the Council or a Committee of Council by providing the proposed motion in writing to the General Manager by noon on the Friday or the third (3rd) calendar day prior to the Council Meeting.</p>	<p>29.(1)</p> <p>Any Councillor may give notice of any motion for consideration by the Council or a Committee of Council by providing the proposed motion in writing to the General Manager by noon on the Wednesday or the fifth (5th) calendar day prior to the Council Meeting.</p>	Deadline brought forward

CODE OF MEETING PRACTICE

PO Box 21 Picton NSW 2571
62-64 Menangle St Picton NSW 2571
Ph: 02 4677 1100 Fax: 02 4677 2339
Email: council@wollondilly.nsw.gov.au
www.wollondilly.nsw.gov.au

CODE OF MEETING PRACTICE

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PART 1 – PRELIMINARY

CITATION

1. This code has been developed in accordance with The Local Government Act 1993 (as amended from time to time) and Local Government (General) Regulation 2005 and may be cited as the “Code of Meeting Practice” and applies to all meetings of Council and any Committees of Council.

COMMENCEMENT

2. This code will come into force after its formal adoption by Wollondilly Shire Council. It is the **seventh** code and supersedes the version previously adopted.

DEFINITIONS

3. In this code:-

Amendment

An amendment is a change to the motion before the Council, and takes place while that motion is being debated. An amendment to a motion must be put forward in a motion itself.

The amendment may propose that some words be omitted from the original motion or that some words be added but it must not contradict the original motion. It would be unacceptable that the word “not” be inserted or omitted.

Chairperson

- (a) In relation to a meeting of the Council – means the person presiding at the meeting as provided by s. 369 of the Act, and
- (b) In relation to a meeting of a Committee of the Council – means the person presiding at the meeting as provided by clause 54 of this code.

Committee

In relation to the Council, means a Committee appointed or elected by the Council as set out in Clause 50 of this code.

Councillor

Is an elected member of the Council.

Foreshadowed Amendments

A Councillor may foreshadow an amendment to be moved when anticipating that the current amendment is not successfully carried.

Foreshadowed Motion:

A Councillor may foreshadow a motion when it is desired to have a motion opposite to that proposed in the motion currently before the meeting, or when it is desired to alter a motion more drastically than is possible by amendment.

Laid on the Table

Means a matter is held in abeyance; and can be resumed at any time. This is done by resolution and is less concluding than a resolution that “no action be taken”.

This motion is for disposing of the matter before the chair in such a way that the debate can be resumed if and when the body desires. It is in effect an adjournment.

There can be no discussion, amendments, or right of reply. The motion to take the original motion off the table is similarly not open to discussion or amendment.

Motion

A motion is a proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business for the Council.

Resolution

A resolution is a motion that has been passed by a majority of Councillors at the meeting.

Record

Means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disk, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of the Council and, in particular, includes the minutes of meetings of the Council or of a Committee of the Council.

Tabled (Tabling of Documents)

Means to introduce a document or material to a meeting for it to be added to the records of the Council and for it to be accessible to the Councillors, press and public.

This is usually done when the document is unusually long or if it is relatively unimportant, or if its nature prevents it from being read – for example, graphs, tables of statistics, photographs. No motion is necessary, persons tendering documents merely saying as they do so that they are tabling such and such document. The tabling should, however, be recorded in the minutes, with appropriate details sufficient to identify the documents concerned.

The Act

This means the Local Government Act 1993 (as amended from time to time).

This “Code of Meeting Practice” is made pursuant to Section 360(2) of the Local Government Act 1993. It incorporates relevant provisions of the Regulations and Act. In the event of any inconsistency between the Code and the Act or Regulations, the Act or Regulations (as the case may be) prevails to the extent of the inconsistency.

Where a clause or subclause contains a reference such as (s.365) at the end of the clause or subclause, this is a reference to the relevant section of the Local Government Act, 1993.

Where a clause or subclause contains a reference such as (cl.233) at the end of the clause or subclause, this is a reference to the relevant clause in the Local Government (General) Regulation 2005.

PART 2 – CONVENING OF, AND ATTENDANCE AT COUNCIL AND COMMITTEE MEETINGS

COUNCIL MEETINGS

4. Council shall meet in accordance with Section 365 of the Local Government Act, 1993 (as amended from time to time) and the adopted Meeting Calendar and as resolved by Council and must be at least 10 times each year, each time in a different month.

(s.365)

MINUTES OF MEETINGS

5. (1) The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council. The following matters must be included in the minutes of Council meetings:
- (a) Details of each motion moved at a Council meeting and of any amendments.
 - (b) The names of the mover and seconder of each motion and amendment and that voting be recorded for every motion of Council.
 - (c) Whether each motion and amendment is carried or lost.
 - (d) The circumstances and reasons relating to the absence of a quorum together with the names of the Councillors present.
 - (e) The dissenting vote of a Councillor, if requested
 - (f) The names of the councillors who voted for a motion in a division and those who voted against it. A division is always required when a motion for a planning decision is put at a meeting of the Council.
 - (g) A report of the proceedings of the Committee of the whole, including any recommendations of the Committee.
 - (h) The grounds for closing part of a meeting to the public.
 - (i) The report of a Council Committee leading to a rescission or alteration motion.
 - (j) The disclosure to a meeting by a Councillor of a pecuniary interest.
 - (k) Closed Minutes must include the details of all motions and amendments; the names of their movers and seconders; and whether the motions and amendments are passed or lost at a closed part of a Council meeting.
- (2) To ensure the integrity of the minutes the minute taker/s, at their discretion, may call a halt to proceedings and request the Chair clarify the contents of resolutions.
- (3) The Minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at the subsequent meeting.

(s.375)

- (4) Every entry in the minutes of the business transacted at a meeting of the Council and purporting to be signed by the person presiding at a subsequent meeting of the Council is, until the contrary is proved, evidence:
- (a) That the business as recorded in the minutes was transacted at the meeting, and
 - (b) That the meeting was duly convened and held.

(s.703)

- (5) If a Councillor has a concern regarding the wording of the minutes of any meeting the Councillor should contact the Mayor or Chairperson, General Manager or relevant Senior Officer prior to the meeting at which the minutes are to be adopted.

WHO IS ENTITLED TO ATTEND

6. (1) Except as provided by the Act
- (a) Everyone is entitled to attend a meeting of Council and those of its Committees of which all the members are Councillors.
 - (b) A Council must ensure that all meetings of the Council and of such committees are open to the public.
 - (c) Councillors must sign the attendance/declaration of interest register documentation/when attending a meeting of Council.
 - (d) Council staff must sign the meeting attendance register when attending meetings in Councils Administration Building.
- (2) A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or such a Committee if expelled from the meeting.
- (a) By a resolution of the meeting; or
 - (b) By the person presiding at the meeting, if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.
- (3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.

(s.10)

PUBLIC ACCESS TO AGENDAS AND ASSOCIATED AGENDA

7. (1) Copies of the agenda, not being a confidential agenda prepared for business of a type determined in accordance with clause 62, which has been prepared to a meeting of the Council or a Committee of the Council will be available to the press and the public at or before the opening of the meeting. Copies of the agenda will also be available at Council libraries, on Council's website and at the customer service centre by 3.00pm on the Monday two weeks prior to the meeting. Hard copies will be made available free of charge from Councils Administration Building in reasonable numbers.
- (2) Subject to subclause (3), the press and the public will, during or at the close of a meeting of the Council or a Committee of the Council be allowed reasonable access to the correspondence and reports tabled at or submitted to the meeting.
- (3) The Council or a Committee of the Council may withhold access to the correspondence and reports referred to in subclause (2):
- (a) Where the correspondence and the reports relate to any matter dealt with at a time when the press and the public were excluded from the meeting of the Committee, or
 - (b) In any case where the Committee so decides on the ground that publicity may prejudice the Council's interests in threatened or pending litigation.
- (4) Annual subscription to the Council and Committee agenda and minutes is available at a charge determined each year in the Council's Business Plan.

- (5) Councils Business Papers are available from Councils Administration Building; Library; Website and upon request in electronic or hardcopy format. Nothing in this code shall be construed as limiting the means of distributing information to any one medium.

EXTRAORDINARY MEETINGS

8. (1) If the Mayor receives a request in writing signed by at least two Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event within 14 days after receipt of the request. (s.366)
- (2) Notice of less than 3 days may be given of an extraordinary meeting called in an emergency by the Mayor.

NOTICE OF MEETING

9. (1) The General Manager must send to each Councillor, at least 3 days before each meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.
- (2) Notice of less than 3 days may be given of an extraordinary meeting called in an emergency and the reasons for the emergency shall be defined. Emergency meeting advice shall stipulate the venue, date and time.
- (3) Notice of and the Agenda for and the business papers relating to, the meeting may be given to a Councillor in electronic form but only if all Councillors have facilities to access the notice, agenda and business papers in that form. (s.367)
- (4) Proceedings at a meeting of a Council or a Council Committee are not invalidated because of a failure to give notice of the meeting to any Councillor or Committee member. (s.374 Pt b)
- (5) Council must give public notice of the times and places of its meetings and those of its Standing Committee meetings of which all the members are Councillors. (s.9)

QUORUM

10. The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office. (s.368)

QUORUM IS NOT PRESENT

11. (1) A meeting of the Council must be adjourned if a quorum is not present:
- (a) Within half an hour after the time designated for the holding of the meeting.
- (b) At any time during the meeting.

- (2) In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) By the Chairperson.
 - (b) In his or her absence – by the majority of the Councillors present.
 - (c) Failing that, by the General Manager.
- (3) The General Manager must record in the Council's minutes or records the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.
- (cl.233)

PRESENCE AT COUNCIL

12. (1) A Councillor cannot participate in a meeting of the Council unless personally present at the meeting and within the physical confines of the room, in which the meeting is being held.
- (cl.235)

DECLARATIONS OF INTEREST

13. (1) A Councillor or a member of a council committee who declares a pecuniary conflict of interest in any matter before the council and who is present at a meeting where the matter is being considered, must:
- (a) Submit to the General Manager a written declaration of Interest prior to the meeting
 - (b) Disclose and identify the nature of the interest to the meeting as soon as practicable
 - (c) Vacate the Council meeting room and not be within visual or hearing range of the debate on the item, for which the interest has been declared, both as a Councillor and a member of the public.
- (2) There are three types of non-pecuniary conflicts of interests. They are 'significant', 'less than significant' and 'political donations'. Council's code of conduct describes the procedures that need to be followed in respect of each type (Clauses 7.13 – 7.26).

A Councillor or a member of a council committee who declares a non-pecuniary conflict of interest in any matter before the council and who is present at a meeting where the matter is being considered, must:

- (a) Submit to the General Manager a written Declaration of Interest prior to the meeting
- (b) Disclose and identify the nature of the interest to the meeting as soon as practicable
- (c) Take part in debate and vote on the item

However, if the Councillor chooses to not take part in the item of conflict, then the Councillor must leave the meeting room.

(s.442)

ABSENCE FROM COUNCIL MEETING

14. (1) A civic office becomes vacant if the holder is absent without prior leave of the Council from 3 consecutive meetings of the Council.
(s.234 (d))
- (2) Leave of absence may only be granted by a Council resolution. A Councillor may attend a Council meeting during the period of which the leave has been granted, however, the leave is taken to be rescinded as regards any future Council meeting. The Act requires a Councillor who wishes to attend a Council meeting while on leave to provide the General Manager a minimum of two days notice of the intention to attend and participate in a meeting of Council, however, failure to give such a notice does not prevent a Councillor from attending the meeting or voting at it and any business conducted at the meeting would not be invalidated because of that failure to give notice.
- (3) There is nothing to prevent a Councillor from seeking the leave of the Council for a further period of absence however any further leave of absence will require Council to make another resolution.
- (4) A Councillor, whenever possible, should provide to the Council a proposed date of return when seeking leave for an extended period of time.
(s.234)
- (5) The tendering of an apology is a form of courtesy to those attending the meeting from the person tendering the apology that they will not be attending. It aids the efficient conduct of meetings by informing the chairperson as to who will not be attending and avoids delaying the opening of a meeting.

The acceptance of an apology is a positive acknowledgement of the courtesy of the person who tendered it.

It does not amount to a grant of a leave of absence and although recognised as a component of good meeting practice has no recognition in either the Act or the Regulations.

ATTENDANCE OF STAFF AT COUNCIL AND COUNCIL COMMITTEE MEETINGS

15. (1) The General Manager is entitled to attend, but not vote at, a meeting of the Council or a meeting of a Committee of the Council of which all the members are Councillors.
- (2) The General Manager is entitled to attend a meeting of any other Committee of the Council and may, if a member of the Committee, exercise a vote.
- (3) However, the General Manager may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager.
(s.376)
- (4) Other Council officers may attend Council and Committee meetings as Council and the respective Committees and/or the General Manager shall determine as appropriate from time to time.

- (5) The role of those Council officers attending will be to offer advice and to answer questions within their individual fields of expertise and experience. With the exception of special standing Committees outlined elsewhere, Council staff are not permitted to vote, nor take part in debate (unless specifically invited by the Chairperson of the Committee). It is not appropriate for Council officers to offer opinions not related to their areas of expertise.
 - (6) A member of the staff of a Council is not subject to direction by the Council as to the content of any advice or recommendation made by the member.
 - (7) Subclause (6) above does not prevent a Council from directing a member of the staff to provide advice or a recommendation.
- (s.352)

ABSENCE OF THE MAYOR

16. (1) The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor presides at meetings of the Council.
- (2) If the Mayor and the Deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council
- (s.369)
- (3) The election, referred to in subclause (2) must be conducted:
- (a) By the General Manager or, in his absence, an employee of the Council designated by the General Manager to conduct the election, or
 - (b) If neither of them is present at the meeting or there is no General Manager or designated employee – by the person who called the meeting or a person acting on his or her behalf.
- (4) If, at an election of a Chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the Chairperson is to be the candidate whose name is chosen by lot.
- (5) For the purpose of subclause (3), the person conducting the election must:
- (a) Arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) Then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- (6) The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.
- (cl.236)

PART 3 – CONDUCT OF COUNCIL MEETINGS

VOTING ENTITLEMENTS

17. (1) Each Councillor is entitled to one vote.
- (2) A person presiding at a meeting of the Council or any Committee of Council has, in the event of equality of votes, a second or casting vote.
- (s.370)

DECISION OF THE COUNCIL

18. A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.
- (s.371)

CERTAIN CIRCUMSTANCES DO NOT INVALIDATE DECISIONS

19. Proceedings at a meeting of a Council or a Council Committee are not invalidated because of:
- (1) A vacancy in a civic office.
- (2) A failure to give notice of the meeting to any Councillor or Committee member.
- (3) Any defect in the election or appointment of a Councillor or Committee member.
- (4) A failure of a Councillor or a Committee member to disclose a pecuniary or conflict of interest at a Council or Committee meeting in accordance with s. 451 of the Act.
- (5) A failure to comply with the code of meeting practice.
- (s.374)

CHAIRPERSON TO HAVE PRECEDENCE

20. When the Chairperson rises during a meeting of the Council:
- (1) Any Councillor then speaking or seeking to speak, must, if standing, immediately resume his or her seat, and
- (2) Every Councillor present must be silent to enable the Chairperson to be heard without interruption
- (cl.237)

CHAIRPERSON'S DUTY WITH RESPECT TO MOTIONS

21. (1) It is the duty of the Chairperson at a meeting of the Council, to receive and put to the meeting any lawful motion that is brought before the meeting.
- (2) The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.

- (3) Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.

(cl.238)

LENGTH OF MEETINGS

22. (1) The length of the Council, or a Committee of Council, shall not exceed 4 hours unless Council resolves to extend the time for the meeting by a decision of Council, that the items considered are deemed urgent and warrant consideration at the current meeting.
- (2) In the case of a Council or Committee of Council being particularly lengthy, the Chairperson shall call an adjournment for a rest period of Ten (10) Minutes for the benefit of Councillors and Council staff at approximately 2 hourly increments.

AGENDA FOR COUNCIL

23. (1) The General Manager must ensure that the agenda prepared for a meeting of the Council states:
- (a) All matters to be dealt with arising out of the proceedings of former meetings of the Council.
 - (b) If the Mayor is the Chairperson - any matter or topic that the Chairperson proposes, at the time when the agenda is prepared, to put to the meeting.
 - (c) Any business of which due notice has been given.
- (2) The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.
- (3) The General Manager must cause an agenda to be delivered to Councillors not later than three days prior to the meeting.
- (s.367)
- (4) If, in the opinion of the General Manager, business to be transacted at a meeting of the Council or a Committee of the Council is a kind of business referred to in s. 10A(2) of the Act, the business may be included in a confidential agenda. All other business to be transacted at the meeting must be included in an open agenda.
- (5) If a confidential agenda is prepared for a kind of business referred to in section 10A(2) of the Act, the business must be referred to in the open agenda prepared for the same meeting.
- (6) Nothing in this clause limits the powers of the Chairperson under Clause 28 of this code.

- (7) A Council and each Committee of which all the members are Councillors must have available for the public at its offices at each meeting copies (for inspection or taking away by any person) of the agenda for the meeting. This requirement does not apply to an agenda for the matter that, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, or to any correspondence or reports in an agenda that, in the opinion of the General Manager, are likely to be the subject of a resolution that they be treated as confidential.
- (8) Once the agenda for a meeting has been sent to Councillors an item of business on the agenda should not be removed from the agenda prior to the meeting. If it is proposed that an item of business which is on the agenda not be dealt with at the meeting, Council should resolve to defer that business to another meeting or resolve not to consider the matter, as the case may be.

ORDER OF BUSINESS

24. (1) The order of business for meetings of the Council shall be:
 1. Opening
 2. Webcast Notice
 3. National Anthem
 4. Welcome/Acknowledgement of Country
 5. Apologies and Leave of Absence Request
 6. Declaration of Pecuniary or Conflict of Interest
 7. Confirmation of Previous Minutes
 8. Items to be Tabled
 9. Mayoral Minute
 10. Agenda Reports:
 - Planning and Economy
 - Governance
 - Environment
 - Community
 - Infrastructure
 11. Notices of Motion/Rescissions
 12. "Closed Meeting" Items
 13. Questions for Next Meeting
- (2) The order of business fixed under subclause (1) may be altered or suspended if a motion to that effect is carried. Such a motion can be moved without notice.
- (3) Notwithstanding clause 43 of this code only the mover of a motion to alter the order of business referred to in subclause (2) may speak on the motion before it is put.
(cl.239)

GIVING NOTICE OF BUSINESS – ORDINARY MEETINGS

25. (1) Council must not transact business at a meeting of the Council:
 - (a) Unless a Councillor has given notice of the business in writing within such time before the meeting in accordance with this code.
 - (b) Unless notice of the business has been sent to the Councillors in accordance with Section 367 of the Act.

- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) Is already before, or directly relates to a matter that is already before, the Council.
 - (b) Is the election of a Chairperson to preside at the meeting as provided by clause 16 of this code.
 - (c) Is a matter or topic put to the meeting by the Chairperson in accordance with clause 30 of this code.
 - (d) Is a motion for the adoption of recommendations of a Committee of the Council.
- (3) Despite clause 43, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.
- (cl.241)

QUESTIONS FOR NEXT MEETING

26. (1) Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing within such time before the meeting in accordance with this code, and
 - (b) unless notice of the business has been sent to the Councillors in accordance with section 367 of the Act.
- (2) A Councillor wishing to raise 'Questions for Next Meeting' at a Council meeting must supply to the General Manager a written copy of the Business to be discussed at least three (3) days prior to the meeting.
- (3) The General Manager must send to each Councillor, at least three (3) days before each meeting of Council a notice specifying any 'Questions for Next Meeting' to be raised at each meeting of Council.
- (Reg. Clause 241)
- (4) The questions will be placed on the next meeting agenda unless:
- (a) an answer is given straight away, if it makes sense to do so
 - (b) they do not require research or further investigation.
- (5) 'Questions for Next Meeting' are not open for debate until they are placed on the following Council meeting agenda.

EXTRAORDINARY MEETINGS – AGENDA

27. (1) The General Manager must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.
- (cl.242)

MAYORAL MINUTES

28. (1) If the Mayor is the Chairperson at a meeting of the Council, the Chairperson is, by minute signed by the Chairperson, entitled to put to the meeting, without notice, any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.

- (2) Such a minute, when put to the meeting, takes precedence over all business on the Council's agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.
- (3) A recommendation made in a minute of the Chairperson (being the Mayor) or in a report made by a Council employee, so far as adopted by the Council, is a resolution of Council.
(cl.243)
- (4) The Mayoral minute will not introduce, without notice, matters that are routine, not urgent, or need research or consideration by Councillors before coming to a decision.

NOTICE OF MOTION

- 29. (1) Any Councillor may give notice of any motion for consideration by the Council or a Committee of Council by providing the proposed motion in writing to the General Manager by noon on the **Wednesday** or the **fifth (5th)** calendar day prior to the Council Meeting.
- (2) Any changes to a Notice of Motion submitted in accordance with this code must be submitted by 12 noon on the day of the Meeting to the General Manager by the Councillor who submitted the original Notice of Motion to Council.
- (3) Any changes to a Notice of Motion by a Councillor other than the submitting Councillor must be raised during the discussion of the Notice of Motion at the Council Meeting.
- (4) The provision of confidential issues as defined in Section 10A (2) of the Act applies to Notices of Motion.
- (5) The General Manager will (where considered necessary) provide factual information on the motion to assist in the discussion of the motion.
- (6) A Notice of Motion must be submitted by the Councillor to noticeofmotion@wollondilly.nsw.gov.au in accordance with part (1) of this clause.
- (7) A councillor may speak to a Notice of Motion for not longer than five (5) minutes at any one time.

NOTICE OF MOTION – UNOPPOSED

- 30. The Chairperson may call over the Notices of Motion on the agenda, in the order in which they appear thereon, and if objection is not taken to a motion being taken as a formal motion may, without discussion, put the motion to the vote.

NOTICE OF MOTION – ABSENCE OF MOVER

31. In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:
- (1) Any other Councillor may move the motion at the meeting.
 - (2) The Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.
- (cl.245)

RECOGNISING A MOVER OF A MOTION

32. A mover, by rising or by raising a hand, or by speaking, must attempt to get the attention of the chairperson. The Chairperson then must recognise the mover who first caught their attention.

MOTIONS TO BE SECONDED

33. A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 25(2) and 42(5).
- (cl.246)

AMENDMENTS AND SUBSEQUENT AMENDMENTS

34. (1) An amendment may be moved after a motion has been seconded but must be prior to the main motion being put to a vote.
- (2) If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than once motion and one proposed amendment can be before the Council at any one time.
- (cl.246) and (cl.247)
- (3) If during discussions one motion and one amendment are already before the Council, any further amendments can only be “foreshadowed” and cannot be considered by the Council until the amendment before the Council has been determined.
- (4) It is permissible to debate a motion and an amendment concurrently.
- (5) The right of reply to any amendment is the mover of the original motion. The right of reply must be related to the current amendment before the Council.

MOTIONS PUT WITHOUT DEBATE

35. Provided there is no objection from any Councillor present, any motion may be put to the vote without discussion or debate.

MOTIONS OF DISSENT

36. (1) A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (2) If a motion of dissent is carried, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course.
- (3) Despite clause 42, only the mover of a motion of dissent and the Chairperson can speak on the motion before it is put. The mover of the motion does not have a right of reply.
- (cl.248)

MOTIONS OF ADJOURNMENT OF A MEETING

37. (1) Debate shall not be permitted on any motion of adjournment of a meeting of the Council.
- (2) If a motion of adjournment is lost, the business of the meeting shall proceed, and it shall not be in order for any Councillor to again move a motion of adjournment within half an hour of the previous motion of adjournment being lost.
- (3) A motion of adjournment may specify the time, date and place of the adjourned meeting; however, if a motion of adjournment is carried but does not specify the time, date and place of the adjourned meeting, the Chairperson shall make a determination with respect to whichever of these has not been specified.
- (4) The chairperson may adjourn a meeting at any time, based on issues at hand and operation of meeting at the time.
- (5) An adjourned meeting is a continuation of the earlier part of the same meeting, not a new meeting and the Agenda and Business Papers already issued would be the proper documents from which to work.

RESCINDING OR ALTERING

38. (1) A resolution passed by a Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with the Council's code of meeting practice.
- (2) If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried:
- (a) The resolution must not be carried into effect until the motion of rescission has been dealt with, or is withdrawn by notice given in accordance with Council's code of meeting practice.
- (b) The rescission may be dealt with at an extraordinary meeting where the motion is on the agenda.

- (3) If a motion has been negated by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the Council's code of meeting practice.
 - (4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the Council, must be signed by 3 Councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negated, as the case may be.
 - (5) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This subs. may not be evaded by substituting a motion differently worded, but in principle the same.
 - (6) A motion to which the section applies may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes.
 - (7) The provisions of this s. concerning negated motions do not apply to motions of adjournment.
- (s.372)
- (8) Generally speaking, the Chairperson should not accept a motion that is inconsistent with a resolution previously adopted. The existing resolution should first be formally rescinded. If however, an inconsistent resolution is passed, the original resolution becomes void to the extent of the inconsistency. This is called rescission by implication or rescission by inference.
 - (9) If it is wished to stop any planning resolution being put into effect, a notice of motion to rescind or alter a planning resolution must be given to the General Manager by 11.00am the day following the meeting in which the resolution was carried. In all other matters a motion to rescind will not be accepted if a resolution has been acted upon.
 - (10) In the case of a motion of alteration, the stay of action provided by subclause 8 above, if it is carried, applies only to the extent that the resolution of Council would be affected by the motion of alteration.
 - (11) The General Manager shall advise Councillors of a motion to rescind or alter a resolution within 24 hours of receipt of such a motion or as soon as practicable.
 - (12) A notice of motion to alter or rescind a resolution may be withdrawn by notice in writing to the General Manager signed by the same three Councillors who signed the original notice of motion in accordance with subclause (4) above. The withdrawal of the notice of motion to alter or rescind a resolution shall take effect at the time and date of official receipt by the General Manager of the written notice of withdrawal.
 - (13) A notice of motion to alter or rescind a resolution shall be accompanied in the agenda by the wording of the adopted resolution which it is intended to alter or rescind.

RECOMMITTAL FOR DISCUSSION

39. (1) If one or more Councillors have second thoughts about a resolution passed earlier in the meeting it may be desired to recommit the matter for further attention. Dependent upon the circumstances and the intent this may be achieved by either:
- (a) A motion of recommitment for discussion purposes only.
 - (b) A motion of rescission either during or after the meeting.
- (2) If, after discussion, the original resolution is no longer supported then a Rescission Motion is necessary to either, remove, replace or alter it; which may be raised in accordance with Clause 38 of this Code.

QUESTIONS MAY BE PUT TO COUNCILLORS AND COUNCIL EMPLOYEES

40. (1) A Councillor:
- (a) May, through the Chairperson, put a question to another Councillor.
 - (b) May, through the General Manager, put a question to a Council employee.
- (2) However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- (3) The Councillor must put every such question directly, succinctly and without argument.
- (4) The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.
- (cl.249)

ADDRESSING EACH OTHER

41. (1) During Council meetings Councillors and staff shall at all times address other Councillors and staff by their official designation, as Mayor, Chairperson or Councillor, as the case may be; and with the exception of the Chairperson, or any Councillor prevented by physical infirmity, may stand when speaking. Staff are not required to stand.
- (2) During Committee meetings a less formal method of address is appropriate and there is no need to rise to speak.

LIMITATION AS TO NUMBER OF SPEECHES

42. (1) A Councillor who, during a debate at a meeting of the Council, moves an original motion has the right of general reply, to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment. A right of reply is limited to three (3) minutes duration.
- (2) A Councillor other than the mover of an original motion has the right to speak once on the motion and once on each amendment to it.

- (3) A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment and for longer than five minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- (4) Despite subclauses (1) and (2), any Councillor may move that a motion or an amendment be now put:
 - (a) If the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it.
 - (b) If at least 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.
- (5) The Chairperson must immediately put to the vote, without debate, a motion moved under subclause (4) a seconder is not required for such a motion.
- (6) If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1).
- (7) If a motion that the original motion or an amendment be now put is rejected, the Chairperson must allow the debate on the original motion or the amendment to be resumed.

(cl.250)

VOTING AT COUNCIL MEETINGS

43. (1) A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- This subclause does not apply to a Councillor who does not vote because he or she has a pecuniary interest in the subject-matter of the motion.
- (2) If a Councillor who has voted against a motion put at the Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
 - (3) The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two Councillors rise and call a division.
 - (4) When a division on a motion is called, the Chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Council's minutes.

- (5) Voting at a Council meeting, including voting in an election at such a meeting is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.
 - (6) Councillors will raise their hands to indicate their voting intent on each item, and their votes will be recorded in the minutes.
- (cl.251)

RESOLUTIONS PASSED AT CLOSED MEETINGS TO BE MADE PUBLIC

- 44. If a Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.
- (cl.253)

CARETAKER ROLE DURING ELECTIONS

- 45. (1) The Act does not impose limits on the decisions a council can make before an ordinary election is held, however, like Commonwealth and State Governments, councils are expected to assume a “caretaker” role during election periods to ensure that major decisions are not made which limit the actions of an incoming council.
- (2) Although the decisions of a council do not lapse after an election is held, there will be some opportunities for the new council to review earlier decisions.

PART 4 – KEEPING ORDER AT MEETINGS

QUESTIONS OF ORDER

- 46. (1) The Chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the Chairperson, it is necessary to do so.
 - (2) A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the Chairperson to the matter.
 - (3) The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
 - (4) The Chairperson’s ruling must be obeyed unless a motion dissenting from the ruling is passed.
- (cl.255)
- (5) The Chairperson may reject any motion, amendment or other matter which is, in the opinion of the Chairperson, out of order.
 - (6) The chamber is called to order when the Chairperson rises to their feet - the proceedings of the meeting at hand must cease until resumed by order of the Chairperson.

ACTS OF DISORDER

47. (1) Councillors must act honestly and exercise a reasonable degree of care and diligence in carrying out of their functions.

(s.439)

- (2) A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a Committee of the Council:

- (a) Contravenes the Local Government Act or any regulation in force under the Local Government Act.
- (b) Assaults or threatens to assault another Councillor or person present at the meeting.
- (c) Moves or attempts to move a motion or an amendment that has an unlawful purpose or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee or addresses or attempts to address the Council or Committee, on such a motion, amendment or matter.
- (d) Insults or makes personal reflections on or imputes improper motives to any other Councillor, or any other person.
- (e) Says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt.
- (f) Makes personal attacks upon staff at meetings. Complaints about a member of staff must be addressed in writing to the General Manager.

- (3) The Chairperson may require a Councillor:

- (a) To apologise without reservation for an act of disorder referred to in subclause (2) (a) or (b).
- (b) To withdraw a motion or an amendment referred to in subclause (2) (c) and, where appropriate, to apologise without reservation.
- (c) To retract and apologise for an act of disorder referred to in subclause (2) (d) or (e).

- (4) A Councillor may, as provided by s. 10(2) (a) or (b) of the Act, be expelled from a meeting of a Council for having failed to comply with a requirement under subclause (2). The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act or disorder concerned.

(cl.256 (3) and s.10 (2))

- (5) Breaches of Council's Code of Conduct during a meeting of Council or Council Committee are deemed to be acts of disorder under the provisions of this Code.

HOW DISORDER AT A MEETING MAY BE DEALT WITH

48. (1) If disorder occurs at a meeting of the Council, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

- (2) A member of the public may, as provided by s. 10(2) (a) or (b) of the Act, be expelled from a meeting of a Council for engaging in or having engaged in disorderly conduct at the meeting.
(cl.257)
- (3) Public members who insult or make personal reflections or impute improper motives to Council or Councillors, or do or say anything that is inconsistent with maintaining order will be deemed acts of disorder, or any other behaviour deemed disorderly by the Council.

POWER TO REMOVE PERSONS FROM MEETING AFTER EXPULSION RESOLUTION

49. If a Councillor or a member of the public fails to leave the place where a meeting of a Council is being held:
- (1) Immediately after the Council has passed a resolution expelling the Councillor or member from the meeting.
 - (2) Where the Council has authorised the person presiding at the meeting to exercise the power of expulsion, immediately after being directed by the person presiding to leave the meeting.
 - (3) A police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place.
(cl.258)

PART 5 – COMMITTEES

COUNCIL MAY ESTABLISH COMMITTEES

50. (1) A Council may, by resolution, establish such Committees as it considers necessary.
- (2) A Committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- (3) The quorum for a meeting of a Committee is to be:
- (a) Such number of members as the Council decides.
 - (b) If the Council has not decided a number – a majority of the members of the Advisory Committee.
(cl.260)
- (4) A Committee may appoint sub-Committees or Advisory Groups which report direct to it rather than direct to Council.
- (5) The Council may appoint sunset Committees from time to time to deal with one-off specific issues which have a limited lifespan.

- (6) Local Management Committees which may comprise of Councillors, residents and representatives of user groups, may be appointed to have the care, control and management of specific facilities and Council may delegate its authority to the Committee, to act on its behalf in certain matters.
- (7) Pursuant to sub-clause 6, a committee can exercise a council's regulatory functions under Chapter 7 of the Act only if all of its members are either Councillors or council employees. A Committee with members of the public on it cannot exercise a regulatory function under Chapter 7 of the Act.

(s.379(1))

FUNCTIONS OF COMMITTEES

- 51. (1) Council must specify the functions of each of its Committees when the Committee is established, but may from time to time amend those functions.
(cl.261)
- (2) Committees which undertake a role/function of Council shall comply with the provisions of the Act, Regulations and this Code of Meeting Practice.

NOTICE OF COMMITTEE MEETINGS TO BE GIVEN

- 52. (1) The General Manager of the Council must send to each Councillor, at least three days before each meeting of the Committee, a notice specifying:
 - (a) The time and place at which and the date on which the meeting is to be held, and
 - (b) The business proposed to be transacted at the meeting.
- (2) However, notice of less than three days may be given of a Committee meeting called in an emergency.
(cl.262)
- (3) When Committee meetings are held in succession, there will be a 5 minute period between the closing of one meeting and the opening of the next meeting.

NON-MEMBERS ENTITLED TO ATTEND COMMITTEE MEETINGS

- 53. (1) A Councillor who is not a member of a Committee of the Council is entitled to attend and speak at, a meeting of the Committee.
- (2) However, the Councillor is not entitled:
 - (a) To give notice of business for inclusion in the agenda for the meeting.
 - (b) To move or second a motion at the meeting.
 - (c) To vote at the meeting.
(cl.263)

PROCEDURE IN COMMITTEES

54. (1) Subject to Sub-clause (3) each Committee of the Council may regulate its own procedure.
- (2) Without limiting sub-clause (1), a committee of a council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.
- (3) Voting at a Committee meeting is to be by open means (such as by voice or by show of hands)
- (cl.265)
- (4) In the absence of specific procedures for any Committee being adopted, the general provisions of this code apply to meetings of any Committee.

MINUTES OF COMMITTEE

55. (1) Each Committee of a Council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) Details of each motion moved at a meeting and of any amendments moved to it
 - (b) The names of the mover and seconder of the motion or amendment
 - (c) Whether the motion or amendment is passed or lost
 - (d) The names of the Councillors who voted for a motion for a planning decision and those who voted against it. Such voting must be conducted by way of a division.
 - (e) The grounds for closing part of a committee meeting to the public
 - (f) The disclosure to a committee meeting by a councillor of a pecuniary interest
- (2) As soon as the minutes of an earlier meeting of a Committee of the Council have been confirmed at a later meeting of the Committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.
- (cl.266)

CHAIRPERSON AND DEPUTY OF COMMITTEES

56. (1) The Chairperson of each Committee of the Council must be:
- (a) The Mayor, or
 - (b) If the Mayor does not wish to be the Chairperson of a Committee – a member of the Committee elected by the Council, or
 - (c) If the Council does not elect such a member – a member of the Committee elected by the Committee.
- (2) Council may elect a member of a Committee of the Council as Deputy Chairperson of the Committee. If the Council does not elect a Deputy Chairperson of such a Committee, the Committee may elect a Deputy Chairperson.
- (3) If neither the Chairperson nor the Deputy Chairperson of a Committee of the Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be acting Chairperson of the Committee.

- (4) The Chairperson is to preside at a meeting of a Committee of the Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the acting Chairperson is to preside at the meeting. (cl.267)
- (5) The Mayor by virtue of holding that office is a member of each Committee of the Council.

ABSENCE FROM COMMITTEE MEETINGS

- 57. (1) A member ceases to be a member of a Committee if the member (other than the Mayor):
 - (a) Has been absent from three consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences, or
 - (b) Has been absent from at least half of the meetings of the Committee held during the immediately preceding year ended 30 June without having given to the Committee acceptable reasons for the member's absences.
- (2) Subclause (1) does not apply if all the members of the Council are members of the Committee. (cl.268)

REPORTS OF COMMITTEES

- 58. (1) If in a report of a Committee of the Council distinct recommendations are made, the decision of the Council may be made separately on each recommendation.
- (2) The recommendations of a Committee of the Council are, so far as adopted by the Council, resolutions of the Council.
- (3) The recommendation shown in the agenda should be the same as the one decided by the Committee.
- (4) If a Committee of a Council makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must:
 - (a) Make the recommendation public as soon as practicable after the meeting or part of the meeting has ended, and
 - (b) Report the recommendation to the next meeting of the Council. (cl.269)

DISORDER IN COMMITTEE

- 59. The provisions of the Act and of this Regulation and Code relating to the maintenance of order in Council meetings apply to meetings of any Committee of the Council in the same way as they apply to meetings of the Council. (cl.270)

COMMITTEE MAY EXCLUDE CERTAIN PERSONS FROM ITS MEETINGS

60. (1) If a meeting or part of a meeting of a Committee of a Council is closed to the public in accordance with s. 10A(2) of the Act, any person who is not a Councillor may be excluded from the meeting as provided by s. 10(2)(a) or (b) of the Act.
- (2) If any such person, after being notified of a resolution or direction excluding him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any persons authorised for the purpose by the Council, Committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

(cl.271)

PART 6 –CONFIDENTIAL MATTERS

CLOSED MEETING OF COUNCIL

61. (1) The Council, during a Council meeting, may resolve into “Closed Meeting of Council” closing the meeting to the public only for the receipt or discussion of, and recommendation resolutions upon, any of the matters listed in Section 10A(2) of the Act.
- (2) All provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in a Closed Meeting of Council or a Committee Meeting.
- (3) The General Manager, or in the absence of the General Manager, an employee of the Council designated by the General Manager, is responsible for reporting to the Council the business and any resolutions arising from the “Closed Meeting of Council”.
- (4) The Council must ensure that a report of the proceedings (including any resolutions of the Closed Meeting of Council) is recorded in the Council’s Minutes.
- (5) Resolutions made at a closed part of a Council meeting must be made public by the Chairperson of the meeting as soon as practical after the closed part of the meeting has ended.
- (6) Even if the item is listed in a confidential business paper the Council could disagree with this assessment and discuss the matter in an open part of the meeting.
- (7) Council may allow members of the public the opportunity to make a statement as to why part of a meeting should be closed.

(s10A (4)) (cl.252)

EXCLUSION OF PRESS AND PUBLIC

62. (1) A Council or Committee of the Council of which all the members are Councillors, may close to the public so much of its meeting as comprises:
- (a) The discussion of any of the matters listed in subclause (2).
- (b) The receipt or discussion of any of the information so listed.

- (2) The matters and information are the following:
- (a) Personnel matters concerning particular individuals.
 - (b) The personal hardship of any resident or ratepayer.
 - (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
 - (d) Commercial information of a confidential nature that would, if disclosed
 - (i) Prejudice the commercial position of the person who supplied it, or
 - (ii) Confer a commercial advantage on a competitor of the Council, or
 - (iii) Reveal a trade secret.
 - (e) Information that would, if disclosed, prejudice the maintenance of law.
 - (f) Matters affecting the security of the Council, Councillors, Council staff or Council property.
 - (g) Advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- (s.10A)

CLOSED MEETING AGENDA

63. (1) If, in the opinion of the General Manager, business to be transacted at a meeting of the Council or of a Committee of the Council is a kind of business referred to in s. 10A(2) of the Act, the business may be included in a confidential agenda. All other business to be transacted at the meeting must be included in an ordinary agenda.
- (2) If a confidential agenda is prepared for a kind of business referred to in s. 10A (2) of the Act, the business must be referred to in the ordinary agenda prepared for the same meeting.
- (3) A representation at a Council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (4) That period is as fixed by the Council's code of meeting practice or as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.
- (cl.252)
- (5) Nothing in this clause limits the powers of the Chairperson under clause 21 of this code.

DISCLOSURE AND MISUSE OF INFORMATION

64. (1) A person must not disclose any information obtained in connection with the administration or execution of the Act unless that disclosure is made:
- (a) With the consent of the person from whom the information was obtained
 - (b) In connection with the administration or execution of the Act.
 - (c) For the purpose of any legal proceedings arising out of the Act or of any report of any such proceedings.
 - (d) In accordance with a requirement imposed under the *Government Information (Public Access) Act 2009*.
 - (e) With other lawful excuse.

- (2) In particular, if a meeting or part of a meeting of a Council or a Committee of a Council is closed to the public in accordance with s. 10A (1) of the Act, a person must not, without the authority of the Council or the Committee, disclose (otherwise than to the Council or a Councillor of the Council) information with respect to the discussion at, or the business of, the meeting.
- (3) Subsection (2) does not apply to:
 - (a) The report of a Committee of a Council after it has been presented to the Council.
 - (b) Disclosure made in any of the circumstances referred to in subs. 1(a)-(e).
 - (c) Disclosure made in circumstances prescribed by the regulations
 - (d) Any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with the *Government Information (Public Access) Regulation 2009*.
- (4) A person acting in the administration or execution of the Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known but if generally known might reasonably be expected to affect materially the market value or price of any land, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person.
- (5) A person acting in the administration or execution of the Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
 - (a) The determination of an application for an approval
 - (b) The giving of an order

(s.664)

PART 7 – WORKSHOPS

65. (1) A council can hold a workshop (sometimes called a briefing session) under its general powers as a body politic. Workshops are informal gatherings and can provide useful background information to councillors on issues. A workshop may involve Councillors, council staff and invited participants.
- (2) Workshops should not be used for detailed or advanced discussions where agreement is reached and/or a (de-facto) decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision from the options, should be left to the open forum of a formal council or committee meeting. Workshops are merely a means which enable councillors to bring an informed mind to the appropriate decision-making forum.
- (3) Workshops must be chaired by the General Manager, Executive Director/ Director or a senior council officer.
- (4) Workshops are for information and training purposes only. Workshop briefing papers will contain no recommendations, and no agreement will be sought from the Councillors or other workshop participants in the course of the workshop.

- (5) Meeting attendance books must be signed by Councillors and other workshop participants.
- (6) Any document produced in relation to a workshop is a document of the council. These documents could be inspected and copied in accordance with the Government Information (Public Access) Act 2009 (GIPAA). The provisions of 664(1) and 664(2) of the Act apply to workshops, but as they cannot be closed under section 10A of the Act, the confidentiality provisions of sections 664(1)(a) and 664(1)(b) do not apply.

PART 8 – MISCELLANEOUS

INSPECTION OF THE MINUTES OF THE COUNCIL

66. (1) Everyone is entitled to inspect the current version of the following documents free of charge:
- Agendas for Council and Committee meetings (but not including “agendas” for matters considered when a meeting is closed to the public).
- Minutes of Council and Committee meetings, but restricted (in the case of any meeting or part of a meeting that is closed to the public).
- (2) The documents may be inspected at the office of the Council; during ordinary office hours.
 - (3) The Council must have copies of the documents available for taking away by anyone who asks for a copy.
 - (4) An inspection of the minutes of the Council or Committee of the Council is to be carried out under the supervision of the General Manager or a staff member of the Council designated by the General Manager to supervise inspections of those minutes.
 - (5) The General Manager must ensure that the minutes of the Council and any minutes of a Committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.
(cl.272)
 - (6) A Council and a Committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports tabled at, or submitted to, the meeting.
 - (7) Subclause (4) does not apply if the correspondence or reports:
 - (a) Relate to a matter that was received or discussed; or
 - (b) Were tabled at, or submitted to, the meeting, when the meeting was closed to the public.

- (8) Subclause (4) does not apply if the Council or Committee resolved at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in s. 10 A(2) of the Local Government Act, are to be treated as confidential.

(s.11)

ACCESS TO RECORDS

67. (1) The General Manager may allow or refuse to allow any Councillor to inspect any record of the Council that the Councillor requests to see.
- (2) If the General Manager refuses to allow a Councillor to inspect any such record, the Councillor may, at a meeting of the Council, move for the production of the document. However, the Councillor must give notice of intention to move the motion.
- (3) If the Council passes a motion for the production of a Council record, the Council must ensure that the record:
- (a) Is produced immediately and laid on the table for inspection by the Councillors, and
 - (b) Is made available for inspection by any Councillor on reasonable notice to the General Manager during the Council's ordinary office hours on any day that is within one month after the passing of the motion.
- (4) A Council and a Committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports tabled at, or submitted to, the meeting.
- (5) This section does not apply if the correspondence or reports that:
- (a) Relate to a matter that was received or discussed.
 - (b) Were tabled at, or submitted to, the meeting.
- when the meeting was closed to the public.
- (6) This section does not apply if the Council or Committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A (2), are to be treated as confidential.
- (7) Where a meeting resolves under subclause 6 that correspondence or reports are to be treated as confidential, the meeting shall also resolve the period during which the correspondence or reports shall remain subject to subclause 5. This resolution shall be an authority of the Council or a Committee.

RECORDING, WEBCASTING AND PHOTOGRAPHY AT MEETINGS OF COUNCIL

68. (1) Council will record and webcast live on Council's website the Ordinary or Extraordinary Meetings of Council held in open session. Confidential meetings of Council will not be recorded or webcast. The purpose of the webcast and recordings is to facilitate community access to meetings.

- (2) Members of the public are advised, in accordance with Section 18 of the Privacy and Personal Information Protection Act 1998 (PPIPA), that the Ordinary/Extraordinary Meeting is live webcast and is publically available. By attending a Council Meeting personal information may be recorded, publicly broadcast and archived.
- (3) Speakers addressing the Council do not have absolute privilege in respect of opinions expressed or comments made or material presented. Council accepts no responsibility for any defamatory comments in this regard.
- (4) At the start of each Meeting that will be webcast, the Chairperson must advise the Meeting room that the Meeting will be webcast.
- (5) The General Manager must ensure that persons in the Meeting room are advised that the Meeting may be webcast by providing notification on signs in the Meeting room, in the Ordinary Meeting Agenda and such other notices as required in relation to sub-clauses 2 and 3.
- (6) Webcasting is terminated if, at a particular point in a meeting, the Chairperson is of the opinion that continued webcasting may prejudice the meeting or infringe the rights or safety of an individual.
- (7) Webcast recordings will be made available to the public for viewing on Council's website for at least 8 years. An archive of webcast recordings in Council's electronic record keeping system will also be kept.
- (8) Written transcripts of proceedings will not be available.
- (9) The webcasts and recordings of proceedings are not an official record of the meeting nor do they convey the official Minutes of a Council meeting or the position of Council. Recordings are not to be used except in accordance with this Code.
- (10) The electronic transmissions (webcasts) and webcast recordings are protected by copyright and owned by Wollondilly Shire Council. No part of the proceedings of a meeting of the Council may be recorded, copied or made available to others without the authority of the Council however councillors may use unedited extracts of the webcast recordings for the purposes of engaging with the community and informing them of their actions.
- (11) Photography at Meetings of Council will generally be permitted with the authority of the Council.
- (12) A person may be, as provided by section 10(2) (a) or (b) of the Act, expelled from a meeting of the Council for using or having used a recording device or taken photographs in contravention of this clause.
- (13) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a Police Officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

- (14) For the purposes of this clause a recording device includes a video camera, sound recorder, mobile phone, laptop, tablet or any other electronic device which is recording speech and/or images without the authority of the Council.
- (cl.273)

DEFAMATION, OFFENCE AND EMBARRASSMENT

69. The NSW Ombudsman publication *Better Service and Communication for Council's* provides information about defamation. It states:

"A statement may be defamatory of a person if it is likely to cause an ordinary reasonable member of the community to think less of a person or to shun or avoid the person"

Councillors, staff and members of the public can seek legal compensation, apology etc if they are defamed.

- (1) Councillors acting within their official capacity at meetings of Council or Council Committees have a defence of 'qualified privilege' to actions in defamation. This recognises that Councillors may need to speak freely and publicly in carrying out their duties however qualified privilege needs to be treated with great caution. It only covers statements made at a Council or Committee meeting whilst carrying out the duties and on business relevant to the Council. Statements also need to be made with good intentions, not malice.
- (2) A statement made outside a Council or Committee meeting will not be protected by qualified privilege, but may be protected under the *Defamation Act 1974*. Councillors should be guided by their own legal advice on defamation issues.
- (3) The chairperson of a Council meeting is responsible for making sure that the council carries out its meeting in line with its Meeting Code and any relevant legislation. This may be done by:
 - (a) Maintaining order at meetings.
 - (b) Requiring a Councillor to apologise for insults, personal comments, or implying improper motives with respect to another Councillor.
 - (c) Calling a Councillor to order whenever they believe it is necessary to do so.
 - (d) Ask a Councillor to take back a statement and apologise.
- (4) A Councillor who refuses to comply with cl 3 may be expelled from the meeting for an act of disorder (see 46 (4)) of this Code. This does not prevent legal action from being taken against a Councillor by council or by another Councillor; a member of council staff or a member of the public under the *Defamation Act 1974* or the common law.

(cl.256 (3) & s.10 (2))

PETITION

70. A Councillor may present a petition to the Council. The Chairperson must not permit discussion or debate on the petition.

MAYORAL ACTIONS

71. When necessary the Mayor may exercise the policy-making functions of the Council between meetings. It is not necessary for the Council to formalise this, but good practice for the Mayor to report their actions to the next Council meeting. (s.226)

AMENDMENTS TO THIS MEETINGS CODE

72. (1) A Council may amend a code adopted in accordance with the Act by means only of a code so adopted. (s.363)
- (2) Before adopting an amendment to this Meetings Code, Council must prepare a draft amendment.
- (3) The Council must give public notice of the draft amendment after it is prepared.
- (4) The period of public exhibition must not be less than 28 days.
- (5) The public notice must also specify a period of not less than 42 days after the date on which the draft amendment is placed on public exhibition during which submissions may be made to the Council.
- (6) With the exception of the provisions of subclause 7, Council must publicly exhibit the draft amendment in accordance with its notice.
- (7) Notwithstanding subclauses 4 and 5, if Council is of the opinion that an amendment is not substantial, it may adopt the amendment following public notice and without public exhibition.
- (8) This Code is to be reviewed annually and addressed quarterly against legislative changes to the Act and the Regulations.

EN1 Attachments

1. Executive Summary
2. Lodged Submission on the Biodiversity Conservation Act Reforms

Monday 17 July 2017

EN1 – NSW Biodiversity Legislation Reform Package

SUBMISSION BY WOLLONDILLY SHIRE COUNCIL

EXECUTIVE SUMMARY

The Wollondilly Local Government Area (LGA) is a peri-urban type LGA with a high diversity of landscapes and biodiversity values. These values are under pressure from a range of land use types including urban growth and underground mining as well as unauthorised vegetation clearance. Council has recently developed a position on Growth that contains five principles for the management of growth on rural lands including *“the protection of rural lands, rural landscapes, and their surrounding environments”* and *“minimise the fragmentation of rural lands”*.

This submission provides comments on aspects of all exhibited documents associated with the review of biodiversity legislation in NSW (reform package) given the existence of both residential and rural zoned land in the Wollondilly LGA. The comments provided in the submission are based on the experiences of Council and the local community it represents in regard to the protection and management of biodiversity under the previous *Native Vegetation Act 2003* and *Threatened Species Conservation Act 1995*. They are also consistent with the position of Council expressed in its submission on the Terms of Reference for the Review of Biodiversity Legislation as well as the draft Biodiversity Conservation Bill.

A detailed comprehensive review of all exhibited documents associated with the reform package has not been possible due to time constraint issues. In addition, the adopted formal position of Council prior to the lodgement of this submission has not been possible due to these timeframes. The project team is consequently requested to view it as a draft submission pending formal Council endorsement at its next meeting on 18th July 2017. The submission is comprised of the following broad components

- **Part A:** Background Information to the submission that includes Council's strategic position relevant documents that include its Community Strategic Plan, Biodiversity Strategy and Open Space, Recreation and Community Facilities Strategy.
- **Part B:** Council position in regard to the overall biodiversity reform package as well as individual exhibited components.
- **Part C:** The adequacy of the package to pertinent biodiversity issues within the Wollondilly LGA comprised of pressures on biodiversity on urban and rural land, adequate protection of koala habitat as well as protection of areas of recognised highly significant biodiversity values.
- **Part D:** General comments on the adopted approach of the reform and specific comments on components of the Bill Package that are pertinent to the position of Council and concerns of the local community. This section also refers to identified issues requiring clarification in the implementation of the offsetting scheme and overall reform package by Council's Environmental, Strategic and Development Assessment Staff.

- **Part E:** Summary of recommendations of this submission and items requiring clarification.

The submission welcomes the need and intent of the review of the current framework and also supports in principle the overall intent of the reform package. It also supports in principle the intent of aspects of individual components of the package including introduced concepts such as Serious and Irreversible Harm. A major benefit to Council Planning and Environmental Staff is the introduction of procedures to stream-line the assessment and identification of assessment and approval pathways for planning and development proposals at the commencement of the application process.

The Reform package however has been identified as having the shortcomings and inconsistencies with the position and concern of Council and its local community outlined in this as well as previous submissions”:

- There is an emphasis on threatened species, (in comparison to non-threatened species) as well as the protection and management of biodiversity at a bioregional and State level.
- There is not considered adequate protection of biodiversity at local scale and adequate incorporation of local planning instruments and local data.
- The regulation and largely self-assessment approach under the Land Management Component of the reform package is not considered sufficiently rigorous to ensure adequate protection of native vegetation in rural zoned areas to prevent incremental and cumulative losses.
- The level of required rigour in the assessment of biodiversity related impacts is not equal for developments lodged under Part 4 of the EP&A Act and State Significant Developments.

The above shortcomings are viewed as being highlighted by the defined outcome of the Biobanking Assessment Methodology of No Net loss of Biodiversity in NSW. The submission expresses strong concerns over this outcome based on a number of grounds including its restriction .to a State and Bioregional scale as well as absence of consideration of biodiversity losses and gains on a localised scale including impacts to local habitat corridors.

The submission consequently contains a range of recommendations as well as issues considered to require clarification in regard component of the draft biodiversity reform package. The major recommendations based on the exhibited components of the package are:

- The Sensitive Biodiversity Values Land Map be updated to have a direct linkage with up-to-date koala habitat mapping (core and support core habitat), undertaken by local government as well as applicable Comprehensive Koala Plans of Management.
- The threshold criteria “the clearing of native vegetation of other action prescribed by Clause 6.1 (of the Regulation) on the Sensitive Biodiversity Values Land Map be amended to refer to the impact on biodiversity values from direct and indirect impacts associated with the clearing of native biodiversity.

- The proposed criteria for Areas of Outstanding Biodiversity Value be amended to include areas of local significance and not be restricted to the State and Bioregional Scale as proposed.
- The Project Team provide clarification over whether current practices utilised by Council to mitigate biodiversity impacts associated with developments such as requiring planting or revegetation on a particular development site as offsetting will continue under the new framework.
- The criteria referring to payment into the Biodiversity Conservation Fund be amended to require the distribution of funds within a nominated timeframe as well the credit discharge notice contain details over the location of the expenditure of the funds (preferably within the same Local Government Area).
- The completed Vegetation SEPP with all its components currently under preparation described in the Statement of Intended Effects be subject to a public exhibition and associated detailed consultation process.
- The proposed measures regarding the identification and protection of ecological communities, (including associated native grasses), be subject to a detailed independent peer review by a suitably ecological qualified person and that this be provided to Council.

The Project Team is requested to note that Staff will recommend that Council not support the biodiversity legislation reform package as exhibited. Staff will also recommend that Council request deferral of the proposed 26th August 2017 commencement date to allow for consultation with Council Staff over identified potential adverse implications to of the package to the protection and regulation of biodiversity on a localised scale. Details of any endorsement and related resolutions of Council will be provided to the Project Team shortly after its next meeting on Monday 18th July 2017.

SUBMISSION ON THE BIODIVERSITY CONSERVATION ACT REFORMS

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Rural Living

WOLLONDILLY SHIRE COUNCIL

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ATTACHMENTS TO THE SUBMISSION

Attachment 1:

Executive Summary of Council's Biodiversity Strategy

Attachment 2

The distribution of native vegetation based on broad zonings contained in Council's Local Environmental Plan (Map 1).

Attachment 3

Current planning proposals in relation to threatened and non-threatened vegetation communities (Map 2)

Attachment 4

Council resolutions in relation to Thirlmere Lakes National Park

Attachment 5

The distribution of lots greater than and 5 ha within the Wollondilly LGA (Map 3).

Attachment 6

Comments and requested amendments to the draft Biobanking Assessment Methodology dated August 2016.

Attachment 7

Current tree removal exemption criteria in Council's Development Control Plan.

Submission on the Biodiversity Conservation Act Reforms

Introduction

This submission provides comments on exhibited documents associated with the introduction of the *Biodiversity Conservation Act 2016* and *Local Land Services Act Amendment 2016* (biodiversity reform package) which both apply to the Wollondilly Local Government Area (LGA). The comments are based on the experiences of Council and the local community it represents in regard to the management and regulation of biodiversity under the current framework. The comments are also consistent with the position of Council expressed in its submission on the Terms of Reference for the Review of Biodiversity Legislation as well as the draft Biodiversity Conservation Bill.

This submission is comprised of the following broad components:

- Part A: Background Information to the submission comprised of response to previous Council submissions and updated strategic position.
- Part B: Council position on the review process and reform package
- Part C: Key biodiversity issues within the Wollondilly LGA of relevance to the biodiversity reform package
- Part D: General and specific comments on components of the Bill Package
- Part E: Summary of recommendations of this submission and items requiring clarification.

The submission incorporates comments by Staff from all Council Sections with responsibilities in regard to the protection and management of biodiversity on residential and rural zoned land. The submission is based on the broad components of the exhibited biodiversity reform package. It supports in principle the intent of aspects of the package but identifies a number of shortcomings particularly in regard to the protection and management of biodiversity at a localised level.

PART A: Background information to the submissions

1) Overview of biodiversity and associated issues raised in the submissions

The Wollondilly Local Government Area (LGA) is a peri-urban type LGA with a high diversity of landscapes and biodiversity values. It contains a diverse range of flora and fauna including 90 threatened species, 7 Endangered Ecological Communities and 2 Critically Endangered Communities (Shale/Sandstone Transition Forest and Cumberland Plain Woodland).

The landscape and biodiversity values of the LGA are under pressure from a range of land use types including urban growth and underground mining as well as unauthorised vegetation clearance. The current issues affecting the protection and regulation of biodiversity within the Wollondilly LGA are:

- The management of growth in the form of both greenfield and in-fill development and the management of associated protection of incremental impacts to biodiversity and areas of recognised significance.

- The competing lifestyle experiences sought by residents including small acreage, broad rural acreage and small lot residential properties.
- The dominate occurrence of the Critically Endangered Ecological Community's (CEEC's) Shale/Sandstone Transition Forest (SSTF) and Cumberland Plain Woodland (CPW) on private rural zoned land.
- Increasing instances of illegal clearing of areas of native vegetation. This includes a recent instance of approximately 80ha of SSTF that is currently being investigated by the Office of Environment and Heritage (OEHL).

2) Overview of previous Council submissions and response to issues raised

(i) Submission on the Terms of Reference for the Review

Council lodged a detailed submission on the Terms of Reference for the Review of Biodiversity Legislation in NSW in October 2014. This submission recognised the Review as being appropriate in addressing issues experienced by Staff in the management and regulation of biodiversity in NSW by the current framework. However, it recommended a range of measures to enable the revised framework to be appropriately applied at the State and Commonwealth level to achieve positive biodiversity outcomes at a localised scale.

The 43 Recommendations of the Final Report on the Review (Final Report) were identified as having potential merit in the addressing of shortcomings of the current management and regulatory framework experienced by Council Officers. However, potential inadequacies in a number of the Recommendations in addressing issues raised by Council's submission were identified. The Project Team is requested to note that Council resolved at its meeting on 16 March 2015 to:

"Write to the Minister for the Environment outlining the concerns over the protection and management of biodiversity as recommended by the Final Report on the Review of Biodiversity Legislation in NSW".

(ii) Submission on the draft Biodiversity Conservation Bill

Council lodged a subsequent detailed submission on the draft Biodiversity Conservation Bill package. The submission expressed the view the draft Biodiversity Bill had not fully addressed concerns of Council and expressed views of the local community in regard to the management and regulation of biodiversity within the Wollondilly LGA.

The NSW Government is recognised as not seeking comments on the *Biodiversity Conservation Act 2016* given that it was gazetted in November 2016. However, the following recommendations of this submission are noted with strong concern not to have been addressed prior to the gazettal of this Act and consequently by the exhibited biodiversity reform package:

- The finalised Bill includes measures which are underpinned by local planning mechanisms which achieve positive outcomes for the protection and regulation of biodiversity within the Wollondilly LGA.
- The draft Bill be expanded to encompass all biodiversity rather than being restricted to threatened species and ecological communities.

- A proposed Object of the Bill “*To conserve biodiversity and ecological integrity at bioregional and State scales*” be amended to “*conserve biodiversity and ecological values at a local, bioregional and State Scales*”.
- The basic ‘Improve and Maintain’ biodiversity outcome defined by the Biobanking Methodology under the current framework be retained.

Subsequent sections of this submission are consistent with above previous requests and position of Council. The Project Team is requested to consider this position during the finalisation of the Reform package.

3) Strategic position of Council of relevance to the biodiversity reform package

The consistency of the exhibited biodiversity reform package with relevant strategic strategies is viewed as important in terms of providing an overall framework for its implementation based on the concerns and position of associated stakeholders at the State and local government level. The following comments provide an overview of Council’s applicable strategic position in regard to both development assessed under Part 4 of the *Environment Planning and Assessment Act 1979* (the Planning Act) and State Significant Development and Infrastructure (SSD/SSI).

(i) Draft Biodiversity Strategy for the Wollondilly Local Government Area

Council’s revised Biodiversity Strategy for the Wollondilly LGA, updated from its current Strategy dated October 2004, is in the process of being finalised. Its broad purpose is to provide a framework for the implementation of measures which enhance biodiversity values and associated threats in consultation with government and community stakeholders. The Executive Summary of the current Strategy presented in Attachment 1 includes as a Target. “*Maintain and increase connectivity and linkages between remnant vegetation and across landscape features so as to provide long-term viable habitat for flora and fauna*”.

The draft Strategy includes on-ground, strategic and regulatory measures to enhance and protect biodiversity, (both threatened and non-threatened), on a localised scale including the identification of local habitat corridor. It is also intended that the Strategy incorporate an Offsetting Strategy which outlines the broad position of Council over both biobanking associated with development through biobanking and possible establishment of biobanking sites on Council owned land.

The Strategy is therefore viewed as having strong relevance to the *Biodiversity Conservation Act 2016* and *Local Land Services Amendment* as well as the associated exhibited documents. The inclusion of reference to local strategies in aspects of these documentation as well as criteria for the Sensitive Biodiversity Values Land Map is consequently welcomed. However, the focus of overall package at the Bio Regional and State level is viewed as having adverse implications for the implementation of Council’s updated Biodiversity Strategy and achievement of its objectives. **The Project Team is requested to note the broad position of Council Staff that the finalised biodiversity reform package needs to have sufficient flexibility to achieve consistency with local government biodiversity strategies.**

(ii) Council’s Community Strategic Plan

The first four yearly update of Council’s CSP 2033 prepared in accordance with the Integrated Planning Framework for NSW was placed on public exhibition during April and May 2017. A copy of the document endorsed by Council at its meeting on 19th June 2017 can be provided to the Project Team upon request.

This high level document expresses the aspirations held by the community of Wollondilly and sets strategies for achieving these aspirations in partnership with relevant stakeholders. In this regard, has relevance to the Reform Package in terms of providing the views of the local community on biodiversity related issues within the Wollondilly LGA and the intended response by Council to these matters.

The CSP has identified 5 Priority Areas that includes “Sustainable and Balanced Growth, and Caring for the Environment”, and ‘Looking after the Community’ of relevance to the Reform Package. It contains a Council position on Growth that contains five principles for the management of growth on rural lands including “*the protection of rural lands, rural landscapes, and their surrounding environments*” and “*minimise the fragmentation of rural lands*”.

(iii) Council’s Draft Growth Management Strategy

Wollondilly initially adopted a Growth Management Strategy in February 2011, which included as key features, ‘*Sustainable but limited growth to existing towns and villages*’ and ‘*Retention and protection of environmental/green corridors and the separation of towns and villages*’. The Areas of Outstanding Biodiversity Value and Serious and Irreversible Harm concepts within the biodiversity reform package are viewed as having strong relevance to the objectives of this Strategy.

The Department of Planning and Environment announced in March 2015 that a range of studies would be undertaken within the Greater Macarthur Investigation Area which encapsulated multiple proposals within the vicinity of Wilton and Appin within the Wollondilly LGA. The finalisation of Council’s Growth Management Strategy was deferred pending the completion of these Studies.

(iv) Council’s Open Space, Recreation and Community Facilities Strategy

This Strategy has a broad purpose of providing a strategic framework to ensure that open space, recreation and community facilities provided by the public sector reflect current needs. It includes an Objective in this regard “*Enhance the recreational, environmental and social values of open space, recreation and community facilities across the Shire by better matching facility provision and accessibility to the community’s needs in-line with best practice*”. Council is increasingly adopting a practice of requiring measures to improve the design and liveability of moderate to large proposals, including the addressing of urban heat island effects as part of Avoid/Minimisation and Mitigation Measures such as in relation to Wilton New Town. **This Strategy is therefore viewed as having relevance to designing the footprint of proposals with associated potential implications to credit requirements for this footprint.**

(v) Strategic documents associated with reforms to the NSW planning system

Council has had a close involvement with current proposed reforms to the planning system including the preparation of draft District Plans. The Draft South West District Plan has been identified as broadly aligning with the objects and strategies of its CSP. It is Council’s view that the District Plan should reflect its CSP and does not and should not compromise or override the CSP. In this regard, the concept of a Strategic Policy Statement as proposed by these reforms is not opposed in principle. However, the Project Team is requested to note that Council’s submission on these reforms in March 2017 stated its broad position on Growth, as outlined in its CSP, would be (or at least be the basis of) such a Statement.

(vi) Position regarding State Significant Developments (SSD)

Previous Council submissions have referred to the concerns and associated confidence of Council and its local community over the assessment process for SSD. These submissions have referred to Council's general adopted position that the level of required rigour in the assessment of biodiversity related impacts must be equal for developments lodged under Part 4 of the Planning Act and State Significant Developments. It is noted with concern that the Gazetted Act and draft Biodiversity Conservation Regulation contain a number of provisions where this does not occur.

Council welcomed both the Environmental Improvement Assessment Project and the draft Social Impact Assessment Guidelines initiated by the DP&E in late 2016 as a means of addressing identified shortcomings in the process. Council's lodged submissions, (which can be supplied upon request), provided a range of recommendations to enhance both documents based on its adopted position and expressed community concerns. As a broad position however, Staff would view the consistency of the Regulations with both these documents as acceptable.

Comments in subsequent sections of this submission are consistent with the strategic position of Council contained in the documents outlined above. **The Project Team is requested to consider and incorporate this strategic position into the finalised biodiversity reform package.**

PART B: COUNCIL POSITION

General Council position regarding the Reform Package

The adopted formal position of Council prior to the lodgement of this submission has not been possible due to the public exhibition timeframe and Council reporting deadlines. Within this context, the following provides an overview of the recommended position to be adopted by Council in terms of items supported and amendments to address identified inconsistencies with its concerns as well as those of the local community by Council Staff

(i) Items supported within the exhibited package

The following aspects of the biodiversity reform package are supported in terms of addressing the position and issues raised in previous Council submissions:

- The introduction of procedures to stream-line the assessment and identification of assessment and approval pathways for planning and development proposals at the commencement of the application process.
- The introduction of the concept of Serious/Irreversible Harm in terms of strengthening the Red Flag provisions in the previous Act which have been observed to have limited effectiveness in protecting areas of recognised significance.
- The setting of a criterion which separates development/activities with low environmental risk to those with potential environmental risk.
- The introduction of the Sensitive Biodiversity Values Land Map with its stated purpose of "identifying land of high biodiversity value".
- The basic intent of the approach of applying uniform provisions for the protection and regulation of biodiversity across rural and urban areas within NSW.

(ii) Preparation process of the biodiversity

The high level of complexity and volume of work in preparing documentation associated with the Reform package is recognised. The consultation carried out with the community, local government and other stakeholders in regard to the Terms of Reference, the draft Biodiversity Conservation Bill and the exhibited biodiversity reform package is also recognised. However, concern is expressed over the number of considered key components under various stages of completion, which have been identified to include, (amongst others):

- The Native Vegetation Regulatory Map
- Specific developments to be allowed on the Sensitive Land Regulatory Map
- The Grasslands and other Groundcover Assessment Method.
- The completed State Environmental Planning Policy (Vegetation) and its associated components stated in the Statement of Intended Effects for this document.

(iii) Overall focus of the overall reform package

An OEH Officer was noted to state at the Webinar session on 31st May 2017 that the broad intent of the proposed revised biodiversity legislation framework was to enhance the understanding at a State Government level on biodiversity values and the threats to these values in NSW. The necessity for the OEH to have such an understanding to carry out its statutory responsibilities is recognised.

However, the protection of the rural landscape and biodiversity is of high importance to Council and local community, as detailed in its strategic position outlined previously by this submission. The importance of integrating local biodiversity remnants and corridors with regionally and State significant biodiversity has also been raised in previous Council submissions including the Bio Net Project. This protection under the new framework is viewed as particularly important based on statements within the Statement of Intended Effects of the Biodiversity Conservation Regulation that the Offset Scheme will not apply to approximately 85 to 90% of received developments.

Council's broad position in relation to the Reform Package is summarised as follows

The submission welcomes the need and intent of the review of the current framework and also supports in principle the overall intent of the reform package. It also supports in principle the intent of aspects of individual components of the package including introduced concepts such as Serious and Irreversible Harm. The Reform package however has been identified as having the shortcomings and inconsistencies with the position and concern of Council and its local community outlined in this as well as previous submissions:

- There is an emphasis on threatened species, (in comparison to non-threatened species) as well as the protection and management of biodiversity at a bioregional and State level.
- There is not considered adequate protection of biodiversity at local scale and adequate incorporation of local planning instruments and local data.
- The regulation and largely self-assessment approach under the Land Management Component of the reform package is not considered sufficiently rigorous to ensure

adequate protection of native vegetation in rural zoned areas to prevent incremental and cumulative losses.

- The level of required rigour in the assessment of biodiversity related impacts is not equal for developments lodged under Part 4 of the EP&A Act and State Significant Developments.

The Project Team is requested to note that Council's submission on the Terms of Reference for the Review stated the provision of any support to the review process is dependent on comprehensive demonstration of full consistency of an updated policy and legislative framework with Council's endorsed position. **The Project Team is further requested to note the view of Staff in relation to this matter that Council adopt a position of requesting deferral of the commencement of the Act. This deferral is to allow for consultation with Council or other local governments over identified concerns of the protection and management of biodiversity at a localised scale in particular.** Details of any resolution will be forwarded to the NSW Government after Council's meeting on 17th July 2017.

PART C KEY BIODIVERSITY ISSUES IN THE WOLLONDILLY LGA

This section of the submission provides an overview of the current key biodiversity issues within the Wollondilly LGA. It also contains recommendations to address identified shortcomings in the addressing of these issues by the Biodiversity Reform Package based on the adopted position of Council and feedback received from the community.

1) Management of threats to specific biodiversity values of Wollondilly

A key biodiversity related feature of the Wollondilly LGA is the dominance of remnant vegetation of high conservation in rural areas. A further key biodiversity feature is the presence of heavily vegetated creeklines (in the form of incised gorges on occasions) in these areas. Council's submission on the ToR referred to the utilisation of these creeklines as offsets for vegetation removal by a number of large proposals. The distribution of native vegetation based on broad zonings contained in Council's Local Environmental Plan is presented on Map 1 (Attachment 2).

For many years, Rural Living has been identified as the vision for the Wollondilly LGA. A key outcome of community consultation carried out during the preparation of Council's CSP was to the need for Council to promote a viable agricultural industry, a rural community lifestyle and appropriate management of urban growth. The balancing of these land uses and (on occasions), competing lifestyles has resulted in pressures to biodiversity in terms of both permitted vegetation clearance under the current framework as well as unauthorised clearance.

The following provides an overview of the management of threats to biodiversity from development pressure and vegetation clearance within rural areas as well as in requested response by the Project Team.

(i) Managing threats associated with development pressure

The Wollondilly LGA has experienced significant growth since 2011 in the number of planning proposals submitted mainly for areas identified in the Wollondilly Growth Management Strategy which was published in early 2011. Council is predicting that the current population of the LGA of 48,000 people could reach 100,000 or in excess of this figure over the next 20 to 30 years. This growth has predominantly been in the form of the

rezoning of rural land to enable residential development in locations adjacent to existing urban areas. The location of gazetted and lodged planning proposals in comparison to threatened and non-threatened vegetation communities is presented in Map 2 (Attachment 3).

Wollondilly Council's Local Environmental Plan (LEP) Clause 7.2 of the standard instrument facilitates biobanking and other offsetting schemes. This provision is incorporated into Council's Development Control Plan which includes a requirement that *"If a development is not able to avoid, minimise or mitigate an adverse impact on land where this Clause applies, vegetation shall not be cleared or otherwise disturbed unless the impacts are offset through biobanking or a similar conservation arrangement"*. The enhancement of these controls to raise community awareness and improve the design of proposals to address open space and social issues is intended to be considered in future reviews of these documents.

An overview of the identified broad adequacy of the biodiversity reform package in observed key pressures of development on local biodiversity within the above context is as below.

- ***Accurate identification of native grasses impacted by development.*** *The measures within the package are viewed as not being consistent with currently accepted scientific definitions and not recognising the natural resilience of grassland in disturbed areas. The intended procedures to identify the conservation significance of native grasses are also understood to be incomplete.*
- ***Retention of biodiversity of high conservation value within larger planning and development proposals:*** *The proposed thresholds within the offsetting scheme are viewed as not encouraging the improvement of the liveability of large proposals through the provision of open space areas based on the location of native biodiversity.*
- ***The design and layout of proposals to avoid impacts and protect areas of high biodiversity value:*** *The inclusion of additional measures within the Regulation regarding this issue is welcome. However, the reform package is viewed as not containing sufficient statutory measures which would require proposals to retain areas of identified value and not immediately subject these areas to offsetting measures as currently occurs.*
- ***Consideration of cumulative and incremental impacts:*** *The offsetting scheme and risk approach to vegetation clearance is viewed as likely to result in incremental impacts on a localised scale by not detecting areas which have biodiversity value but don't satisfy the threshold criteria.*

The above overview raises concerns that the introduction of the reform package will hinder Council's efforts to maintain and enhance local biodiversity and retain the overall Rural Living vision for the Wollondilly LGA. **The Project Team is consequently requested to address these concerns based on related comments on components of the package outlined in Section D of this submission.**

(ii) Vegetation clearance in rural areas

Council's submission on the ToR's for the Biodiversity Legislation Review recognised the basic intent of the *Native Vegetation Act 2003* (NVA) in enabling vegetation clearance for the carrying out of rural activities. However, it also outlined a range of experienced shortcomings in this Act by Staff, which included constraints in protecting biodiversity as a consequence of exemptions largely associated with Routine Agricultural Maintenance

Activities (RAMA's), as well as difficulties in assessing applications where both the TSC and NVA apply.

Council has elected to incorporate vegetation clearance exemptions within the NVA into its DCP. An overview of Council's position regarding the broad adequacy of the addressing of observed key pressures on local biodiversity from vegetation clearance on rural zoned land by the Land Management Code and draft Local Land Services Regulation is provided below.

- ***Illegal clearance of native vegetation on rural zoned land.*** *There are concerns that the proposed risk based and adopted largely self-assessment approach of the Land Management Component will result in biodiversity losses on a localised scale due to identified shortcomings in the assessment process and adequate regulation.*
- ***The provision of incentives and enhancing awareness of landholders to comply with applicable legislation:*** *The documents currently under preparation and the intent to carry out awareness programs is acknowledged and welcomed. However, the largely risk-based approach of the Land Management Component is viewed as not providing sufficient incentives for the conservation of areas of high biodiversity value on rural zoned land.*
- ***Retention of native grasses on rural land:*** *The relevant provisions within the Land Management Code and LLS Amendment are not considered to refer to current best practice guidelines for the identification of native grasses or the concept of Derived Native Grasslands. They are also viewed as not recognising the inclusion of references to native grasses within the Scientific Determinations for SSTF and CPW.*
- ***Retention of areas of significant biodiversity on rural land:*** *The LLS Regulation and Land Management Code are viewed as not containing significant stringent measures to identify and protect areas of significance (threatened and non-threatened). While the Category 2 Sensitive Land is supported in principle, the statement that 'proposed activities' for such land is being proposed is viewed as not being sufficiently stringent to protect biodiversity .*

Council has previously provided broad acceptance to rural land use being managed by Local Land Services subject to demonstrated adequate resourcing. However, there are concerns the introduction of the reform package will result in incremental and cumulative loss of areas of native biodiversity and reduction of the rural setting, (both key themes of Council's CSP). **The Project Team is consequently requested to address these concerns based on related comments on components of the package outlined in Section D of this submission.**

2) Protection of koala populations and their habitat within the Wollondilly LGA

(i) Council position and activities

The protection of koala populations within the Wollondilly is of high priority to Council as well as being noted as very high to a broad section of the local community. A total of over 40 sightings have been recorded to Council's Koala Hotline since its establishment in October 2015.

Council participated in a Baseline Survey Pilot Study with the OEH that involved targeted surveys for koalas during April and May 2014. The Report produced in relation to this Study identified the strong need to consider koala habitat within a landscape context and concluded:

“A greater study effort into the koala population, their habitat use, (i.e. possible home ranges), as well as the flora (food shelter trees), of Wollondilly is warranted. A major priority is the identification/protection and enhancement of koala habitat and vegetated corridors that koalas utilise for movement across the landscape or for home ranges. In addition, this study detected other threatened fauna that would also benefit from increased koala protection strategies”.

Council has also recently been successful in receiving funding under the Save our Species Program for koala surveys and habitat assessment. Council will be seeking funding from any future rounds associated with this Program to carry out more comprehensive mapping as well the preparation of a Comprehensive Koala Plan of Management (CKPoM). The monitoring of the movement of 10 koalas by tracking collars is currently occurring as part of the initial stage of the Project. **The integration of the outcomes of this Project including any future CKPoM for the Wollondilly LGA with the biodiversity reform package is viewed as imperative by Council Staff.**

The significant pressure on biodiversity from development and clearance as part of agricultural activities is placing considerable pressure on koala populations and their habitat. **The Project Team is requested to note the view of Staff that land use planning within the Wollondilly LGA is operating without strategic direction in the absence of significant baseline data and mapping with resulting adverse implications for the protection of koalas and their associated habitat.**

(ii) Addressing of issues associated with koalas by the biodiversity reform package

The inclusion of specific measures regarding the protection of koala habitat under both the Biodiversity Offset Scheme and Land Management Component approval pathways is welcomed in principle in addressing the above concerns. However, the following provides identified areas of concern in regard to the approval pathways consistent with the above activities of Council.

(a) Consistency with the revised SEPP 44 and the NSW Koala Strategy

Council broadly supported the review of the *State Environmental Planning Policy 44- Koala Habitat Protection (SEPP 44)* as a means of addressing deficiencies experienced in the current document by Staff in the protection of koala habitat at a localised scale. It also supported the replacement of Plans of Management with Guidelines subject to the inclusion of a list of supplied requirements to ensure such Guidelines considered koala habitat in a localised context. There is however a noted absence of reference to the review process for SEPP 44 initiated by the DP&E as well as the incorporation of the revised document into the biodiversity reform package.

The preparation of the Koala Strategy has been welcomed in principle by Council as providing an overarching framework for the protection of koala populations and their habitat. The submission guide for the Land Management Code is noted to refer to this Strategy however reference could not be identified in any other publicly exhibited document.

It is requested that the Ecological Sustainable Development component in particular be amended to be consistent with or have sufficient flexibility to be consistent with the updated SEPP 44 and completed NSW Koala Strategy.

(b) Definition of koala habitat

Section 7.2 of the BC Regulation is noted to include as a definition “*land identified as koala habitat in a plan of management made under State Environmental Planning Policy No 44-Koala Habitat Protection (SEPP 44), being land that in the opinion of the Environment Agency Head is core koala habitat*”. The Land Management Code of Practice is also noted to refer to ‘core koala habitat’ in relation to Category 2 Regulation Land as well as the Category 2 Regulation Sensitive Land.

This recognition of the importance of protecting koala habitat and the intention to identify consistent and reliable standards for the identification of core koala habitat by both these components of the exhibited package is welcomed in principle. However, the restriction of the definition to ‘core habitat’ is strongly opposed as it excludes and does not recognise the importance of supporting or secondary habitat for the habitat and movement of this species. **The Project Team is requested to note the resolution of Council in relation to this matter to write to the NSW Minister requesting the completed revised SEPP be subject to a public exhibition and associated exhibition process.**

(c) Implications of offsetting approach to koala habitat

Council’s submission on the SIE for the revised SEPP 44 expressed concern over the effectiveness of the revised SEPP in protecting koala habitat being constrained following the formal introduction of the *Biodiversity Conservation Act*. This concern was based on considered inconsistencies between the proposed approach of the revised SEPP, (protecting a site based on its vegetation characteristics), with the offsetting approach of the BC Act.

The provision of criteria specifically related to koalas on the Sensitive Biodiversity Values Land Map partially addresses this concern. However, this criterion is viewed as only having the effect of requiring offsetting the losses of any koala habitat associated with a development which is located on this Map. There is also a considered absence of any provisions which would require such offsetting to be targeted at maintaining or enhancing such habitat in a localised context.

Requested response by the Project Team in regard to koala habitat

The above discussion has identified concerns over aspects of these pathways including considered inconsistencies over the approach of with findings of recent scientific research that koala habitat must be considered in a landscape context. **The following alternate approach is provided for the response of the Project Team:**

- The Sensitive Value Map has direct linkage to up to date koala habitat mapping undertaken by local government as well as applicable Comprehensive Koala Plans of Management.
- The finalised koala habitats be protected from development through updated provisions in regard to Serious and Irreversible Harm and/or Areas of Outstanding Value.
- The finalised guidelines in the revised SEPP 44 replacing specific Plans of Management be incorporated in the document package.

3) Protection of recognised high biodiversity significant areas of Wollondilly

The following discussion outlines Council’s activities to protect specific areas of recognised biodiversity value within the Wollondilly LGA on a local and broader scale. It also provides

recommended amendments to enhance the protection and management of these areas by the biodiversity reform package.

(i) Nepean- Bargo River Gorge

The Nepean- Bargo River Gorge located in the eastern portion of the Wollondilly LGA has been identified as a Priority Conservation Lands by the Cumberland Plain Recovery Plan. Council is currently attempting to implement a range of provisions to protect it from impacts associated with adjacent lodged planning proposals in partnership with the OEH.

The Gorge has been identified as being a significant koala habitat corridor by recent mapping carried out by Council Staff in association with the OEH. The mid-reaches of this Gorge has been listed on the National Trust Register due to its very high aesthetic and nature conservation significance. Council has made a series of resolutions supporting expressed views by the community that the Gorge and immediate environments be gazetted by the National Parks and Wildlife Service as a National Park.

A review of the Biodiversity Sensitive Land Map at the available resolutions indicates it does not apply to large sections of this Gorge. This exclusion is viewed as strong concern both in regard to its protection under the new framework as well as its potential adequacy in regard to other important habitat corridors within the Wollondilly LGA. **The adjustment of the criteria to enable the entire Gorge to be included on the map is viewed as imperative given its significant values and is strongly requested.**

(i) Thirlmere Lakes National Park

Thirlmere Lakes National Park is located at the eastern extremity of the Greater Blue Mountains World Heritage Area within the Wollondilly LGA. The Park includes terrestrial and biodiversity of significance including the Thirlmere Sand Swamp Woodland, which is only known to occur at the Park. The protection of the high environmental, cultural, aesthetic, landscape and recreational values of this Park is of high importance to Council and the local community it represents. Resolutions of Council in relation to issues associated with the Park are presented in Attachment 4.

Recent research has identified a potential linkage between significant reductions in the levels of the lakes and nearby underground mining operations. Council recently held a forum to discuss this issue as well as aspects of the overall Park which was attended by a wide variety of stakeholders. The Forum is viewed by Staff as successfully establishing Council has a convenor in advocating community views associated with the Park. It was also successful in identify measures to be detailed in an action plan to be implemented in cooperation with other stakeholders. **The inclusion of appropriate measures within the biodiversity reform package, which would provide a statutory framework for a stakeholder approach to address relevant biodiversity issues such as in regard to Thirlmere Lakes, is considered warranted.** A discussion Paper produced by Council in regard to the Forum can be provided upon request.

A key outcome arising from the Forum was the need for the adequate understanding of the hydrology to occur to enable an understanding of the causes of the reduction in levels of the lakes to be understood. The Project Team may be aware of a research program being coordinated by the Thirlmere Lakes Inter Agency Working Group which was announced by the OEH in November 2016. It is envisaged that research studies under this program will be of benefit in obtaining this understanding. Council resolved at its meeting on 19th December 2016 in relation to this matter to:

- *Expresses concern that Glencore has announced that the Tahmoor Colliery will close during 2017 and that this closure could hinder the research and possible resolution of the responsibilities of water losses in Thirlmere Lakes, which have been alleged to be caused by mining impacts*
- *Seeks clarification on the potential of bonds held over the mine being available for the rehabilitation of the Lakes if the losses can be attributed to previous mining activities.*

The reform package is noted to propose proponents meet some of their offset obligations “by committing to undertake ecological rehabilitation on their mine site over and above the existing legislative standard as a means of incentivising a high level of rehabilitation”. This option is not supported as the role of Government regulators is viewed as enforcing the full rehabilitation of site to acceptable environmental and community standards. It is also considered that the role of regulators is to enforce the rehabilitation of all direct and indirect impacts demonstrated as being attributable to mining operations but not adequately addressed by consent conditions.

It is requested that the provision be removed from the reform package based on considered inconsistencies with the above resolution of Council. The Project Team is also requested to note Council’s view that the rehabilitation of mine sites be managed through consent conditions and appropriate bonds for new applications that are demonstrated to contain sufficient funds to fully rehabilitate all direct and indirect impacts attributable to the particular mining operation

PART D: COMMENTS ON COMPONENTS OF THE REFORM PACKAGE

This section of the submission provides general comments on overall aspects of the reform package such as approach as well as individual components. This section outlines a range of issues identified as requiring clarification preferably before the formal commencement of the Act.

General comments on the Offset Scheme

(i) The Biodiversity Offsets Scheme

(a) Application to local developments assessed under Part 4 of the Planning Act

Previous Council submissions regarding the biodiversity reform package have recognised the benefits of offsetting and the need for a development threshold. However, they have also expressed the view that it can result in net biodiversity loss, particularly on a local scale. Council’s submission on the draft Biodiversity Conservation Bill supported the expressed view expressed by the Scientific Committee in its submission on the ToR that “*The effectiveness of trad-offs (e.g. offsets, biobanking), in promoting biodiversity conservation needs to be evaluated. These programs may actually accelerate the loss of areas of high conservation value contrary to their stated aims*”. **The Project Team is also requested to note that Council Staff have received a number of recent complaints from local residents over the environment and visual impacts of vegetation clearance which have been permitted by an issued Biobanking Statement. This has included the subject of a letter in the local Wollondilly Advertiser dated 20th June 2017.**

The Biodiversity Regulation is noted to provide three criteria where “*the proposed development exceeds the biodiversity offset scheme for the purposes of Part 7 of the BC Act*

will apply. The following provides comments in regard to each of these threshold items and recommended amendments based on the position of Council and the local community.

The clearing of native vegetation of an area declared by clause 7.2 as exceeding the threshold.

A major benefit of a property based threshold approach is recognised as providing greater certainty for proponents when lodging a proposal as well as for consent authorities in stream-lining the commencement of this process. The proposed threshold area above for which the offsetting scheme applies for minimum lot sizes 40ha to 1,000 ha and greater than 1,000 ha are not opposed.

The proposed threshold areas for minimum lot sizes less than 1 ha for development sites up to 40 ha however is viewed as not adequately representing the lot sizes and considering potential associated losses to biodiversity values within the Wollondilly LGA. Staff therefore have concerns over incremental losses from vegetation clearance as a consequence of these proposed thresholds (commonly known as ‘death by a thousand cuts’). **Staff would appreciate the discussion over identified examples on land covered by current land planning proposal containing biodiversity of significance where the offset scheme will not apply as a result of being beneath the threshold as well as not being located on the Sensitive Biodiversity Values Land Map.**

The threshold areas permitting clearance up to 0.25ha is viewed as manageable subject to the adequate addressing of the associated incremental vegetation losses. However, Appendix 2 of the Biobanking Assessment Methodology (BAM) is noted to provide two different area thresholds for the application of the Small Development Threshold on land not shaded on the Sensitive Biodiversity Value Map. Option A in this regard is viewed as having the effect of the offsetting scheme not applying to any vegetation clearance less than 5 ha (assuming the SBVL Map does not apply). Council records indicate that approximately 12 percent of rural land less than 5 ha would be affected by this proposed threshold. The distribution and location of lots greater than this area in comparison to mapped vegetation communities within the Wollondilly LGA is presented in Map 3 (Attachment 5). **The Project Team is requested to note the view of Staff that this proposed area based threshold option would likely result in significant biodiversity losses in a localised scale and would be strongly opposed.**

The suggestion in the Local Government NSW submission on the draft Bill, for a threshold combining area and presence and coverage of native species (which incorporates local mapping), is supported in principle. **Council Staff would be willing to engage in discussions with OEH and any interested representatives of other councils regarding this matter prior to the commencement of the Act. In the event of this suggested approach not being adopted, Staff have a preferred view that any development should be subject to the BAM given (it is assumed), they would have been subject to the Test of Significance.**

The clearing of native vegetation, or other action prescribed by Clause 6.1 on land included on the Sensitive Biodiversity Values Land Map.

The BC Regulation is noted to state that proposed development will “*exceed the biodiversity offset scheme if (in part), the development involves an action prescribed by Clause 6.1*”. The Regulation is noted to further state (in part) that these impacts are not “*additional biodiversity impacts for the purposes of calculating the number and class of additional biodiversity credits that are required to offset the residual impact on biodiversity values of a proposed development*”. This statement is strongly questioned from an ecological perspective as impacts on habitat connectivity is considered an integral component of

impacts from vegetation clearance associated with proposals. **An urgent response on ecological grounds over the on-consideration of these impacts by credit calculations under the offsetting scheme is requested.**

The Regulation would appear to be consistent with Section 7.4 of the Biodiversity Conservation Act 2016 which is noted to allow the Regulation to “*define when development has exceeded the threshold*”. However, it is considered that the approach taken by Section 6.1 of the Regulation in applying this definition may be to enable the threshold to address specific types of impacts, rather than impacts to biodiversity values. This consideration is viewed as being illustrated by the absence of any reference to the threshold within the criteria contained in Section 7.3 of the Act.

The following issues and concerns over this approach from a biodiversity and strategic perspective have been identified:

- Potential Inconsistencies with the current approach of the *Threatened Species Conservation Act* which require the assessment of impacts on biodiversity values.
- The restriction of the threshold to specific types of impacts and in localities where the Sensitive Biodiversity Values Map applies rather than considering the impacts of all impacts associated with a development on biodiversity values.
- Potential Inconsistencies of the approach with Council’s Local Environmental Plan and associated provisions within its DCP which requires the offsetting of losses of biodiversity, (at a local, bioregional and State scale).
- Potential inconsistencies with the definition of biodiversity values within the *Biodiversity Conservation Act 2016* which contains a number of references to habitat connectivity.
- The assessment of a likely high number of proposals not satisfying the threshold criteria as well as the Stream-lined process under the BAM but with potential impacts to biodiversity values being restricted to Section 79c of the Planning Act.:

It is contended that recommendations provided below in regard to threshold c within the Regulation will in part address the above concerns. However, it is the preferred view of Staff that the threshold criteria “the clearing of native vegetation of other action prescribed by Clause 6.1 (of the Regulation) on the Sensitive Biodiversity Values Land Map be amended to refer to the impact on biodiversity values from direct and indirect impacts associated with the clearing of native biodiversity. **An urgent response on ecological and legal grounds over the restriction of the offsetting scheme to specific impact types rather than to biodiversity values in general under the current framework is requested.**

The clearing of native vegetation or other action prescribed by Clause 6.1 on land not included on the Sensitive Biodiversity Values Land Map but which is authorised to be so included by Clause 7.3(a), (b) or (c).

The exhibition of the Sensitive Biodiversity Values Land Map and associated criteria prior to the formal introduction of the Regulation is welcomed. The description of the listed criteria as well as the resolution of the exhibited on-line map is however not of sufficient detail to enable its implications and adequacy in regard to Wollondilly LGA to be adequately understood. **It is therefore requested that it be provided in a digital format compatible with Council’s mapping prior to the formal commencement of the Act**

Council in association with a number of other councils and local government NSW have expressed the view that the Map should incorporate and be consistent with available local

mapping data such as Council's Biodiversity Layer. Criteria J in the Regulation in relation to this matter which states the "*Map could include land, that in the opinion of the council of the local government concerned, contains vegetation connectivity features or threatened species habitat and whose inclusion in the Map will, in the opinion of the Minister, conserve biodiversity at a bioregional or State Scale*" is welcomed in principle. The following comments are provided for the information and response by the Project Team in relation to this matter:

- The criteria be amended to include biodiversity at a local, bioregional and state scale rather than bioregional and state as proposed.
- The OEH include local mapping on the Sensitive Biodiversity Values Land Map which demonstrates sufficient scientific base. It is requested in this regard that such mapping not be subject to a detailed approval process based on a range of specific criteria.
- Clause 7.1 (c) of the Regulation be amended to all components of the map rather than 7.3 (a), (b) and (c) as proposed.

Council seeks urgent discussions with the OEH over procedures for the incorporation of its biodiversity mapping into the Sensitive Biodiversity Values Land Map prior to the commencement of the Act.

b) Application to Part 5 applications

Council routinely receives Reviews of Environmental Factors prepared by a range of authorities and agencies, which while classified as exempt, involve a range of potentially high associated impacts. Such proposals on a number of occasions have involved activities associated with mining and coal seam gas proposals. The inclusion of an option allowing for these proposals to pursue the Offsetting Scheme for such proposals is therefore supported. It is noted however that requirements for consideration of Serious and Irreversible Harm for SSD which do not involve requiring the consent authority to refuse the activity if the criteria are satisfied have been applied to all Part 5 applications. **It is requested that the Regulation be amended to apply the same criteria for SIH to applications lodged under both Part 4 and Part 5 of the Planning Act.**

c) Application to State Significant Development

The benefits of integrating State Significant Developments and Part 4 applications into the one offsetting document have been recognised by previous Council submissions. The increased requirements for Biodiversity Development Assessment Reports (BDAR's) for SSD in comparison to local developments is also noted. However, Table 1 highlights a number of aspects in regard to components of the reform package in regard to the assessment and approval of these types of applications.

Table 1: Application of the Offsetting Scheme to Part 4 and SSD Applications

Aspect of the Biodiversity Offset Scheme	Part 4 Applications	State Significant Development
Serious and Irreversible Harm	Councils must refuse a development identified as causing a Serious or Irreversible Harm.	The Minister is required to consider whether an activity is causing Serious and Irreversible Harm.
Retirement of credit options	Offset obligations can only occur through the retirement of credits, payment to the Trust Fund or a conservation project to the calculated monetary value of the credits.	An Obligation to rehabilitate the impacted site that has the same credit value as the retirement of like-for-like biodiversity credits.
Biodiversity Offsets and assessments	Must comply with the provisions of the Act and Regulation.	The Minister for Planning has discretion to make a decision over the refusal or determination of a State Significant Development.

The Project Team is requested to amend applicable sections of the offsetting scheme to reflect Council's basic position that Part 4 and State Significant Developments must be assessed with the same rigour during the finalisation of the biodiversity reform package.

(ii) The defined outcome of the offsetting scheme

Council's previous submissions on both the ToR's and the draft Biodiversity Conservation Bill expressed in-principle support for the basic Improve or Maintain biodiversity outcome within the current Biobanking Assessment Methodology. The principles of this outcome have been observed to be beneficial to Council in achieving positive biodiversity outcomes on a localised scale in response to vegetation clearance associated with development proposals. This has included the use of the BBAM in providing a transparent and scientific basis for the offsetting of vegetation clearance as part of site specific offsetting strategies for development proposals.

The BAM is noted to include a new Section from the previously exhibited version dated August 2016 titled The No Net Loss Standard. This Section is noted to state the (Methodology) "*establishes the circumstances where offsetting the impacts of development, clearing or biodiversity certification will result in no net loss of biodiversity*". The inclusion of an outcome and a range of measures within the BAM defining how this outcome will be achieved are welcomed. However, there are strong concerns from an ecological and strategic as well as potentially scientific context over this outcome based on the following grounds:

- There is considered difficulty in achieving an on-going demonstration over the on-going achievement of no net loss of biodiversity across NSW.

- The outcome is restricted to the State and Bioregional scale and does not consider biodiversity losses and gains on a localised scale including impacts to local habitat corridors.
- The complex mathematical equations and the retiring of credits across NSW rather than a localised scale is viewed as not being transparent or understandable to the general public.
- The Regulation and BAM is noted to have adopted the averted loss concept in providing a calculate value of biodiversity losses as a result of a biobanking stewardship site not being established. This approach is not considered to recognise on-ground works outside of biobanking stewardship agreements which are either voluntary for funded by alternate means such as local government as well as OEH grant funding.

The retention of the Improve or Maintain Outcome by the biodiversity reform package is the preferred approach by Staff to achieve positive biodiversity outcomes on a localised scale. In the event of this not being adopted, the offsetting outcomes are requested to be extended to a localised scale as discussed above. Council has previously supported a suggestion made at an information session on the draft Bill that credit discounting be considered as an incentive for retiring credits as close as practical to the development site.

1) Draft Biodiversity Regulation

The following provides comments on identified key aspects of the Biodiversity Conservation Regulation (BC Regulation) consistent with comments in previous sections of this submission regarding the position of Council and the local community. The comments are based on the broad components of the Regulation.

Native plants and animals

Council's submission on the draft BC Bill provided in-principle support to a number of aspects of this component of the Reform Package in enhancing the protection of threatened flora and fauna species. The submission however expressed concern over the proposed risk process allowed for certain regulated and unregulated activities as well as considered inadequate protection of significant species not listed as threatened. The following provides comments on key relevant aspects of this section of the Regulation and requested response by the Project Team.

(i) Regulating harm to plants and animals

The intended process for the regulating harm to plants and animals is recognised as addressing in part issues raised in previous Council submissions. However, the following outlines considered shortcomings experienced in the current process by Council and feedback received from the community in terms of the protection of plants and animals within the Wollondilly LGA.

a) Protection of plants

As a general comment, this Section of the Regulation has a heavy focus on wildlife interaction. It is requested to be noted in this regard that the Wollondilly LGA contains significant numbers of threatened species on private rural or semi-rural land. There are also a significant number of threatened species on public land (owned by Council and the

Department of Lands). The Project Team is requested to note Council's expectation the Regulation would provide sufficient protection mechanisms for such plants.

The Clauses in the Regulation are broadly supported however the following provides comments in regard to two Clauses where clarification is requested:

- **Clause 2.9:** *This Clause is noted to state that defence from prosecution will occur if the activity was authorised and done in accordance with a Code of Practice (yet to be prepared). Council strongly requests that this Code be distributed for comment to allow for an adequacy assessment of this Clause.*
- **Clause 2.13:** *This Clause is agreed with in principle in terms of ensuring removed plants, (and animals), receives approval under the National Parks and Wildlife Service Act. However, urgent clarification is sought over whether current provisions of this Act listing all native plants (and animals), will remain upon commencement of the new framework.*

b) Wildlife Interaction

The relevant Fact Sheet is noted to state that the BC Act “establishes a new risk based approach to managing wildlife interactions through a tiered framework involving a permit system for high risk activities and a Code of Practice for low risk activities”. It is further noted to state “this new risk based framework will focus government resources on compliance and enforcement for higher risk activities, and provide a greater focus on education “.

These statements are viewed as having relevance to the current Section 91 permit when there is clearance as part of an activity within the habitat of threatened species. It is therefore viewed as also having relevance to provisions associated with the offsetting scheme within the Ecological Sustainable Development, the Land Management Component and Vegetation SEPP. **The following comments in relation to this matter are consequently provided for response by the Project Team:**

- There needs to be specific criteria for determining a high risk activity requiring a permit including thresholds where an offence occurs that is consistent with other broad components of the Package.
- Codes of Practice for the low risk activities must be prepared and distributed for comment prior to the commencement of the Regulation.
- The current process in responding to breaches involving OEH responding to larger breaches in consultation with local government is viewed as efficient but severely constrained by resources in both sectors. Increased funding at both the State and local government level to respond to such breaches is therefore required.

(ii) Role of Recovery Plans and Priority Action Statements

Division 2.4 of the Regulation is noted to state in relation to this matter that the “Environmental Agency Head may make or adopt a management plan in relation to the conservation of a protected animal or plant a threatened species or animal or plant which forms part of a threatened ecological community”. This statement raises uncertainty over the future Recovery Plans and Priority Action Statement (PAS's) as well as their interrelationship under the new framework. There are concerns based on the listed considerations for the Minister in this regard, that the Management Plans will have a reduced focus on biodiversity conservation in comparison to the Recovery Plans and PAS's.

It is consequently the preferred view of Council Staff that at a minimum, Priority Action Statements and key Recovery Plans such as the Cumberland Plain Recovery Plan be retained in the Conservation Package. The prompt response to this viewpoint by the Project Team would be appreciated.

(iii) Areas of Outstanding Biodiversity Value

Council's submission expressed concern that Areas of Outstanding Biodiversity Value (AOBV) may not apply to areas of local or regional significance and therefore may not have synergy with Environmental Protection zonings as well as Biodiversity Layers forming part of local planning instruments (such as those held by Wollondilly). The statement in the submission from LG NSW on the draft BC Bill that "*Councils seek mechanisms for inclusion of local knowledge in the process of determining the ACBV's and the opportunity to identify areas for investment*" is therefore agreed with in principle.

The listed criteria in Part 3 of the Regulation are considered in part to address the previously expressed concerns of Council. However, the view that locally important biodiversity of significance will be excluded from being classified as AOBV based on the criteria as proposed remains valid. **It is consequently requested the proposed criteria for these Values be amended as follows.**

- Criteria a) be amended to include areas of local significance and not be restricted to State and Bio Regional as proposed.
- Amend the criteria to allow AOBV's to be classified if either of the two criteria apply rather than both as proposed.

Ecological sustainable development

The following section of this submission provides general comments on the biodiversity offset scheme, its application and general provisions of the Regulation and the BAM and requested response by the Project Team.

1) General comments

(i) Triggering of the BC and the LLS Amended Act by the Environmental Planning and Assessment Act 1979.

The *Draft Environmental Planning and Assessment Amendment* and related aspects of the Regulation have been reviewed by Senior Officers who have overall responsibility for the assessment and review of development and assessment proposals. The following comments have been received based on this review:

- *All of the typical assessment triggers have been removed from the Planning Act such as Part 5a and the Threatened Species sections from 79C and 96. The new triggers for assessment in the Biodiversity Conservation Act/Regulations need to be suitably robust and non-discretionary similar to Section 79BA of the Act in relation to Bushfire Planning.*
- *Schedule 1, Part 1, (1)(1)(f) from the Environmental Planning and Assessment Regulations must be retained and modified to require the BAR rather than a species impact statement as it allows Council's to reject applications if they do not include a flora and fauna assessment (in the case of land that is, or is part of, critical habitat or development that is likely to significantly affect threatened species, populations or ecological communities, or their habitats).*

A prompt response to the above comments to facilitate the preparation of Council to implement the Biodiversity Regulation Package upon its commencement is requested.

(ii) Application of the test of Significance

The relevant Submission Guide is noted to state “that proponents will be required to carry out a test of significance for all development proposals that do not exceed the Biodiversity Offsets Scheme Threshold to determine whether impacts other than those associated with clearing of native vegetation will have a significant impact on biodiversity, (in particular, threatened species)”. Staff have strong concerns that the Test of Significance will not require assessment on habitat connectivity based on the exclusion of these impacts from threshold criteria in the offsetting scheme for prescribed comments. **The inclusion of requirements for the application of the criteria in the updated Guidelines is strongly requested.**

Council has expressed dissatisfaction in the application of Assessments of Significance under the current OEH Guidelines by proponents. The proposed threshold criteria in relation to vegetation clearance and the Sensitive Biodiversity Values Map are viewed as likely to not detect a potentially high number of proposals, which would trigger an Assessment of Significance based on the current guidelines. The updating of these Guidelines to enhance the quality of Tests of Significance is therefore viewed as imperative to ensure the adequacy of the assessment of impacts of these proposals and their review by consent authorities. **It is therefore strongly requested that the Guidelines be updated in consultation with local government to provide succinct application requirements for each item that will allow for an objective determination of whether an impact of a proposal will be significant**

(iii) Developments with Serious or Irreversible Harm

Council’s submission on the draft Biodiversity Conservation Bill supported this concept as an alternative to Red Flag Areas within the current framework. It requested consultation with the Project Team in the identification of areas within the Wollondilly LGA where the criteria for Serious and Irreversible Harm would be triggered. **Urgent consultation over this matter is therefore requested prior to the formal commencement of the Act.**

The preparation and public exhibition of the **Draft Guidance and Criteria to assist a decision maker to determine a serious and irreversible impact** is appreciated and welcomed. However, the Criteria are considered by both Council Planning and Environment Officers to be not sufficiently prescriptive to allow for an accurate determination, which can be conveyed, to proponents. The need for such precise criteria is considered highly important given that the SIH process is viewed as the only mechanism to refuse or require amendment to certain developments with biodiversity impacts under the proposed assessment and approval pathway. It could be argued based on the exhibited criteria in this regard that any clearing of an Endangered Ecological Community will cause a Serious and Irreversible Harm and therefore require refusal by Council.

A determination over whether a proposed development will involve SIA be likely be made by Council Staff with a lower (and occasions significant), level of expertise in biobanking than OEH personnel. **It is therefore requested that specific Plain English guidelines be prepared that would allow for an accurate identification and determination by consent**

authorities as well as proponents prior to the commencement of the Act. An educational and training package is also requested to be delivered for landholders and the community.

3) Planning issues associated with the offset scheme

The following provides comments and recommended response in regard to identified potential issues arising as part of the review of application by Council's planning Staff.

(i) *Review and determination of applications*

(a) Responsibility for identifying the application of the offsetting scheme

The Submission Guide is noted to list as Step 1 "*the proponent determines if the Biodiversity Offsets Scheme" applies to their development*". This statement is assumed to relate to the utilising of on-line tools associated with thresholds by proponents. **However, it is requested that proponents be required to consult with councils as part of this process to avoid adverse implications to the intended purpose of the scheme in stream-lining the commencement of the application process for planning and development proposals.**

(b) Process for Discounting of credits required

Council's submission on the draft Biodiversity Conservation Bill raised potential inconsistencies of provisions allowing for the discounting of credits with the scientific basis of the offsetting process. The submission requested the details of proposed measures to regulate such requests as a consequence of the high cost of purchasing credits being a common complaint by proponents. **The approach adopted by the Regulation in requiring any credit discounting requests to be approved by the OEH is not opposed subject to the provision of specific guidelines for consent authorities in reviewing any requests**

(ii) *Assessment process where the offsetting threshold is not activated*

The Regulatory Impact Statement for the BC Regulation is noted to predict that the proposed offsetting scheme will not apply to approximately 90% of all development proposals received by councils in NSW. The equivalent figure for the Wollondilly LGA is uncertain but considered slightly above this figure given the prevalence of lodged development and planning proposals on rural land containing native vegetation. The stated intent of the proposed framework for local developments to be assessed under Section 79c of the Planning Act is supported in principle. The focus of the Regulation and BAM on protecting biodiversity at a State and Bio Regional Scale is viewed however as placing a large reliance on local government to achieve positive biodiversity outcomes based on these figures.

Urgent clarification is therefore sought from the Project Team over the continuation of the following provisions currently utilised by Council to achieve such outcomes on a localised scale

- Whether Covenants under Section 88B of the *Conveyance Act 1919* will have effect under the new Biodiversity Conservation Act framework.

- The procedures for applying Assessments of Significance for local developments where their application is viewed as warranted based on the current or future OEH Guidelines.
- The continued application of current measures in local planning instruments and development control plans to local developments (for example in regard to development proposals covered by Council's Natural Resource Biodiversity Layer but not shaded on the Sensitive Biodiversity Values Land Map).
- Whether biodiversity losses associated with a proposal can be Offsetting biodiversity losses on a development site by measures such as an offsetting strategy. In this regard, Council has previously supported the *OEH's Principles for the Use of Biodiversity Offsets in NSW* and requests its retention.

4) Specific Regulation provisions

Council's submission on the draft BC Bill contained a response to inserted Consultation Notes within the draft BAM, which are considered to remain valid to the updated document (presented in Attachment 6). **The Project Team is requested to view these responses as part of Council's position on the updated BAM during its finalisation of the document.**

Council's submission also contained recommended amendments to address identified inconsistencies of specific provisions of the draft BAM with Council's position which are viewed as being valid in regard to Stages 1 and 3 of the BAM. **The Project Team is therefore requested to view these comments, (also presented in Attachment 6), as Council's position on the updated BAM during its finalisation of the document.**

Stage 2 of the BAM is noted to have been significantly amended including a new Section 11 titled 'Application of the No Net Loss Standard. Recommendations in regard to sub-sections of this Stage pertinent to the position of Council and the expressed concerns of the local community are provided below::

- **Section 8.1 Guidelines for avoiding and minimising impacts on vegetation and habitat during project planning:** *The BAM be amended to include strong statutory measures which require mandatory avoidance of areas of high biodiversity significance.*
- **Section 9.1 Assessing direct impacts on biodiversity values:** *The BAM be amended to require assessment of impacts on biodiversity values consistent with definitions of this term in the Biodiversity Conservation Act 2016.*
- **Section 9.2 Assessing indirect impacts on biodiversity values:** The strengthening of provisions is welcomed. However, the inclusion of requirements for Construction Environmental Management Plans within applications is considered beneficial to facilitate the incorporation of standard council consent conditions into the Determination.

- **Section 9.4 Adaptive management for uncertain impacts:** The recognition of certain impacts being difficult to measure is welcomed. However, the BAM is requested to be amended from an offsetting approach to a strategic approach. .
- **Section 11.1 Application of the No Net Loss Standard:** *The No Net loss Standard is requested to be amended to be based on the Improve and Maintain biodiversity Standard to achieve consistency with the strategic position of Council.*

The Project Team is requested to provide a response to each of the recommendations above and comments in Table 3 prior to the finalisation of the Methodology. Officers would be available to hold discussions in relation to this matter if this would be of benefit and is feasible.

(iii) The Biodiversity Offsets Scheme Part 6

(a) Retirement of credit options

Clause 6.2(1) of the Regulation is noted to apply “*to the determination under the biodiversity offsets scheme of the biodiversity conservation measures to offset or compensate the impacts on biodiversity values after the steps taken to avoid or minimise impacts*”. This application is viewed as having a level of contradiction with the other sections of the Regulation which do not require credit calculations for impacts not directly related to vegetation clearance such as habitat connectivity. **It is requested that this apparent contradiction be addressed prior to the commencement of the Act.**

Clause 6.2 of the Regulation is viewed as largely having retained associated provisions from the BAM and draft Biodiversity Conservation Bill. Table 2 however provides previous comments on these documents as well as updated comments on the credit retirement provisions within both the BAM and Regulation.

Table 2: Updated comments on proposed credit retirement options

Proposed credit retirement option	Comment on the draft BAM (dated August 2016)	Updated comment on BC Regulation and BAM
The retirement of the required number of credits of like-for-like or variation rules	The Offsetting be based on local planning instruments as well as local relevant Biodiversity Strategies. The Project Team investigate discounting credits for offsetting in the same LGA as an incentive	Comment remains valid The current offsetting measures are viewed as resulting in a potential net loss of biodiversity on a localised scale. The variation rules for certain communities are not considered sufficiently stringent to avoid such a net loss.
The funding of a biodiversity action that is equivalent to the cost of acquiring the required like for like biodiversity credits.	This concept is supported in principle on the condition that actions can be allocated on a local as well as bioregional and state scale.	Further clarification required The listed suggested projects for funding within the ESD submission Guide are viewed as applying to SoS Programs and/or Bio Net Area. Staff would expect funding also apply to identified high priority localised projects.

Proposed credit retirement option	Comment on the draft BAM (dated August 2016)	Updated comment on BC Regulation and BAM
An obligation to rehabilitate the impacted site of a mining operation determined in accordance with the Biodiversity Assessment Method	The rehabilitation of previously mined land should be the subject of a detailed Rehabilitation Plan required by a condition of consent or requirement that is publicly available and not be the subject of any offset calculations	Comment remains valid. Council's view is that the rehabilitation of mine sites be managed through consent conditions and appropriate bonds for new applications that are demonstrated to contain sufficient funds to fully rehabilitate all direct and indirect impacts attributable to the particular mining operation
The payment of an amount into the Biodiversity Conservation Fund determined in accordance with the offsets payment calculator to satisfy requirements.	The BAM include provisions that require the distribution of funds paid into the Biodiversity Conservation Fund by proponents within a nominated timeframe. The discharge notification provided to Council provides precise details on the retirement of the credits or where funds have been expended.	Comment remains valid. The recent escalation in land values within Wollondilly LGA is viewed as encouraging the adoption of this option. Staff have a strong view that details of credit retirement which demonstrate a Maintain or Improve Biodiversity Outcome prior to consent must be provided.

The Project Team is requested to amend the BAM and Regulation based on the comments on the updated document in Table and provide Council with the details of these amendments prior to the formal commencement of the BC Act.

(b) Variation rules under the offset scheme

The updated version of the BAM is noted to contain a revised Section 11 which in effect states that the 'like-for like' provisions will be defined by Sections 6.3 and 6.4 of the Regulation. The Project Team is requested to provide a response to the following concerns over these variations given the definition of this important matter by the Regulation:

- Amending of current provisions to in effect allow 'down trading' within ecological communities for example (SSTF/CPW).
- There is an absence of requirements for offsetting to occur on a localised context as well as refer to local planning instruments and associated mapping.
- The ecological viability of applying offsets for a development containing hollow trees is questioned given the associated impact of removal of hollows on the habitat connectivity and the movement of fauna.
- The variation rules for plants are considered generic and not sufficiently stringent in allowing biodiversity credits to be retired in relation to any other species (provided a plant is traded for a plant and an animal is traded for an animal).

Section 6.5 of the Regulation is noted to state in relation to this matter *"the Environmental Agency is to publish ancillary rules for the purposes of the interpretation and application of the offset rules and variation rules"*. **The publication of such rules is supported however consultation with local government is strongly requested to occur during their preparation**

(c) *Creation of Biodiversity Stewardship Sites and maintenance of the Payments Fund*

Council is currently in the process of assessing a number of applications that propose transferring ownership of biobanking site established as part of the development to Council. The transfer of land ownership under the Planning Act is only permitted to occur through the preparation of a Voluntary Planning Agreement. Difficulty has been encountered with the current Act in terms of achieving a statutory framework that would link the VPA and Biobanking Agreement (Stewardship Agreements). **It is therefore considered appropriate that the Regulation be amended to contain specific procedures for consent authorities as well as proponents in such circumstances. The provision of a Plain English version of procedures which could be provided to proponents would be appreciated.**

The provisions within the Regulation regarding the establishment of Biodiversity Stewardship Sites and management of Total Trust Fund Deposits are largely agreed with. **Clarification over the following based on response to previous issues raised as well as recent experiences of Council is however requested:**

- The specific recreation and other activities permitted within Biobanking Stewardship Sites and the process to be adopted in relation to such activities during the preparation of BDAR's .
- The interrelationship between Stewardship Agreements and the implementation of new Plans of Management applying to Community Land.
- The viewpoint of the Project Team and the addressing of issues experienced by Council when the Total Fund Deposit does not become full for a considerable period of time.

(iv) *Biodiversity assessment and approval under the Planning Act Part 7*

(a) Biodiversity Assessment Reports

The Biobanking Assessment Methodology is noted with strong concern to indicate that local development will be largely or exclusively assessed under the stream-lined version of BDAR'sn based on the Paddock Tree concept within the *Native Vegetation Act 2003*. Council does not support this concept is strongly viewed as not recognising the significance of understorey vegetation including the identification of native grasses based on current legally accepted definitions. **The amendment of reference to trees to native vegetation is therefore requested in the strongest possible terms.**

The need for a tiered approach is however recognised as being appropriate in certain circumstances to avoid subjecting small size proposals from general members of the public to detailed biobanking assessment reports and associated expense. **The following alternate suggested approach based on comments previously provided in this submission: is provided for response by the Project Team:**

- The tier 1 as proposed be modified to refer to native vegetation, (in addition to trees). This would apply to any development which satisfies threshold criteria and is not shaded on the Biodiversity Sensitive Values Land Map, (as amended to incorporate local mapping).
- The tier 2 assessment apply to any development located on the revised Biodiversity Sensitive Land Map or which warrant inclusion based on the criteria in the

Regulation and/or have a potential significant impact to biodiversity values as defined by the Regulation

- Remaining developments, which involve an impact on land with native biodiversity values, is required to utilise the BAM to assist in the development of measures such as a site-specific offsetting strategy in consultation with OEH and/or the relevant local government.

(a) Definition of lot sizes associated with the area and area threshold

Council Environmental and Planning Staff have identified the regulation provisions in relation to this matter as being largely adequate for their purpose. However, the following comments are provided based on the experiences of these Staff with the current framework:

- The inclusion of reference to 'native vegetation' in identifying area of vegetation removal by this Clause of the Regulation is supported. However, this approach is viewed as being contrary to the Paddock Tree approach of the Stream-line BDAR which will apply in the event of the threshold criteria being satisfied.
- There are a number of areas within the Wollondilly LGA where the actual lot sizes are significantly beneath the minimum prescribed lot sizes for EP 3 by Council's LEP. There is consequently concern over instances when all native vegetation on these lots is beneath the current proposed threshold by the regulation with resulting significant biodiversity losses on such property.
- The requirements for the assessment of cumulative impacts for sub-division proposals are supported. It is suggested however these requirements also refer to planning proposals to provide clarification to consent authorities and proponents at the commencement of the application process for such proposals.

The comments above is considered to support requests by the preceding section of this submission that the reference to "Paddock Tree" within the BAM be amended to 'native vegetation'. **This amendment of the BAM and response to the above comments by the Project Team is strongly requested.**

(v) *Biocertification provisions*

Council's submission on the draft BC Bill provided broad support to the biodiversity provisions subject to amendments to consider localised impacts of these provisions. The following provides comments on the addressing of two major issues raised in Council's submission on the draft Bill and requested action by the Project Team in regard to the updated biodiversity reform package.

(a) Implications to current proposals and local planning instruments

Council's submission on the draft Bill sought clarification over the implications of conferral to permitted and prohibited uses in local planning instruments and in particular E2 Zoning. The statement in the Submission Guide that proponents will be required to "*provide councils the opportunity to provide input to a proposal and ensure that the proposal aligns with local, district and regional planning goals*" is acknowledged and welcomed. **The amendment of the Regulation however to provide a statutory requirement for this consultation to occur at the commencement and during the application process is however requested.**

Council's submission on the draft Bill also sought clarification over any requirements for biocertification to be conferred prior to the rezoning of a proposal as well as implications in terms of process (including credit calculations) if this does not occur. Council Staff have shared the view of OEH staff that biocertification proposals should be exhibited either prior or concurrently with rezoning proposals. However, deficiencies in the current framework have been encountered in implementing this position in regard to a number of large proposals within the Wollondilly LGA. **It is therefore requested that specific guidelines or amendments to the Regulation occur to provide a precise position for both consent authorities and proponents in relation to this matter.**

(b) Strategic biocertification

The draft Regulation is noted to include criteria for the NSW Minister for the Environment to consider in determining whether a biocertification certification proposal is 'strategic'. Recent use of these criteria as part of determining whether to lodge a current biocertification proposal under the current or new framework, (within Wilton Town), identified shortcomings in being suitably prescriptive for Council's purposes. **The provision of more descriptive guidelines or amendment to the Regulation to enable Council to hold discussions over this matter as part of the intended consultation with proponents is therefore requested prior to its introduction.**

2) State Environmental Planning Policy (Vegetation)

The exhibition of a Statement of Intended Effects (SIE) for the State Environmental Planning Policy Vegetation (Vegetation SEPP) is recognised as being technically consistent with the legislative framework. However, there are concerns over the inference within this document that the SEPP will not be publicly exhibited. Council is strongly of the view that the completed SEPP must be publicly exhibited and be subject to a comprehensive consultation process. **It is therefore strongly requested that this process occur prior to any form of commencement of the SEPP.**

The SIE is noted to list a range of proposed objectives for the SEPP which are broadly supported in principle subject to a detailed review of the fully completed version. The following provides interim comments in regard to the future application of the SEPP to land zoned environmental protection and residential based on the experience of Council Staff.

(i) Land zoned residential

The Frequently Asked Questions for the Vegetation SEPP is noted to contain a number of statements to the effect that the regulation of tree removal in residential areas beneath the threshold will occur through DCP's or a permit system to be developed. **This issue is supported in principle subject to a review of the completed SEPP as a means of achieving uniformity across LGA's containing residential zoned land.**

The inclusion of measures to apply to land zoned R5 is welcomed given that properties with this zoning in the Wollondilly LGA are commonly up to 4,000 square metres as well as commonly containing areas of native vegetation. However, there are strong concerns over the potential for incremental and cumulative clearance of native vegetation on land currently with this zone as well as future land zoned R5 associated with lodged planning proposals. OEH personnel were noted to state in the Webinar that this matter would be monitored largely by the review of imagery in response to a question. **The Project Team is requested to note that such monitoring is not considered sufficiently stringent in an ecological, strategic and statutory context. The Vegetation SEPP is therefore requested to contain**

appropriate measures to address impacts associated with the incremental clearing of native vegetation.

The proposed offsetting approach will not satisfy the area threshold process for land zoned R2 to R4 in the Wollondilly LGA due to the minimum lot sizes for such zones being less than 1,000 square metres. The application of the SEPP will therefore almost exclusively relate to tree removal requests under current Tree Preservation Orders. The SIE is noted to state in this regard that “existing DCP’s that prescribe vegetation for the purposes of Clause 5.9 will continue to have effect until new DCP’S are developed for the purpose of the SEPP”. **The Project Team is requested to note the strong view of Staff that the current practice of containing exemptions and requirements in DCP’S should continue and the application of the threshold not apply to land zoned R2 to R4.**

The Submission Guide is noted to include a list of exemptions which will apply to the proposed permit system that are largely consistent with those currently in Council’s DCP. A copy of the exemption list in Council’s DCP is presented in Attachment 7 as a guide to the current position of Council in relation to exemptions for the Permit. A noted inconsistency is the absence of reference to the NSW Rural Fire Service’s 10/50 Vegetation Clearing Code of Practice. **The clarification of the relationship between this Code and the Vegetation SEPP is requested.**

(ii) Land zoned environmental protection

Council has adopted an Environmental Protection Zoning Protocol which outlines its position in applying Environmental Protection Zone Policies (E2 to E4) based on a range of data sources. The intent of the Vegetation SEPP in applying the threshold process to ensure all vegetation clearance on E zones can trigger the offsetting provisions regardless of whether consent is required has inconsistencies with this Protocol and is supported in principle.

The SIE is noted to state that any activity satisfying the threshold criteria will require a BAM that is approved under the Land Management Component. The preferred approach by Staff is that the SEPP contain measures which are consistent with the Biodiversity Conservation Act and Regulation as an alternative to the Offsetting threshold to E zones given its predominant focus on development consent related issues. This approach would allow for the assessment to be based on the Sensitive Biodiversity Values Map, (as amended in accordance with requests in this submission), to considering offsetting. **It is requested that the viewpoint of the Project Team to this suggestion be provided to Council prior to the commencement of the BC Act.**

(iii) Response to sought feedback

The Project Team is noted to be seeking feedback on aspects of the Vegetation SEPP prior to its finalisation. The following provides interim comments regarding the feedback requested and requested response with a right to provide further comments on the exhibited SEPP requested

Do you think that all clearing of native vegetation on land in urban areas land in environmental zones should require development consent if it exceeds the BAM thresholds?

Staff are of the view that all clearance of native vegetation above certain defined limits should require development consent. The threshold should be based on the Biodiversity Regulation assessment pathway rather than the Land Management Component in accordance with comments above.

In relation to this matter, the Frequently Asked Questions document is noted to state that the SEPP applies to clearing *if native vegetation that exceeds the biodiversity offset scheme if development consent is not required for the clearing under a relevant environmental planning instrument*". **It is strongly requested that the offset scheme apply if consent is not required by the respective approving authority to allow for such assessment to be based on specific requirements within council's Development Control Plans.** This approach is consistent with the above view of Staff that all clearance of native vegetation above certain defined limits should require development consent

What involvement do you think councils should have in assessing clearing applications above the BOS threshold? For example, they could be notified of clearing applications, asked to review or comment on applications, or the role of the Native Vegetation Panel could be delegated to Councils.

The role of the LLS as the regulatory authority for development and/or vegetation clearance on rural zoned land would be satisfactory to Council subject to demonstrated significant increases in its current staff and financial resources.

What guidance to councils require about the ways the Vegetation SEPP might change DCP's?

Council would appreciate guidance as to the application of each of these criteria following the commencement of the SEPP as well as transition arrangements. Council would also request that it be provided with a completed SEPP with all components referred to in the SIE.

3) Draft Local Land Services Amendment Regulation and Land Management Code

Council's submission on both the Terms of Reference for the Review and the draft Biodiversity Conservation Bill recognised the intent of the *Native Vegetation Act 2003* in clarifying vegetation clearance requirements and entitlements for rural landholders. However, these submissions both expressed shortcomings of this Act in considering and protecting native biodiversity. The following provides a response to proposed aspects of the Land Management Component based on the experience of Staff in regard to the current framework associated with the *Native Vegetation Act 2003* and recommended response by the Project Team.

(i) Approval and regulatory responsibilities

The exhibited biodiversity reform package is noted to contain a range of consultation questions seeking feedback over whether councils or Local Land Services should be the consent and regulatory authority for development and/or vegetation clearance on rural zoned land. The role of the LLS as the regulatory authority for development and/or vegetation clearance on rural zoned land would be satisfactory to Council subject to demonstrated significant increases in its current staff and financial resources.

The Project Team is requested to note in relation to this matter that Staff routinely receive phone calls from community members in relation to rural land management issues as a result of inadequate service or response provided by LLS. Difficulties have also been encountered in discussing and resolving issues with the LLS as a result of perceived deficiencies in resources.

(i) The adopted approach for the component

The intended consultation prior to the intended commencement of the Land Management component of the biodiversity reform package in early 2018 is welcomed. The Project Team is requested to note in this regard that detailed comments on the component have been withheld pending a review of a range of items mentioned in the Land Management Code as being currently in preparation including the Regulatory Land Map. **Specific consultation with Council Compliance, Strategic, Development Assessment and Environmental Staff is requested as part of this consultation given the complexity associated with biodiversity within the Wollondilly LGA.**

(iii) *Set aside areas*

The set aside areas concept is recognised in part as being beneficial; in addressing observed biodiversity losses associated with Routine Agricultural Maintenance Activities (RAMA's) under the NVA. The LLS Amendment and Code are also noted to contain a range of requirements in regard to set aside areas such as requiring a 50% increase in regard to clearance within EEC's as a form of offsetting. **Clarification is however requested that the set aside areas will have equal, (or preferably greater), statutory protection for areas of native vegetation (both threatened and non-threatened), compared to Property Vegetation Plans under the current framework.**

(ii) *The Regulatory Land Map and associated application and approval process*

It is understood from a review of the available information and Webinar sessions that the Regulatory Land Map will provide data at a small scale, (potentially at small paddock scale). The precise format and intended procedures for accessing the map are uncertain. However, the preferred view of Staff is for the Map to have a similar format to the NSW Rural Fire Service's 10/50 Vegetation Clearance Code of Practice.

The statement in the submission from LG NSW on the draft Land Management Framework over the need for procedures "*which allow for the incorporation of the data held by many councils such as detailed mapping and strategic information into the Map*" is agreed with. However, a review of the publicly available documents did not identify any provisions which would allow for such incorporation to occur. **The Project Team is consequently requested to ensure the finalised package contains sufficient flexibility in relation to this LG NSW suggestion.**

(a) *Definition and protection of environmental features*

The inclusion of a range of provisions regarding the identification and exemption of clearing provisions in certain ecological communities is supported in principle. However, the following concerns have been identified which are requested to be addressed prior to the finalisation of the land management package and associated Land Regulatory Map:

- Section 7 of the amended Regulation states that clearing of native vegetation which forms part of CEEC's will not be authorised but does not refer to EEC's or non EEC's of high importance.
- Section 17 in regard to the identification of threatened ecological communities is not considered to be adequate in addressing issues experienced in regarding vegetation clearance on rural land within the Wollondilly LGA based on the following grounds:
 - The Code is noted to state that native vegetation is taken to have been significantly disturbed or modified (and therefore cleared) in certain circumstances such as where impacted by agricultural activities. This definition is not considered sufficiently ecologically based due to viewed

inadequate assessment of the resilience of an area particular after disturbances such as agricultural activity have been removed.

- There is a considered reliance on self-assessment and identification by landholders in contacting the Panel in the event of clearing occurring on regulated land. The accurate identification of whether a site contains an EEC based on legal definitions has been observed by Staff to be in excess of the rural landholder's knowledge and expertise in general.
- The Code and LLS Amendment are acknowledged to contain a number of statements regarding the identification of native grasses as well as an intention to prepare a "Grasslands and other Groundcover Assessment Method" However, these documents are not considered to reflect current best practice guidelines for the identification of native grasses, the concept Derived Native Grassland as well as the inclusion of native grasses in Scientific Determinations for the CEEC's CPW and SSTF.
- Clause 31 within the Code is viewed as inferring the allowing up to 10 percent clearance for each 1,000 hectare treatment area with approval. There are concerns over significant biodiversity losses in the Wollondilly LGA given that approximately a third of the total land zoned rural have lot sizes 100 ha or greater in area.

Council Staff are of the view that the reform package does not contain sufficient adequate provisions to manage and regulate native biodiversity occurring on private land within a local and broader context based on the above concerns. **The prompt response and viewpoint of the Project Team to this viewpoint as well as the identified potential shortcomings listed above is sought. It is also recommended in this regard that there be an independent peer review over the ecological aspects of these codes and biodiversity outcomes.**

(b) Unregulated land

It is understood from the Webinar sessions and review of distributed information that the current exemptions in the NVA have been largely retained. This is viewed as being a practical approach and is supported in principle subject to the adequate resourcing of LLS.

In relation to this matter, the Wollondilly LGA was placed within the Central West Division as part of reforms associated with the establishment of LLS's. This arrangement permits clearing 10 metres either side of perimeter fencing and 3 metres either side of internal fencing without consent. These exemptions have been observed on occasions to result in significant biodiversity losses on smaller rural land allotments. **It is consequently requested that the Wollondilly LGA be incorporated into a region with similar land use activities such as other peri-urban councils under the new framework.**

(c) Regulated Category 2

The broad land use categories contained in the Land Management Code are viewed as being broadly consistent with the NVA and are supported in principle. **However, a response to the following identified potential shortcomings in provisions of the Regulation in protecting environmental features of land with this Category by the Project Team is requested:**

- Section 15 of the Code is not considered sufficiently stringent in preventing clearance for 1st and 2nd order streams given their location in the upper catchment.

- The statement in Section 16 of the Code that landholder of land on which the set aside areas has been established “*must make reasonable measures to manner the set aside area in a manner expected to promote vegetation integrity*” is not considered sufficiently stringent to ensure positive biodiversity outcomes from such areas.

(d) Category 2 Sensitive Lands

The protection of the rural landscape and associated biodiversity is a key strategic position of Council and of high importance to the local community based on feedback received. The Local Land Services Regulation and Land Management Code are recognised to contain a range of provisions such as the Category 2 Sensitive Land and Set Aside Areas in relation to this position. However, the proposed assessment and approval pathway is considered to have the following shortcomings in addressing previously raised issues are provided for the information of the Project Team:

- There is a reliance on largely self-assessment of the presence of endangered ecological communities by proponents.
- The level of rigour undertaken by the Land Management Panel in reviewing clearance proposals on Category 2 land would appear to have a low ecological focus.
- While the Category 2 Sensitive land is welcomed, the Code is generic in nature and is noted to not specify which “certain activities” will be allowed on land with this Category.

The preferred position of Staff is that the criteria for Category 2 Sensitive Lands be based the criteria for the Biodiversity Sensitive Values Land Map (as amended to reflect previous requests in this submission). **Consultation with Council Staff as part of the on-going consultation in preparing the Regulatory Map in relation to this preferred position is requested.**

(iii) Compliance issues

The illegal clearing of native vegetation is a significant and increasing issue within the Wollondilly LGA. There are concerns that the proposed risk based and largely self-assessment approach adopted will result in biodiversity losses on a localised scale due to identified shortcomings in the assessment process regulation discussed above. **The strengthening of provisions in the Code of Practice for compliance activities well as increased awareness programs to address this matter are requested.**

OEH personnel were noted to state at the Webinar session that the current provisions within the NVA such as Routine Agricultural Maintenance Activities would provide sufficient guidance for landholders until the Map commences in early 2018. There are concerns that advantages could be taken in the transition zone to clear rural land containing native vegetation of high importance prior to lodging a planning proposal within the context of the Wollondilly LGA. It is therefore the preferred view of Staff that the Regulation includes transition provisions within the context of other components of the biodiversity reform package to provide greater certainty. **A prompt response to by the Project Team to this suggestion would be appreciated.**

PART E: SUMMARY OF RECOMMENDATIONS OF THE SUBMISSION

Draft Biodiversity Conservation Regulation

- The Sensitive Biodiversity Values Land Map be updated to have a direct linkage with up-to-date koala habitat mapping (core and support core habitat), undertaken by local government.
- The Biodiversity Conservation Regulation and Land Management Code be amended to include measures which are underpinned by local planning mechanisms to achieve positive outcomes for the protection and regulation of biodiversity within the Wollondilly LGA.
- The proposed No Net Loss of Biodiversity in NSW outcome be replaced by the Improve or Maintain Biodiversity Outcome under the current framework which has been observed by Staff to be beneficial in achieving positive biodiversity outcomes from developments in a localised scale.
- The suggestion in the Local Government NSW submission on the draft Bill, for a threshold combining area and presence and coverage of native species (which incorporates local mapping), is supported in principle. Council Staff request discussions with OEH and any interested representatives of other councils regarding this matter prior to the commencement of the Act.
- The Regulation be amended to contain specific procedures for consent authorities as well as proponents to follow in relation to applications which propose transferring ownership of biobanking site established as part of the development to Council.
- The following alternate suggested approach to the two tier Biodiversity Development Assessment Reports and associated offsetting process is provided for response by the Project Team:
 - The tier 1 as proposed be modified to refer to native vegetation, (in addition to trees). This would apply to any development which satisfies threshold criteria and is not shaded on the Biodiversity Sensitive Values Land Map, (as amended to incorporate local mapping).
 - The tier 2 assessment apply to any development located on the revised Biodiversity Sensitive Land Map or which warrant inclusion based on the criteria in the Regulation and/or have a potential significant impact to biodiversity values as defined by the Regulation.
 - Remaining developments, which involve an impact on land with native biodiversity values, is required to utilise the BAM to assist in the development of measures such as a site-specific offsetting strategy in consultation with OEH and/or the relevant local government.
- The Project Team provide clarification over whether current practices utilised by Council to mitigate biodiversity impacts associated with developments such as requiring planting or revegetation on a particular development site as offsetting will continue under the new framework.

- The proposed criteria for Areas of Outstanding Biodiversity Value be amended to include areas of local significance and not be restricted to the State and Bioregional Scale as proposed.
- It is the preferred view of Council Staff that at a minimum, Priority Action Statements and key Recovery Plans such as the Cumberland Plain Recovery Plan be retained in the Conservation Package. The prompt response to this viewpoint by the Project Team is requested.

State Environmental Planning Policy (Vegetation)

- The completed Vegetation SEPP with all its components currently under preparation described in the Statement of Intended Effects be subject to a public exhibition and associated detailed consultation process.
- The Vegetation SEPP must contain appropriate measures to address impacts associated with the incremental clearing of native vegetation.
- The offset scheme under the Vegetation SEPP should only apply if consent is not required by the respective approving authority to allow for such assessment to be based on specific requirements within council's Development Control Plans.
- The Project Team is requested to note the strong view of Staff that the current practice of containing exemptions and requirements in DCP'S should continue and the application of the threshold not apply to land zoned R2 to R4.
- The preferred approach by Staff is that the SEPP contain measures which are consistent with the BCA Regulation as an alternative to the Offsetting threshold to E zones given its predominant focus on development consent related issues. The viewpoint of the Project Team is requested prior to the commencement of the BC Act.

Land management component

- The proposed measures regarding the identification and protection of ecological communities, (including associated native grasses), be subject to a detailed independent peer review by a suitably ecological qualified person and that this be provided to Council.
- Clarification is requested that the set aside areas will have equal, (or preferably greater), statutory protection for areas of native vegetation (both threatened and non-threatened), compared to Property Vegetation Plans under the current framework.
- Council Staff are of the view that the reform package does not contain sufficient adequate provisions to manage and regulate native biodiversity occurring on private land within a local and broader context. The prompt response and viewpoint of the Project Team to this viewpoint is requested.
- The preferred position of Staff is that the criteria for Category 2 Sensitive Lands be based the criteria for the Biodiversity Sensitive Values Land Map (as amended to reflect previous requests in this submission). Consultation with Council Staff as part of the on-going consultation in preparing the Regulatory Map in relation to this preferred position is requested.

PART F: CONCLUDING STATEMENT

This submission provides comments on exhibited documents associated with the introduction of the *Biodiversity Conservation Act 2016* and *Local Land Services Act Amendment 2016* (biodiversity reform package) which both apply to the Wollondilly Local Government Area (LGA). It supports in principle the intent of aspects of the package and addressing of a number of shortcomings experienced by Staff in regard to the current framework.

The submission has however identified a number of shortcomings particularly in regard to the protection and management of biodiversity at a localised level including linkages with local planning instruments as well as mapping, (such as Council's Natural Resource Biodiversity Layer). These shortcomings are considered highlighted by the replacement of the Improve and Maintain biodiversity outcome of the current framework (supported) with No Net Loss of Biodiversity in NSW (not supported). The submission also notes with concern that a number of key components are still under preparation.

This submission is requested to be viewed as a draft submission as formal Council endorsement was not possible due to the public exhibition timeframe and Council reporting deadlines. Details of Council's resolution over the endorsement of Council's submission and any other resolution will be forwarded to the NSW Government following Council's next meeting on 17th July 2017.

Executive Summary

The Wollondilly Shire Council local government area contains a variety of landscapes and a diverse range of flora, fauna and vegetation. More than half of the local government area is either within a conservation reserve or protected catchment lands. Significant pressures are expected within non-protected lands, however, as it is estimated that the population of Wollondilly will grow from the current level of 38 856 to 48 400 human residents by 2021, an increase of 24.6% (Wollondilly Shire Council, 2002).

The aim of this biodiversity strategy is to:

1. Provide a coordinated approach to the conservation of Wollondilly's native plants, animals, their habitats, and the ecological processes that sustain them.
2. Provide Council and staff with direction and assistance in making effective and efficient management decisions regarding biodiversity and long term strategic planning for biodiversity.
3. Ensure the principles of Ecologically Sustainable Development are employed when making decisions about the use of natural resources in the Wollondilly Shire.
4. Provide the Wollondilly community with processes that are transparent and accountable.

This document meets its aims through a proactive strategic planning and management approach to protecting and maintaining the Shire's environment and biodiversity. The strategies recommended in this document deal mainly with non-protected and non-catchment lands as these areas face the greatest pressures, however it is recognised that the whole landscape contributes to the region's biodiversity, and the ecological value provided by protected areas within Wollondilly Shire is considerable.

This biodiversity strategy has been written in conjunction with the 'Wollondilly Vision 2025' Project, which developed directly related Key Visions. Relevant statutory and planning documents and their relevance to the biodiversity strategy are reviewed in this document, as are local plans and policies, and state and national strategies. It is noted that legislation, plans and policies change on an ongoing basis, and hence it is recommended that this document be reviewed and updated every three to five years, to ensure that it stays current and relevant. It is also recommended that changes to legislation, policies or management plans should also trigger a review of all, or parts of, the strategy.

This strategy provides a 'snapshot' of the flora and fauna values of the Wollondilly Shire. In summary, the Wollondilly Shire local government area includes the following values:

- Part of the Greater Blue Mountains World Heritage Area.
- Six locations 'registered' and five 'indicative' locations listed on Register of the National Estate.
- Nine vegetation communities listed as *Endangered Ecological Communities*.
- 34 flora species listed as threatened under the NSW Threatened Species Conservation Act 1995 (TSC Act) or Federal Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act).
- Five amphibian species, 58 avian (bird) species, one invertebrate species, 20 mammal species, and 2 reptile species listed as threatened and/or migratory under the TSC Act or EPBC Act.
- 655 species of flora (note that for some flora both species and subspecies are included in Appendix 3).
- 408 species of terrestrial vertebrate fauna (Appendix 4).
- Various ecological processes.

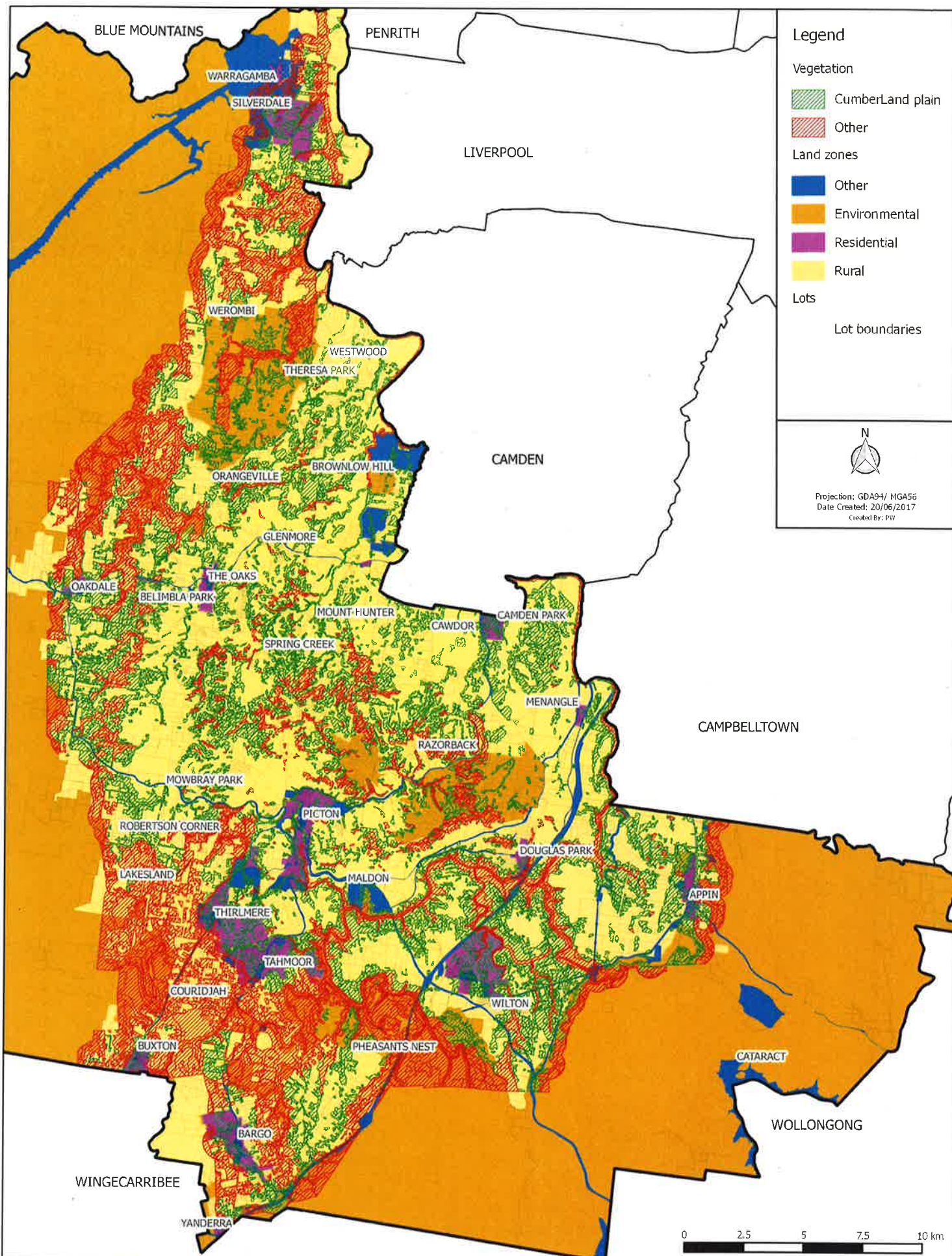
There are a number of threats to biodiversity, in the Wollondilly region, with 15 threatening processes listed by the Scientific Committee as 'key threatening processes' under the TSC Act considered to be relevant to the Wollondilly local government area, and other non-listed threats are also present, including: vegetation clearing, changed fire regimes and fire management, pests, weeds, demand for urban development, changes to hydrological behaviour in creeks, rivers and waterways, salinity, climate change, and threats to riparian lands.

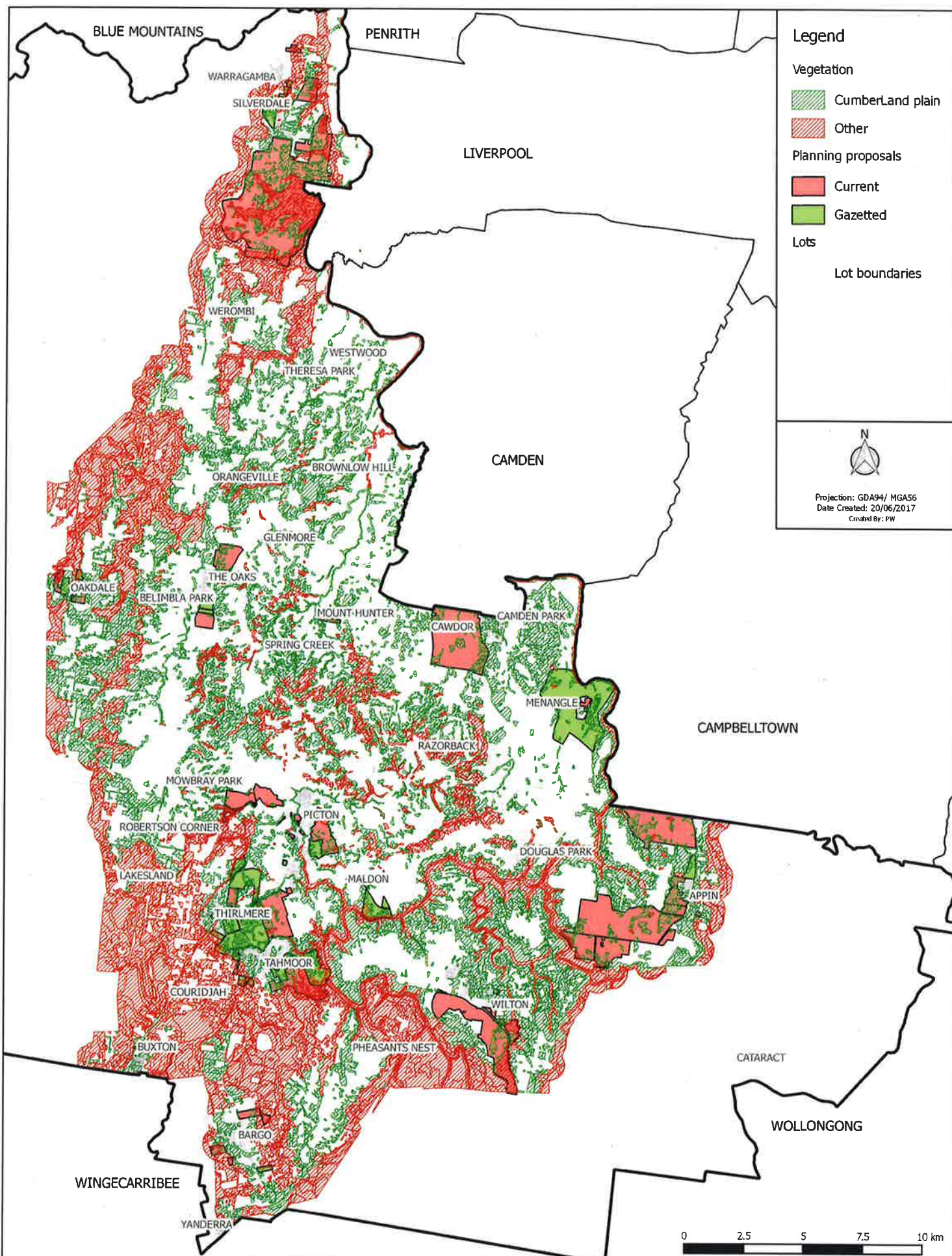
To help direct and measure activities to protect and improve biodiversity in the Wollondilly Shire local government area, a number of conservation targets were developed:

- **Target 1:** No Net Loss of 'out of catchment (NPWS/SCA land)' and non NPWS reserved bushland (measured and reported in four-year increments to coincide with Council's Comprehensive State of the Environment Report.
- **Target 2:** Regenerate, restore and protect endangered ecological communities to 30 percent of their 1750 distribution within the Shire
- **Target 3:** Maintain and increase connectivity and linkages between remnant vegetation and across landscape features so as to provide long term viable habitat for flora and fauna
- **Target 4:** Maintain, restore and improve the condition of native vegetation in the Shire (outside the NPWS/SCA lands)
- **Target 5:** 30 percent of each catchment, for each second order stream, is covered in native vegetation
- **Target 6:** Maintain and increase native riparian vegetation to achieve an average of 40 metres of vegetated riparian zones on all first and second order streams.
- **Target 7:** 25% of rural properties having an approved property vegetation plan in place by 2008
- **Target 8:** Increase protection of native vegetation and threatened species habitat on private land through voluntary measures such as, rezoning, Voluntary Conservation Agreements and Property Management Plans
- **Target 9:** Water sensitive design and an integrated approach to water cycle management are required in conditions of consent by 2006, and outcomes are consistent with catchment based management objectives
- **Target 10:** Development or activity proposals must include an approved landscaping plan which uses at least 50% (species and quantity) native plants of local provenance (or otherwise approved native plants) for all landscaping.
- **Target 11:** Plans of management are developed and being implemented for all Council-owned lands by 2008, and that these plans contain objectives and actions to manage and protect biodiversity

To meet these conservation targets a number of prioritised strategies and actions were developed. Strategies and actions have been prioritised based on an analysis of what Council is striving to achieve and the progressive approach of building up baseline information and applying it to all facets of planning and management.

It is envisioned that these strategies will help Wollondilly Shire Council to reduce biodiversity loss within their local government area. It is recognised, however, that addressing biodiversity loss will be an ongoing process, requiring input from the community, private industry, landowners, state and federal governments, in addition to Wollondilly Shire Council. In implementing the strategies recommended in this strategy Council will take a leading role in conserving biodiversity within their region.





ATTACHMENT 4

Recent resolutions of Council regarding Thirlmere Lakes National Park

Resolutions of Council at its meeting of 16 May 2016

- That Council requests a copy of the report investigating possible non-compliance regarding the conditions of consent for the Bulli Seam Operation Project and the Extraction Plan for long-walls 901-904 from the Department of Planning and Environment Compliance Team and EPA.
- That Council also request information from South 32 as to what their approved setback from the Nepean River is.
- That copies of these requests be forwarded to the Local Member for Wollondilly, Jai Rowell and that a report come back to Council on the responses received.

Resolutions of Council at its meeting of 20 June 2016:

- Write to the relevant Federal and State Ministers, the Federal and State local members, the Greater Blue Mountains World Heritage Area Advisory Committee and UNESCO demanding that action be taken to further investigate the causes of continued water loss from the World Heritage listed Thirlmere Lakes. That this action includes the funding and support of rigorous and detailed research into:
 - The water loss patterns and trends in the past and over current times.
 - Predictive modelling of the consequences to the Lakes's biology and hydrology of continued or prolonged water loss.
 - Targeted investigation into the suggested cause of the water loss in relation to the Tahmoor Mine's operations in the past and future.
 - The potential of engineered options to reinstate and maintain water levels to protect the biodiversity and hydrology of the Lakes.
- That Council, through the oversight of the Minerals and Energy Resource Committee, undertake a facilitated solutions focused forum to investigate and identify solutions to the continued observed water loss from the World Heritage listed Thirlmere Lakes and that Glencore and other key stakeholders associated with the three tiers of government be invited to participate in this forum.

Resolutions of Council at its meeting of 18th July 2016

- The Executive include the following recommendations in the Business Paper of the next available meeting of the Association with a view to advocate the position of Council and the local community defined by the supplied resolutions:
 - i. The Association provide support to the resolutions of Wollondilly Shire Council regarding concerns over the continued observed water loss from the World Heritage listed Thirlmere Lakes and the conclusions of recent scientific studies regarding this matter.
 - ii. Pursuant to i), Correspondence be sent to the NSW Minister for Resources and Energy (the Hon Anthony Roberts) and the NSW Minister for Primary

Industries (the Hon Niall Blair) advising of the support to the resolutions and requesting a prompt response.

- That Council, through the oversight of its Minerals and Energy Resource Committee, undertake a facilitated solutions focused forum to investigate and identify solutions to the continued observed water loss from the World Heritage listed Thirlmere Lakes and that Glencore and other key stakeholders associated with the three tiers of government be invited to participate in this forum.

Resolution of Council at its meeting on 19th December (in part) to

- Expresses concern that Glencore has announced that the Tahmoor Colliery will close during 2017 and that this closure could hinder the research and possible resolution of the responsibilities of water losses in Thirlmere Lakes, which have been alleged to be caused by mining impacts.
- Seeks clarification on the potential of bonds held over the mine being available for the rehabilitation of the Lakes if the losses can be attributed to previous mining activities.

Resolution of Council at its meeting on 19th June 2017

- That Council to write to the NSW Minister for Environment expressing its concerns that the Draft Plan of Management for Thirlmere Lakes National Park (the Plan) has still not been endorsed by the Minister. That the letter highlight the fact that the Plan has been before three Environment Ministers without action and the issues encountered by community groups who are unable to support the Park without endorsement of the Plan.

ATTACHMENT 6: RESPONSE TO PERTINENT CONSULTATION NOTES IN THE BAM

1) Biodiversity Assessment (Stage 1)

(i) Section 4.2.2 Native Vegetation Cover

The stated intent of this Section “to assess the degree of fragmentation and therefore the level of connectivity of native vegetation on the development site or biodiversity stewardship site within the surrounding landscape” is supported in principle. However, it is considered the current Biobanking Assessment Methodology (BBAM) has deficiencies in recognising habitat connectivity on a localised scale. For example, Officers have reviewed a number of Biobanking Statement Applications in which the credit calculation indicates an area has no local habitat connectivity value prior to the application of conservation measures. This position is viewed as being flawed from an ecological perspective. **It is therefore recommended that the BAM be amended to include provisions which calculate credits that adequately identify the habitat connectivity of a site both regionally and locally and incorporate the calculated credits for such connectivity in the determine vegetation integrity score (or equivalent).**

(ii) Section 5.3 Identifying native plant community types and ecological communities on the subject land

Feedback on the practicality and robustness of the proposed method and the vegetation survey data collected from the site is being sought

The robustness of the proposed methods in identifying plant communities and ecological communities is considered sufficiently robust and practical in a broad sense. The following comments are however provided for consideration by the Project Team based on experiences in the protection and management of biodiversity within the Wollondilly LGA :

- The consolidation of the current considered high number of ‘PCT into broad categories based on current broad scale mapping such as Tozer 2010 to enhance the transparency and functionality of the BAM. It is suggested that these broad categories could be expanded where considered necessary.
- The adoption of the ‘growth form’ concept is recognised as being consistent with current scientific practice and is therefore supported in principle. However, it is considered additional detail in relation to the intended calculation of credits for grass species within an intact or partially intact community is appropriate and warranted.
- The inclusion of additional detail on intended procedures for the calculation of credits for areas of native grassland with an canopy cover but satisfy current definitions of Scientific Determinations (such as Cumberland Plain Woodland) is considered warranted.
- The BAM would appear to have adopted an approach involving classification based on number of identified diagnostic species associated with individual communities. This approach is contented to have inconsistencies with the current approach recommended to Council Officers by the OEH which classifies communities based on the coverage of diagnostic species within surveyed plots.

The Project Team is requested to provide Council with a response to the above matters prior to the finalisation of the draft Bill.

2) Impact assessment (Stage 2)

(i) Section 8.3 Assessing and mitigating indirect impacts on biodiversity values

The BAM proposes that indirect impacts are to be considered and avoided/minimised where possible. Could the BAM include a credit calculation for some type's indirect impacts that cannot be avoided or minimised?

The assessment and management of indirect impacts associated with small and large developments is a significant issue within the Wollondilly LGA. The proposed inclusion of a credit calculation for some types of indirect impacts which cannot be avoided or minimised is therefore viewed as having merit in terms of including these impacts in the calculation of required biodiversity credits for a particular proposal. **The Project Team is however requested to note the preferred position of Officers that the management of these impacts is more effective through the applications of consent conditions, planning mechanism (such as Covenants and/or Voluntary Planning Agreements) as well as management documents such as Vegetation Management Plans.** It is envisaged that these management documents would correlate closely and inform the Management Plans associated with the proposed Site Stewardship Agreements.

The Consultation Note is noted to indicate in relation to this matter that the credit calculation would only apply to some types of indirect impacts. **The provision of details on such intended types of indirect impacts to Council by the Project Team prior to the finalisation of the Bill would be appreciated**

(ii) Section 9: Thresholds for the assessment and offsetting of impacts of development

Consistent with the Framework for Biodiversity Assessment, the condition threshold is based on a vegetation integrity score. The final threshold will be defined in the final BAM following further field trials. This may require setting a different condition threshold for non-woody vegetation such as grasslands and freshwater wetlands

The concept of introducing thresholds for assessment and offsetting impacts is not opposed in principle in avoiding unnecessary delays and expense for landowners and proponents proposing a low level of clearance on land of minimal conservation value. The proposed criteria in calculating the Threshold Criteria are also recognised as being based on current scientific practice. However, the ability of the criteria to adequately assess the impacts of a particular proposal is uncertain in part due to the high level of complexity of the mathematical equations. **It is therefore requested that the criteria be independently reviewed by consultants suitably qualified in ecology and mathematics. It is further requested that this review be made publicly available and provided to Council for transparency purposes.**

The existing BBAM in relation to this matter is acknowledged to contain a broad threshold process using the same site score threshold level (17) in identifying areas of degraded land as part of the current Red Flag Variation Application Process. The BAM however is noted to have significantly expanded the current threshold criteria within the BBAM by adopting the threshold criteria utilised by the Framework for Biodiversity Assessment currently utilised by State Significant Developments. This intended adoption is opposed on the following grounds consistent with the concerns of Council and the local community that it represents expressed in previous sections of this submission:

- The proposed offsetting thresholds has inconsistencies with the position of Council at all SSD should be subject to the same rigor as currently occurs with developments assessed under Part 4 of the EP&A Act
- The statement in the submission from the NSW Scientific Committee on the Framework for Biodiversity Assessment that *"The whole Policy is fundamentally flawed, lacks an empirically tested scientific evidence base and will result in increases to the extinction risk of threatened and non-threatened species and ecological communities"* is supported in broad terms by Council Environmental Officers.
- There is unacceptable uncertainty over the adequacy of the proposed threshold criteria based on the statement that *"the final threshold intending to be defined following further field trials"*.
- There is insufficient demonstration that the proposed Threshold Criteria will allow for the achievement of an improvement in biodiversity values at a localised and regional scale. **Note, this submission has requested the BAM include a precise definition for the improvement in biodiversity values.**
- The Consultation Note is noted to state *"that separate criteria for freshwater wetlands and grasses may need to occur"*. **The Project Team is requested to note that Council opposes any condition thresholds for freshwater wetlands until independent advice has demonstrated there will not be any adverse effects on the ecology and functions of such wetlands.** The development of a threshold applying to grasses is not opposed on the strong condition the criterion clearly distinguishes between those areas dominated by exotic grasses and areas containing native grasses.

(iii) *Section 10.5.4 Variation to the like for like offset rules for ecosystem credits*

Do you think that the variation rules for plant communities should allow the offset site to be found anywhere in NSW, or should they restrict the offset site to be located in the same region as the impact, for example in the same IBRA region or subregion

The difficulties encountered by proponents of developers within the Wollondilly LGA in retiring 'like for like' credits for certain vegetation communities such as SSTF in particular is acknowledged. However, Officers contend that 'like for like' offsetting is important for transparency purposes as well as achieving the stated overall purpose of the BAM *"in offsetting the unavoidable impacts of a proposed development on biodiversity values"*. Like-for Like offsetting is also contended to have synergies with the Inter-generational principle in the generally recognised definition of Ecological Sustainable Development in protecting biodiversity for enjoyment by future generations

In light of the above, the variation rules are strongly requested to restrict the offset site to be located in the same region. **In addition, the inclusion of measures within the BAM that would in effect totally compensate the loss by establishment/re-establishment of a suitable corridor in a location as close as practically possible to the site is also recommended.**

In addition, it is contended that every option to restrict the offset site to the LGA or adjoining LGA's where the impact occurred should be comprehensively investigated prior to considering broader localities. **It is recommended that the offsetting be based on local planning instruments (including accompanying biodiversity layers such as Council's Natural Resource Biodiversity Layer), as well as relevant local Biodiversity Strategies. It is further recommended that the Project Team investigate discounting credits required for a particular proposal as an incentive in relation to this matter.**

3) Improving biodiversity values (Stage 3)

- (i) *Section 12.6.2: Given that the biodiversity stewardship sites are actively managed with a Plan of Management, that is part of an in-perpetuity biodiversity stewardship agreement, is 20 years an appropriate timeframe over which to assess the ecological benefit of management action?*

Council has recently adopted a Land Dedication Policy which includes a formula for obtaining funding for the on-going management of land dedicated to Council as part of planning proposals. This funding is calculated based on an annual maintenance figure over a 30 year period which incorporates accumulated interest upon gazettal that is subsequent to a five year maintenance period. The adoption of a timeframe for maintenance therefore has similarities to Council's broad adopted position.

In relation to this matter however, Council's Policy recognises that the required maintenance funding should be determined on a site by site basis and is consequently based on a maintenance program for a particular site. In addition, the draft Bill is noted to contain a Management Plan which is intended to provide a framework for the overall management and maintenance of individual Stewardship Sites. **It is therefore considered more appropriate that the draft Bill contain flexibilities which allows for the timeframe over which to assess the ecological benefit of intended management actions to be based on documents prepared for individual sites.**

- (ii) *Section 12.6.3: Process for assessing the ecological benefit*

Are there better approaches to estimate the ecological benefits of management for threatened flora than by gains through averting the loss of individuals rather than through restoration from management actions?

The suitability and appropriateness of using the concept of "averting the loss of individuals" in identifying the improvement in biodiversity value is questioned given the broad intent of this Section of the BBAM to offset the biodiversity losses associated with a particular development. It is consequently considered appropriate that the BAM contain provisions that allow for the calculation of improvement in biodiversity values in instances where proposals involve conservation measures or the lodgement of a Biodiversity Stewardship Agreement Application. **It is therefore recommended that the BAM calculate the ecological benefit of management by identifying the improvement in ecological value in terms of structure/ floristics and habitat value compared to this value prior to the application of management measures.**

- (iii) *Section 12.14 Assessing the ecological rehabilitation of previously mined land*

The rehabilitation of previously mined land be the subject of a detailed Rehabilitation Plan required by a condition or consent or requirement by the EPA and not be the subject of offset calculations.

The issue of rehabilitation of areas disturbed by mining operations will become particularly pertinent within the next two to three years following the recently announced decision to close Tahmoor Colliery by Glencore. The inclusion of rehabilitation measures in part of the calculation of improvement in biodiversity values by the BAM is viewed with concern as vegetation clearance and associated offsetting would have been considered and approved at the determination stage of the proposal. **The Project Team is consequently to note Council is strongly of the view that the rehabilitation of previously mined land should be the subject of a detailed Rehabilitation Plan required by a condition or consent or**

requirement by the EPA which is publicly available and not be the subject of any offset calculations.

Previous recommendations and comments in regard to Stages 1 and 3 of the previous version of the BAM

Section No of the BAM	Section	Recommendation/Comment
STAGE 1: BIODIVERSITY ASSESSMENT		
4.2.2	Native Vegetation Cover	The BAM be amended to include provisions which calculate credits that adequately identify the habitat connectivity of a site both regionally and locally and incorporate the calculated credits for such connectivity in the determined vegetation integrity score (or equivalent).
5.3	Identifying Plant Community Types	The BAM contain additional details on the intended calculation of credits for grass species within an intact or partially intact community. The BAM adopt an approach involving the coverage of diagnostic species in surveyed plots rather than number of identified diagnostic species for a particular community.
STAGE 2: IMPACT ASSESSMENT		
8.3	Assessing and mitigating indirect impacts on biodiversity values	The management of impacts is more effective through the applications of consent conditions, planning mechanism (such as Covenants and/or Voluntary Planning Agreements) as well as management documents such as Vegetation Management Plans.
9	Thresholds for the assessment and offsetting of impacts of development	The ability of the proposed offsetting criteria to adequately assess the impacts of a particular proposal is uncertain in part due to the high level of complexity of the mathematical equations. It is therefore requested that the criteria be independently reviewed by consultants suitably qualified in ecology and mathematics. It is further requested that this review be made publicly available and provided to Council for transparency purposes.
10.5.4	Variation to the like for like offset rules for ecosystem credits	The variation rules restrict the offset site to be located in the same region as the first consideration. In addition, the rules require that every option to restrict the offset site to the LGA or adjoining LGA's where the impact occurred be comprehensively investigated prior to considering broader localities.
STAGE 3: IMPROVING BIODIVERSITY VALUES		
12.6.2	Timeframe for the assessment of ecological benefit	It is considered appropriate that the draft Bill contain flexibilities which allows for the timeframe over which to assess the ecological benefit of intended management actions to be based on documents prepared for individual sites.
12.6.3	Process for assessing ecological benefit	The BAM be amended to calculate the ecological benefit of management by identifying the improvement in ecological value in terms of structure/ floristics and habitat value compared to this value prior to the application of management measures.
12.14	Assessing the ecological rehabilitation of previously mined land.	The rehabilitation of previously mined land should be the subject of a detailed Rehabilitation Plan required by a condition or consent or requirement by the EPA that is publicly available and not be the subject of any offset calculations.

ATTACHMENT 7

Current exemption criteria in volume 1 of council's development Control plan

Trees/other native vegetation that may be removed without consent and without a permit (i.e. exempt)

Any of the following tree removal activities may be carried out without the need to obtain either a tree removal permit or development consent from Council

1. Removal of a tree or other vegetation species that is a declared noxious weed by the NSW Government under the *Noxious Weeds Act, 1993* or that is a species of tree identified below, regardless of size (unless the tree is listed as a heritage item):

1. African Olive (*Olea europaea*)
2. Bamboo (*Phyllostachys spp. bambusa spp, Aundanaria*)
3. Black locust (*Robinia pseudoacacia spp*)
4. Box Elder (*Acer negundo*)
5. Camphor Laurel <20 metres in height only (*Cinnamomum camphora*)
6. Canary Island Date Palm (*Phoenix canariensis*)
7. Cassia (*Senna pendula*)
8. Chinese Celtis (*Celtis sinensis*)
9. Cocos palm/queen palm (*Syagrus romanzoffiana*)
10. Leighton's green Pine (*Cupressocyparis x leylandii*)
11. Cootamundra wattle (*Acacia baileyana*)
12. Coral Tree (*Erythrina x sykesii*)
13. Cotoneaster (*Cotoneaster spp.*)
14. Date Palm (*Phoenix dactylifera*)
15. Evergreen Alder (*Alnus jorulensis*)
16. Evergreen Ash (*Fraxinus griffithii*)
17. Golden wreath wattle (*Acacia saligna*)
18. Honey Locust (*Gleditsia triacanthos*)
19. Ice cream bean (*Inga edulis*)
20. Privet (*Ligustrum spp*)
21. Oleander (*Nerium oleander*)
22. Peppercorn (*Schinus spp*)
23. Radiata Pine <20 metres in height only (*Pinus Radiata*)
24. Poplar <20 metres in height only (*Populus spp.*)
25. Queensland Silver Wattle (*Acacia podalyriifolia*)
26. Rhus (*Toxicodendron succedaneum*)
27. Rubber Tree (*Ficus elastica*)
28. Silky Oak (*Grevillea robusta*)
29. Slash Pine (*Pinus elliottii*)
30. Sweet Pittosporum (*Pittosporum undulatum*)
31. Tree Lucern (*Tagasaste Chamaecytisus palmensis*)
32. Tree of Heaven (*Ailanthus altissima*)
33. Umbrella Tree (*Schefflera actinophylla*)
34. Wild Tobacco Tree (*Solanum mauritianum*)

35. Willow (*Salix spp.*)
36. Yellow Bells (*Tecoma stans*).

2. Removal of a tree or other form of vegetation that is located within 3 metres of an existing lawfully constructed building or access driveway. (In this control, a tree is to be measured from the external part of the trunk to the building).

3. Removal of a tree or other form of native vegetation that is located within 3 metres of a building or access driveway authorised by a development consent. (In this control a tree is to be measured from the external part of the trunk to the building). For the purposes of this exemption a complying development certificate is NOT a development consent.

4. Removal of any tree or other form of native vegetation that Council is satisfied is dying or dead and is not required as the habitat of native fauna. The owner of the land (or persons acting on their behalf) on which the tree or vegetation exists must provide to Council written justification, including

- Photographs, from an arborist or other suitably qualified person. Works must not be undertaken until Council has provided written advice that it is satisfied that the tree or vegetation is dying or dead.
- Removal of a tree or other form of native vegetation that Council is satisfied is a significant imminent risk to human life or property. Works must not be undertaken until Council has provided written advice that it is satisfied that the tree or vegetation poses an immediate danger to people or property.
- Removal of a tree or other form of vegetation being carried out under the following legislation:
 - Action required, or authorised to be carried out under the *Electricity Supply Act 1995*, the *Roads Act, 1993* or the *Surveying and Spatial Information Act 2002*.
 - The Clearing of Native Vegetation that is authorised by a development consent or a Property Vegetation Plan under the *Native Vegetation Act, 2003*.
 - Functions as required to protect persons from dangers to their safety and health, and to protect property from destruction or damage, arising from floods and storms under the *State Emergency Services Act, 1989*.
 - Works for which an order or permit has been issued by the NSW Rural Fire Services under the *Rural Fires Act, 1997*.
 - Any removal authorised for removal from the NSW Rural Fire Service 10/50 Vegetation Clearing Code of Practice for NSW.
 - Removal carried out in accordance with a license, permit, authority or approval under the *Water Act, 1912* or the *Water Management Act, 2000*.
 - Removal for the purpose of the construction, operation and maintenance of infrastructure by Water NSW in the exercise of its land management activities within SP2 zones, including roads, tracks, viewing platforms, signs and recreation facilities.
 - Removal on Crown Lands within the meaning of the *Crown Lands Act, 1993* or on crown public roads within the meaning of the *Roads Act, 1993*, where removal is being undertaken or authorised by the Department of Lands.
 - Any clearing carried out in accordance with an order under the *Trees (Disputes between Neighbours) Act, 2006* or other like Neighbourhood Dispute legislation.

5. Trees or other form of vegetation to be pruned as part of routine pruning of fruit trees, or commercial horticulture or forestry operations.

6. Amenity Pruning within Australian Standards