

AGENDA

Ordinary Meeting of Council



We're With **YOU**

Wednesday 21 June, 2023

Council Chambers, Wingecarribee Shire Council Civic Centre

68 Elizabeth Street, Moss Vale at 3.30pm

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 21 JUNE 2023**

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Our Mission, Our Vision, Our Values

OUR MISSION

To create and nurture a vibrant and diverse community growing and working in harmony with our urban, agricultural and natural environments

OUR VISION

Leadership: *'An innovative and effective organisation with strong leadership'*

People: *'A vibrant and diverse community living harmoniously, supported by innovative services and effective communication with Council'*

Places: *'Places that are safe, maintained, accessible, sympathetic to the built and natural environment, that supports the needs of the community'*

Environment: *'A community that values and protects the natural environment enhancing its health and diversity'*

Economy: *'A strong local economy that encourages and provides employment, business opportunities and tourism'*

OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

Council Chambers

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The Council Chamber has 24 Hour Video Surveillance.

1 OPENING OF THE MEETING

The Administrator, Mr Viv May PSM will open the meeting.

2 ACKNOWLEDGEMENT OF COUNTRY

“Wingecarribee Shire Council acknowledges the Gundungurra and Tharawal people as the traditional custodians of this land we now call the Wingecarribee Shire. I pay my respect to Elders both past, present and emerging. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today.”

The Administrator is reminded of the obligations conferred on them at the time of their appointment.

The Administrator is to undertake the duties of the office of Administrator in the best interests of the people of the Wingecarribee Shire Council area and are to act faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of your ability and judgement.

The Administrator is committed to the declaration of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting, in accordance with the Code of Conduct and Code of Meeting Practice.

4 APOLOGIES

Nil at time of print.

5 ADOPTION OF MINUTES OF PREVIOUS MEETING

That the minutes of the Ordinary Meeting of Council held on 17 May 2023 MN 2023/384 to MN 2023/396 inclusive, be adopted as a correct record of the proceedings of the meeting.

6 DECLARATIONS OF INTEREST

The provisions of Chapter 14 of the Local Government Act 1993 regulate the way in which nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest and the reasons for declaring such interest must be disclosed as soon as practicable after the start of the meeting.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions or voting on that matter and further require that the member vacate the Chamber.

Council’s Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

7 ADMINISTRATOR MINUTES

8 GENERAL MANAGER

8.1 Review of Low Density Residential Development Controls

Report Author: Senior Strategic Planner
Authoriser: Executive Manager Strategic Outcomes

PURPOSE

The purpose of this report is to seek Council's endorsement of the draft Low Density Residential Development Controls to proceed for public exhibition.

THIS MATTER WAS CONSIDERED AT THE LOCAL PLANNING PANEL MEETING OF 03 MAY 2023

OFFICER'S RECOMMENDATION

THAT:

1. Council endorse the amended Draft Low Density Development Control Plan provisions.
2. The Draft Low Density Development Controls be publicly exhibited for a minimum period of four (4) weeks and reported back to Council at the completion of the exhibition period.

LOCAL PLANNING PANEL'S ADVICE

The matter was considered by the Wingecarribee Local Planning Panel on 03 May 2023 and the following advice was provided:

That Council consider the following issues prior to placing the Draft Low Density Development Controls on public exhibition:

1. *General Comment - controls are supported by objectives which is considered satisfactory, and the provision of some additional visual diagrams will assist with the interpretation of the controls.*
2. *Council should consider clearly differentiating between some land uses such as Detached "Habitable" building and "secondary dwellings". Definitions need to be very clear in terms of uses for outbuildings and their intention and purpose. The detached "habitable" buildings like secondary dwellings should have similar numerical standards to ensure these structures are small and ancillary to the principle dwelling hence not large and dominating.*
3. *The provisions in the DCP for secondary dwellings appear to be contrary to the provisions in Clause 52 of the Housing SEPP 2021 in relation to floor space. The provisions of the SEPP override the DCP in the 'prescribed zones' and so should be included in the DCP as a reference. The DCP controls seem to be different, and advice would be to rely on all the controls the provisions noted in the SEPP which should have the same intent across the whole LGA and therefore be simple and consistent in application.*
4. *The garages for dual occupancy developments as highlighted in the diagram on page 35 should be amended to be shown as being recessed behind the front facade in all cases so to*

reduce their visual dominance. It is advised that prior to exhibition this diagram and any controls be updated for clarity.

5. *In the privacy section 1.12.3 an additional design mechanism to reduce any potential for overlooking (in addition to the measures suggested) is to offset windows*

- *Section 1.11 Access and Parking - a control that specifies a preferred location on a site for a carport or garage, rather than leaving it to 'reflect the current street pattern' (which may not be desirable)*

6. *Section 1.12 Preservation of Views and Privacy*

- *review use of words related to views for consistency (eg preserve, maintain, minimise)*
- *as this is a document developed to be "easy to use, understand and implement", the concept of 'view sharing' is a complex one to include under this section. The control that reads - "The concept of 'view sharing' must be considered.....". This should be reworded so it is easy to understand.*

RESPONSE TO THE PANEL'S ADVICE

The Planning Panel's advice has been considered by staff and the response to the advice provided is detailed below. Where relevant, the draft Low Density Residential Development Control Plan (DCP) provisions have been updated:

1. Following the Panel's advice, Council staff has identified a number of areas where diagrams may assist in the interpretation of the development controls. This includes Landscaping and Deep Soil Areas, Private Open Space, Access and Parking, and Solar Access. Additional diagrams are currently being prepared and will be incorporated into the draft development controls prior to public exhibition. In addition to this, following consultation with the community and industry, additional diagrams may be incorporated into the draft DCP provisions prior to being formally adopted.
2. The land uses 'Secondary Dwelling' and 'detached building – habitable' are already separately defined in the *Wingecarribee Local Environmental Plan 2010* (WLEP) and DCP respectively. In preparing the proposed consolidated DCP, further consideration will be given to definitions, as outlined in the body of this report.
3. The DCP controls are applicable to development applications lodged under the provisions of WLEP 2010. The controls for Secondary Dwellings in the draft Low Density Residential DCP, are therefore consistent with the provisions of WLEP 2010. If an application is lodged under the State Environmental Planning Policy (Housing) 2021, within the prescribed zones, the application shall be assessed against the development standards specified in the SEPP (Housing) 2021. Nevertheless, the controls for Secondary Dwellings in the draft Low Density Residential DCP are also in line with the SEPP (Housing) 2021.
4. Noted and accepted. The draft Low Density Residential DCP controls and the referred diagram, have been amended to reflect this advice, and the amended controls form part of **Attachment 1** to this report. Control 1.14.3 (g) has been added to reflect the Planning Panel's advice.
5. The control 1.12.3 (d) iv: *'Ensuring that windows do not directly face the windows, balconies or courtyards of adjoining dwellings.'*, in the draft Low Density Residential DCP, already addresses and achieves the same outcome as the additional control suggested by the Planning Panel. The advice also refers to Section 1.11 Access and Parking, which is not accepted as the proposed control will be restrictive; and if the street pattern is not desired, a variation can be applied for the application, along with a valid justification.

6. The comment is noted. The 'Explanation' section under 1.12.1 in the draft Low Density Residential DCP controls, provides an explanation of the concept of 'view sharing', for easier understanding.

BACKGROUND

Following the approval of grant funding from the NSW Department of Planning - Project Delivery Unit, Council commenced the review of the existing Low Density Residential Development Controls in May 2022. The review aligns with the priorities identified in the Wingecarribee Local Housing Strategy, as it is intended to streamline the development application and assessment process and help reduce the development assessment timeframes, for low density residential developments in the Shire.

The new development controls will apply to all low-density residential development type, as explained in the 'introduction' of the draft DCP, including any alterations or additions to this type of existing development. It is also noted that the review includes non-habitable and habitable ancillary development controls, for any development built ancillary to low-density residential development. The review applies to all the land in the Shire, where low density residential type development is permitted on its existing land zoning. It is noted that no rezoning or Local Environmental Plan (LEP) amendments are proposed as part of this review.

This report provides an overview of the project, which is one of the many steps Council is taking in the implementation of the Local Housing Strategy.

REPORT

In May 2022, Locale Consulting were engaged to undertake the review of the existing Low Density development controls. As part of the review, both internal staff and community and industry consultations were conducted by the consultants to understand what the barriers/short comings in the existing low-density development controls are and to identify potential opportunities for improvements. This consultation directly informed the review of the existing low-density development controls.

The aim of the review was to simplify the low-density residential development controls; and provide a clear planning framework for low density residential and ancillary development, that is easy to use, understand and implement, without undermining the local character of our towns and villages. The new DCP provisions and supporting material are intended to simplify the planning / application process and streamline the assessment and approval process and assist in reducing assessment timeframes.

The draft DCP provisions are supported by a separate Compliance Checklist, which can be used by applicants as a template Statement of Environmental Effects, further simplifying the application process and making it easier for the assessment staff to assess Development Applications.

The draft Low-Density Housing DCP provisions are provided as **Attachment 1** to this report, and it is recommended that the proposed amendments be endorsed for public exhibition, for a minimum period of four (4) weeks.

The draft DCP provisions were prepared to ultimately form part of a consolidated Development Control Plan, which will address all development types in the Shire. However, in the interim, the controls will be included in the existing DCPs. The review does not look into controls applicable to Heritage Conservation areas and Heritage items. Hence, the controls related to the Heritage

Conservation Areas and items in the existing DCPs, will be applicable where necessary. The new controls will not override the existing controls related to Heritage Conservations Areas and items.

COMMUNICATION AND CONSULTATION

Locale Consulting conducted internal and external consultations with Council staff members, the community and the industry, with the aim to understand what the barriers/short comings in the existing low-density development controls are and identify potential opportunities, which then informed the review of the low-density development controls. The Strategic Outcomes team was involved in all the consultations.

Internal Communication and Consultation

Internal consultation with Council staff members included members from the Development Assessment and Certification teams. There were two internal consultation sessions, held on 09 June 2022 and 18 November 2022, respectively.

The first internal consultation was undertaken to understand what critical changes are required in the DCP, what should be retained and what controls are being varied more frequently. The consultation also focused on limitations of the existing residential development controls and how, from their professional experience can these be made easier to use for an applicant as well as an assessment officer, while still delivering good development outcome.

The second consultation was after a working draft was prepared by Locale Consulting to understand if all of the issues were understood and catered to appropriately.

External Communication and Consultation – Industry

External consultation was undertaken in the initial stages of the project, on 28 July 2022. There were about 20 from the planning and development industry. Consultation with the industry group focused on what requires changing in the DCPs, what should be retained and what are major concerns of the industry regarding the low-density development controls. The feedback was then taken into consideration during the preparation of the draft controls.

Community Engagement

The first stage of community engagement took place in the initial stages of the project, on 28 July 2022, with about 30 attendees from the community. After the draft low-density development controls are endorsed, they will be placed on public exhibition for feedback, when the community have another opportunity to write to Council if there are any further concerns regarding the revised controls.

Some of the common points raised during the initial consultations with the industry and the community were in relation to inconsistencies in the existing controls, repetition of controls, lack of diagrammatic representation and lack of clarity in the language of the DCP. These concerns were considered and have informed the review of the Low Density Residential Controls.

SUSTAINABILITY ASSESSMENT

Environment

The objectives of the low-density development controls refer to retention and enhancement of significant trees, where possible; embrace the principles of Ecologically Sustainable Development (ESD) and minimise environmental impacts.

Social

The provisions in the draft controls seek to ensure that new low-density residential development maximises opportunities for visual and social interaction and enables passive surveillance to the street.

Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

The draft low-density development controls will be processed in accordance with the relevant legislation.

COUNCIL BUDGET IMPLICATIONS

The review of the low-density development controls project was funded through a grant provided by the NSW Department of Planning - Project Delivery Unit. No additional funding is required and hence, there are no further budget implications to Council. Implementation of the new controls will be conducted by existing Council staff.

RELATED COUNCIL POLICY

The review of the Low-Density Development Controls is one of the many steps Council is taking towards the implementation of the Wingecarribee Local Housing Strategy and the Local Strategic Planning Statement.

CONCLUSION

The review of the Low-Density Development Controls aligns with the priorities identified in the Local Housing Strategy to provide a single set of low-density DCP controls that provide a clear planning framework that is easy to use, understand and implement, while aiming to maintain the local character of our towns and villages.

The DCP provisions will provide simple and easy to understand controls, with clear planning framework for low density residential and ancillary development. The draft DCP provisions are supported by a separate Compliance Checklist, which can be used by applicants as a template Statement of Environmental Effects, further simplifying the application process and streamlining the approval and assessment process.

ATTACHMENTS

Draft Low-Density Residential Development Controls

Wingecarribee Shire Development Control Plan

Low Density Housing

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Introduction

This chapter of the Wingecarribee *Development Control Plan* (Wingecarribee DCP) provides objectives and controls for low density housing and ancillary development, including any alterations or additions to these types of development.

This section applies to all land in the Wingecarribee local government area, where land uses listed in this chapter are being carried out, including residential and rural zoned land. This chapter also applies to alterations and additions to lower scale residential development and ancillary development in a business or industrial zone.

This chapter of the Wingecarribee DCP must be read in conjunction with ...add other chapters of the DCP as required. To the extent of any inconsistency between this chapter and any other Wingecarribee DCP sections, this chapter will prevail.

This chapter of the Wingecarribee DCP is divided into two parts as follows:

Low Density Housing

Low density housing includes the following types of development, including any alterations or additions to this type of existing development, defined in the *Wingecarribee Local Environmental Plan 2010*:

- Dwelling house
- Dual occupancy
- Secondary dwelling
- Group home
- Boarding house

Ancillary Development

Ancillary development includes the following types of development, including any alterations or additions to this type of existing development:

- Detached Building – Habitable
- Detached Building – Non-habitable
- Swimming Pool and Spa
- Sport Court

Note: It is recommended that you check the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) as some ancillary development may be categorised as exempt development and this DCP does not apply in those cases.

Low Density Housing

This section provides objectives and controls for low density housing.

This section of the Wingecarribee DCP must be read in conjunction with ...add other chapters of the DCP as required.

This section of the Wingecarribee DCP applies to low density housing that includes the following types of development, including any alterations or additions to this type of existing development, defined in the *Wingecarribee Local Environmental Plan 2010*:

- Dwelling house
- Dual occupancy
- Secondary dwelling
- Group home
- Boarding house

The overarching objectives for low density housing are to:

- a) Encourage a variety and choice of housing types and sizes that cater for community needs.
- b) Encourage low density housing that is sympathetic to the existing and desired streetscape and character of the locality.
- c) Minimise the impact of low density housing on the amenity of surrounding properties and the locality.
- d) Maximise the retention, and encourage the enhancement, of significant trees, street trees, vegetation and other natural features.
- e) Embrace the principles of Ecologically Sustainable Development (ESD).
- f) Protect, and enhance where possible, the heritage value of any property that contains, or is situated near, a Heritage Item or Draft Heritage Conservation Area.

Summary of numerical / quantitative controls

The following provides a summary of the numerical / quantitative controls contained within this chapter of the Wingecarribee DCP.

Applicants are advised that this is a summary only with further detail on each of the controls provided in this chapter that must also be read and satisfied.

	Less than 900m ²	Between 900m ² and 2,500m ²	Over 2,500m ²
Minimum front setback	4.5 metres or 3 metres to the articulation zone.	6.5 metres or 4 metres to the articulation zone.	15 metres or 5 metres to the articulation zone.

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Minimum side setback	0.9 metres	1.5 metres	2.5 metres
Minimum rear setback	3 metres	5 metres	10 metres
Minimum setbacks for detached garages, carports, sheds and other outbuildings	6 metres and designed so that the dwelling entry and façade are the dominant building features.		
Building height	A maximum of two (2) storeys, or A maximum of one (1) storey if the land is located in Berrima, Exeter or Burrawang or within a Heritage Conservation Area.		
Primary roof pitch	A minimum of 25 degrees, or A minimum of 27.5 degrees for development in an adopted or draft Heritage Conservation Areas, or other areas where older housing predominates.		
Carparking	A minimum of two (2) carparking spaces for all low density housing.		
Driveways	Setback a minimum of one (1) metre from any side boundary.		
Height of fences	The maximum height of a front fence must be 1.2 metres and must extend along the side boundary to the extent of the front setback.		
	The maximum of 1.8 metres and must not be located forward of the frontage setback line.		
	Less than 2,000m²	Between 2,000m² and 4,000m²	Over 4,000m²
Maximum site coverage	65% of the site area, or 50% of the site area if the site is a Heritage Item (or Draft Item) or located within a Heritage (or Draft Heritage) Conservation Area.	50% of the site area	25% of the site area

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Minimum area of open space	30% of site area	40% of site area	50% of site area
Minimum area of open space if the land is a Heritage Item (or Draft Item) or located within a Heritage (or Draft Heritage) Conservation Area	50% of the site area	50% of the site area	75% of the site area

1.1 Site Analysis

1.1.1 Explanation

The relationship between built form and existing natural or man-made constraints either on the property or on adjoining properties is significant in determining the quality of the development. Each property and locality has unique opportunities and constraints that can be understood through identifying and describing their physical elements.

Undertaking this process, known as a Site Analysis, can ensure that the development addresses existing and possible future opportunities and constraints of both the property and its surrounds. This can increase quality low density housing through minimising potential issues such as noise, overshadowing, community safety, access, views, privacy, energy consumption, environmental impact and waste generation.

1.1.2 Objectives

- a) To determine the most appropriate siting, bulk and scale of development for the land
- b) To identify the opportunities and constraints of a property to ensure development responds to the unique characteristics of the property and its surrounds

1.1.3 Controls

- a) A [Site Analysis Plan](#) is required for all new low density housing.

1.2 Building Heights

1.2.1 Explanation

Building height refers to the vertical distance between the existing or natural ground level and the highest point of the building. Controlling the building height ensures that the scale and bulk of new low density housing is sympathetically designed in context of the established and desired streetscape, character and scenic qualities of the locality.

While the maximum height of buildings is specified in the [Wingecarribee Local Environmental Plan 2010](#) Height of Buildings Map, this DCP provides additional guidance on building heights for low density housing.

1.2.2 Objectives

- a) To retain a low scale domestic character
- b) To minimise loss of privacy for existing development
- c) To minimise overshadowing of neighbouring properties by new development
- d) To minimise disruption to views of existing development
- e) To control the height of buildings and ensure building heights complement the streetscape
- f) To provide additional guidance in applying the maximum height of buildings as shown in the [Wingecarribee Local Environmental Plan 2010](#) Height of Buildings Maps

1.2.3 Controls

- a) The number of storeys for low density housing must be:
 - i. A maximum of one (1) storey, if located in Berrima, Renwick, Exeter or Burrawang or if located within an adopted or draft Heritage Conservation Area
 - ii. A maximum of two (2) storeys, for all other locations
 - iii. Only contained within the roof spaces of buildings provided the inclusion of such additional rooms does not result in a roof form that is incompatible with the desired streetscape character (rooftop balconies, terraces and the like are to be considered as a storey)

Note: The building height for all low density housing must be at or below the maximum height of a building in Clause 4.3 and the Height of Buildings Map in the [Wingecarribee Local Environmental Plan 2010](#) for the subject land. A 'storey' is defined under the Building Code of Australia (BCA).

- b) For a two (2) storey building or a building on a steeper sloping lot, consideration must be given to the stepping of the building, an underfloor garage and non-habitable rooms in order to reduce the overall height and bulk of the building and to be consistent with the built character of the locality.
- c) Where there is an exposed sub-floor, it must be demonstrated in the [Site Analysis](#) that this has been minimised
- d) Consideration must be given to building heights in order to minimise the impact on significant views, solar access, privacy or a streetscape.
- e) Shadow diagrams must be submitted for all two (2) storey low density housing.
- f) The front elevation of any two (2) storey dwelling must be composed of a combination of single and two storey elements. These elements could include a verandah, porch, bay window or single storey attachment.

1.3 Roof Forms

1.3.1 Explanation

Roof forms are dictated by heritage, technical, economic and aesthetic considerations. As the highest feature of the development, roof forms are often the most unique element of a dwelling and significantly affect the overall look and style of the development.

1.3.2 Objectives

- a) To enhance the look of the dwelling and through roof forms, provide a consistent character along the streetscape or a roof form that complements the streetscape
- b) To emphasise the height and prominence of one storey-built forms

1.3.3 Controls

- a) Roof forms must reflect or complement those of the existing streetscape.

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Note: The predominant roof form for residential, commercial and public buildings in Hoddle Street, Burrawang is of steeply pitched gables, where hipped roof forms appear, the pitch tends to also be steep and posted verandahs are used. The merits of height, façade, roof form, bulk and scale will be considered as a part of the assessment of all development applications in Hoddle Street, Burrawang.

- b) A detailed exterior colour and materials scheme for all low density housing must be presented to allow Council to assess the proposed colours and materials against the existing streetscape.
- c) Primary roof pitch must:
 - i. Be no less than 27.5 degrees in Heritage Conservation Areas, or Draft Heritage Conservation Areas, or other areas where older housing predominates.
 - ii. Be a minimum of 25 degrees for all other locations.
 - iii. Consistent of a simple roof form with hips, eaves and some gables
- d) Mansard (hip) and excessively steep roof forms are not permitted.
- e) The use of zincalume is not permitted and galvanised iron may only be used with specific Council consent. Colourbond and tiles are both acceptable.
- f) All dwellings must have eaves in proportion with the roof pitch except where an alternative to eaves is provided. Eaves of a minimum of 450mm are encouraged and eaves less than 450mm will be assessed on merit.
- g) Roof top plant, solar collectors, satellite dishes and antennae must not be located on the roof plane that is fronting the street, to ensure they avoid visual impact.
- h) Roof top plant, solar collectors, satellite dishes and antennae must be located and/or finished to ensure they have limited visual impact from the street.
- i) Where there is likely to be significant reflection onto neighbouring properties as a result of roof top infrastructure, it must be demonstrated that this has been minimised and / or mitigation measures are being implemented.
- j) Traditional dormer windows to attic/loft space within the roof are encouraged but must not dominate the roof form.
- k) Services which penetrate the roof and flash must be painted or finished in a material that is consistent in colour with the roof.

1.4 Setbacks

1.4.1 Explanation

Setbacks specify distances between the front, side and rear boundary of the lot and the outer walls of the building. Setbacks outline the building footprint and ensure there is adequate separation between the building and the property boundary. This can provide for range of benefits including access, landscaping, preserving amenity and privacy, fire protection and solar access.

The character of the streetscape is greatly determined by the size and consistency of setbacks. New low density housing can be well integrated into the established and desired character and development pattern of the locality through consistently applying setbacks.

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1.4.2 Objectives

- a) To ensure the setback of new low density housing is consistent with the existing and desired streetscape and character of the locality
- b) To provide areas for landscaping and to preserve existing vegetation connections
- c) Provide areas for trees and vegetation to enhance the streetscape and provide privacy
- d) To ensure new low density housing has safe vehicular access and egress
- e) To retain the privacy, solar access and amenity of surrounding properties
- f) To minimise overlooking/overshadowing on surrounding properties
- g) To ensure view sharing arrangements are achieved

1.4.3 Controls

- a) Primary frontages must be determined to ensure the orientation of dwellings complements the streetscape.
- b) Subject to site assessment, Council requires the following setbacks, exclusive of garage setbacks:

Table 1: Setbacks

Lot size	Less than 900m ²	Between 900m ² and 2,500m ²	Over 2,500m ²
Minimum front setback	4.5 metres or 3 metres to the articulation zone*	6.5 metres or 4 metres to the articulation zone*	15 metres or 5 metres to the articulation zone*
Minimum side setback	0.9 metres	1.5 metres	2.5 metres
	Where the property adjoins a public reserve, a minimum side setback of 3 metres must apply.		
Minimum rear setback	3 metres	5 metres	10 metres
All setbacks in rural zones must be a minimum of 10 metres.			

*Open verandah's, bay windows, balconies and pergolas are permitted within the articulation zone.

Proposals that seek to vary these setback controls may do so only if it can be demonstrated to the satisfaction of Council that the proposed variation:

- i. will complement or enhance the quality of the existing streetscape.
- ii. will not compromise the amenity of any proposed or existing dwellings immediately adjacent to the proposed development.
- iii. considers the impact on solar access to the proposed dwellings and existing dwellings.
- iv. considers the privacy of the proposed dwellings and existing adjacent dwellings.
- v. provides a better development outcome.

- vi. considers the Building Code of Australia issues relating to Fire Safety.
- c) Articulation elements, such as facades, roof-lines, porches or dormers, can be built within the minimum front setback but not be more than 25% of the width of the articulation zone, consistent with *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Refer Figure 1.

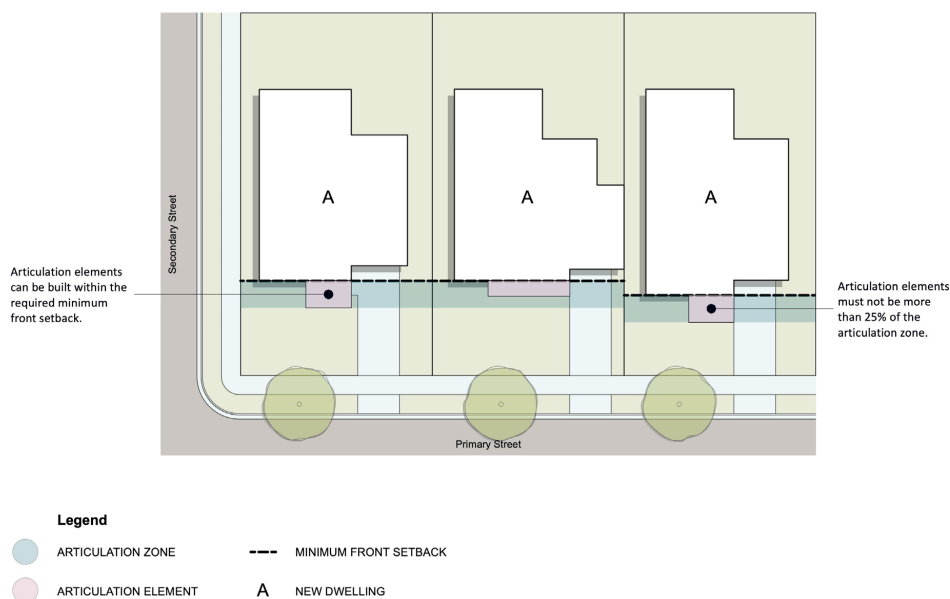


Figure 1: Setbacks and Articulation Zones

1.5 Dwellings on a corner lot

1.5.1 Explanation

A corner lot is a significant aspect of the streetscape. They can provide landmarks for ‘way finding’ and can contribute to the amenity of the locality. Dwellings on a corner lot are visible from two directions and any development on a corner lot must ensure that the dwelling addresses both street frontages in an appropriate manner. Figure 2 provides a diagrammatic representation of the below controls.

1.5.2 Objectives

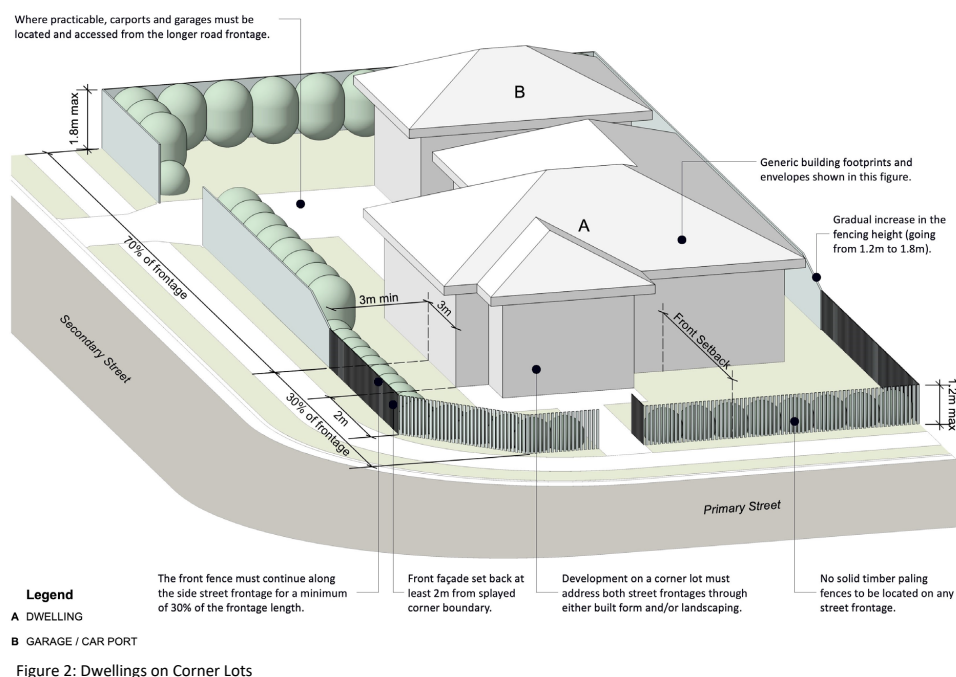
- a) To enhance the streetscape of both streets associated with a corner lot
- b) To ensure design of the development reflects the scale and density of surrounding development.
- c) To present an attractive façade to both streets associated with a corner lot

1.5.3 Controls

- a) Development on a corner lot must address both street frontages through either built form and/or landscaping.

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- b) The entrance to a dwelling on a corner lot must be responsive to, and consistent with, the [Site Analysis](#).
- c) The following controls apply to dwelling setbacks on a corner lot:
 - i. On the secondary street frontage the dwelling must be set back at least three (3) metres from that boundary but does not have to satisfy the articulation zone requirements.
 - ii. The relevant side setback control may apply instead of the rear setback.
 - iii. The front façade must be set back at least two (2) metres from a splayed corner boundary.
- d) The following controls apply to fences on a corner lot:
 - i. The maximum height of a front fence must be 1.2 metres.
 - ii. The front fence must extend along the side boundary to the extent of the front setback.
 - iii. The front fence must continue along the side street frontage for a minimum of 30% of the frontage length.
 - iv. The maximum height of a side fence must be 1.8 metres, gradually increasing from 1.2 metres from the front setback.
 - v. A side fence must not be located forward of the front setback.
 - vi. Any side fencing must not extend along both street frontages and along the side boundaries for a length of three (3) metres from behind the front façade.
 - vii. No solid timber paling fences is permissible on any street frontage.
- e) Where practicable, carports and garages must be located and accessed from the longer road frontage.



1.6 Site Coverage

1.6.1 Explanation

Site coverage, also known as the development footprint, is a measure that assists in controlling the density and scale of new lower density housing. Site coverage is expressed as a percentage of the total site area and refers to the area of a site that development is to be built upon. Site coverage controls work in conjunction with setbacks, floor space ratios and landscaped open space requirements to ensure dwellings are appropriately scaled to their site and surrounding development. Controlling the development footprint can ensure that the character or heritage aspects of the existing locality are not impacted, and the amenity of both new and existing development is maximised.

1.6.2 Objectives

- a) To provide additional guidance in applying Clause 4.4. and Clause 4.5 that gives effect to the *Wingecarribee Local Environmental Plan 2010* Floor Space Ratio Maps
- b) To ensure density and scale is compatible with the appearance and character of any buildings on site or that surround the site
- c) To ensure adequate space is available on the lot to accommodate landscaping and private open space
- d) To retain natural topography and important natural features of the site, including any significant existing trees

1.6.3 Controls

- a) The floor space ratio of a development must not to exceed the maximum floor space ratio set in Clause 4.4 of the *Wingecarribee Local Environmental Plan 2010*.
- b) The maximum site coverage must comply with the following table:

Table 2: Maximum Site Coverage

Lot size	Maximum Site Coverage
Less than 2,000m ²	65% of the site area
Less than 2,000m ² and located within an adopted or draft Heritage Conservation Area	50% of the site area
Between 2,000m ² and 4,000m ²	50% of the site area
Over 4,000m ²	25% of the site area

Note: Site coverage includes any area of the site covered by buildings and structures but does not include any basement, awnings, eaves, garbage storage areas, driveways, hard stand areas, swimming pools, unenclosed balconies, attached decks, pergolas or the like.

- c) Cut and fill is minimised with development being stepped where possible.
- d) The maximum cut and fill is 1m.

1.7 Solar Access

1.7.1 Explanation

The siting of all residential buildings to optimise solar access to their main living areas not only provides a more enjoyable living environment, but also reduces demands on artificial lighting, heating and cooling with consequent financial and environmental benefits. The location of garages and other ancillary development also needs to ensure this solar access objective is met.

Where possible, living areas should be oriented to the north, facing out over landscaped areas.

Applicants must refer to the BASIX requirements (www.sustainability.nsw.gov.au) in order to incorporate the energy saving design measures described.

1.7.2 Objectives

- a) To ensure that all proposed, and adjacent dwellings, optimise solar access to the main living areas and open space
- b) To position the dwellings on the site to ensure that those open spaces most used by residents receive maximum access to sunlight
- c) To maximise opportunities for passive heating and cooling of dwellings that reduces reliance on artificial methods

1.7.3 Controls

- a) New dwellings must be orientated to ensure that key living areas and 50% of the primary private open space of the development, and surrounding development, receives a minimum of 3 hours of direct sunlight on 21 June. Applicants must demonstrate that the dwelling design maximises solar access, by providing a [Shadow Diagram](#).
- b) The design of the main living areas of the dwelling must open directly on to private open space to permit adequate sunlight and natural light into the dwelling.
- c) All new low density housing must design private open space so that it maximises the northern or eastern sun.
- d) At least one (1) principal living area of a dwelling must face predominantly north, unless the lot orientation, location, shape and size prevents this.
- e) The design of the dwelling must allow good natural cross ventilation with well-considered placement of windows.

1.8 Open Space

1.8.1 Explanation

Open spaces includes back yards, front yards, courtyards, verandahs and porches. These areas are essential elements of low density housing that contribute to the attractiveness and liveability of both public and private outdoor spaces, contribute to the existing character of the locality, provide visual and

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acoustic buffering, allow opportunities for various forms of outdoor passive and active recreation and in some cases, support the native flora and fauna of the locality by providing habitat

Landscaping may consist of soft landscaped areas, such as gardens, trees and grass and hard landscaped areas such as swimming pools and paved outdoor areas. It is important to achieve a balance between hard and soft landscaping.

Landscaping associated with Items (or Draft Items) of Heritage or within Heritage Conservation Areas (or Draft Areas) can be an integral component of the heritage value of that Item or Area. Appropriate landscaping can significantly increase the contribution of a new development to the amenity of the urban environment.

This section of the Wingecarribee DCP must be read in conjunction with the ...add other chapters of the DCP as known

1.8.2 Objectives

- a) To preserve and retain existing native trees, vegetation, heritage related landscaping, Threatened Ecological Communities and other natural features of the site
- b) To provide both passive and active recreation in private open space areas by providing a combination of hard surface, landscaping and deep soil areas
- c) To encourage the landscaping and in particular, planting of additional native vegetation that links habitat corridors and is suitable to the Southern Highlands climate and soils
- d) To preserve and contribute to the visual amenity and character of the property and the locality
- e) To maximise street canopy coverage
- f) To embrace the principles of Ecological Sustainable Development

1.8.3 Controls

- a) The minimum area of open space must comply with the following table:

Lot size	Minimum Area of Open Space
Less than 2,000m ²	35% of the site area or 95m ² , whichever is the greater
Less than 2,000m ² and located within an adopted or draft Heritage Conservation Area	50% of the site area
Between 2,000m ² and 4,000m ²	50% of the site area
Over 4,000m ²	75% of the site area

Note: Open space includes any area of the site covered by soft or hard landscaping including patios, paths, paved outdoor areas, gardens, trees and grass

- b) A Landscape Plan is required:

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- i. If the development affects a Heritage Item, is within the vicinity of a Heritage Item or is within a Heritage Conservation Area.
- ii. If the development is for a Boarding House or Group Home.
- c) Where a Landscape Plan is not required:
 - i. [Site Plans & Elevations](#) must show an outline of the landscaping.
 - ii. The [Statement of Environmental Effects](#) must include a statement of intent for landscaping that demonstrates how the landscaping meets the objectives set out above.
- d) Verandahs and balconies must be elevated above finished ground level.
- e) Private open space must be provided at least one (1) consolidated area with minimum dimensions of (six) 6 metres in width and depth.
- f) Designated deep soil areas must:
 - i. Be a minimum of two (2) metres by two (2) metres
 - ii. Contain at least one (1) consolidated deep soil area with a minimum dimension of five (5) metres by five (5) metres.
- g) Landscaping for any low density housing development must:
 - iii. Where possible, seek to retain existing trees and areas of natural vegetation.
 - iv. Consider the context of their importance and contribution to landscape connectivity and wildlife movement.
 - v. Minimise the impact on native flora and fauna and their habitats and where possible, consider measures to help offset any impacts (such as nesting boxes, bat boxes or bird feeders).
 - vi. Reflect the unique local character of the locality.
 - vii. Where possible, seek to include street tree planting.
 - viii. Prioritise indigenous plants (species natural to the local area) over exotic plants.
 - ix. Not including the planting of any noxious weeds, pest plants and undesirable species.
 - x. Be provided both behind and in front of the building line.
 - xi. Be integrated with the drainage design. The location of drainage lines, pits and detention areas must not conflict with landscaped areas including proposed and existing trees.
 - xii. Seek to incorporate recycled materials (e.g. chipping any removed vegetation and using these chips as mulch, re-use of on-site topsoil, and use of recycled plastic products), and design to ensure low resource consumption (e.g. drought hardy plantings to reduce water use, use of permeable paving and providing onsite detention/infiltration areas to allow rainfall to seep into the soil rather than run off).
 - xiii. Not be included in landscaped area calculations if the landscaping of less than 1.5 meters in length and width.
 - xiv. Not overshadow neighbouring properties or block solar access.
- h) A minimum of one (1) tree must be provided within the front setback area of a lot greater than 450m² and less than a 900m². A minimum of two (2) trees must be provided for lots equal or greater than 900m². This may include existing trees to be retained.

1.9 Fencing, Retaining Walls, Gates and Letterboxes

1.9.1 Explanation

Fences and retaining walls define boundaries between public and private spaces and adjoining properties whilst also contributing to increasing safety, security and privacy. The design of fences, retaining walls, gates and letterboxes, particularly in Heritage Conservation Areas, can all contribute to the existing streetscape and character of the particular locality.

1.9.2 Objectives

- a) To ensure a balance of privacy, safety and security for occupants of new and existing dwellings, whilst encouraging opportunities for visual and social interaction and connection with the street
- b) To ensure fencing and retaining walls does not dominate, and integrates into, the streetscape and character of a particular locality
- c) To ensure that fences, retaining walls and gates are designed to help define the boundary between public and private spaces, to assist in highlighting the property's pedestrian entry point and enable passive surveillance to the property and street

1.9.3 Controls

- a) Gates must be compatible with the streetscape and character of the locality.
- b) On land in a residential zone, fences and retaining walls for all low density housing must:
 - i. Match the fence or retaining walls heights in use in the immediate vicinity, to a maximum of 1200mm in front of the building line and 1800mm behind the front building (including any retaining wall).
 - ii. Be consistent with those of the character of fencing or retaining walls on adjoining properties and in the locality.
 - iii. Be of a form which provides an open appearance over 50% of its surface.
 - iv. Not use zinalume or other reflective materials, barbed wire or electric fences.
 - v. Not be of solid timber paling on any street frontage.
 - vi. Be consistent with the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
 - vii. Not block views from a dwelling towards the street or similarly obscure the visibility of the front entrance of a dwelling.
 - viii. Not exceed 10m in length without some articulation or detailing to provide visual interest such as fence posts or engaged piers.
 - ix. Be situated on the natural ground level, or if on a retaining wall satisfy b) i. above.
 - x. Minimise expansive flat and blank surfaces to street frontages.
 - xi. Have modulating elements (indentations, posts, or engaged piers) at a maximum interval of 2.5 metres.
 - xii. Not have an outwards opening entrance gate.

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- xiii. Be constructed to allow the natural flow of stormwater drainage/runoff or impact on fill.
- xiv. Where a letterbox is incorporated into fencing or a retaining wall, it must be functional, but attractive and conform with Australia Post guidelines.
- c) On land in a rural zone, fences and retaining walls for all low density housing must:
 - i. Be consistent with those of the character of fencing or retaining walls on adjoining properties and in the locality.
 - ii. For gates, be located a minimum of 6 metres from the road.
 - iii. Be consistent with the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
 - iv. Not block views from a dwelling towards the street or similarly obscure the visibility of the front entrance of a dwelling.
- d) Cut and fill is minimised with development being stepped where possible.
- e) The maximum cut and fill is 1m.

1.10 Safety, Security and Entrances

1.10.1 Explanation

The actual or perceived safety and security of residents and visitors is a consideration to all development types. However, this is particularly important for low density housing where there are typically less residents inhabiting any one building. It is therefore important that the design of lower density residential development embraces the principles of Crime Prevention through Environmental Design (CPTED) that deters criminal and undesirable activity by reducing opportunities for crime.

1.10.2 Objectives

- a) To ensure that development is designed to reduce crime risk and minimise opportunities for crime
- b) To optimise safety and the perception of safety in public and semipublic spaces

1.10.3 Controls

- a) The design of a dwelling must enhance site safety and security by:
 - i. Designing front fences, garages and landscaping elements in a manner that does not obstruct casual surveillance to and from the dwelling.
 - ii. Ensuring that passive surveillance of buildings, streets, car parking facilities and open spaces is maximised.
 - iii. Clearly defining individual areas and uses.
 - iv. Incorporating landscaping, without providing places for concealment.
 - v. Attempting to restrict upper-level access to balconies and roofs of the development, or neighbouring development, due to large trees, carports, skillion extensions, fences or downpipes.

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- vi. Reinforcing site boundaries and distinct areas by providing transitional features to strengthen the distinction and provide clear sight lines between private space and the public domain. Strategies could include fences, gardens, lawn strips, and varying textured surfaces to create physical or psychological barriers.
 - vii. Ensuring signs and vegetation must be located so that they do not create 'entrapment' points where people are hidden from view.
 - viii. Having internal spaces, walkways and connecting paths that are open, visible and eliminate hidden corners.
 - ix. Being detailed or articulated in a manner that identifies the entry and expresses the dwelling to the street frontage.
 - x. Locating signs and vegetation so that they do not create 'entrapment' points where people are hidden from view.
 - xi. Where possible, designing the dwelling to face the street with at least one (1) habitable room window which can overlook streets and other public areas to provide casual surveillance of the public domain.
- b) On-site garaging must provide clearly defined exit points and be lit at night, both inside the garaging and around the entrance/exit points. Such lighting must be movement-activated lighting that focusses on the access areas.
 - c) Building entrances, walkways, connecting paths and garaging must be well lit and ensure that such lighting is down-ward focused and effective without generating glare or annoyance beyond the area being lit.
 - d) Lighting and security cameras must not significantly impact on adjoining properties.

1.11 Access and Parking

1.11.1 Explanation

The location, type and design of garages, carports and driveways can have a significant impact on the streetscape and building design. It is important that car parking is integrated and considered in the total design of the site and dwelling(s) and that car parking does not dominate the streetscape. Driveways also need to be appropriately located to maintain the safety and functionality of the public road network and allow for the retention of on-street parking.

This section only relates to attached garaging and carports.

For detached garaging and carports, refer to 2.2 Detached Buildings – Non-habitable for objectives and controls.

1.11.2 Objectives

- a) To ensure that parking areas, access ways, driveways allow safe, appropriate and efficient vehicle movement and connections to the existing street network
- b) To minimise the loss of on-street public parking spaces and the impact of garages and carports upon the streetscape

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- c) Garages are located to minimise the dominance of garages and driveways on the streetscape.
- d) Driveways shall be located so as not to impact on existing street trees

1.11.3 Controls

- a) One (1) driveway is permitted on each lot.
- b) Driveways for attached garaging and carports for low density housing development must be:
 - i. Be at least 3 metres wide
 - ii. Include an internal radius of 4m at the point where there is a change in direction
 - iii. Located a minimum of three (3) metres from the nearest street tree and not impact on existing street trees
 - iv. Located a minimum of one (1) metre from any side boundary
 - v. Recessive in nature and not dominate the streetscape
 - vi. Be the smallest configuration as practical
 - vii. Positioned so that on-street parking and landscaping on the site is maximised, and removal or damage to existing street trees is avoided
- c) The edges of hard surfaces must be softened through landscaping and material treatment.
- d) The driveway can be provided from a secondary street or rear lane if there is adequate access or road width and demonstrated in response to the [Site Analysis](#).
- e) Where land has a frontage to a main road, or is a rear battleaxe lot, all development must provide sufficient area on site to allow vehicles to enter and leave the site in a forward direction.
- f) Within the property, driveways on slopes must be constructed as per the following table:

Slope	Minimum construction requirement
Less than 10%	All weather gravel
10%-15%	Sealed (i.e. pavers, two coat seal, asphaltic concrete or concrete)
Greater than 15%	Asphaltic concrete or concrete.

Where Council considers that the subject land does not have all weather public road access, or that access is physically impractical or does not meet acceptable safety standards, Council will require upgrading of the road to a two wheel drive all-weather road (in line with the [NSW RFS Planning for Bushfire Protection Guidelines](#)), together with the lodgment of a bond to cover the costs of roadworks and safety measures including warning signs required for that development. Council may not support a development where the road upgrading is not practical in the circumstances.

- g) A minimum of two (2) on-site parking spaces must be provided for all low density housing development, and must be located behind the building line wherever possible.

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- h) In established residential areas, the location of new garages and carports must reflect the current street pattern.
- i) The height of the garage or carport must not exceed the height of the principal dwelling.
- j) Where garages or carports form part of the dwelling they must not exceed 40% of the total width of the dwelling frontage to a maximum width of six (6) metres.
- k) Double garages or carports are only permitted on a lot of at least 12.5 metres in width.
- l) Triple fronted garages are not permitted where they face directly on to the street.
- m) For a residential lot 1,500m² or greater, a third garage is permitted if it is screened from the street.

1.12 Preservation of Views and Privacy

1.12.1 Explanation

Some low density housing in Wingecarribee has extraordinary views of bushland and other natural elements. Maintaining views from dwellings and open space areas forms the basis of the principles of view sharing. New development must be sited and designed to minimise the impact on views from adjoining and nearby properties where practicable.

Sensitively designed low density housing can minimise the intrusion of noise and the impacts of overlooking into adjoining properties. While it is neither possible nor desirable to achieve total privacy in an urban context, landscaping and screening can further minimise visual and acoustic impacts.

1.12.2 Objectives

- a) To protect the visual and acoustic privacy of new and existing low density housing.
- b) Minimise view loss from adjoining or nearby properties and public places.
- c) Ensure view sharing arrangements are achieved.

1.12.3 Controls

- a) The concept of 'view sharing' must be considered in relation to the views enjoyed by neighbours, public open spaces and potential development.
- b) All buildings must be sited and designed to minimise the impact on views from adjoining and nearby properties where practicable.
- c) Windows, decks and balconies, particularly on upper floors, must be designed and oriented to minimise overlooking of neighbouring main living areas and private open space.
- d) Where windows, decks or balconies of dwellings are within 9 metres of windows or balconies of other dwellings, some form of screening or reduction in window areas must be provided to ensure visual privacy. Refer to Figure 3 below. Solutions include:
 - i. Have a sill height at least 1.7 metres above the floor.
 - ii. Have fixed obscure glazing on part of the window below 1.7 metres above the floor.
 - iii. Using windows which are narrow, translucent or obscured to bathrooms and toilets.

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- iv. Ensuring that windows do not directly face the windows, balconies or courtyards of adjoining dwellings.
- v. Screening windows, balconies and courtyards within 3 metres of a property boundary.
- vi. Effectively utilising setbacks, level changes or landscaping.
- e) Solutions that provide visual privacy must:
 - i. Not impact upon existing view sharing arrangements.
 - ii. Be consistent with the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- f) All sound generating plant and equipment must be designed and located so that the noise emitted does not exceed relevant residential amenity standards beyond the property boundary.
- g) A rooftop balcony or terrace on a building is not suitable where it compromises privacy and amenity.
- h) Dwellings must be sited and designed to limit the potential for noise transmission to the living and sleeping areas of adjacent dwellings.
- i) Noise generating activities/items such as air-conditioning units, swimming pool equipment, recreation areas driveways and car spaces must be located to minimise the impact on the amenity of adjoining properties and must not be located adjacent to bedrooms of neighbouring dwellings.

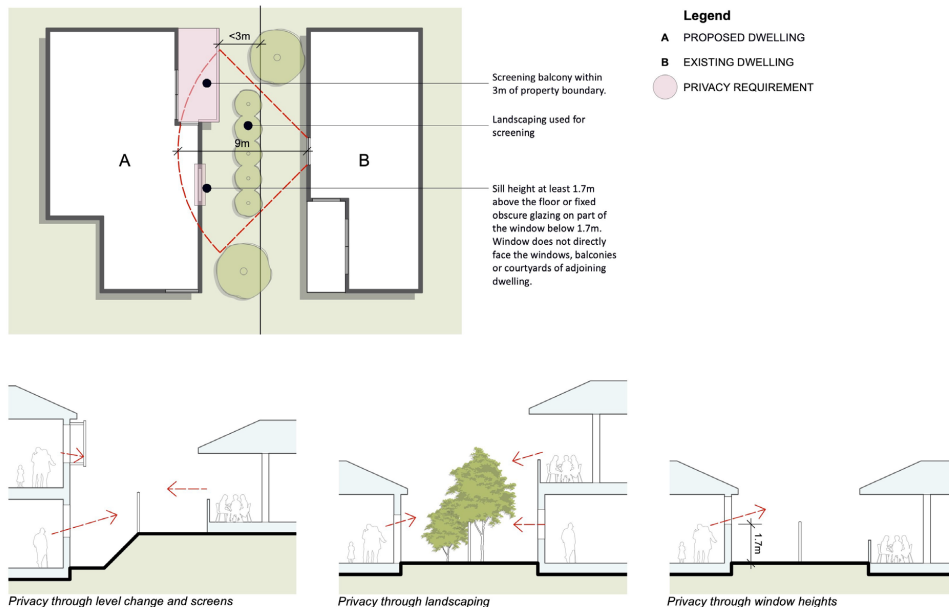


Figure 3: Preservation of Views and Privacy

1.13 Building Design and Building Materials

1.13.1 Explanation

A wide variety of building materials, designs and techniques are used in Wingecarribee LGA, particularly in low-density dwellings. Accompanying these materials, designs and techniques is a building stock of similar diversity in age, size and style across the LGA as a whole. There is an increasing interest and importance placed upon sustainability, and this is supported by choice of building materials. Sustainable forestry practices, recycled materials, reduction in the use of toxic chemicals, and the reuse of salvaged building materials are all practices that positively contribute to sustainability.

1.13.2 Objectives

- a) To reduce the material and energy requirements needed to build housing.
- b) To encourage choice of materials, details and finishes that are sympathetic to and harmonious with the existing context.
- c) To encourage applicants to consider the nature of the building materials, the flows of energy, and materials required for the life of the project.
- d) To ensure that in the consideration of development proposals, adequate consideration is given to the life cycle costs of the materials being used, the ultimate disposition of the site and the materials, and ways in which these environmental impacts can be reduced or mitigated.

1.13.3 Controls

- a) The design of each dwelling must demonstrate how it is appropriate to the local climate.
- b) The use of recyclable, reusable and / or other certified sustainable building materials must be maximised whenever possible.
- c) Façades or roofs must not incorporate large areas of highly reflective materials.
- d) For dwellings in a Heritage Conservation Area, colours must be consistent with the following colour palette.

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Figure 4: Heritage Color Palette

1.14 Additional Controls for Dual Occupancies

1.14.1 Explanation

Dual occupancies refer to two dwellings on one lot of land that can either be 'attached' or 'detached'.

An 'attached' dual occupancy refers to developing a building, or modifying an existing building, to make it internally divided under a common roof that creates two separate dwellings while retaining the external appearance of a single dwelling.

A 'detached' dual occupancy refers to developing two separate dwellings or building a second separate dwelling.

Both attached and detached dual occupancies provide increase housing choice and allow for the sympathetic intensification of residential areas that contribute to providing affordable housing.

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1.14.2 Objectives

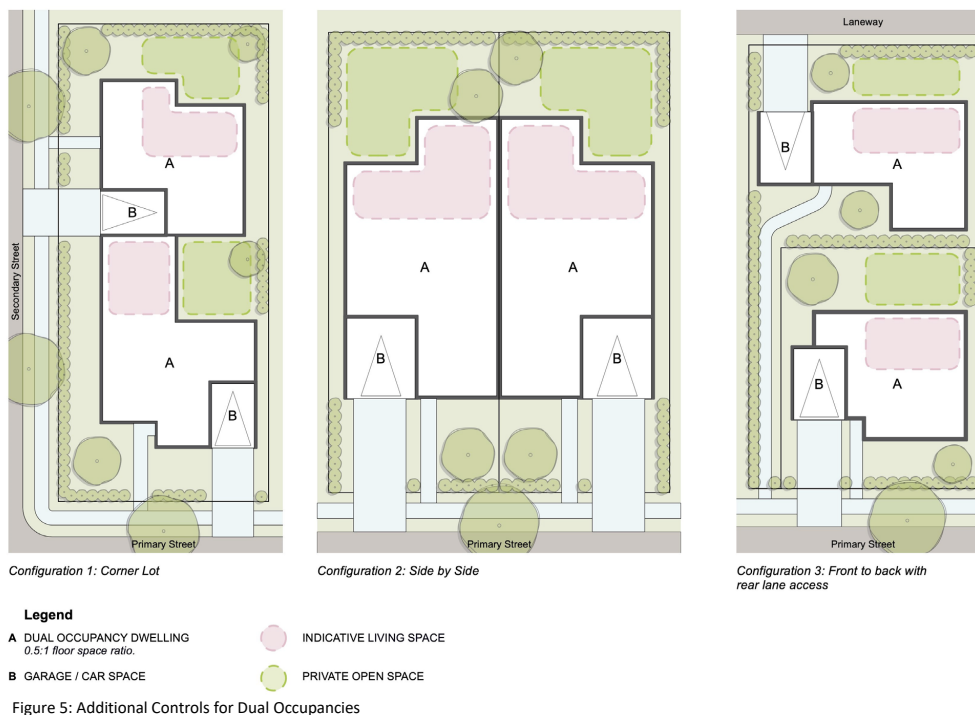
- a) To ensure both attached and detached dual occupancies are sympathetic and compatible within the existing or emerging locality, environment and amenity of adjacent residents.
- b) To provide a variety and choice of housing types and sizes that cater for the demographics needs of the community.
- c) To provide additional guidance in applying clauses relating to dual occupancies in the *Wingecarribee Local Environmental Plan 2010*.

1.14.3 Controls

On land in a residential zone:

- a) The following provisions in this chapter for low density housing development also apply to attached and detached dual occupancies in residential zones:
 - i. Front setbacks
 - ii. Side setbacks
 - iii. Rear setbacks
 - iv. Projections permitted in setbacks
 - v. Number of carparking spaces
 - vi. Site coverage
 - vii. Visual and acoustic privacy
 - viii. All requirements for private open space, with the exception that part of the private open space for an attached or detached dual occupancy may be provided in front of the building line
- b) The maximum floor space ratio for a combined Principal Dwelling/Dual Occupancy (Attached or Detached) residential development is 0.5:1. This excludes the area of any carport or garage. An exception to this may be considered where an existing dwelling house exceeds a floor space ratio of 0.5:1, and it is proposed to convert the dwelling into an attached Dual Occupancy without increasing the total floor space.
- c) Where subdivision of Dual Occupancy is proposed, each of the resulting lots are subject to 0.5:1 FSR.
- d) An attached or detached dual occupancy must:
 - i. Not exceed the height of the principal dwelling.
- d) Both the principal dwelling and the dual occupancy must have clear and direct access from a public street. Refer to Figure 5.
- e) Private open space for an attached or detached dual occupancy must be adequately screened for privacy from adjacent dwellings, passers-by and between dwellings.
- e) Entrances for an attached or detached dual occupancy must be either oriented to the street and/or separated from driveways and communal areas by a transition zone (e.g. a porch or front verandah).
- f) Building separation between each detached dual occupancy dwelling must ensure low density character is maintained in the streetscape. Refer to Figure 5.

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On land in a rural zone:

- g) The front, side and rear setbacks for low density housing in rural zones also apply to both attached and detached dual occupancies.
- h) An attached dual occupancy must:
 - i. Have the appearance of a single dwelling when viewed from any public place.
 - ii. Not detract from the amenity of the area.
 - iii. Be constructed so that they are attached under the same roofline and have the general appearance of a dwelling house when viewed from the primary street frontage. Structures such as carports and skillion roofs, pergolas, covered awnings and the like are not acceptable as a mode of attachment.
 - iv. Ensure it is constructed of similar materials and colours as the principal dwelling.

1.15 Additional Controls for Secondary Dwellings

1.15.1 Explanation

Secondary dwellings are a type of residential development commonly referred to as granny flats.

Note: Strata or Torrens title subdivision of secondary dwellings is not permitted.

1.15.2 Objectives

- a) To ensure secondary dwellings are sympathetic and compatible within the existing or emerging locality, environment and amenity of adjacent residents.
- b) To provide a variety and choice of housing types and sizes that cater for the demographic needs of the community.
- c) To provide guidance in applying secondary dwelling controls in the *Wingecarribee Local Environmental Plan 2010*.

1.15.3 Controls

- a) The following provisions for lower scale residential development also apply to secondary dwellings:
 - i. Front setbacks
 - ii. Side setbacks
 - iii. Rear setbacks
 - iv. Projections permitted in setbacks
 - v. Site coverage
- b) On land in a residential zone, and as per Clause 5.4 of *Wingecarribee Local Environmental Plan 2010*, the total floor area of the secondary dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater:
 - i. 60m²
 - ii. 33% of the total floor area of the principal dwelling
- c) On land in a rural zone, and as per Clause 5.4 of *Wingecarribee Local Environmental Plan 2010*, the total floor area of the secondary dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater:
 - i. 60m²
 - ii. 33% of the total floor area of the principal dwelling
- d) Secondary dwellings must:
 - i. Be designed to complement the design of the principal dwelling.
 - ii. Be subservient to the principal dwelling in terms of visual bulk and scale.
 - iii. Include the provision for clothes drying facilities in a location with adequate solar access.
 - iv. On land in a residential zone, be behind the front building line of the principal dwelling.

Ancillary Development

This section of the Wingecarribee DCP must be read in conjunction with ...add other chapters of the DCP as required.

In addition, this section provides objectives and controls for ancillary development which includes:

- Detached buildings - Habitable
- Detached buildings – Non-habitable
- Swimming pools and spas
- Sport courts

Note: It is recommended that you check the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) as some forms of ancillary development may be categorised as exempt or complying development and this DCP does not apply

The overarching objectives for ancillary development is:

- a) To ensure that the appearance of ancillary structures is compatible with the height, bulk, scale and character of the existing or proposed development of the subject land, the streetscape and the locality
- b) To minimise the impact of ancillary structures from the street, adjoining properties and public spaces
- c) To ensure that ancillary structures are thoughtfully and appropriately sited and landscaped

1.16 Detached Building – Habitable

1.16.1 Explanation

A detached building that contain habitable rooms but is not capable of being occupied as a separate dwelling. These are defined under the Building Code of Australia and may be used for purposes such as a studio, an artist's workspace, a home office, a hobby room, a rumpus room, a teenagers 'retreat' or similar habitable room.

Note: Some detached buildings that are habitable may be constructed as complying development in R1, R2 and R3 zones provided the land upon which they are proposed and the development itself satisfies the provisions and relevant development standards of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

1.16.2 Objectives

- a) To ensure that the appearance of ancillary structures is compatible with the height, bulk, scale and character of the existing or proposed development of the subject land, the streetscape and the locality
- b) To minimise the impact of ancillary structures from the street, adjoining properties and public spaces
- c) To ensure that ancillary structures are thoughtfully and appropriately sited and landscaped
- d) To ensure that detached habitable buildings cannot be used for separate occupation unless specifically approved by Council

1.16.3 Controls

- a) A detached habitable building must only be built where there is an existing or approved dwelling on the lot.
- b) Not more than one (1) detached habitable building must be located on a lot.
- c) A detached habitable building must not have a maximum height greater than that of the principal dwelling.
- d) A detached habitable building must have a maximum floor area of 100m².
- e) Shadow diagrams must be submitted for all two (2) storey detached habitable buildings.
- f) The front, side and rear setbacks for low density housing developments also applies to detached habitable buildings.
- g) The detached habitable must not be used at any time for industrial or commercial purposes, or used for the storage of goods associated with industrial or commercial undertakings
- h) The fixtures permitted in a detached habitable building are limited to a shower and or bath, a vanity basin, a water closet and a kitchenette. A sink is only permitted if it is a single bowl type and is installed within a bar area. No kitchen, cooking facilities or laundry fixtures or installations are permitted.
- i) The materials used must be non-reflective. Zinalume is not permissible.
- j) Landscaping for a detached habitable building must:
 - i. Where possible, seek to retain existing trees and areas of natural vegetation.

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- ii. Consider the context of their importance and contribution to landscape connectivity and wildlife movement.
- iii. Minimise the impact on native flora and fauna and their habitats and where possible, consider measures to help offset any impacts (such as nesting boxes, bat boxes or bird feeders).
- iv. Reflect the unique local character of the locality.
- v. Prioritise indigenous plants (species natural to the local area) over exotic plants.
- vi. Not including the planting of any noxious weeds, pest plants and undesirable species.
- vii. Be integrated with the drainage design. The location of drainage lines, pits and detention areas must not conflict with landscaped areas including proposed and existing trees.
- viii. Seek to incorporate recycled materials (e.g. chipping any removed vegetation and using these chips as mulch, re-use of on-site topsoil, and use of recycled plastic products), and design to ensure low resource consumption (e.g. drought hardy plantings to reduce water use, use of permeable paving and providing onsite detention/infiltration areas to allow rainfall to seep into the soil rather than run off).
- ix. Not overshadow neighbouring properties or block solar access.

1.17 Detached Building – Non-habitable

1.17.1 Explanation

A detached non-habitable building means a building that is ancillary and not attached to the principal dwelling. This includes detached sheds, garages, carports and similar buildings but does not include granny flats which are secondary dwellings.

For attached garaging and carports, refer to Access and Parking for objectives and controls.

Note: Some detached buildings that are habitable may be constructed as complying development in R1, R2 and R3 zones provided the land upon which they are proposed and the development itself satisfies the provisions and relevant development standards of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

1.17.2 Objectives

- a) To ensure that the appearance of ancillary structures is compatible with the height, bulk, scale and character of the existing or proposed development of the subject land, the streetscape and the locality
- b) To minimise the impact of ancillary structures from the street, adjoining properties and public spaces
- c) To ensure that ancillary structures are thoughtfully and appropriately sited and landscaped

1.17.3 Controls

- a) Front, side and rear setbacks for detached non-habitable buildings are the same low density housing developments.
- b) A detached non-habitable building must:
 - i. Be single storey.

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- ii. Be non-reflective and not use zincalume.
 - iii. Utilise materials that complement materials commonly used in buildings in the locality and, to the extent that the building is comprised of metal components, be low reflective
 - iv. Have minimal visual impact on adjoining properties.
 - v. Have a minimal impact on the established landscaped character and existing trees and vegetation,
 - vi. Be positioned to optimise backyard space and must not be located within the required soft soil landscaping requirement.
 - vii. Not be used at any time for industrial or commercial purposes, or be used for the storage of goods associated with industrial or commercial undertakings.
 - viii. Not be habitable and the fixtures permitted must be limited to a shower and or bath, a vanity basin and a water closet. No kitchen, cooking facilities or laundry fixtures or installations are permitted.
 - ix. If single storey have a maximum eave height of 4m (or be similar to the primary dwelling). Refer to Figure 6.
- c) The combined maximum floor area of all detached non-habitable buildings must be:

Lot Size	Building size
Up to 2,000m ²	120m ²
Between 2,000m ² & 4,000m ²	150m ²
Greater than 4,000m ²	Merit Assessment

- d) Detached non-habitable buildings may be required to be broken down into separate buildings to minimise impacts of bulk and scale. Refer to Figure 6.
- e) Council may require that the shed incorporate appropriate acoustic attenuation measures to ensure that the amenity of the surrounding area is not unduly impacted
- f) On land in a residential zone, detached non-habitable buildings must:
 - i. Not exceed more than two (2) detached non-habitable buildings on a lot.
 - ii. Not exceed the height of the principal dwelling located on the subject land.
 - iii. Be located behind the building line of any road frontage.
- g) A detached non-habitable building must only be built where there is an existing or approved dwelling on the lot.
- h) Council will grant approval for a detached non-habitable building on vacant land only if:
 - i. Development approval and construction certificate or a complying development certificate has been granted for the construction of a dwelling on the lot.
 - ii. Adequate security has been lodged to establish the genuine intentions of the property owner to proceed with construction of a residence, or

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- iii. A statutory declaration has been lodged by the property owner indicating:
 - a. the owner's intentions to construct a dwelling within twelve months from the date of declaration;
 - b. a timetable for the construction of the dwelling; and
 - c. an undertaking that the garage or outbuilding will not be occupied or adapted for residential purposes.
- i) Landscaping for a detached habitable building must:
 - i. Where possible, seek to retain existing trees and areas of natural vegetation.
 - ii. Consider the context of their importance and contribution to landscape connectivity and wildlife movement.
 - iii. Minimise the impact on native flora and fauna and their habitats and where possible, consider measures to help offset any impacts (such as nesting boxes, bat boxes or bird feeders).
 - iv. Reflect the unique local character of the locality.
 - v. Prioritise indigenous plants (species natural to the local area) over exotic plants.
 - vi. Not including the planting of any noxious weeds, pest plants and undesirable species.
 - vii. Be integrated with the drainage design. The location of drainage lines, pits and detention areas must not conflict with landscaped areas including proposed and existing trees.
 - viii. Seek to incorporate recycled materials (e.g. chipping any removed vegetation and using these chips as mulch, re-use of on-site topsoil, and use of recycled plastic products), and design to ensure low resource consumption (e.g. drought hardy plantings to reduce water use, use of permeable paving and providing onsite detention/infiltration areas to allow rainfall to seep into the soil rather than run off).
 - ix. Not overshadow neighbouring properties or block solar access.

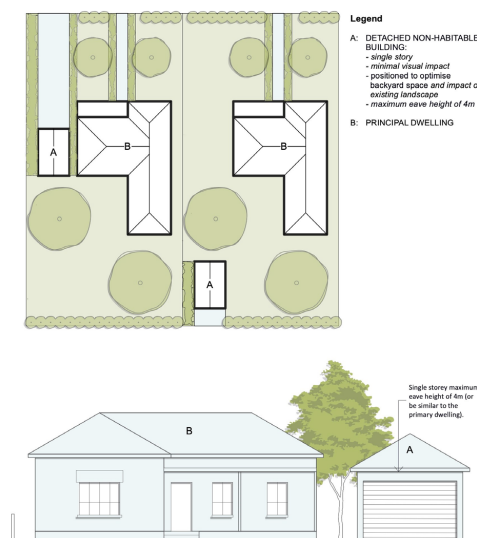


Figure 6: Detached Building – Non-Habitable

1.18 Swimming Pool and Spas

1.18.1 Explanation

The *Swimming Pools Act 1992* prescribes requirements which apply to swimming pools (both outdoor and indoor) that are situated, or proposed to be constructed or installed, on premises on which a residential building, a moveable dwelling, or tourist and visitor accommodation is located.

1.18.2 Objectives

- a) To ensure that the appearance of ancillary structures is compatible with the height, bulk, scale and character of the existing or proposed development of the subject land, the streetscape and the locality
- b) To minimise the impact of ancillary structures from the street, adjoining properties and public spaces
- c) To ensure that ancillary structures are thoughtfully and appropriately sited and landscaped

1.18.3 Controls

- a) Swimming pools and spas must:
 - i. Be located at the rear of property.
 - ii. Have a minimum setback of 1.2 metres from any property boundary.
 - iii. Be positioned at least 3 metres away from noise sensitive rooms (i.e. bedrooms) of both the subject dwelling and neighbouring dwellings.
 - iv. House mechanical equipment associated with swimming pools and spas in an enclosure that is soundproofed and landscaped for screening purposes.
 - v. Position any pool related decking away from the side and rear boundaries of the property to minimise adverse privacy impacts on the neighbours.
 - vi. Where illumination is proposed, use low level lighting and direct away from adjoining properties.
 - vii. Comply with relevant Australian Standards. Refer to the Swimming Pool Act 1992, Swimming Pools Regulations 2008 and AS 1926.1-2012 Swimming Pool Safety Part 1: Safety Barriers for Swimming Pools for information relating to swimming pool safety fencing and gate requirements.

Note: If the swimming pool is over 40,000 litres then a BASIX Certificate is required

- b) Doors are not permitted in external walls that provide direct access into the immediate swimming pool or spa area.
- c) Landscaping for swimming pools and spas must:
 - i. Where possible, seek to retain existing trees and areas of natural vegetation.
 - ii. Consider the context of their importance and contribution to landscape connectivity and wildlife movement.
 - iii. Minimise the impact on native flora and fauna and their habitats and where possible, consider measures to help offset any impacts (such as nesting boxes, bat boxes or bird feeders).
 - iv. Reflect the unique local character of the locality.

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- v. Prioritise indigenous plants (species natural to the local area) over exotic plants.
- vi. Not including the planting of any noxious weeds, pest plants and undesirable species.
- vii. Be integrated with the drainage design. The location of drainage lines, pits and detention areas must not conflict with landscaped areas including proposed and existing trees.
- viii. Seek to incorporate recycled materials (e.g. chipping any removed vegetation and using these chips as mulch, re-use of on-site topsoil, and use of recycled plastic products), and design to ensure low resource consumption (e.g. drought hardy plantings to reduce water use, use of permeable paving and providing onsite detention/infiltration areas to allow rainfall to seep into the soil rather than run off).
- ix. Not overshadow neighbouring properties or block solar access.

1.19 Sport Court

1.19.1 Explanation

A sport court includes a tennis court, basketball court or other sporting or multi-use court that provide recreational facilities exclusively for the resident.

1.19.2 Objectives

- a) To ensure that the appearance of ancillary structures is compatible with the height, bulk, scale and character of the existing or proposed development of the subject land, the streetscape and the locality
- b) To minimise the impact of ancillary structures from the street, adjoining properties and public spaces
- c) To ensure that ancillary structures are thoughtfully and appropriately sited and landscaped

1.19.3 Controls

- a) A sport court must:
 - i. Be located behind the building line of any road frontage.
 - ii. Be setback a minimum of 5 metres from a side or rear boundary.
 - iii. Be positioned away from noise sensitive rooms (i.e. bedrooms) of dwellings on the property and neighbouring properties.
 - iv. Not involve cut or fill of more than 1 metre below or above existing ground level.
 - v. Incorporate screen planting between the sport court and adjoining properties.
 - vi. Utilise recessive colours (e.g. black).
 - vii. Not utilise outdoor flood lighting unless it can be demonstrated that the lighting and use of the court at night will not interfere with amenity of neighbouring properties.
 - viii. Cease use after 10:00pm.
 - ix. Have a maximum size of 800m².
 - x. Have a maximum fence height of 3 metres.

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- b) Landscaping for sport courts must:
- i. Where possible, seek to retain existing trees and areas of natural vegetation.
 - ii. Consider the context of their importance and contribution to landscape connectivity and wildlife movement.
 - iii. Minimise the impact on native flora and fauna and their habitats and where possible, consider measures to help offset any impacts (such as nesting boxes, bat boxes or bird feeders).
 - iv. Reflect the unique local character of the locality.
 - v. Prioritise indigenous plants (species natural to the local area) over exotic plants.
 - vi. Not including the planting of any noxious weeds, pest plants and undesirable species.
 - vii. Be integrated with the drainage design. The location of drainage lines, pits and detention areas must not conflict with landscaped areas including proposed and existing trees.
 - viii. Seek to incorporate recycled materials (e.g. chipping any removed vegetation and using these chips as mulch, re-use of on-site topsoil, and use of recycled plastic products), and design to ensure low resource consumption (e.g. drought hardy plantings to reduce water use, use of permeable paving and providing onsite detention/infiltration areas to allow rainfall to seep into the soil rather than run off).
 - ix. Not overshadow neighbouring properties or block solar access.

Submission Requirements

Site Analysis Plan

A Site Analysis Plan must be submitted for all new low density housing and ancillary development.

A Site Analysis Plan must clearly show the following:

- a) The location, height and use of any existing or proposed structures or activities on, and immediately adjoining to, the land
- b) Slope and contours
- c) The location and nature of any watercourses and associated flooding or drainage characteristics
- d) The orientation of the land including the marking of true north
- e) Waste management and access to bins
- f) The location and nature of any existing utility services on the land
- g) The location and description of any trees and vegetation on, and immediately adjacent to, the land, including any potential bushfire threats
- h) The existing or proposed vehicles and pedestrian access and egress
- i) Any items or places of known Aboriginal and European cultural heritage
- j) The direction and nature of prevailing climate characteristics such as wind direction and rainfall
- k) Views to and from the land, particularly from a public place
- l) The location and nature of any other known constraint to development of the land, including potential soil contamination, noise sources, geotechnical issues, etc
- m) For dwellings on corner lots, the proposed entrance point and fence heights

Site Plans & Elevations

Site Plans & Elevations must be submitted for all new low density housing and ancillary development.

Site Plans must clearly show:

- a) Location and dimensional distances of the new and existing buildings / structures in relation to lot boundaries
- b) The height of any building/s
- c) North arrow
- d) A scale, with drawings preferred to be of 1:100 or 1:200 scale
- e) Details of where stormwater will be disposed
- f) All front, side and rear setback dimensions
- g) A schedule showing the development footprint.
- h) Building footprints on immediately adjoining properties.

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- i) A document control box containing the date and any revisions to the Site Plan

Where relevant, the following must also be indicated on the Site Plan:

- a) For alterations or additions clearly identify proposed works
- b) For subdivisions proposed boundaries and lot sizes are shown
- c) Vegetation and natural features
- d) All fencing and gates including a schedule showing fencing and gate materials, colours and treatments.
- e) Identify the roof form of all built form on the lot.
- f) Clearly identify structures to be demolished
- g) Location and dimensional distances of all impervious areas (hard surfaces e.g. driveways, paved areas, etc.)
- h) Location and capacity of any existing and proposed rainwater tanks
- i) Any cut and fill
- j) For swimming pools, pool fencing, gate and filter box position and the volume of the pool. If the swimming pool is over 40,000 liters, then a BASIX Certificate is required

Elevations must clearly show:

- a) Outline/s of existing buildings
- b) Existing and proposed ground levels, including the natural ground level
- c) Roof form of all built form on the lot
- d) Heights from existing ground level to the underside of the eaves and roof ridge

Shadow Diagrams

For all two (2) storey development, shadow diagrams that are professional prepared must be provided that:

- a) are based on a survey of the relevant lot and adjoining properties
- b) take existing vegetation into consideration
- c) outline the position of the buildings on adjoining lots

Shadow diagrams are not required for land in rural zones.

Carparking

Carparking plans must show proposed vehicular access and circulation and calculations, specifically relating to vehicular movement, turning circles, parking spaces, and driveway widths.

Council may require The Australian Standard 2890.1 – Off-Street Car Parking templates to be overlaid on the appropriate plans.

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View Analysis

Where Council considers existing or potential future views may be impinged upon, a visual analysis must document how the development design has considered the concept of 'view sharing' must in relation to the views enjoyed by neighbours, public open spaces and potential development.

A view analysis must indicate how a proposed development reflects the desirability of protecting known views and adopts the principles of view sharing.

The view analysis of surrounding development is required to indicate the:

- a) position of the proposal on the lot
- b) location of adjoining buildings
- c) degree of view loss, if any, resulting from the proposal

Council may also require the erection of a height profile structure certified by a registered surveyor on the lot prior to determining the application.

Height Profiles

Height profiles that are professionally prepared may be required where Council considers a building impinges upon significant views, solar access, privacy or a streetscape.

Landscape Plan

A fully documented Landscape Plan prepared by a qualified landscape designer/architect to a minimum scale of 1:100 that includes:

- a) Maps and identifies the plantings of any private open space on the development site
- b) Identifies the heritage significance of each planting
- c) Indicates which, if any, plantings may be removed from the garden without any adverse impact on the heritage significance of the garden
- d) Indicates the extent to which any environmental weeds form an integral part of the heritage value of the property
- e) Offers potential alternative plantings to replace environmental weeds which are not considered an integral part of the heritage value of the property

All landscaping proposals relating to bushfire prone land are to meet the requirements of the *Rural Fires Act 1997* and *Planning for Bushfire Protection 2019*.

Statement of Environmental Effects

A Statement of Environmental Effects must include:

- a) Site Analysis Plan
- b) Site Plans & Elevation

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- c) ...(e.g. Vehicle access, Accessibility, Drainage, Erosion and sediment control, Heritage, Energy efficiency, Waste)
- d) An outline of safety and security measures
- e) An outline of visual and acoustic privacy measures
- f) A statement of landscaping intent and how the landscaping achieves the overarching landscaping objectives

The following additional information may also be required in a Statement of Environmental Effects:

- a) A statement from a qualified acoustic consultant certifying that the design and construction of the building meets the Environmental Protection Authority – Environmental Criteria for Road Traffic Noise and Australian Standard 3671 – Road Traffic Noise Intrusion – Building Siting and construction may be required
- b) Shadow Diagram
- c) View Analysis
- d) Landscaping Plan
- e) Height Profiles
- f) ...

Dual Occupancies & Secondary Dwellings

A development application must be accompanied by the following information:

- a) Potential conflicts, including the distance from the proposed dual occupancy (detached) or secondary dwelling to adjoining lots and potentially conflicting land uses (e.g. horticulture, extensive agriculture, intensive livestock agriculture, rural industry and the like)
- b) Access details, including the proposed internal access arrangements from the public road to the principal dwelling on the site and the proposed dual occupancy (detached) or secondary dwellings

8.2 Planning Proposal to Amend Clause 4.2F - Subdivision of Land for Dual Occupancies in Zone R2 or R3

Report Author: Coordinator Strategic Policy

Authoriser: Executive Manager Strategic Outcomes

PURPOSE

The purpose of this report is to seek support for a Planning Proposal to amend Clause 4.2F - Subdivision of land for dual occupancies in Zone R2 or R3 of Wingecarribee Local Environmental Plan (WLEP) 2010, to reinstate the restrictions on subdivision of dual occupancy development within the Berrima Heritage Conservation Area.

Applicant / Proponent	Wingecarribee Shire Council
Owner	N/A
Consultants	N/A
Notification	N/A
Number Advised	N/A
Number of Submissions	N/A
Current Zoning	N/A
Proposed Amendment/s	LEP Clause 4.2F - Subdivision of land for dual occupancies in Zone R2 or R3
Political Donations	N/A
Recommendation	THAT the attached Planning Proposal to amend <i>Clause 4.2F - Subdivision of land for dual occupancies in Zone R2 or R3</i> of Wingecarribee Local Environmental Plan 2010 BE SUPPORTED and the Planning Proposal be submitted for a Gateway Determination in accordance with s.3.34 of the <i>Environmental Planning & Assessment Act 1979</i> .

THIS MATTER WAS CONSIDERED BY THE WINGECARRIBEE LOCAL PLANNING PANEL ON 24 MAY 2023.

OFFICER'S RECOMMENDATION

THAT:

- 1. The attached Planning Proposal to amend Clause 4.2F - Subdivision of land for dual occupancies in Zone R2 or R3 of Wingecarribee Local Environmental Plan 2010 BE SUPPORTED, and**

- 2. The Planning Proposal be submitted for a Gateway Determination in accordance with s.3.34 of the Environmental Planning & Assessment Act 1979.**

LOCAL PLANNING PANEL'S ADVICE

This matter was considered at the Local Planning Panel meeting of 24 May 2023 and the Panel supported the staff recommendation.

REPORT

PLANNING PROPOSAL

Introduction

On 2 February 2022, the Wingecarribee Local Planning Panel considered a report to amend Clause 7.2 of the Wingecarribee Local Environmental Plan 2010 to remove an inconsistency between Clause 7.2- Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F- Minimum subdivision lot sizes for dual occupancies in certain zones.

Clause 7.2 was contained within WLEP from its initial gazettal on 16 June 2010. The intent of the clause was to enable the subdivision of dual occupancy development in certain circumstances where subdivision was not otherwise permissible under the minimum lot size provisions. However, the provisions of the clause excluded land within the mapped Berrima Heritage Conservation Area.

In response to amendments to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) which enabled the erection and subdivision of dual occupancies as complying development, Council introduced Clauses 4.2E and 4.2F into WLEP2010 in June 2020 to ensure that such dual occupancy developments were consistent with the established lot sizes and character of our towns and villages.

In October 2022, the drafting of an amendment to clause 7.2 by the Parliamentary Counsel's Office (PCO) resulted in an inconsistency with clauses 4.2E and 4.2F, which the NSW Department of Planning & Environment sought to address with PCO resulting in a further Amendment on 12 May 2023 which amended clauses 4.2E and 4.2F and removed clause 7.2 altogether.

Prior to the introduction of clauses 4.2E and 4.2F, clause 7.2 restricted the subdivision of dual occupancies in the Berrima Heritage Conservation Area. The restriction on subdivisions within the Berrima Heritage Conservation Area provided protection to the original Hoddle subdivision plan, which contributes to the significance of Berrima and the Conservation Area. The attached Planning Proposal seeks to reinstate the restriction on subdivision within Conservation Area.

The proposed redrafting of WLEP 2010 to remedy this situation is to simply amend clause 4.2F (6) to apply to all of subclause (3) and not just subclause 3(a) as is currently the case, as indicated below:

4.2F Subdivision of land for dual occupancies in Zone R2 or R3

(1) The objectives of this clause are as follows—

- (a) to ensure development for the purposes of dual occupancies is compatible with the character of existing development in the surrounding area,*
- (b) to provide opportunities for housing on smaller lots in suitable locations on land in Zone R2 Low Density Residential and Zone R3 Medium Density Residential,*
- (c) to protect the heritage significance of the historic village of Berrima.*

(2) This clause applies to land in the following zones—

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- (a) Zone R2 Low Density Residential,*
 - (b) Zone R3 Medium Density Residential.*
- (3) Land on which a dual occupancy is, or will be, erected may be subdivided if the consent authority is satisfied—*
- (a) for land that is a corner lot—the lot has an area of at least 1,000m², or*
 - (b) otherwise—the area of each lot resulting from the subdivision will be—*
 - (i) at least 50% of the minimum lot size shown for the land on the Lot Size Map, and*
 - (ii) at least 600m².*
- (4) Development consent must not be granted to the subdivision of land under subclause (3) unless the consent authority is satisfied—*
- (a) there will be no more than 1 dwelling on each resulting lot, and*
 - (b) each resulting lot will be serviced by a water reticulation system and sewage reticulation system.*
- (5) Subdivision permitted under this clause must not occur before an occupation certificate is issued for each dwelling forming part of the dual occupancy.*
- (6) Subclause (3) ~~(a)~~ does not apply to land in the Berrima Conservation Area as shown on the Heritage Map.*

It is noted that both the Department of Planning and Environment and the Parliamentary Counsel's Office have indicated their willingness to consider this Planning Proposal.

Strategic Merit

The intent of the Planning Proposal is to reinstate the protection of the Berrima Heritage Conservation Area from dual occupancy subdivision which was contained under clause 7.2 of the WLEP 2010 when it was originally made in 2010.

As summarised above, this protection remained until Council introduced two new clauses into WLEP 2010, clauses 4.2E and 2.4F in 2020. Council considers this further amendment to be essential and urgent due to the high heritage value of Berrima. The original Hoddle subdivision plan for Berrima remains largely intact and conservation area contains many Items of Heritage, several of which are of State significance. The Community Strategic Plan recognises the significance of heritage properties and landscapes across the Shire and in Berrima especially.

The Planning Proposal will not dilute the general provisions of clauses 4.2E and 4.2F which support opportunities for dual occupancy development and subdivision as provided for within those clauses. The only change to these provisions is the exclusion of the Berrima Heritage Conservation Area which has been excluded from dual occupancy subdivision since 2010 due to the acknowledged high heritage value of this area.

CONSULTATION

Consultation has already occurred with the NSW Department of Planning and Environment and the Parliamentary Counsel's Office. Council was advised that the use of s.3.22 (*Expedited amendments of environmental planning instruments*) of the *Environmental Planning & Assessment Act 1979* was not an option in this case, but that consideration would be given to a Planning Proposal. Discussions have also been held with the Town Planning Team.

It is anticipated that referral to Water NSW, the NSW Rural Fire Service as well as the Heritage Team within the Department of Planning and Environment would be required under any Gateway Determination.

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If a Gateway Determination is received to proceed with the Planning Proposal, public exhibition will be undertaken for a period of 20 days in accordance with the NSW Department of Planning & Environment's Guidelines for Planning Proposals.

SUSTAINABILITY ASSESSMENT

- **Environment**

The reinstatement of the provision which prevents subdivision of dual occupancy developments within the Berrima Heritage Conservation Area would enhance preservation of the existing urban landscape and surrounding rural landscape.

- **Social**

The reinstatement of the provision which prevents subdivision of dual occupancy developments within the Berrima Heritage Conservation Area would also assist in preservation of its existing heritage character and value.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The Planning Proposal would be processed in accordance with relevant legislation and Departmental guidelines.

RELATIONSHIP TO CORPORATE PLANS

No Corporate Plans are impacted by this Proposal.

COUNCIL BUDGET IMPLICATIONS

No Council budgets are impacted by this Proposal.

RELATED COUNCIL POLICY

No other Council Policies are impacted by this Proposal.

CONCLUSION

The intent of the Planning Proposal is to reinstate the protection of the Berrima Heritage Conservation Area from dual occupancy subdivision which was contained within *Wingecarribee Local Environmental Plan 2010* when it was originally made in 2010. Council considers this further amendment to be essential and urgent due to the high heritage value of Berrima.

ATTACHMENTS

1. Planning Proposal Clause 4.2 F - v 1 for Council [**8.2.1** - 16 pages]



Planning Proposal

**to amend Wingecarribee Local Environmental Plan 2010 with regard
to Clause 4.2F – Subdivision of land for dual occupancies in Zone R2
and R3**

Prepared by Wingecarribee Shire Council in accordance with
the Local Environmental Plan Making Guideline (September 2022)

Council has categorised the Planning Proposal as *Standard*

Version 1 for Gateway Determination

May 2023

We're with you

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Part 1 – Objectives & Intended Outcomes of the Planning Proposal

The objective of the Planning Proposal is to reinstate the protection of the Berrima Heritage Conservation Area from dual occupancy subdivision which was contained within the Wingecarribee Local Environmental Plan 2010 when it was originally made in 2010. The original Hoddle subdivision plan for Berrima remains largely intact and the conservation area contains many Items of Heritage, several of which are of State significance. The Community Strategic Plan recognises the significance of heritage properties and landscapes across the Shire and in Berrima especially.

Part 2 - Explanation of the Provisions

To achieve the intended outcomes of the Planning Proposal the following amendment to the WLEP 2010 instrument will be required:

4.2F Subdivision of land for dual occupancies in Zone R2 or R3

- (1) *The objectives of this clause are as follows—*
- (a) *to ensure development for the purposes of dual occupancies is compatible with the character of existing development in the surrounding area,*
 - (b) *to provide opportunities for housing on smaller lots in suitable locations on land in Zone R2 Low Density Residential and Zone R3 Medium Density Residential,*
 - (c) *to protect the heritage significance of the historic village of Berrima.*
- (2) *This clause applies to land in the following zones—*
- (a) *Zone R2 Low Density Residential,*
 - (b) *Zone R3 Medium Density Residential.*
- (3) *Land on which a dual occupancy is, or will be, erected may be subdivided if the consent authority is satisfied—*
- (a) *for land that is a corner lot—the lot has an area of at least 1,000m², or*
 - (b) *otherwise—the area of each lot resulting from the subdivision will be—*
 - (i) *at least 50% of the minimum lot size shown for the land on the Lot Size Map, and*
 - (ii) *at least 600m².*
- (4) *Development consent must not be granted to the subdivision of land under subclause (3) unless the consent authority is satisfied—*
- (a) *there will be no more than 1 dwelling on each resulting lot, and*
 - (b) *each resulting lot will be serviced by a water reticulation system and sewage reticulation system.*
- (5) *Subdivision permitted under this clause must not occur before an occupation certificate is issued for each dwelling forming part of the dual occupancy.*

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(6) Subclause (3) ~~to~~ does not apply to land in the Berrima Conservation Area as shown on the Heritage Map.

No map amendments are required.

Part 3 - Justification of Strategic & Site-specific Merit

Strategic Merit

On 2 February 2022, the Wingecarribee Local Planning Panel considered a report to amend Clause 7.2 of the Wingecarribee Local Environmental Plan 2010 to remove an inconsistency between *Clause 7.2-Requirements for subdividing dual occupancies in Zones R2 and B1* and *Clause 4.2F-Minimum subdivision lot sizes for dual occupancies in certain zones*.

Clause 7.2 was contained within WLEP from its initial gazettal on 16 June 2010. The intent of the clause was to enable the subdivision of dual occupancy development in certain circumstances where subdivision was not otherwise permissible under the minimum lot size provisions. However, the provisions of the clause excluded land within the mapped Berrima Heritage Conservation Area.

In response to amendments to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)* which enabled the erection and subdivision of dual occupancies as complying development, Council introduced Clauses 4.2E and 4.2F into WLEP2010 in June 2020 to ensure that such dual occupancy developments were consistent with the established lot sizes and character of our towns and villages.

In October 2022, the drafting of an amendment to clause 7.2 by the Parliamentary Counsel's Office (PCO) resulted in an inconsistency with clauses 4.2E and 4.2F, which the NSW Department of Planning & Environment sought to address with PCO resulting in a further Amendment on 12 May 2023 which amended clauses 4.2E and 4.2F and removed clause 7.2 altogether.

Prior to the introduction of clauses 4.2E and 4.2F, clause 7.2 afforded the Berrima Heritage Conservation Area complete protection from the subdivision of dual occupancy subdivision. The attached Planning Proposal seeks to reinstate that original protection to the Berrima Heritage Conservation Area created through clause 7.2 in 2010.

The Planning Proposal will not dilute the general provisions of clauses 4.2E and 4.2F which support opportunities for dual occupancy development and subdivision as provided for within those clauses. The only change to these provisions is the exclusion of the Berrima Heritage Conservation Area which has been excluded from dual occupancy subdivision since 2010 due to the acknowledged high heritage status of this area.

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Site-specific Merit

The Planning Proposal is not site specific except to the extent that it applies to the already mapped Berrima Heritage Conservation Area. As stated above, the intent of the Planning Proposal is to reinstate that protection of the Berrima Heritage Conservation Area from dual occupancy subdivision which was contained within Wingecarribee Local Environmental Plan 2010 when it was originally made in 2010.

Section A – Need for the Planning Proposal

1 - Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

The Planning Proposal is based on advice from the Department of Planning and Environment and the Parliamentary Counsel's Office.

2 - Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

The Planning Proposal is the only means of achieving this outcome. This assessment is based on advice from the Department of Planning and Environment and the Parliamentary Counsel's Office.

Section B – Relationship to the Strategic Planning Framework

3 - Will the Planning Proposal give effect to the objectives and actions of the SE & Tablelands Regional Plan (including any draft plans or strategies)?

The Planning Proposal will not dilute the general provisions of the Housing SEPP on which clauses 4.2E and 4.2F are based. These clauses support opportunities for dual occupancy development and subdivision as provided for within those clauses. The only change to these provisions is the exclusion of the Berrima Heritage Conservation Area which has been excluded from dual occupancy subdivision since 2010 due to the acknowledged high heritage status of this area.

4 - Is the Planning Proposal consistent with Council's adopted and endorsed Local Strategic Planning Statement and Local Housing Strategy?

The Planning Proposal is considered to be consistent with the Wingecarribee Local Housing Strategy 2020, specifically, Planning Priority 1 – *Promote infill development and increased densities in appropriate locations, and facilitate a greater mix of housing types, to ensure our housing stock is reflective of the needs of our community (p.21)*. The proposed amendment to Clause 4.2F does not restrict the provision of infill development other than within the Berrima Heritage Conservation Area which is recognised within the LSPS as being of high heritage value and an important contributor to local tourism.

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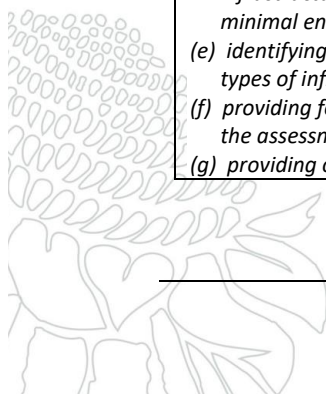
5 - Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

No other state or regional studies apply to the Planning Proposal.

6 - Is the Planning Proposal consistent with applicable SEPPs?

SEPP (Housing) 2021	<i>The intent of this SEPP is to deliver a sufficient supply of safe, diverse and affordable housing</i>
<p>Assessment – Consistent</p> <p><i>The principles of this Policy are:</i></p> <ul style="list-style-type: none"> <i>(a) enabling the development of diverse housing types, including purpose-built rental housing,</i> <i>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</i> <i>(c) ensuring new housing development provides residents with a reasonable level of amenity,</i> <i>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</i> <i>(e) minimising adverse climate and environmental impacts of new housing development,</i> <i>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</i> <i>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</i> <i>(h) mitigating the loss of existing affordable rental housing.</i> <p><i>The Planning Proposal is considered consistent with this SEPP because clauses 4.2E and 4.2F continue to support the application of the Low Rise Housing Diversity Code, but not in Berrima.</i></p>	

SEPP (Transport and Infrastructure) 2021	<i>The intent of this SEPP is to provide well-designed and located transport and infrastructure integrated with land use</i>
<p>Assessment – Consistent</p> <p><i>The key intentions of this SEPP include:</i></p> <ul style="list-style-type: none"> <i>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</i> <i>(b) providing greater flexibility in the location of infrastructure and service facilities, and</i> <i>(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</i> <i>(d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and</i> <i>(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</i> <i>(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</i> <i>(g) providing opportunities for infrastructure to demonstrate good design outcomes.</i> 	



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The Planning Proposal is considered consistent with this SEPP, other than for land within the Berrima Heritage Conservation Area, it continues supports all of these objectives and outcomes.

SEPP (Primary Production)	<i>The intent of this SEPP is to support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW.</i>
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The key aims of this SEPP are:

- (a) to facilitate the orderly economic use and development of lands for primary production,*
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,*
- (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,*
- (e) to encourage sustainable agriculture, including sustainable aquaculture,*
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,*
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.*

The Planning Proposal is considered consistent with this SEPP, because it does not impact any of these objectives and outcomes.

SEPP (Biodiversity and Conservation) 2021	<i>The intent of this SEPP is to preserve, conserve and manage NSW's natural environment & heritage</i>
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Assessment – Consistent

The aims of this SEPP are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

It is noted that 2.3(1)(b) of the SEPP identifies land within the R3 Medium Density Residential zone as land to which the SEPP applies.

The Planning Proposal is considered consistent with this SEPP excluding land within the Berrima Heritage Conservation Area from dual occupancy subdivision will also assist in protecting existing biodiversity.

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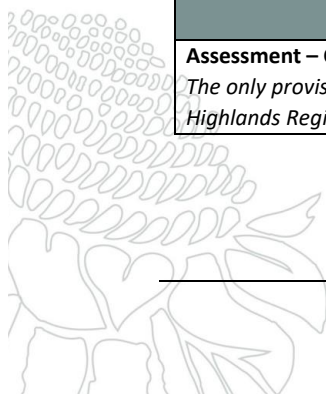
SEPP (Resilience and Hazards) 2021	<i>The intent of this SEPP is to manage risks and building resilience in the face of hazards</i>
Assessment – Consistent	
<p><i>The key aims of that part of the SEPP applicable to the Shire include:</i></p> <p><i>(d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and</i></p> <p><i>(e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact</i></p> <p><i>The Planning Proposal is considered consistent with this SEPP because it does not impact any of these provisions.</i></p>	

SEPP (Industry and Employment) 2021 –	<i>The intent of this SEPP is to grow a competitive and resilient economy that is adaptive, innovative and delivers jobs</i>
Assessment – Consistent	
<p><i>The provisions of Chapter 3 (Advertising & Signage) are the only part of this SEPP applicable to land in Wingecarribee Shire. The Planning Proposal is considered consistent with this SEPP because it does not impact any of these provisions.</i></p>	

SEPP (Resources and Energy) 2021	<i>The intent of this SEPP is to promote the sustainable use of NSW’s resources and transitioning to renewable energy</i>
Assessment – Consistent	
<p><i>The provisions of Chapter 2 (Mining, petroleum production & extractive industries) are the only part of this SEPP applicable to land in Wingecarribee Shire. The Planning Proposal is considered consistent with this SEPP because it does not impact any of these provisions.</i></p>	

SEPP (Planning Systems) 2021	<i>The intent of this SEPP is to provide a strategic and inclusive planning system for the community & the environment</i>
Assessment – Consistent	
<p><i>The provisions of this SEPP address State significant development and land owned by an Aboriginal Land Council and are therefore not relevant to this Planning Proposal.</i></p>	

SEPP (Regional Precincts) 2021	<i>The intent of this SEPP is to consider State significant precincts, Activation precincts and other specific precincts including the Southern Highlands Regional Shooting Complex</i>
Assessment – Consistent	
<p><i>The only provisions of this SEPP which apply to Wingecarribee Shire relate to the Southern Highlands Regional Shooting Complex and is therefore not relevant to this Planning Proposal.</i></p>	



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7 - Is the Planning Proposal consistent with applicable s9.1 Ministerial Directions?

Focus Area 1 Planning Systems	<i>The intent of this Focus Area is to support the broader NSW planning framework, including its processes and collaborative approaches to strategic and land use planning and decision making. They seek to achieve long-term, evidence-based, strategically led planning that is inclusive, democratic, responsive to the community and the environment, and ensures decisions are transparent and prompt.</i>
1.1 Implementation of Regional Plans	
Assessment – Consistent <i>The objective of this Direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</i> <i>The Planning Proposal is considered consistent with this Direction because it does not restrict the overall operation of the Regional Plan.</i>	
1.2 Development of Aboriginal Land Council land	
Assessment – Consistent <i>The objective of this direction is to provide for the consideration of development delivery plans prepared under Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.</i> <i>The Planning Proposal is considered consistent with this Direction because no Aboriginal Land Council land is involved.</i>	
1.3 Approval and Referral Requirements	
Assessment – Consistent <i>The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i> <i>The Planning Proposal is considered consistent with this Direction because it seeks to exclude the Berrima Heritage Conservation Area from the provisions of clause 4.2F thereby providing clear direction within the LEP rather than relying on DCP controls at the DA stage.</i>	
1.4 Site Specific Provisions	
Assessment – Consistent <i>The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.</i> <i>The Planning Proposal is considered consistent with this Direction because even though it seeks to exclude the Berrima Heritage Conservation Area from the application of clause 4.2F it is considered justified due to the high heritage status of the Area.</i>	
1.5 – 1.22 – Planning Systems Place Based	
Assessment – Consistent <i>None of these place-based Directions apply to Wingecarribee Shire.</i>	

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Focus Area 2 Design & Place	<i>The intent of this Focus Area is to establish quality design approaches for new development, public spaces and the environment. They promote the design of places that are healthy, sustainable, prosperous, and supportive of people, the community and Country.</i>
<i>NB: This Focus Area is not included in the current Ministerial Directions.</i>	

Focus Area 3 Biodiversity & Conservation	<i>The intent of this Focus Area is to recognise the fundamental importance of protecting, conserving and managing NSW's natural environment and heritage. They help balance the needs of built and natural environments, respecting both the innate and economic value of the state's biodiversity and natural assets.</i>
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3.1 Conservation Zones (previously 2.1 Environment Protection Zones)

Assessment – Consistent
The objective of this Direction is to protect and conserve environmentally sensitive areas.

The Planning Proposal is considered consistent with this Direction because excluding the Berrima Heritage Conservation Area from the application of clause 4.2F will also protect environmentally sensitive areas.

3.2 Heritage Conservation

Assessment – Consistent
The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The Planning Proposal is considered consistent with this Direction because even though it seeks to exclude the Berrima Heritage Conservation Area from the application of clause 4.2F it is considered justified due to the high heritage status of the Area.

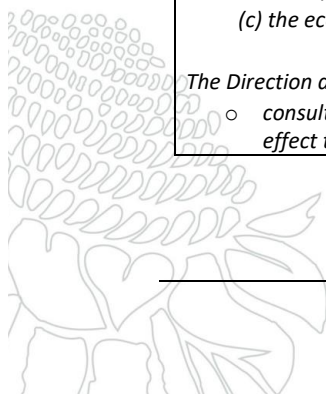
3.3 Sydney Drinking Water Catchments

Assessment – Consistent
The objective of this Direction is to provide for healthy catchments and protect water quality in the Sydney Drinking Water Catchment. This Direction requires that a Planning Proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:

- (a) new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality (including groundwater), and*
- (b) future land use in the Sydney drinking water catchment should be matched to land and water capability, and*
- (c) the ecological values of land within a Special Area should be maintained.*

The Direction also requires that, when preparing a Planning Proposal, Council must:

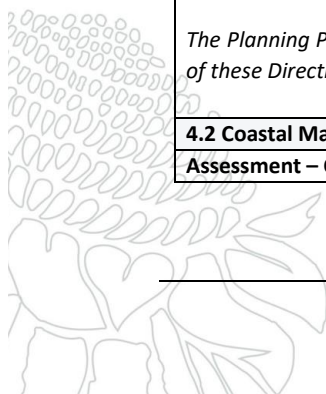
- o consult with WaterNSW, describing the means by which the planning proposal gives effect to the water quality protection principles of this direction, and*



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<ul style="list-style-type: none"> ○ ensure that the proposal is consistent with Part 6.5 of Chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, and ○ identify any existing water quality (including groundwater) risks to any waterway occurring on, or adjacent to the site, and ○ give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by WaterNSW, being the series of land use capability maps and GIS data prepared by WaterNSW and provided to councils in June 2009, and ○ include a copy of any information received from WaterNSW as a result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 3.34 of the EP&A Act. <p>Consultation with WaterNSW will occur prior to submission of the Planning Proposal for a Gateway Determination, however, it is considered consistent with this Direction because there will be no resulting adverse impacts.</p>
<p>3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs</p> <p>Assessment – Consistent This Direction is not applicable to Wingecarribee Shire.</p>
<p>3.5 Recreation Vehicle Areas</p> <p>Assessment – Consistent The objective of this Direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</p> <p>The Planning Proposal is considered consistent with this Direction because it does not apply to this Direction.</p>

<p>Focus Area 4 Resilience & Hazards</p>	<p>The intent of this Focus Area is to improve responses to natural and development-related hazards, and climate change. They support methods to consider and reduce risk. The principles promote healthy, resilient and adaptive communities, urban areas and natural environments.</p>
<p>4.1 Flooding</p> <p>Assessment – Consistent The objectives of this Direction are to: (a) ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>The Planning Proposal is considered consistent with this Direction because it does not impact any of these Directions.</p>	
<p>4.2 Coastal Management</p> <p>Assessment – Consistent -This Direction is not applicable to Wingecarribee Shire.</p>	



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<p>4.3 Planning for Bushfire Protection (previously 4.4)</p> <p>Assessment – Consistent</p> <p><i>The objectives of this Direction are to:</i></p> <p><i>(a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</i></p> <p><i>(b) encourage sound management of bush fire prone areas.</i></p> <p><i>The Planning Proposal is considered consistent with this Direction because it does not impact the objectives of this Direction.</i></p>
<p>4.4 Remediation of Contaminated Land</p> <p>Assessment – Consistent</p> <p><i>The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</i></p> <p><i>The Planning Proposal is considered consistent with this Direction because it does not impact the objectives of this Direction.</i></p>
<p>4.5 Acid Sulphate Soils</p> <p>Assessment – Consistent</p> <p><i>The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. There currently appear to be no mapped acid sulphate soils in Wingecarribee Shire.</i></p>
<p>4.6 Mine Subsidence & Unstable Land</p> <p>Assessment – Consistent</p> <p><i>The objective of this Direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</i></p> <p><i>The Planning Proposal is considered consistent with this Direction because it does not impact the objectives of this Direction.</i></p>

<p>Focus Area 5 Transport & Infrastructure</p>	<p><i>The intent of this Focus Area is to support innovative, integrated and coordinated transport and infrastructure, that is well-designed, accessible and enduring. They seek to optimise public benefit and value by planning for modern transport and infrastructure in the right location and at the right time.</i></p>
<p>5.1 Integrating Land Use and Transport</p> <p>Assessment – Consistent</p> <p><i>The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <p><i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i></p> <p><i>(b) increasing the choice of available transport and reducing dependence on cars, and</i></p> <p><i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></p>	

*(d) supporting the efficient and viable operation of public transport services, and
(e) providing for the efficient movement of freight.*

The Planning Proposal is considered consistent with this Direction because it does not impact the objectives of this Direction.

5.2 Reserving Land for Public Purposes

Assessment – Consistent

The objectives of this Direction are to (a) facilitate the provision of public services and facilities by reserving land for public purposes, and (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

The Planning Proposal is considered consistent with this Direction because it does not impact the objectives of this Direction.

5.3 Development Near Regulated Airports and Defence Airfields

Assessment – Consistent

The objectives of this Direction are to:

- (a) ensure the effective and safe operation of regulated airports and defence airfields;*
- (b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and*
- (c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.*

The Planning Proposal is consistent with this Direction because it does not impact the objectives of this Direction.

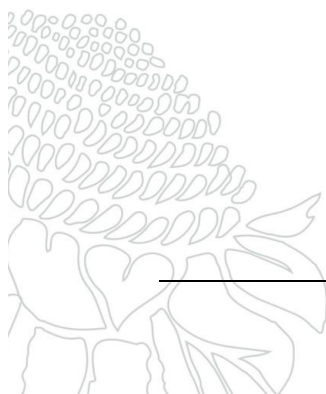
5.4 Shooting Ranges

Assessment – Consistent

The objectives of this Direction are to:

- (a) maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,*
- (b) reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,*
- (c) identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.*

The Planning Proposal is considered consistent with this Direction because it does not impact the objectives of this Direction.



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Focus Area 6 Housing	<i>The intent of this Focus Area is to foster long-term, strategic-led and evidence-based approaches to guide a strong supply of well-located homes. They support the delivery of safe, diverse, affordable and quality designed housing that meets the needs of Aboriginal and local communities.</i>
6.1 Residential Zones	
Assessment – Consistent <i>The objectives of this Direction are to:</i> <i>(a) encourage a variety and choice of housing types to provide for existing and future housing needs,</i> <i>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i> <i>(c) minimise the impact of residential development on the environment and resource lands.</i> <i>The Planning Proposal is considered consistent with this Direction because it will not dilute the general provisions of clauses 4.2E and 4.2F which support opportunities for dual occupancy development and subdivision as provided for within those clauses. The only change to these provisions is the exclusion of the Berrima Heritage Conservation Area which has been excluded from dual occupancy subdivision since 2010 due to the acknowledged high heritage status of this area.</i>	
6.2 Caravan Parks and Manufactured Home Estates	
Assessment – Consistent <i>The objectives of this Direction are to:</i> <i>(a) provide for a variety of housing types, and</i> <i>(b) provide opportunities for caravan parks and manufactured home estates.</i> <i>The Planning Proposal is considered consistent with this Direction because it does not impact the objectives of this Direction.</i>	

Focus Area 7 Resilient Economies	<i>The intent of this Focus Area is to support diverse, inclusive and productive employment opportunities across the state to make NSW more economically competitive. They promote the supply of strategic employment lands, innovative industries and centres as a focus for activity and accessibility.</i>
7.1 Business and Industrial Zones	
Assessment – Consistent <i>The objectives of this Direction are to:</i> <i>(a) encourage employment growth in suitable locations,</i> <i>(b) protect employment land in business and industrial zones, and</i> <i>(c) support the viability of identified centres.</i> <i>The Planning Proposal is considered consistent with this Direction because it does not impact the objectives of this Direction.</i>	
7.2 Reduction in non-hosted short-term rental accommodation period	
Assessment – Consistent <i>Not applicable to Wingecarribee Shire.</i>	

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7.3 Commercial and Retail Development along the Pacific Highway, North Coast	
Assessment – Consistent	
<i>Not applicable to Wingecarribee Shire.</i>	

Focus Area 8 Resources & Energy	<i>The intent of this Focus Area is to promote the sustainable development of resources in strategic areas and a transition to low carbon industries and energy. They support positive environmental outcomes and work towards the net zero emissions target and continued energy security, while also promoting diversified activity in regional economies.</i>
8.1 Mining, Petroleum Production & Extractive Industries	
Assessment – Consistent	
<i>The objective of this Direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</i>	
<i>The Planning Proposal is considered consistent with this Direction because it does not impact the objectives of this Direction.</i>	

Focus Area 9 Primary Production	<i>The intent of this Focus Area is to support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW.</i>
9.1 Rural Zones	
Assessment – Consistent	
<i>The objective of this Direction is to protect the agricultural production value of rural land and identifies requirements for a Planning Proposal seeking to rezone Rural zoned land to a residential, business, industrial, village or tourist zone.</i>	
<i>The Planning Proposal is considered consistent with this Direction because it does not impact the objectives of this Direction.</i>	
9.2 Rural Lands	
Assessment – Consistent	
<i>This Direction applies when a Planning Proposal will either affect land within an existing or proposed rural or conservation zone or changes the existing minimum lot size on land within a rural or conservation zone. The objectives of this Direction are to:</i>	
<i>(a) protect the agricultural production value of rural land,</i>	
<i>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,</i>	
<i>(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</i>	
<i>(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</i>	
<i>(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,</i>	
<i>(f) support the delivery of the actions outlined in the NSW Right to Farm Policy.</i>	

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The Planning Proposal is considered consistent with this Direction because it does not impact the objectives of this Direction.

9.3 Oyster Aquaculture

Assessment – Consistent

The objectives of this direction are to:

- (a) ensure that ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and*
- (b) protect ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.*

The Planning Proposal is considered consistent with this Direction because there are no ‘Priority Oyster Aquaculture Areas’ in Wingecarribee Shire.

9.4 Farmland of State & Regional Significance on the NSW Far North Coast

Assessment – Consistent

The Planning Proposal is considered consistent with this Direction because it is not applicable to Wingecarribee Shire.

Section C – Environmental, Social & Economic Impacts

8 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the Proposal?

No, it is not considered that there will be any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the Proposal. The intent of the Planning Proposal is to continue to support the Low Rise Housing Diversity Code, which applies to land within existing towns and villages, other than Berrima, on land which already has a dwelling entitlement.

9 - Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

No, it is not considered that there will be any other likely environmental impacts.

10 - Has the planning proposal adequately addressed any social and economic effects?

Clause 4.2F will continue to support the application of the Low Rise Housing Diversity within existing town and villages, other than Berrima.

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Section D – Infrastructure (Local, State & Commonwealth)

11- Is there adequate public infrastructure for the Planning Proposal?

Clause 4.2F will continue to support the application of the Low Rise Housing Diversity within existing town and villages, other than Berrima, on land which generally has infrastructure and services.

Section E – State and Commonwealth Interests

12 - What are the views of state and federal authorities and government agencies consulted in order to inform the Gateway determination?

The Department of Planning & Environment has indicated its willingness to consider this Planning Proposal.

Part 4 - Maps

No map amendments are required for this Planning Proposal.

Part 5 - Community Consultation

Community consultation will occur as required by the Department's Guidelines.

Part 6 - Project Timeline

MILESTONE	INDICATIVE /ACTUAL DATE
Gateway Determination	June 2023
Agency Consultation	June 2023
Public Exhibition	July 2023
Drafting Request	August 2023
Notification Request & approximate completion date	August 2023

END OF PLANNING PROPOSAL

9 REPORTS

9.1 Mountain Biking in Natural Areas

Report Author: **Manager Assets**

Authoriser: Director Service and Project Delivery

PURPOSE

The purpose of this report is to provide Council with an update on the management of mountain bike usage within Council's network of natural areas and seek resolution on how to proceed.

OFFICER'S RECOMMENDATION

THAT:

- 1. Council seek funding for the development of a Natural Areas Recreational Activities Strategy.**
- 2. Council approve the engagement of a consultant through an open Request for Quotations to review the unauthorised Mount Gibraltar Heritage Reserve mountain bike trails.**
- 3. Council schedules an annual audit of the Welby Mountain Bike Track and associated pump track and formalise a stewardship arrangement.**
- 4. Council endorse the decommissioning of any new or extended unauthorised mountain bike trail that is constructed prior to adoption of the Natural Areas Recreational Activities Strategy.**

REPORT

BACKGROUND

Wingecarribee Shire Natural Areas

The unique character of the Wingecarribee Shire is enhanced by an extensive 103,000 ha of bushland, comprised of National Parks, Crown Reserves and Council owned or managed bushland reserves. These natural areas provide a rich diversity of plants and animals as well as stunning landscapes and scenic qualities for the region. As well as this, we have a passionate community who enjoy these natural areas for the passive and active recreational opportunities they offer.

The Shire's outdoor lifestyle, as well as caring for our reserves, are important to our community's identity - where locals and visitors can enjoy relaxing, experiencing and caring for nature. In keeping with this, there is a growing demand for the facilitation of further recreational activities, like mountain biking, in these natural areas. It is important to balance the provision of these facilities whilst also protecting the natural environment.

Bushland Reserve Management Challenges

Council owned and managed bushland reserves have important cultural, environmental, heritage and social values. Unauthorised track construction is one type of illegal activity that has occurred over several years in bushland reserves. Other unauthorised and illegal activities include firewood

collection, four-wheel driving, trail bike riding, dumping of green waste and other rubbish. Council is working to improve education and engagement around these activities as well as inform residents and visitors about the activities that are allowed and encouraged within these places.

Mount Gibraltar Heritage Reserve unauthorised mountain bike trail

In mid-April 2023, Council was notified that several younger members of the community were taking part in the extension of an unauthorised mountain bike trail within a north-eastern section of Mount Gibraltar Heritage Reserve which is public land under the care, control, and management of Council. Council officers subsequently advised that all unauthorised works were to cease. To enable Council to make an informed decision as to the next steps, a preliminary review of the issue from other local government areas and a survey of the community was undertaken. The Mount Gibraltar Heritage Reserve is generally in very good to excellent condition, largely due to the ongoing efforts of Bushcare volunteers, contractors, and the Council Bushcare Team. Collectively this persistent effort has had positive impact on the reserve through weeding and other natural area restoration activities, in addition to multiple landscaping and heritage projects.

REPORT

Discussion with Young Mountain Bikers

On Monday 22 May, Council officers met with the group of local young people, and their parents/guardians, who have been primarily responsible for the recent changes to and use of the unauthorised mountain bike trail at Mount Gibraltar Heritage Reserve. The discussion was beneficial in that it enabled both parties to better understand their respective contexts.

It was reiterated by Council that current legislation does not allow Council to permit uncontrolled development (and mountain bike trail construction is a type of development) on public land. Works need to be considered and approved in accordance with development approval processes.

In turn, the young mountain bikers expressed how the unauthorised mountain bike trail at Mount Gibraltar Heritage Reserve offers a style of riding that the facilities at Welby and Wingello State Forest do not. It is centrally located, close to public transport, and close to the townships of Bowral and Mittagong, which make it accessible. This reserve is also close to other amenities like food outlets. The trail itself is also unique, with it being more suited to gravity downhill mountain biking as opposed to the cross-country or touring offerings at Welby (Mount Alexandra Reserve) and Wingello State Forest.

Mountain Biking and Bushland Community Survey

To better understand the potential mountain biking demand, a shire-wide Mountain Bike Community Survey was conducted from 25 May to 8 June via the Your Say Wingecarribee website. The survey was widely distributed across the Shire, with the link being sent to all local schools, mountain bike clubs, Landcare/Bushcare networks, Council's Weekly Update Your Say Wingecarribee subscribers, all village associations, as well as being available on the landing page of Council's website, at the Civic Centre service desks and through Council's social media platforms.

The survey experienced a high response rate with 535 submissions being made. A detailed summary of the survey results is provided in Attachment 1, however the key findings are provided below:

1. Of the 535 submissions, 60.2% actively participate in mountain biking (535 respondents).

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2. Of those that mountain bike, 21.1 % find the facilities of Wingello & Welby meet their needs and 8.6% were unsure (further engagement and clarification is needed for Council to ascertain why this is the case).
3. Of the 213 submissions who identified as not being a mountain bike rider, 58.6% (125 respondents) are concerned about unauthorised trails 7.9% (17 respondents) were unsure.
4. Of those that mountain bike 64.6% said they would support a privately owned (i.e. commercial) downhill MTB facility if available locally.

The survey identified that there is a community desire for there to be more opportunities for a wide range of recreational activities to be accommodated within Council’s network of natural areas. From the 535 submissions received, the following five activities received the highest level of support for development of further opportunities:

Activity	Percentage of Respondents that would like to see greater opportunities for this Activity
Mountain Biking	68.2
Bush Walking	52.3
Connection with Nature	42.1
Enjoying Views / Lookouts	40.1
Bushcare and Conservation	30.3

From results of the community survey, it can be concluded that, along with several other activities, there is an unmet demand for further mountain biking opportunities within the Shire. This is also consistent with the results of the community consultation completed as part of the Community and Recreation Facility (CRF) Study and Strategy. Within both the CRF Study and Strategy, it is noted that there was a consistent theme of a desire for new or expanded network of mountain bike trails and was therefore concluded to be a key finding of the consultation. This unmet demand is viewed as an opportunity by the CRF Study and Strategy, with it being referenced within description ‘Recreational Tourism’ which is one of the four identified Opportunities for the Shire. Respondents were also provided the opportunity to indicate what are the current challenges and issues they have identified when using Council managed bushland reserves for recreational purposes. The top five challenges and issues are listed in the table below.

Challenge or Issue	Percentage of Respondents that felt the below were a challenge or issue
Maintenance of facility (e.g. track maintenance or viewing areas)	57.6
Lack of signage	48.7
Lack of amenities	36.4
Environmental sustainability (e.g. erosion, wildlife protection, weed control)	34.8
Accessibility	29.3

Potential Options

The construction of unauthorised mountain bike tracks within bushland is not a situation that is unique to the Wingecarribee Shire, with councils across the State having similar experiences – a range of different management actions have been adopted across these jurisdictions. The objective is to ensure we find the correct balance across all our bushland reserves in encouraging usage of these unique and beautiful environments, whilst minimising any negative impacts.

Upon review of the current situation and similar instances in other local government areas, three potential response options were identified:

- Do Nothing
- Conservative
- Pragmatic

Do Nothing

More listed for completeness than true consideration, Council could opt for a ‘do nothing’ approach. Although this may be a desired outcome for some segments of the community, with the statutory obligations that Council is subject to, this option is not a viable pathway. The construction of mountain bike trails is a permanent change to the landform of an area and has the potential to directly impact vegetation and waterways and create erosion. These, along with all other types of works, need to be assessed under the Environmental Planning and Assessment Act (EP&A Act 1979) to ensure that there is no significant impact.

Conservative Approach

Council could seek to close all unauthorised mountain bike trails across the Shire. This option would allow for the rehabilitation of the impacted natural areas. However, this will likely result in the continued construction of unauthorised mountain bike trails – making any environmental benefits difficult to sustain. The approach would also not address the demand for further recreational opportunities as demonstrated in the community survey.

Pragmatic Approach

Recognising an unmet demand for mountain biking within the Shire, Council could seek to develop a Mountain Biking Masterplan to enable further opportunities for mountain biking across the Shire. Existing unauthorised tracks would be considered in the development of the Masterplan and a determination made as to if they can be accommodated without resulting in significant environmental impact. The approach recognises that the construction of unauthorised mountain bike tracks is being symptomatic of an unmet demand, (as well as lack of understanding in the community about the significance of some of these places) and therefore seeks to address the underlying demand as opposed to the symptoms. It also acknowledges that some natural areas are so highly valued in terms of their biodiversity, landscape or cultural values (for example the presence of threatened species, threatened ecological communities, and/or Aboriginal cultural heritage), that a mountain bike trail could not be accommodated and therefore would be prohibited in these locations.

Pragmatic Approach

Reviewing the potential options, it is recommended that Council adopt a *Pragmatic Approach* to the matter.

This pragmatic approach has been adopted by NSW National Parks and Wildlife Services (NPWS) for the Illawarra Escarpment (near Wollongong), Glenrock State Conservation Area (near Newcastle) and Gardens of Stone State Conservation Area (near Lithgow) and the local government councils of Wollongong, Lithgow and Central Coast.

The primary stages of the pragmatic approach includes the following actions:

- Natural Areas Recreational Activities Strategy being developed
 - Which will consider all mountain bike opportunities within the Shire, irrespective of their land tenure.
- Mountain Biking Masterplan being developed
- Review of Environmental Factors is completed for identified trails
- Construction of identified trails, subject to grant funding opportunities and stewardship arrangements.
- Deconstruction and rehabilitation of prohibited trails, with support from the community
- Maintenance of trails will be subject to stewardship agreement with community group(s).

While the Natural Areas Recreational Activities Strategy and subsequent Mountain Biking Masterplan are being developed, it is to be well communicated to all mountain bike groups that extensions to an existing unauthorised trail cannot be permitted nor tolerated by Council. Extension of a trail will become the subject of compliance and regulation enforcement action by Council.

This approach will also require an update to the draft Community and Crown Land Natural Areas Plan of Management (Bushland and Watercourse) and the draft Plan of Management for Mount Gibraltar Heritage Reserve. Both plans currently list mountain biking as categorically prohibited, however this wording would need to be updated to instead state that mountain biking will only be supported on approved trails. The current wording of both draft Plans of Management (POM) in relation to mountain biking aligns with the *Conservative Approach* described above and therefore if a *Pragmatic Approach* is now adopted the draft POMs will require updating as a result. With other changes also required at the request of Crown Lands, the revision of these Plans of Management will be the subject of a separate Council report.

Mount Gibraltar Heritage Reserve

It is acknowledged that the popularity of the unauthorised mountain bike trail at Mount Gibraltar Heritage Reserve, and the environmental, cultural and heritage significance of the reserve, are such that a determination on the continued existence and operation of the trail is required in the short-term.

Mountain Biking within Mount Gibraltar Heritage Reserve is not an illegal activity in and of itself. It is the unauthorised and uncontrolled extension or creation of new trails that is an illegal activity given that it is a permanent change to the landform of an area and has the potential to directly impact vegetation and waterways and create erosion. These, along with all other types of works, need to be assessed under the Environmental Planning and Assessment Act (EP&A Act 1979) to ensure that there is no significant impact.

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It is therefore recommended that Council engage a third-party environmental consultant to undertake a Review of Environmental Factors (REF) on the unauthorised mountain bike trail to determine if it (in its current or modified form) can or cannot be accommodated within the Mount Gibraltar Heritage Reserve without it generating a significant environmental impact.

To ensure maximum transparency on this sensitive matter, it is anticipated that the third-party environmental consultant is selected through an open Request for Quote process with the final selection made through a subsequent Council report to the 19 July 2023 Ordinary Council Meeting.

Similarly, it is recommended that acceptance of the findings of the subsequent REF is considered by Council via a further report to the 20 September 2023 Ordinary Council Meeting, this may be subject to change depending on the complexity of the findings.

In this three month interim period, it is recommended that Council continue to communicate to mountain biking community, and the wider community, that any extension or creation of new trails will be decommissioned by Council. The unauthorised mountain bike trail at Mount Gibraltar Heritage Reserve will remain unchanged until the findings of the REF are considered by Council at the 20 September 2023 Council Meeting. Temporary signage will be installed advising that it is an unauthorised trail under review by Council and any users of the trail do so at their own safety risk.

Council does not have the resources to maintain or operate mountain bike trails. The viability of mountain bike trails being provided within natural areas across the Shire is therefore dependent on stewardship agreements being made with community groups for the maintenance of various trails. The selection of community groups would be subject to an Expression of Interest process and the framework would be modelled off successful programs in other areas.

COMMUNICATION AND CONSULTATION

Community Engagement

To better understand the potential mountain biking demand, a shire-wide Mountain Bike Community Survey was conducted from 25 May to 8 June via the Your Say Wingecarribee website. The survey was widely distributed across the Shire, with the link being sent to all local schools, mountain bike clubs, Landcare/Bushcare, Council's Weekly Update, Your Say Wingecarribee subscribers, all village associations, as well as being available on the landing page of Council's website, at the Civic Centre service desks and through Council's social media platform.

Internal Communication and Consultation

Manager Environment & Sustainability

Coordinator Assets - Parks & Buildings

Recreation Planner

Environment Officer Biodiversity Projects & Community Education

External Communication and Consultation

Nil

SUSTAINABILITY ASSESSMENT

Environment

A Review of Environmental Factors (REF) is required for any proposed work on Council owned or managed community or operational land (including land categorised as natural area under the Local Government Act 1993 and Crown Land Management Act 2016).

Council also has obligations under the Environmental Planning and Assessment Act (1979), Biodiversity Conservation Act (2016) and Environment Protection and Biodiversity Conservation Act (1999).

Social

There are no social issues in relation to this report.

Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The engagement of a third-party environmental consultant for the review of the unauthorised mountain bike trail at Mount Gibraltar Heritage Reserve can be accommodated within existing operational budgets. The development of the Natural Areas Recreational Activities Strategy, and subsequent documents and construction works will all be subject to grant funding opportunities and therefore are not anticipated to have a significant financial impact on Council. It is also acknowledged that Council does not have the resources to maintain or operate mountain bike trails and so the viability of mountain bike trails being provided within natural areas across the Shire is therefore dependent on stewardship agreements being made with community groups for the maintenance of various trails.

RELATED COUNCIL POLICY

Wingecarribee Community Strategic Plan

2.1 Our people have the opportunity for a happy and healthy lifestyle.

4.1 Wingecarribee's distinct and diverse natural environment is protected and enhanced

CONCLUSION

The Wingecarribee Shire has a unique and rich offering of natural areas that is enjoyed by both residents and visitors. It is acknowledged that there is a demand for further recreational opportunities, including mountain biking, to be provided and so it is recommended that Council adopt a pragmatic approach in reaching a balanced outcome.

ATTACHMENTS

1. Mountain Bike Community Survey [**9.1.1** - 135 pages]

9.2 Draft Community and Recreation Facilities Strategy and Study for Public Exhibition

Report Author: **Manager Assets**
Authoriser: Director Service and Project Delivery

PURPOSE

The purpose of this report is to seek Council endorsement of the Draft Community and Recreational Facilities Strategy and Draft Community and Recreational Facilities Study for public exhibition.

OFFICER'S RECOMMENDATION

THAT:

- 1. Council receives and notes the contents of this report.**
- 2. Council endorses the Draft Community and Recreational Facilities Strategy for public exhibition.**
- 3. Council endorses the Draft Community and Recreational Facilities Study for public exhibition.**
- 4. A further report be provided following the period of public exhibition.**

REPORT

BACKGROUND

At the Extraordinary Council Meeting of 26 April 2023, the draft Community and Recreational Facilities Study and Strategy (CRFS) were considered by Council for endorsement to proceed to public exhibition.

At this meeting it was resolved that consideration of the draft Community and Recreational Facilities Study and Strategy was to be deferred until the following further information be presented to Council:

- i. The response of the Draft Community and Recreation Facility Strategy to the adopted brief.*
- ii. Clarification of the process proposed to align the Strategy and Study to other strategic land use planning documents being prepared or proposed under the Integrated Planning and Reporting framework and associated options for the levying of realistic developer contributions.*
- iii. To assist residents in making submissions under the exhibition of both documents, questions be developed on the proposed strategic direction required to address preferred community and recreational facilities and locations across the Shire.*
- iv. The addressing of Council's earlier decision to enter in public consultation in relation to the future of the Mittagong Pool.*
- v. The matters raised in the Administrator's meeting Minute of 19 April 2023 in relation to Mittagong Playhouse.*

- vi. *The relationship between the Arts and Culture Strategic Plan 2015 and the Draft Community and Recreation Facility Strategy and Plan.*

REPORT

This report provides the further information requested, as well as outline minor adjustments that have been made to the draft Community and Recreational Facilities Study and Strategy after the 26 April 2023 meeting.

The response of the Draft Community and Recreation Facility Strategy to the adopted brief

The CRFS is to provide an integrated strategic approach to plan for current and future community and recreational facilities across the Wingecarribee Shire. The objectives of the CRFS were reviewed and approved at the Ordinary Council Meeting of 24 November 2021, with a resolution to proceed with a request for tender (RFT) and for the Project Brief to be made publicly available.

The Project Brief was subsequently developed and the Request for Tender was released. The Project Brief was made publicly available via the dedicated Your Say Wingecarribee webpage and is provided in Attachment 1. In *Section 3 Objectives* of the Project Brief, the 14 CRFS objectives outlined in the 24 November 2021 Council meeting are included in their entirety, with the subsequent *Section 4 Scope of Works* outlining how these are to be achieved.

The brief outlined the strategies objectives as well as outlining the required scope of works to deliver those objectives. The objectives were broad and high-level as they needed to encompass a vast range of facility types across varying community precincts. While there were three specific objectives around the aquatic facilities, regional sporting facilities and destination playground, these were still high-level, single dot points, and would form part of the business cases scope of works. The Scope of Works also included the statement *'Potential business cases are to be developed for some key scenarios.'*

The methodology contained within the proposal from Tredwell Management Services (Tredwell), interpreted the Project Brief as requiring the business cases to be integrated within the CRFS document itself – and therefore the methodology, which was accepted by Council, featured the development of the business cases throughout the preparation of the CRFS, not as an outcome of the CRFS. Throughout the subsequent preparation of the CRFS, the scope of works was reframed for the CRFS to first be prepared and adopted by Council – and the Business Cases to then follow as outcomes of the CRFS. Although this change in scope brought the project into alignment with the expectations of Council officers, the significance of the impact on Tredwell's intended methodology was not fully understood and therefore did result in delays between progression from the 50% CRFS submission. Throughout this process it also became increasingly evident that the limited detail in the Project Brief as to the scope and methodology of the Business Cases had resulted in differing expectations between Council and Tredwell. This left the objectives and scope around the business cases still to be determined at a later date (open to interpretation by the consultant.)

None the less, Tredwell delivered a document that responded reasonably well to the high-level brief for the CRFS. The following points provide a concise assessment of the draft against the Scope of Works:

- A review and summary of Council's facilities to identify the viability of the existing assets including utilisation, condition, life expectancy and proposed renewal date:
 - Tredwell completed a comprehensive high-level audit and condition assessment of Council's existing 581 facilities (Appendix B). Although it is comprehensive in its

- coverage of the infrastructure network and does provide condition and audit commentary, there is limited detail on utilisation, life expectancy and renewal date.
- A needs analysis for the community and recreational facilities based on current and future demographic trends and current government policy and strategies:
 - Tredwell completed a precinct-based needs analysis which considered infrastructure needs based on population triggers, community consultation, facility audit, emerging demands & trends and the planned New Living Areas. Tredwell also completed an assessment of the previous Wingecarribee Open Space, Recreation, Cultural and Community Facilities Needs Study 2004 which informed the current developer contributions plan.
 - A strategic framework for the equitable provision of community and recreational facilities now and into the future considering social demographic target groups, facility type and purpose, and geographic areas (or hubs):
 - Tredwell has partially covered this item within the precinct-based needs analysis.
 - An implementation plan with recommendations for funding and rationalising of Council's existing community and recreational facilities assets:
 - Although Tredwell identified infrastructure needs through the precinct-based analysis, consideration of funding models for infrastructure was not completed.
 - High level cost estimate and funding model for the delivery of the strategy (including renewal, disposal, consolidate, maintenance and management of community and recreational assets) against benchmark infrastructure costs:
 - Tredwell has partially covered this item within the precinct-based needs analysis through an estimation of each item being of either low (<\$200k), medium (\$200k-\$1M) or high (\$1m+) financial resource requirements.
 - Recommendations for ongoing stakeholder engagement:
 - Tredwell delivered on this component through the outcomes of both the *Section 8 Vision and Principles* and *Section 9 Precinct Based Analysis*.
 - As part of understanding demand for community and recreational facilities, the Consultant will be required to conduct a demand analysis that will identify the provision of: a Regional Sporting Hub, a Destination Playground and an Aquatic and Fitness Centre. Potential business cases are to be developed for some key scenarios:
 - Business Cases are to be developed following Council's adoption of the CRFS.

The document produced by Tredwell does fulfil the majority of the Scope of Works as described within the Project Brief. The reframing of the Scope of Work, to exclude the Business Cases from within the CRFS, and the differing expectations for the Business Cases did create disruption through the delivery.

Tredwell was engaged for the preparation of the CRFS for a contract price of \$149,805.00. Invoices paid to date leave a final contract balance of \$14,980.50 remaining, it is understood that costs incurred by the consultant have vastly exceeded that originally scheduled.

The final draft from Tredwell provided comprehensive data and delivered an extensive assessment of Council's existing facilities and projected needs. There however was a need for a more succinct and comprehensible version of the Strategy to link all findings from the Tredwell study. Council therefore engaged Astrolabe Group to bring together the research and engagement outcomes into a concise, easy to understand Strategy for Community and Recreation Facilities in the Shire. Given the significance of the Strategy, it was considered important that the Strategy was not only robust and evidence based but was also easy to understand by the community and key stakeholders.

Clarification of the process proposed to align the Strategy and Study to other strategic land use planning documents being prepared or proposed under the Integrated Planning and Reporting framework and associated options for the levying of realistic developer contributions.

The CRFS is a critical strategy that will enable Council to better plan for and deliver the essential community infrastructure that is required to support our growing communities both now and into the future. The CRFS has been developed in the context, and as a component of, a broader strategic planning framework that seeks to meet the economic, housing, social and cultural needs of our community.

In 2021, Council adopted both the Wingecarribee Local Strategic Planning Statement and Local Housing Strategy, which set the development pattern for the Shire, and provide a framework for how and where population growth will occur over the next 20 years.

However, planning for housing cannot be considered in isolation, and the CRFS is one of several critical infrastructure strategies being developed that will ensure that as our communities continue to grow, they are supported by essential infrastructure.

The CRFS, together with the Integrated Transport Strategy that is currently being developed, will provide a strategy to meet the infrastructure needs of our communities, and will ultimately form the basis of new contributions plans for the Shire. The new contributions plans will provide a critical infrastructure funding mechanism and ensure that new development contributes to new and augmented infrastructure that is required to support our communities into the future, and ensure that our existing communities are not burdened by population growth.

To assist residents in making submissions under the exhibition of both documents, questions be developed on the proposed strategic direction required to address preferred community and recreational facilities and locations across the Shire.

Council staff, in consultation with the Astrolabe Group have developed a series of questions to assist the community in providing feedback on the draft CRFS. The questions have been developed to explore the strategic priorities and to test key recommendations outlined in the CRFS.

The questions have been prepared under specific themes, and are outlined in below:

Aquatics in the Shire

The Strategy recommends the permanent closure of Mittagong Pool in its current location, and the development of a major or regional indoor aquatics facility in the northern part of the Shire, to service the key service centres of Mittagong and Bowral, as well as the northern villages. This would also enable alternate community uses on the current Mittagong pool site, provided the uses were consistent with the flood affectivity of the site.

Is the proposed indoor aquatics facility appropriate to meet the needs of our communities in the northern part of the Shire?

Do you have any ideas for the existing Mittagong Pool site?

Indoor Recreation Facilities in the Shire

The Strategy recommends that in addition to the existing Indoor Sports Centre in Moss Vale, a new multipurpose indoor facility be provided in the northern part of the Shire, providing access to residents in the Bowral, Mittagong and the northern villages within the 15 minute travel catchment. As this would be a new facility on public land, consideration would be given to an integrated community hub delivery model, to maximise efficiencies and provide improved community outcomes.

Would you like to see a new indoor sports facility in the northern part of the Shire?

What other uses do you see as appropriate as part of an integrated community hub / multi-purpose facility (i.e. training and meeting rooms, café, free working spaces etc)?

Destination Play Spaces

The Strategy recommends identifying sites / opportunities to provide Destination Play Spaces in both Moss Vale and Mittagong. Destination play spaces have the capacity to provide unique experiences that attract users from outside the Wingecarribee Shire Council area, with supporting facilities that support all day stays (i.e. picnic areas, shelter, and other user amenities).

What would you like to see in a new Destination Play Space?

Major Towns and Villages - Co-location and Leveraging Unused Assets

In the 3 main centres and larger villages where the population demand for facilities will be at its greatest, there is an opportunity to rationalise the provision of smaller single use facilities and provide larger, multi-purpose and co-located community and recreation hubs. Co-location can have significant benefits for users and provides efficiencies with options to share common requirements such as parking and utilities as well as enhancing the broader service and facility offering, e.g. combining learn to swim centres with library and community spaces and café services.

Is the proposed transition from single use facilities to an integrated community hub approach a better way of meeting the communities social and recreational infrastructure needs?

Smaller Villages - Flexible Co-use Spaces to Optimise Utilisation

Within the smaller villages having larger co-located facilities may not be necessary or viable to cater for population and community demands. The Strategy highlights the opportunity to provide smaller more flexible and adaptable spaces that can cater for a range of users, as well as maximising the use of the space, and reducing the total number of facilities needed.

Should facilities in smaller villages be more adaptable and flexible to cater for a broader range of uses?

The addressing of Council's earlier decision to enter in public consultation in relation to the future of the Mittagong Pool (28 July 2021)

There are three key phases that will be undertaken by council to consult with the community regarding the Mittagong Pool Site and the Mittagong Community Precinct Master Plan. These consultation phases include:

- Draft Community and Recreational Facilities Strategy (CRFS) consultation stage. (complete)
- Public Exhibition of the draft CRFS
- Mittagong Precinct Master Plan

The first phase of community engagement was during the development of the draft CRFS. The purpose of this community consultation was to understand the community's expectations for the delivery of community and recreational facilities across the Shire. This consultation included specific questions around the proposal of a new Regional Aquatic Centre as well as receiving some detailed comments from the community about the future use of the Mittagong pool site. See attachment *Volume 2 - Wingecarribee Shire Council Community & Recreational Facilities Strategy Literature Review and Consultation Findings* for more details.

The second phase of public consultation will occur during the public exhibition of the draft CRFS. During the exhibition of the draft CRFS the community will be able to provide feedback on the draft recommendations and actions. A key action in the strategy is to prepare a Master Plan for the Mittagong pool precinct, including Mittagong Oval. The strategy also notes that this master plan should consider opportunities to rehabilitate the site and enhance its natural aquatic qualities and the potential to increase recreational access. Specific questions around this action will be formatted by council to help direct constructive feedback on the future use and purpose of the site.

The preparation of the Mittagong Precinct Master Plan will be determined on the final outcomes of the CRFS as well as the proposed Business Cases. A detailed brief and scope will be developed based of these outcomes and recommendations. Additional consultation with the community will also form part of the master plan project, which will provide an opportunity for detailed feedback from the community on the future use of the site.

The matters raised in the Administrator's meeting Minute of 19 April 2023 in relation to Mittagong Playhouse.

It is understood that Item 9.7 Mittagong Memorial Hall (Playhouse) of Ordinary Council Meeting 21 June 2023 will satisfactorily address this request.

The relationship between the Arts and Culture Strategic Plan 2015 and the Draft Community and Recreation Facility Strategy and Plan.

The Arts and Culture Strategic Plan 2015 was one of many Council strategies and plans considered by Tredwell in the development of the CRFS. This Strategic Plan in particular does feature within the Literature Review and some of its outcomes are referenced within *Section 7 Challenges and Opportunities*.

Subsequent Adjustments

Reviewing the documents provided for Extraordinary Council Meeting 26 April 2023, it is noted that the several attachments of the Tredwell report were not added in error. This has been rectified as part of this report. The wording of the documents has also remained

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unchanged from the original engagement, and therefore both the Tredwell documents and the Astrolab report are both titled 'Strategy'. Upon close of public exhibition and any final adjustments in response to feedback received, the final version of the Tredwell report will be updated to reflect the wording of Community and Recreation Facilities *Study* and the Astrolab report will remain titled Community and Recreation Facilities *Strategy*.

The Astrolab document has also undergone minor aesthetic changes since Extraordinary Council Meeting 26 April 2023, as well as further references included to several community and recreation priorities.

COMMUNICATION AND CONSULTATION

Community Engagement

The Community and Recreation Facilities Study was prepared in consultation with the local community and key stakeholders, with a range of engagement activities occurring during March of 2022. This report seeks Council endorsement to formally exhibit the draft Community and Recreation Facilities Strategy and supporting Study, and to further engage with the community and stakeholders.

External Communication and Consultation

The draft Community and Recreation Facilities Strategy and Study will be formally exhibited for a minimum period of 28 days. During that period, targeted consultation will occur with key stakeholders and user groups, as well as the recently formed Sports and Leisure Community Reference Panel.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

This strategy has high social significance at a Shire wide level.

Broader Economic Implications

There are no economic implications in relation to the exhibition of the draft Community and Recreational Facilities Strategy and Study.

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no direct budget implications in relation to this report.

RELATED COUNCIL POLICY

Wingecarribee Community Strategic Plan

Goal 2.1 - A happy, healthy, active and resilient community

Goal 3.3 Liveable and sustainable communities

Goal 4.1 A protected, healthy and diverse natural environment.

Goal 5.1 People want to visit, work and invest in the Shire.

CONCLUSION

The Community and Recreational Facilities Strategy and associated Study will provide Council with clear direction in its provision of these important facilities. The community and key stakeholders will have an opportunity to provide feedback on the draft document before they are finalised and adopted by Council.

ATTACHMENTS

1. Community and Recreation Facilities Strategy - Project Brief [**9.2.1** - 14 pages]
2. Volume 1 - Council Community & Recreational Facilities Study [**9.2.2** - 210 pages]
3. Volume 1 - Appendix A - Review of Needs Study (2004) [**9.2.3** - 6 pages]
4. Volume 1 - Appendix B - Facility Inventory [**9.2.4** - 113 pages]
5. Volume 1 - Appendix C - WSC Projected Facility Requirements Table [**9.2.5** - 15 pages]
6. Volume 2 - Community & Recreational Facilities Study Literature Review [**9.2.6** - 117 pages]
7. Draft Community and Recreation Facility Strategy [**9.2.7** - 67 pages]

9.3 Children's Services Business Model Review

Report Author: **Manager Business & Property**
Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to present the proposed direction for the Family Day Care and Out of School Hours Care functions.

OFFICER'S RECOMMENDATION

THAT:

- 1. Council note the report and Council's continued commitment to the provision of Children's Services in the Wingecarribee Shire.**
- 2. Council endorse the continuation of the provision of Out of School Hours Care by the Wingecarribee Shire Council.**
- 3. Council endorse the expansion and resourcing of Out of School Hours Care.**
- 4. Council submits to the New South Wales Department of Education a Notification of Surrender of Service Approval for the Wingecarribee Shire Council Family Day Care Scheme by 31 December 2023.**

REPORT

BACKGROUND

Wingecarribee Shire Council (WSC) delivers two types of children services, Family Day Care and Out of School Hours Care.

1. Family Day Care (FDC)

Summary of Service

Children are cared for by Family Day Care Educators at the homes of those Family Day Care Educators. Each Family Day Care Educator operates an independent business, where a scheme provider (private or government entity, in this case WSC) provides an overarching regulatory framework and administration (administration and support services are provided by Council staff) for educators to operate under. Educators choose a scheme to operate under. The scheme operator (WSC) cannot move educators to another scheme, educators choose to move. Various legislation applies, including rigorous ratio limits (1 educator to 4 children) and responsible person availability amongst others.

The implication of this is that Scheme operators (in this case WSC) cannot resolve to transfer Family Day Care Educators to another Scheme. Council only can decide to no longer provide its own overarching Scheme. Educators can, at any time, and for no stated reason, transfer their privately operated businesses to another scheme, or cease to operate completely, set their fees, times of operation or any of a myriad of other variables.

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At the time of writing, the WSC FDC Scheme has no Educator that has not given notice of their intention to transition to an alternate scheme. Considering that a notice period of two weeks is required, it is anticipated that at the date of 21 June 2023, the WSC Scheme will have no Educators registered. The WSC Scheme is designed to deliver the service for up to twenty-five (25) FDC Educators.

2. Out of School Hours Care (OoSH)

Summary of Service

A number of children are cared for in a single location by a number of Out of School Educators. Various legislation applies, including rigorous ratio limits (1 educator to 15 children) and responsible person on-site requirements amongst others. As part of this Scheme, Council employs staff directly. The OoSH is located at Mittagong Public School and currently has a license to provide care to up to forty-five (45) children.

WSC has engaged several independent consultants since 2019 to review and provide recommendations on Councils suitability to deliver quality Children Services going forward. A number of factors, including the reduction of Family Day Care Educators over time, led to the decision to re-evaluate if WSC is best placed to provide the services. Council received an update as to the progress of the review process on 16 November 2022.

Minutes for the meeting dated 16 November 2022 note the following Resolution:

MN 2022/258

MOTION moved by the Administrator

THAT:

- 1. Council note the report providing an update on the status of Service Delivery Review of Children's Services.*
- 2. Council note that the outcomes of the Service Delivery Review of Children's Services will be reported to Council in early 2023.*

DECLARED CARRIED BY THE ADMINISTRATOR

This report is presented to Council pursuant to point two (2) of Council Resolution MN 2022/258, as well as to present the recommendations of the two reports prepared for Wingecarribee Shire Council and the proposed subsequent decisions.

REPORT

Over the past eighteen months, two (2) main reviews and discussion papers have been prepared regarding the current service provision model. They are:

1. The "Children's Services Service Delivery Review" by the University of Newcastle [May 2022] to be referred to as the "Newcastle Report"; and the
2. "Children Services' Service Delivery Review" – Financial Modelling, Risk Assessment and Options Report" by Abraxa Management Consulting [October 2022] to be referred to as the "Abraxa Report".

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The two (2) reports (Newcastle and Abraxa Reports) considered different aspects of the provision of services and are complementary. Please see Table 1 for a summary of the various recommendations from each report.

Although both agreed that the biggest issue is availability of competent (qualified to the standard set by regulations) staff, the Newcastle report did not consider the lack of availability of private contractors (FDC Educators) in the marketplace. The Abraxa Report considers the evidence-based difficulty WSC had to increase the number of FDC Educators.

Over many years the number of FDC Educators reduced. The compliance oversight and administration burden imposed by the relevant regulatory framework is substantial when it is only a small service provider. Considering that, by the presentation date of this item, the WSC Scheme will have no FDC Educator registered, the continued provision of the service is not deemed to be sustainable.

Table 1 contains the recommendations of both the above reports. The Table also documents comments to individual recommendations.

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Family Day Care

Ref#	Newcastle Report	Abraxa Report	Council Comments
FDC1	<p>Recruiting additional educators are possible.</p> <p><i>The report also notes that</i></p> <p>Recruiting of additional educators are problematic for many reasons including breakdown of TAFE system, pays etc. Endemic across industry.</p>	<p>Recruiting new/ additional educators a significant challenge.</p>	<p>Reject: The time taken to attempt additional recruitment will prolong the current uncertainty. Uncertainty in the outcome of the review has led to attrition of FDC Educators. Considering the specialised nature of staff, any staff attrition may lead to an uncontrolled breakdown of the service, exposing WSC to significant reputational risk.</p> <p>Accept: Efforts thus far to break through the attrition rate has been unsuccessful (educators leaving the sector, retiring, bushfire rules inhibiting entrants etc.). Also agree that the sector has systemic issues larger than WSC.</p>
FDC2	<p>Additional effort to be made in recruitment to add educators</p>	<p>Efforts in marketing of vacancies unsuccessful.</p>	<p>Reject the Newcastle Report Recommendation: Multi-year best efforts unsuccessful. Educators unavailable. Significant regulatory difficulties such as bush fire zones, maximum child ratios etc.</p>
FDC3		<p>Demographic data does not support significant expansion.</p>	<p>Accept: Even if assumptions underpinning the view is questioned, the supply of educators must be resolved first. Considering the unavailability of FDC Educators, the point is moot.</p>
FDC4		<p>Small “backbone” delivery team has insufficient capacity to maintain roles effectively (risk to WSC).</p>	<p>Accept: Considering the current unavailability of educators, officers are struggling to keep the service running in a financially sustainable manner. From a staffing point of view, should the service not be transitioned, WSC must be ready to accept sporadic unplanned service interruptions.</p>
FDC5	<p>Current fee levels unable to be increased</p>		<p>Accept: The financial burden is significant currently. In addition, the current financial performance (deficit) has been delivered with almost twice the number of FDC Educators generating fees. With</p>

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			the constant reduction in the number of educators, future financial performance is likely to reduce further. Current financial data FDC5, read with FDC6 is concerning.
FDC6	Current FDC deficit underpinned by FDC grants purported to cease in 2024 (future financial risk to WSC).		Accept: There are concerns of the impact that the ceasing or reduction of any FDC grants will have on the service.
FDC7	Modelled theoretical additional educators which leads to additional children in care, leading to additional fees as well as financial viability.	Significant increase in educators needed to allow for a break-even service.	Reject the Newcastle Report Recommendation: Educators are not available. Even if they could be found at current rates, the FDC grants funding for the service is reported by the Newcastle Report to undergo significant changes in future. This will lead to significant fee increases that will have to be absorbed by either Council or parents, whilst not losing children, and increasing placements by multiples over the short term to become sustainable. The Newcastle Report modelling is considered to be unrealistic.
FDC8	Maintain the structure of the current unit		Reject: Structure flows from economic realities and strategy. Management disagrees that the issues would be resolved by keeping the current overhead structure. Doing nothing is not considered a good strategy for the future provision of service.
FDC9	Creation of additional budget modelling needed		Accept: Council engaged Abraxia to further model the financial and risk impacts that were not considered in the Newcastle report which are noted within this report. Further modelling may assist us in understanding the exact future deficit better depending on the assumptions. However, management is comfortable that the trend has been identified, and that systemic industry indicators point in a single direction of likely worsening ability for council to keep the service running, regardless of the losses accepted. Should Council decide to continue FDC however, modelling will be very helpful in informing the amount of loss to include in future budgets.
FDC10	Additional research and reviews of fee modelling needed		Reject: Additional consultants could deliver additional research at additional cost taking additional time. Management is comfortable

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			that the views from industry, users, prospective users, staff, and others have been collected and documented.
FDC11	Research and consider additional products such as playgroups for a fee to educator homes		Reject: Additional small services could be investigated. These services all require educators. These small services may make some contribution to the financials but are unlikely to materially alter the financial sustainability of the service provided by Council.
FDC12	Use council buildings elsewhere as back-up day care spaces in case of educator absence (health, holiday etc.)		Reject: These services all require educators. To provide back-up educators permanent educators must be taken offline whilst still being paid, thereby reducing effective business as usual educators actively providing service.
FDC13	Plan more reviews		Reject: Additional consultants could deliver additional research at additional cost. Council is comfortable that the views from industry, users, prospective users, staff, and others have been collected and documented.
FDC14	Expand the service		Reject: An expansion of the services, will require more educators who are not available.
FDC15	Market the service (various)		Reject: Demand for the service is not the bottleneck. Vacancies can be marketed, but hereto has had little effect - see FDC1.
Out of School Hours			
	Newcastle Report	Abraxa Report	Council Comments
OoSH 1	Attract more staff	Attracting and retaining staff is a major constraint.	Accept: Difficult but because a mix of permanent and casual staff can be used, and regulatory requirements on individuals are less than for FDC educators, staffing would be easier than FDC. Staffing is still a significant challenge.
OoSH 2		The service can support more permanent staff positions.	Accept: This will not come at a significantly increased cost as casual positions can be swapped for permanent positions resulting is a net-of.
OoSH 3		Current rates of pay are below market	Noted.

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		rates.	
OoSH 4		Current fees and charges are at the top of market rates.	Accept.
OoSH 5		Small staff complement covering core regulatory roles are a challenge (risk to WSC).	Accept: The recommendation is to expand OOSH to other school sites, thereby recruiting additional staff that make cross training and a broadening of capabilities and back-up easier. Recruiting staff that are willing to work the hours though would remain challenging.
OoSH 6	Renew 5-year license.		Accept
OoSH 7	Plan more reviews.		Reject: Service reviews will be conducted as needed in future. However, management consider that at present enough information is at hand to make informed decisions.

Table 1

SUMMARY POSITION

Family Day Care:

Council officers concur with the above reports that the inability of WSC to find the required Family Day Care Educators are not a short-term market condition. Ongoing systemic issues in that sector has reduced the number of persons that consider this sector as a viable business opportunity significantly. Regulations with regards to maximum ratios, governance and compliance models, bush fire regulations that cover large parts of our Council area makes the provision of Family Day Care operations within those areas very challenging are not matters that can be resolved by WSC alone. It is therefore recommended that, considering that all FDC Educators have registered to alternate schemes, that the WSC FDC Scheme give notice of Surrender of Service Approval.

Out of School Hours:

Council officers recommends that OOSH continue as is in providing services. There is a significant market opportunity that exists to expand this service. Council is eager to ensure this service is adequately resourced and staffed to not only continue providing services, but also to expand its reach into the community.

ADDITIONAL MATTERS TO CONSIDER

During consultation with the FDC Educators, WSC reached out to a number of neighbouring local government operating schemes. WSC offered to facilitate presentations from those schemes and to support the educator transition from one local government scheme to the other. As noted above, all FDC Educators have identified and registered with alternate schemes at the time of writing. Council considered the following matters with regards to the recommendation to transition Educators to another scheme.

Common concerns to non-core services being reorganised by Local Governments, regardless of the sector at times focus on:

- Concern 1: It is a community service obligation.
- Concern 2: The community expects the provision of the service.
- Concern 3: Cross subsidisation does not occur or is appropriate.
- Concern 4: Council is helping the market by filling a need others cannot; and
- Concern 5: Additional focus or resources will yield better results.

Concern 1: Community Service Obligation

The Newcastle Report describe a number of both private sector FDC and OoSH providers. Those providers price their service on a commercial basis to attract customers. Customers choose their level of service, price level and personal preferences.

WSC supports the provision of Children's Services however recognises the difficulty in providing support services to a small number of Educators in addition to subsidising the funding of the service.

Concern 2: Community expectation

The Newcastle Report consulted users and those on waiting lists on their opinions and perspectives. Within the group strong opinions exist as to the fact that it is expected that Council should provide the service.

In addition, they expressed the preference to use a local government service citing a higher degree of comfort as an example that standards and rules would be maintained.

Council also carries the perception of a more “dependable” service, something that the branch may not be able to deliver indefinitely, risking significant disappointment should an unplanned service outing occur because of staff shortages.

Concern 3: Cross subsidisation

Both FDC and OoSH are managed under the banner of Children’s Services. The Newcastle Report outlines that the “service” is generating a surplus and therefore requires no intervention.

However, the users of the services (OoSH and FDC) are very different. In addition, from a corporate point of view, their risk, structure and staff, as well as regulations are very different.

FDC is currently being subsidised by OoSH. Should the FDC service be seen as a single “product”, it is not financially sustainable now or into the future.

Concern 4: Council is filling a need the private sector cannot.

Most schemes in WSC are private. As a result, it would be incorrect to note that WSC is providing a service not available to the community.

Concern 5: Efforts to recruit/ try harder

The Newcastle Report notes that the FDC scheme can easily be increased, to at least breakeven at 15 Educators which has not been achieved since the commencement of the service. The Abraxa Report reflects on the difficulty of this, with both documents reporting the reasons, as being an industry wide problem.

Despite efforts of WSC and individual FDC Educators to attract more Educators to the WSC Scheme, educator numbers have been decreasing. Recently WSC has approached several Schemes to provide alternative schemes to WSC FDC Educators. These included the schemes of Wollondilly, Camden, and Campbelltown Councils. WSC also discussed options of transitioning with WSC FDC Educators. Wollondilly and Campbelltown gave consideration to accommodate WSC FDC Educators within their Schemes which are much larger than WSC’s Scheme.

PROPOSED FUTURE DIRECTION

It is proposed to transition FDC providers to a different scheme and restructure the service around OoSH.

PROPOSED TIMINGS

Should the WSC FDC Scheme be surrendered, it may take up to 6 months to do so.

CONSULTATION

The Newcastle and Abraxa Reports consulted with staff, users of the service, providers of the service and those on the waiting list.

Since the reports have been delivered, several meetings and information sessions have been provided to staff and FDC Educators (two presentations/ information sessions). Although staff and educators are disappointed, there is a general acceptance that the WSC Scheme is not sustainable due to its size. At the time of writing, all WSC FDC Educators have provided notice of their transitioning to alternative schemes.

Furthermore, at the time of consultation, neither staff, nor educators considered a strong, sustained and long-term increase in educator numbers to be feasible.

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Rather than have the current situation continue, even under a decision of Council to not endorse the recommendation of FDC, the service has no educators. Educators have chosen to transfer regardless of the WSC decision to provide the scheme or not.

it is recommended that the FDC Scheme provide notice of Surrender of Service Approval.

COMMUNICATION AND CONSULTATION

Community Engagement

The Newcastle and Abraxa Reports consulted with staff, users of the service, providers of the service and those on the waiting list.

FDC Educators have been briefed on two occasions, once by the Director Corporate Strategy and Resourcing, and once by the Manager Business and Property. In the most recent consultation, the recommendations of this report were discussed with FDC Educators and staff. Parties were disappointed but recognise the potential impacts of being part of a very small FDC Scheme.

Internal Communication and Consultation

The Recommendation contained within this report was consulted with the WSC Executive, as well as FDC and OoSH staff.

External Communication and Consultation

Family Day Care proposals have been consulted with the FDC Educators that made use of the Scheme. The existence of the Scheme has no impact on their ability to continue to operate their businesses.

The continuation of OoSH has also been consulted with staff, who are supportive of its continuation, and the possibility to expand that service. There will be no redundancies because of the action to notification to surrender a service.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

The deregistration of the WSC FDC Scheme does not impact the ability of private FDC operators to continue providing the service.

Broader Economic Implications

The deregistration of the WSC FDC Scheme does not impact the ability of private FDC operators to continue providing the service.

Culture

There are no Culture issues in relation to this report.

Governance

There are no governance issues in relation to the adoption of this report. The continued operation of a very small FDC Scheme have financial, legal and reputational risk for WSC.

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COUNCIL BUDGET IMPLICATIONS

The current financial year budget (financial year end 2023) was prepared considering a number of educators delivering services. That budget reflects that the service is anticipated to deliver a deficit of \$114,651 during this financial year. By surrendering the registration, WSC will no longer carry this annual deficit into the future, therefore realising this as a saving.

RELATED COUNCIL POLICY

Nil

CONCLUSION

In consideration of the information and data provided in both the Newcastle and Abraxia reports it is recommended to transition the WSC FDC scheme by December 2023.

The FDC scheme currently has no educators. Despite efforts of the Council and the FDC coordination unit to attract new educators over previous years, WSC has been unable to attract FDC Educators in the numbers required to increase the size of the WSC FDC Scheme. Council is committed to the provision of quality early education and family day care as a model and has looked at the opportunities to ensure that this service type remains available locally and is supported appropriately. Over the course of the review staff, educators, parents, alternative providers, neighbouring Local Governments and the WSC Executive Committee have been consulted. FDC Educators are private providers that choose the FDC Scheme that they are registered with. Currently the WSC FDC Scheme has no FDC Educators registered.

In relation to OoSH, this is a centre based and strong service. Utilisation has been consistently high. Given the growing need for OoSH locally Council will actively explore the expansion of services to other schools in the area.

ATTACHMENTS

Nil

9.4 Mittagong Memorial Hall (Playhouse) - Update

Report Author: **Manager Project Delivery**
Authoriser: Director Service and Project Delivery

PURPOSE

The purpose of this report is to provide an update for the investigations undertaken for the Mittagong Memorial Hall as requested in the Administrators Minute dated 19 April 2023. A scope of work has been investigated for the remediation of structural deficiencies of the Mittagong Memorial Hall which would allow for the removal of the steel bracing within the carpark. This report outlines the findings of these investigations.

OFFICER'S RECOMMENDATION

THAT Council receive and note this report.

REPORT

BACKGROUND

As per Council report dated 28 July 2021 - MN211/21, the Mittagong Memorial Hall (Playhouse) was closed and structurally reinforced. Further investigations have determined that there are numerous structural inadequacies in the building that require rectification prior to the removal of the external bracing.

Considering the invasive nature of the rectification, the report goes on to explain the rationale behind the ultimate design and refurbishment of the entire facility. Considerable consultation was undertaken with all stakeholders and a workable solution was presented to the Principal Design Consultant to develop into a functional design. This design has been peer reviewed and formalised into tender ready documentation and a Development Application is due for imminent approval.

A Quantity Survey has also been undertaken which has informed Council of the financial commitment required. Council has proactively submitted for several grant funding opportunities, all of which have been unsuccessful to date. Councils current budget and long-term Capital Works program do not include the funds required to undertake the Mittagong Memorial Hall refurbishment project and Council continues to seek funding opportunities.

REPORT

In October of 2022, Council commenced further investigations into staging the works required for the Mittagong Memorial Hall. It is acknowledged that the structural bracing on one of Mittagong's most recognizable heritage buildings is not ideal, nor is the fact that numerous parking spots in the centre of town are burdened by the structural supports.

As such, an initial phase of works was documented to remedy the structural inadequacies in the building, refurbish the heritage sandstone wall and undertake the works required at roof level to complement the ultimate scope and minimise future re-work.

Investigations were also undertaken to provide an interim fit out so that the hall could be re-opened for use. Requirements under legislation and the Building Code of Australia prohibit Councils ability to re-open the facility and obtain interim Occupancy Certificates until items such as accessible access/egress, Fire Engineering compliance and Heating, ventilation and cooling are addressed. To adequately resolve these requirements would involve complete deconstruction and reconstruction of the facility and in essence require the entire scope of the project to be undertaken. It is therefore concluded that without the necessary funding to undertake the complete project, it is not viable to re-open the hall to users.

Structural Repairs

To carry out the required structural repairs and remove the bracing supports within the car park, numerous elements of the building need to be addressed. Items such as replacing and installing roof structure members, installing additional ties and supports, internal steel supports to brace the wall and roof elements, construction of a plant room at roof level, re-roofing and careful remediation and re-pointing of the external heritage sandstone wall. Once these tasks are undertaken the external bracing can be removed and the car park remediated and reinstated.

A Quantity Survey was also undertaken for the structural rectification works which identified \$1.1M to complete the scope. Factoring in cost escalation since the estimate and including further contingency and allocation for fees, it is recommended that if the works were to be progressed a budget of \$1.3M be allocated to the project. It is to be noted that this would not allow for the re-opening or use of the hall. IT would only allow for the external bracing to be removed and the building to be structurally sound.

COMMUNICATION AND CONSULTATION

Community Engagement

Stakeholders have been engaged in relation to the ultimate design of the Mittagong Memorial Hall.

Internal Communication and Consultation

Internal communications have been undertaken between Project Delivery, Assets and Finance.

External Communication and Consultation

External communications continue with stakeholders, consultants and authorities.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

There are no broader economic implications in relation to this report.

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Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

A \$2 million budget was allocated to Mittagong Memorial Hall as an estimated figure of the initial cost of works funded by loans. This budget allocation was deferred until a strategy on how the site will be restored is determined. Council does not currently have a budget allocation in the draft 2023/24 Operational Plan in relation to works relating to the Mittagong Memorial Hall and is actively seeking grant funding opportunities.

CONCLUSION

In response to the Administrators Minute dated 19 April 2023, this report outlines the investigations undertaken in relation to structural rectifications required to remove the bracing from the hall and describes the constraints associated with re-opening the hall to the community. The report furthermore indicates the budget required to undertake the abovementioned rectifications.

ATTACHMENTS

Nil

9.5 Wingecarribee Community Assistance Scheme Applications 2023/24 - Funding Recommendations

Report Author: Coordinator Community Development

Authoriser: Director Communities and Place

PURPOSE

The purpose of this report is to recommend funds for local organisations for financial assistance under the 2023/2024 Wingecarribee Community Assistance Scheme (CAS).

OFFICER'S RECOMMENDATION

THAT:

- 1. Council provide a 2023/24 Community Assistance Scheme Donation to the following community organisations for the following amount:**
 - a. St Judes Music Association \$600
 - b. Southern Highlands Symphony Orchestra Inc. \$600
 - c. Colo Vale Men's Shed \$600
 - d. Colo Vale Community Association \$600
 - e. Gumnut Bowral Memorial Preschool Inc. \$600
 - f. Bowral-Mittagong Uniting Church \$600
 - g. Moss Vale Hockey Club \$600
 - h. Bundanoon Cricket Club \$600
 - i. Colo Vale Tennis Club \$600
 - j. Southern highlands Kennel & Obedience Club Inc. \$600

- 2. Council provide a 2023/24 Community Assistance Scheme Grant to the following community organisation for the following amount:**
 - a. Bowral and District Art Society Inc \$3295
 - b. Wingecarribee Women Writers \$7000
 - c. Bundanoon Folk Festival Association Inc. \$6996
 - d. The Pop-Up Project \$1350
 - e. Bundanoon Community Garden Inc. \$5300
 - f. The Rotary Club of Moss Vale \$7000
 - g. CTC Robertson Inc. \$5800
 - h. Bundanoon History Group Inc. \$2670
 - i. Southern highlands Botanic Garden Limited \$7000
 - j. Legacy Club Services \$7000
 - k. Burrawang Easter Markets Association Inc. \$7000
 - l. Balmoral Village Association Inc. \$6244
 - m. Checked in Care \$7000
 - n. St Vincent de Paul Society NSW \$6839
 - o. C3 Destiny Church \$6523
 - p. Burrawang Wildes Meadow Community Association Inc. \$7000
 - q. Vocal Muster Academy \$6418
 - r. Southern Highlands Carriage Club Inc. \$7000

- s. Bundanoon Croquet Club \$3900
 - t. Moss Vale Tennis Club Inc. \$2304
3. It be noted that a total of \$119,639 has been provided to the scheme of the \$120,000 budget allocation.
4. Council provide a 2023/24 Community Assistance Scheme Grant for Environment and Sustainability projects to the following community organisation for the following amount:
- a. Robertson Show Society \$2000
 - b. Grow Southern Highlands \$1976.40
 - c. WinZero \$1770
 - d. Bowral Public School, Bowral \$1600
 - e. Southern Highlands Plant Society \$1450
 - f. Berrima Public School, Berrima \$622.80
 - g. Southern Highlands Landcare Network \$580.80
5. It be noted that a total of \$10,000 has been provided to the Environment and Sustainability \$10,000 Budget allocation.
6. Successful applicants be advised in writing and invited to attend a formal cheque presentation held in Local Government week on Wednesday 2 August 2023.
7. Unsuccessful applicants be advised in writing of the outcome of their application and provided feedback for the next round of applications.

REPORT

BACKGROUND

The Wingecarribee Community Assistance Scheme (the Scheme) provides funding to local organisations for the purpose of implementing and improving community-based projects within the Shire. The Scheme aims to build capacity, encourage participation, and support initiatives that promote partnerships and working together to maintain the community and its assets.

The objective of the Wingecarribee Community Assistance Scheme is to further this commitment to the Community Strategic Plan – Wingecarribee 2041 through the distribution of funds to local non-profit community (incorporated) organisations to assist in the development and provision of cultural, sporting, welfare, health promotion, leisure, environmental and community development programs, activities and events. These funds help to establish, improve, or enhance resources, services and facilities and access for all residents of the Wingecarribee Shire, by providing grants for capital works, equipment, programs, activities and events or facilities.

A grant pool has been provided by the Environment Levy to support potential projects with the principal purpose to achieve environment or sustainability outcomes, especially those that increase sustainability and community capacity.

There are three types of funding available under the Scheme. These are:

- Donations of up to \$600
- Grants up to \$7,000
- Environment and Sustainability Grants up to \$2,000

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COMMUNITY ASSISTANCE SCHEME

The Scheme typically opens during February each year and closes at the end of March. A presentation to successful applicants is made during Local Government week in August.

However, the opening of the 2023/2024 Wingecarribee Community Assistance Scheme was delayed due to the need to review and adopt a new Grants, Donations and Sponsorships Policy. This policy was adopted by Council on 16 November 2022. The 2022/2023 Wingecarribee Community Assistance scheme was opened on 8 December 2022 and closed on 13 January 2023. The opening of the 2023/2024 Wingecarribee Community Assistance Scheme was then subsequently opened on Wednesday 1 March 2023 and closed on Friday 14 April 2023 as an additional week extension was granted.

The Scheme funds projects that fall under the broad categories of community development, arts and culture, sport and recreation and community infrastructure. The annual budget allocation for the Community Assistance Scheme is \$120,000.

COMMUNITY ASSISTANCE SCHEME – ENVIRONMENT & SUSTAINABILITY

The Environment and Sustainability Scheme was last run in 2020/2021 as part of the overarching Community Assistance Scheme. On 16 November 2022 the Community Assistance Scheme – Environment and Sustainability Grants Guidelines was adopted as a separate document to the Community Assistance Scheme Guidelines. This year it opened separately for the first time for the 2023/2024 period with applicants able to apply from 17 April till 15 May 2023.

The Community Assistance Scheme – Environment and Sustainability grant has been provided by the Environment Levy to support potential projects with the principal purpose to achieve environment or sustainability outcomes, especially those that increase environmental sustainability and community capacity building. The annual budget allocation for the Community Assistance Scheme – Environment and Sustainability is \$10,000 funding in its entirety by the Environment Levy.

REPORT

Applications were assessed by professional officers in accordance with the Policy against the criteria within the 2023/2024 Wingecarribee Community Assistance Scheme Guidelines. Staff recommendations were then reviewed by the relevant Manager to ensure transparency and probity.

As a part of the Community Assistance Scheme 2022/2023 a total of 37 applications were received for grants and donations, with a total request of \$156,441.531.

Table 1 below provides the Funding recommendations for the Wingecarribee Community Assistance Scheme 2023/24

Application Number	Organisation Name	Project Title	Grant or Donation	Requested	Recommendation for funding
1	Bowral and District Art Society Inc.	Kitchen Appliances - Purchase of Refrigerator; Stove; Dishwasher; Urn	Grant	\$3,295	Supported - \$3,295

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Application Number	Organisation Name	Project Title	Grant or Donation	Requested	Recommendation for funding
		and Microwave for community use			
2	Wingecarribee Women Writers	The Charlotte Project - celebrating the lives of women and ensuring they are recognised through public monuments.	Grant	\$7,000	Supported - \$7,000
3	Bundanoon Folk Festival Association Inc	Dress Our Venues - promote local and regional artists to perform music, song, dance and spoken word that tell stories of the people, history and places of our region.	Grant	\$6,996	Supported - \$6,996
4	St Judes Music Association	Expanding equipment for members of the Highlands Sinfonia and enhancing publicity for community concerts	Donation	\$600	Supported - \$600
5	The Pop-Up Project	The Pop-Up Project – community development art workshops	Grant	\$1,350	Supported - \$1,350
6	Southern Highlands Symphony Orchestra Inc.	Purchase or Hire of Music for SHSO Concerts	Donation	\$600	Supported - \$600
7	Sarah Norton Creative	Creatives Boot Camp - design thinking + innovation	Grant	\$4000	Not supported – The business and commercial focus of this

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Application Number	Organisation Name	Project Title	Grant or Donation	Requested	Recommendation for funding
		processes inside the framework of 'Art as a Business'			project does not align with the guidelines
8	Bundanoon Community Garden Incorporated	Polytunnel /greenhouse project - supporting community organisations and community members	Grant	\$5,300	Supported - \$5,300
9	Colo Vale Men's' Shed	First Aid Kit	Donation	\$600	Supported - \$600
10	Colo Vale Community Association	Demolition of back shed area and reframing and fit out for a new storeroom	Donation	\$600	Supported - \$600
11	Wingecarribee Food Services	Sound System Upgrade	Grant	\$6,000	Not supported – received \$7,000 in last round. Quotes are not accurate within application
12	Gumnut Bowral Memorial Preschool Inc.	Early Childhood Services Networking Meeting to support Mental Health.	Donation	\$600	Supported - \$600
13	The Rotary Club of Moss Vale	Rotary Club of Moss Vale Community Charity Golf Day	Grant	\$7,000	Supported - \$7,000
14	CTC Robertson Inc.	Automated Front Door purchase and installation at the CTC Robertson	Grant	\$5,800	Supported - \$5,800
15	Bowral-Mittagong Uniting Church	Enhancement of Community Space @ Mittagong Uniting Church	Donation	\$600	Supported - \$600

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Application Number	Organisation Name	Project Title	Grant or Donation	Requested	Recommendation for funding
16	Wingecarribee Food Services	Putting the wheels in Meals on Wheels – volunteer fuel reimbursement	Grant	\$5,512.50	Not supported – Second application within this round. Application is for an already established program which does not align with guidelines
17	Southern Highlands Chamber of Commerce	The Business of Events in the Southern Highlands	Grant	\$6,700	Not supported – Economic focus, does not align with guidelines
18	Bundanoon History Group Inc	Old Goods Shed Renovations (New Flooring)	Grant	\$2,670	Supported - \$2,670
19	Southern Highlands Botanic Gardens Limited	Events Under Tents - Tents for volunteers, display plants for sale, workshops, meetings and small events, whole of community use	Grant	\$7,000	Supported - \$7,000
20	Legacy Club Services	Upgrade of Moss Vale Legacy House veranda balustrade	Grant	\$7,000	Supported - \$7,000
21	Burrawang Easter Markets Association Inc	BEMA Traffic Plan to support the growth of Burrawang Easter Markets	Grant	\$7,000	Supported - \$7,000
22	Balmoral Village Association Incorporated	Fire Pump Storage Unit & Defibrillator	Grant	\$6,244	Supported - \$6,244

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Application Number	Organisation Name	Project Title	Grant or Donation	Requested	Recommendation for funding
23	Robertson Environment Protection Society Inc. (REPS)	Propagation of Rainforest Plants	Grant	\$2,960	Not supported – Environmental focus, does not align with this round guidelines
24	Checked In Care	Community Circles - new program for volunteer support visits to Aged Care Homes	Grant	\$7,000	Supported - \$7,000
25	St Vincent de Paul Society NSW	Sing & Make - It's Never too late Community Music Program	Grant	\$6,839	Supported - \$6,839
26	Grow Southern Highlands NSW Association Inc	Environmentally sustainable events	Grant	\$6,040	Not supported – however met Environment & Sustainability criteria – refer to details within this report
27	WinZero Inc	Wildlife Detection for Rescue & Treatment	Grant	\$5,590	Not supported – however met Environment & Sustainability criteria – refer to details within this report
28	C3 Destiny Church	Santa's Grotto – community event Corbett Gardens	Grant	\$6,522.81	Supported - \$6,523
29	Burrawang Wildes Meadow Community Association Inc	Facilities at the Burrawang cemetery	Grant	\$7,000	Supported - \$7,000

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Application Number	Organisation Name	Project Title	Grant or Donation	Requested	Recommendation for funding
30	Vocal Muster Academy	The Muster Sunday / Muster Glee Club	Grant	\$6,418	Supported - \$6,418
31	Southern Highlands Carriage Club Inc	Zilco Ashes- Festival of Carriage Driving community event	Grant	\$7,000	Supported - \$7,000
32	Moss Vale Hockey Club	Junior Player support	Donation	\$600	Supported - \$600
33	Bundanoon Croquet Club	Croquet Lawn Drainage Rectification	Grant	\$3,900	Supported - \$3,900
34	Moss Vale Tennis Club Inc.	Sporting Equipment available to all - removing the barriers	Grant	\$2,304	Supported - \$2,304
35	Bundanoon Cricket Club	Women's Cricket Team	Donation	\$600	Supported - \$600
36	Colo Vale Tennis Club	Shade Sail	Donation	\$600	Supported - \$600
37	Southern Highlands Kennel & Obedience Club Inc.	Dog Agility Equipment Upgrade	Donation	\$600	Supported - \$600

As a part of the Community Assistance Scheme 2022/2023 Environment and Sustainability a total of 12 applications were received for grants and donations, with a total request of \$23,060.70

Table 2 below provides the Funding recommendations for the Wingecarribee Community Assistance Scheme – Environment and Sustainability 2023/2024

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Application Number	Organisation Name	Project Title	Requested	Recommendation for funding
1	Highlands Host a Hive Inc.	Increasing and sustaining bee population	\$2,000	Not supported - Withdrew as application was to cover costs of beekeeping equipment already bought in the 2022/23 FY.
2	Bowral Public School	Towards Zero Waste Canteen	\$2,000	Supported - Fund priority 1 only \$1,600 , reusable and freezer containers.
3	Kangaloon Public School	Defib. on demand	\$2,000	Not supported – Perceived lower Environmental Sustainability impact compared to other applications being assessed – Section 2.5.1 of the Environment and Sustainability Guidelines states priority will be given to projects which have the greatest Environmental Sustainability benefit.
4	Reknighed	Reknighed workshops	\$3,840	Not supported – Does not meet requirements for the grant as per section 1.4 in the Environment and Sustainability Guidelines
5	Avoca Public School	Duck tails to fertilised gardens	\$2,000	Not supported – Perceived lower impact compared to other applications being assessed – Section 2.5.1 of the Environment and Sustainability Guidelines states priority will be given to projects which have the greatest Environmental Sustainability benefit.
6	Berrima Public School	Eco-literate Kids	\$1,875	Supported - Fund priority 1 only \$622.80 for nature immersion supplies.
7	WinZero	Fossil Off! (Fossil free campaign)	\$2,000	Supported - Fund priority 1 only \$1,770 for 100 campaign gate signs

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8	Southern Highlands Landcare Network Inc.	Purchase of essential tools	\$580.80	Supported - \$580.80
9	Gumnut Bowral Memorial Preschool Inc.	Native Plant Gardens	\$764.90	Not supported – Perceived lower impact compared to other applications being assessed – Section 2.5.1 of the Environment and Sustainability Guidelines states priority will be given to projects which have the greatest Environmental Sustainability benefit. However, Gumnut Bowral Memorial Preschool Inc. have met the Community Development guidelines for a donation as part of their 2023/24 round (see above table 1, applicant 12)
10	Grow Southern Highlands NSW Association Inc.	Environmentally Sustainable Events (reusable glasses)	\$2,000	Supported - Part payment of \$1,976.40
11	Southern Highlands Australian Plants Society	Pathogen testing for Southern Highlands Dying Trees (soil testing)	\$2,000	Supported - Part payment of \$1,450 to cover 5 samples instead of the requested 6
12	Robertson Show Society	Install water refill station	\$2,000	Supported - \$2,000

Table 3 below provides a summary of all applications received for all Community Assistance Schemes for 2023/24 and total funding recommendations.

Category	Total number of applications received	Total funding requested	Total funding recommended
Arts and culture	7 applications (2 donations, 5 grants)	\$23,841	\$19,841

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Community Development	19 applications (4 donations, 15 grants)	\$91,465.50	\$64,253
Sport and Recreation	7 applications (4 donations, 3 grants)	\$15,604	\$15,604
Other	4 applications (0 donations, 4 grants)	\$25,530.81	\$19,941
Environment and Sustainability	12 applications (12 Grants)	\$23,060.70	\$10,000
Total	49 applications (10 donations, 39 grants)	\$179,502.01	\$129,639 (\$10,000 from Environment Levy)

COMMUNICATION AND CONSULTATION

Community Engagement

Council actively engaged with community organisations to support the application process with one-on-one advice. All applicants are required to address how the applications align to the five themes outlined in the Community Strategic Plan.

Internal Communication and Consultation

All applications were assessed against eligibility criteria as set out in the Guidelines. A panel of staff from the following branches undertook the assessment of the applications;

- Environment & Sustainability
- Assets
- Community Development

External Communication and Consultation

The Scheme was promoted through a media release, radio and via Council's Community Update, newsletter and website. The Scheme was also promoted through local networks and interagency contact lists.

SUSTAINABILITY ASSESSMENT

Environment

The Scheme assists local not for profit organisations to carry out environment and sustainability projects within the Shire.

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Social

The Scheme assists local not for profit organisations to establish, support, enhance resources, services and facilities and access for residents.

Broader Economic Implications

The Scheme allows for community organisations to provide local projects and carry out works that benefit the local community, often sourcing local businesses and supplies.

Culture

Several applications recommended for funding will support cultural activities in the community.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

It is recommended that a total of \$120,000 be allocated for the Wingecarribee Community Assistance Scheme in the 2024/2025 budget

It is recommended that a total of \$15,000 be allocated from the Environment Levy for the Wingecarribee Community Assistance Scheme Environment and Sustainability in the 2024/2025 budget

RELATED COUNCIL POLICY

The Grants, Donations and Sponsorships Policy

CONCLUSION

The Wingecarribee Community Assistance Scheme encourages the development of community initiatives in line with Council's Community Strategic Plan – Wingecarribee 2041.

The Scheme aims to build capacity, encourage participation, and support initiatives that promote partnerships and working together to maintain our community, the environment and its assets.

The applications for the Wingecarribee Community Assistance Scheme 2023/2024 have been assessed by the relevant Council staff and relevant Manager and final recommendations for Council have been prepared.

ATTACHMENTS

Nil

9.6 Draft Bus Shelter Advertising Policy

Report Author: **Manager Assets**
Authoriser: Director Service and Project Delivery

PURPOSE

The purpose of this report is to provide Council with an update on the management of bus shelters and seek endorsement to proceed with public exhibition on the Bus Shelter Advertising Policy.

OFFICER'S RECOMMENDATION

THAT:

- 1. Council receive and note this report.**
- 2. Council adopt a provision level of service for new bus shelters to only be provided within town centres, village centres and along State roads that are serviced by a public bus route.**
- 3. Council endorse the draft Bus Shelter Advertising Policy be placed on public exhibition for 28 days.**

REPORT

BACKGROUND

At the Ordinary Council Meeting of 15 March 2023, the following Action Plan was presented to Council to address the resolutions from the Ordinary Council Meeting 11 August 2021:

1. Assessment of existing bus stops & shelters:
 - a. For each bus stop:
 - i. Identify current amenity provision (Bus shelter, concrete hardstand, timetable pole etc); and
 - ii. Determine compliance with accessibility standards.
2. Community Consultation:
 - a. Survey, gauging the communities thoughts on:
 - i. Current provision of bus shelters;
 - ii. Condition and maintenance of bus shelters; and
 - iii. Requested location for bus shelters.
3. Determine Provision Level of Service for Bus Shelters:
 - a. Analyse current provision of bus shelters;
 - b. Determine sustainable provision level of service;
4. Develop Bus Shelter Advertising Policy:
 - a. Policy will focus on specification and controls of advertising on bus shelters.
 - i. Provision level of service will be initially included within the Policy, however will be removed and enshrined within Transport Asset Management Plan upon completion of the Plan.

REPORT

Assessment of existing Bus Stops & Shelters

Across the month of April, all bus stops along public bus routes were assessed and data collected both on inventory and accessibility. The following table provides a summary of the assessment findings:

Number of Public Bus Stops		373
<hr/>		
Is a Bus Shelter present?	Yes	73 (20%)
	No	300 (80%)
<hr/>		
What is the condition of the Bus Shelter?	Condition 1 (Very Good)	3 (4%)
	Condition 2 (Good)	19 (26%)
	Condition 3 (Satisfactory)	36 (49%)
	Condition 4 (Poor)	13 (18%)
	Condition 5 (Very Poor)	2 (3%)
<hr/>		
Is the bus stop accessible? (tactiles, connecting path etc)	Yes	21 (6%)
	No	352 (94%)
<hr/>		

Review of the results above demonstrates that a body of work is required to increase the provision of accessibly compliant bus stops across the Shire. Accessibility compliance is primarily related to provision of tactile markers and connecting paths, however bus shelters have further compliance requirements and at some sites we will also need to address gradient constraints.

With consideration of the number of bus stops along public bus routes, and other competing infrastructure requirements of the Shire, the approach needs to be one of consistent improvement. To this effort, the draft 2023/24 Capital Works Program features a \$50,000 capital project for the renewal of bus shelters. It is estimated that this project will accommodate the renewal of two bus shelters.

Community Consultation

An online survey was open during the consultation period of 17 May to 2 June 2023 on the Your Say Wingecarribee website for the community to provide feedback on the future Bus Shelters. The survey was promoted through the e-newsletter and within the Moss Vale Civic Centre.

The webpage invited the community to ‘pin drop’ desired locations for bus shelters, as well as provide feedback on the current provision and maintenance of bus shelters and if they would support the bus shelters featuring commercial advertising.

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The webpage saw a total of 25 visitors and 3 surveys were completed during the consultation period. Although this response rate is low, it could be concluded that it is reflective of the level of community interest in the matter.

A summary of the consultation is provided in Attachment 1.

Determine Provision Level of Service for Bus Shelters

To enable the sustainable management of Council's bus shelter network, it is proposed that new bus shelters are only provided within town centres, village centres and along State roads that are serviced by a public bus route.

The proposed provision level of service largely aligns with the existing provision of bus shelters. The adoption of a provision level of service provides Council with a framework by which to consider new bus shelter requests and therefore enables more consistent and efficient decisions.

Develop Bus Shelter Advertising Policy

The renewal and potential expansion of the bus shelter network is a significant undertaking and requires financial investment. The assets also require regular maintenance to address litter, vandalism and graffiti concerns.

To offset these costs, a draft Bus Shelter Advertising Policy has been developed to enable revenue to be generated through commercial advertising being permitted on the bus shelters. The arrangement could be modelled in various ways, with the advertising either generating direct revenue for Council to then reinvest in bus shelter maintenance and renewal, or a third party could take on responsibility for the maintenance and renewal of bus shelters in exchange for the benefit of the commercial advertising opportunities.

It is proposed that the draft Bus Shelter Advertising Policy be placed on public exhibition for a period of 28 days and a subsequent report prepared to Council for its adoption.

Upon adoption of the draft Bus Shelter Advertising Policy, commercial advertising proposals will be sought and any selection of a proposal will be the subject of a further report to Council.

COMMUNICATION AND CONSULTATION

Community Engagement

An online survey was open during the consultation period of 17 May to 2 June 2023 on the Your Say Wingecarribee website for the community to provide feedback on the future Bus Shelters. The survey was promoted through the e-newsletter and within the Moss Vale Civic Centre.

Internal Communication and Consultation

Coordinator Assets Roads and Drainage

Senior Traffic Engineer

Senior Asset Engineer Roads

External Communication and Consultation

Berrima Bus Lines

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

This report has no direct budgetary implications for Council.

RELATED COUNCIL POLICY

Wingecarribee Community Strategic Plan.

Goal 3.3 Liveable and sustainable communities.

3.3.3 Provide effective, safe and well-maintained local infrastructure and assets that service the needs of current and future generations.

CONCLUSION

This report provides an update to Council on the inventory and condition of bus stops and bus shelters within the Shire, and identifies a way forward for generating revenue and offsetting costs through the draft Bus Shelter Advertising Policy.

ATTACHMENTS

1. Your Say Wingecarribee What We Heard [**9.6.1** - 3 pages]
2. Draft - WSC Advertising on Council Bus Shelters Policy [**9.6.2** - 6 pages]

Your Say Wingecarribee

What we heard



WINGECARRIBEE SHIRE COUNCIL BUS SHELTERS

Wingecarribee Council is looking to improve current levels of services regarding bus shelters. Priority locations for bus shelter will be in town / village centres and along major bus routes. However, other locations can be considered. Feedback from the community was open from Wednesday 17 May 2023 and concluded Friday 2 June 2023.

Getting involved was easy, Council simply requested community members place a pin on the map at the location of their choice, then answer a quick survey which will allow council to better understand community needs and expectations and guide future bus shelter policy.

THE CONVERSATION

An online survey was open during the consultation period on the Your Say Wingecarribee website for the community to provide feedback on the future Bus Shelters. A total of 25 Visitors and 3 surveys were completed across the Shire.

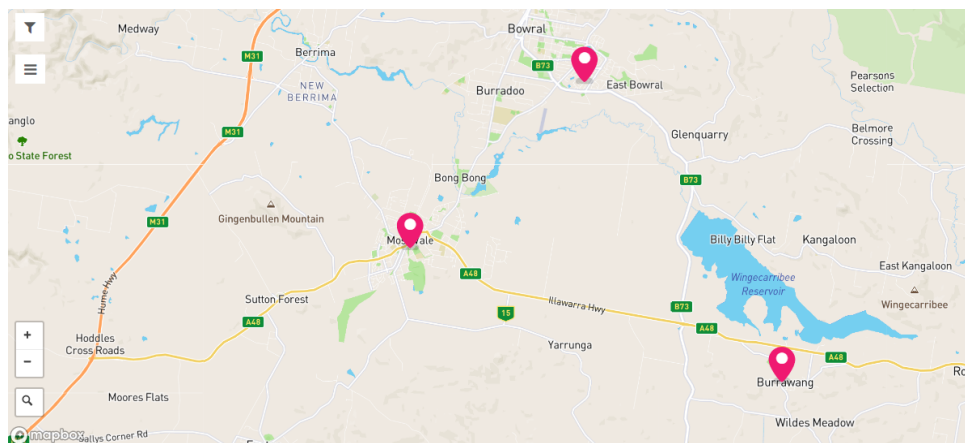
Members of the community were also invited to provide a location preference and any commentary regarding current and future bus shelters.

WHO WE ENGAGED

The consultation targeted local community within the Wingecarribee Shire Council The consultation was promoted through the E-Newsletter and within the Council Office.



Location Drops and Comments



- 1. 9 Hoddle Street, Burrawang New South Wales 2577**
 - Improve tidiness and clean the shelter more often.
- 2. 3 Robinia Drive, Bowral New South Wales 2576:**
 - Children, elderly and young mother use this stop.
- 3. 13-19 Kirkham Street, Moss Vale New South Wales 2577:**
 - The bus stop out the front of Council Chambers have been reported as 'disgusting, filthy and covered in cob webs'. Feedback by Yerrinbool Community Association

WHAT WE HEARD

Q. Is there an existing bus shelter that requires repair, replacement or removal?

It was noted from community feedback that existing bus shelters required additional cleaning and repair.

Q: Are there accessibility problems for existing bus shelters?

It was noted from community feedback that their do not seem to be any issues with accessibility at existing bus shelters.

Q. Would you be happy to see advertising on bus shelters, understanding that advertising revenue can help to fund various infrastructure improvements?

It was noted from all responses that the community would be happy to see advertising at bus shelters.

WHAT'S NEXT

Overall, the community spoke to existing bus shelters within the Shire. The feedback remains that location preferences are working; however, the shelters do require attention and cleaning.

These consultation results will be considered and reported to Council at Ordinary Council Meeting 21 June 2023.

THANK YOU FOR YOUR FEEDBACK





Advertising on Council Bus Shelters Policy



We're with you

WINGECARRIBEE SHIRE COUNCIL

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Draft -WSC Advertising on Council Bus Shelters Policy.docx

Wingecarribee Community Strategic Plan 2031 -
3.4 We have a safe, maintained and effective assets and
infrastructure

Document Type	Council Policy
Document Reference No.	[Governance to insert] (example: 2020/001)
Version No.	Version 4
Council File Reference	[Insert departmental file number, generally the relevant electronic records management system subject reference]
Adoption Date	[Governance to insert]
Resolution Number	[Governance to insert]
Document Owner	Manager Assets
Responsible Branch	Assets
Responsible Business Unit	Assets
Review Schedule	Four Years
Review Date	30 June 2027

We're with you

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Draft -WSC Advertising on Council Bus Shelters Policy.docx

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We're with you

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1. Objectives

The objective of the Advertising on Council Bus Shelters Policy is to provide the guidelines for Council to enter into a Partnership Program that will enable the provision of bus shelters that meet Disability Standards for Accessible Public Transport (DSAPT) requirements and generate a revenue stream that is invested back into improving our public transport infrastructure.

2. Policy Statement

The objective/s of the Advertising on Council Bus Shelters Policy is to:

- Enable Council to provide transport accessibility infrastructure for the community, compliant with the DSAPT requirements in a sustainable manner
- Provide guidance on the provision of bus shelter infrastructure under a Partnership Program agreement
- Ensure that only advertising that meets Council's Policy are promoted on bus shelters within the road reserve for which Council is the roads authority

3. Policy

1. Council's intent is to partner with one or more multi-format outdoor advertising solutions companies to provide DSAPT compliant bus shelters, including cleaning and maintenance, at no cost to the Wingecarribee Shire LGA.
2. The revenue gained from advertising on the shelters will be directed to accelerate the Bus Stop Capital Works Program to meet our legislative requirements as the provider of public transport infrastructure.
3. All advertising compatible bus shelters constructed in the LGA will comply with the requirements listed in Section 4 "Bus Shelter Advertising Signage" of this Policy.
4. Any advertising agreements entered by council ensure a balance between national multi capital city advertisers, regional local advertising and, Council led community advertising, under arrangements that are mutually agreeable.
5. Prohibited advertising would include any signage or advertising that in the opinion of the General Manager:
 - a) Is political, religious or in any other way likely to be considered offensive to any person or class of persons
 - b) Promotes smoking, or tobacco products
 - c) Promotes alcohol or the consumption of alcohol
 - d) Promotes gambling
 - e) Could be mistaken for a traffic sign, or that constitutes a traffic hazard; or
 - f) That is, or the content of which, is false, deceptive or misleading

Council will however have discretion to approve any signage in respect to the sponsorship of local clubs and community groups within local government property.



4. Bus Shelter Advertising Signage

Wingecarribee Shire Council's Development Control Plan (DCP)s for various villages/townships states that well designed signage, of appropriate location and scale, can make a positive contribution to the visual and functional amenity of a locality which in turn contributes to the appearance and amenity of the Shire as a whole. Poorly designed signage, of inappropriate scale, in inappropriate locations can adversely impact on urban amenity and function. This is particularly the case where signage is illuminated or is of such quantity that a cumulative impact results.

The objectives and assessment criteria for signage and outdoor lighting included in Wingecarribee Shire Council's DCPs are drawn in large part from State Environmental Planning Policy No. 64 Advertising and Signage (SEPP 64) and a supporting document (Transport Corridor Outdoor Advertising & Signage Guidelines) to that SEPP published by the (then) NSW Department of Planning and Environment in 2017.

Although State Environmental Planning Policy No. 64 Advertising and Signage (SEPP 64) and a supporting document (Transport Corridor Outdoor Advertising & Signage Guidelines, Assessing Development Applications Under SEPP64, November 2017) does not apply to all signage within the Wingecarribee Shire, the Assessment Criteria provided in Schedule 1 of the SEPP and the Planning Principles and other Content within the Guidelines remain relevant to Council's consideration of signage within the Shire.

Further to the above requirement, the following criteria (Ref. Penrith Local Environmental Plan 2010, Schedule 2 Exempt Development) shall also be considered while assessing bus shelter advertising signage.

- 1) Must not extend beyond the perimeter of the bus shelter.
- 2) A maximum of 2 advertising panels per bus shelter that may comprise an advertisement on 2 sides.
- 3) Must not contain flashing or neon signage.
- 4) Must not obscure pedestrian paths of travel.
- 5) Must be able to increase or decrease the intensity of illumination.
- 6) Illumination must not adversely impact on the amenity of residential dwellings, serviced apartments or other tourist and visitor accommodation.
- 7) Must not be located on land that comprises a heritage item or is within a heritage conservation area.
- 8) Illumination must not adversely impact on the safety of pedestrians, cyclists or drivers of motor vehicles.

5. Definitions

Bus Shelter – under this policy a bus shelter refers to an advertising compatible, DDA compliant shelter comprising of up to 2 advertising display units 1800mm (h) x 1200mm (w).

Bus Stop – a location at which a bus may stop and which may include facilities such as seats, a shelter or concrete pad.

DSAPT bus stop – a bus stop that includes a hardformed kerb, boarding hardstand, signage, information timetable, warning tactile ground service indicators, direction tactile ground service indicators, kerb warning tactile ground service indicators, seating, shelter hardstand, shelter and continuing path.

Infrastructure – is any structure or facility that is used by passengers in conjunction with travelling on a public transport service.

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Draft -WSC Advertising on Council Bus Shelters Policy.docx

Provider – Council is a *provider* for the purpose of the Disability Standards for bus stops that are located within the road reserve for which Council is the roads authority (and, therefore, landowner) under the *Roads Act 1993*. Council is *not* a *provider* in respect of bus stops on roads for which it is not roads authority.

6. Document Control

Version Control

Version	Adoption Date	Notes
Version 1	TBC	

7. Attachments

There are no attachments to this Policy.

Approved by:

WINGECARRIBEE SHIRE COUNCIL

[Governance to insert adoption dat

We're with you

Page 6 of 6

9.7 Hardship Policy Repeal

Report Author: Coordinator Revenue

Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to repeal the Hardship Policy adopted by Council on the 8 November 2011.

OFFICER'S RECOMMENDATION

THAT the Hardship Policy adopted by Council on the 8 November 2011 be repealed.

REPORT

BACKGROUND

At its meeting on 17 May 2023, Council adopted the Debt Recovery Policy that includes provisions for Hardship.

REPORT

When adopting the Debt Recovery Policy on the 17 May 2023, the recommendation did not explicitly state that the existing Hardship Policy be repealed as provisions for Hardship were now included in the Debt Recovery Policy.

This report now corrects that omission in the recommendation.

COMMUNICATION AND CONSULTATION

Community Engagement

The Debt Recovery Policy including the Hardship provisions was previously exhibited for 28 days.

Internal Communication and Consultation

n/a

External Communication and Consultation

n/a

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

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Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no financial implications with this report.

RELATED COUNCIL POLICY

Debt Recovery Policy

CONCLUSION

The Hardship Policy adopted on 8 November 2011 is to be repealed as provisions for Hardship are now included in the Debt Recovery Policy adopted by Council on the 17 May 2023.

ATTACHMENTS

Nil

9.8 Southern Highlands Local Business Awards - Outgoing Sponsorship Opportunity

Report Author: **Manager Environment and Sustainability**

Authoriser: Director Communities and Place

PURPOSE

The purpose of this report is to advise Council of an outgoing sponsorship opportunity with the Southern Highlands Local Business Awards and to seek a resolution on the response to this offer.

OFFICER'S RECOMMENDATION

THAT:

- 1. Council authorise the sponsorship of the 2023 Southern Highlands Local Business Awards as a Support Partner.**
- 2. Council write to Precedent Productions advising of Council's new Donations Grants and Sponsorship policy and outline the sponsorship process for future years.**

REPORT

BACKGROUND

The Southern Highlands Local Business Awards (the Awards) are an annual business awards program run by Precedent Productions. This year the Awards will cover 26 business categories and nomination will commence in June with the awards presentation scheduled for 16 August 2023. It is regarded as one of the major business events for the local area where the public participate in nominating their favourite businesses.

Council has been a sponsor of these awards since 2012 with funding from the Environment Levy. This sponsorship has supported the inclusion of the award category of *Excellence in Environmental Sustainability*, and Council has assisted in the judging of this award.

REPORT

On 11 May 2023, Council received an offer to partner with the 2023 Southern Highlands Local Business Awards through a Support Partner sponsorship package. A copy of the offer is attached to this report as ATTACHMENTS 1 and 2. Council has been offered a special rate of \$3,000 plus GST.

Through this support, the awards organiser, Precedent Productions, provide an award category of *Excellence in Environmental Sustainability*. This category provides the opportunity for local businesses to nominate and receive recognition for their achievements in this area. Previously Council has used the awards to encourage and showcase business achievements and is used as an engagement tool with the local business sector. Recent winners have included the Joadja Distillery, Bulwarra Bees and Bare Body Beauty Co. There are no other similar environmental sustainability business award programs that are exclusive to the Shire businesses.

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If the Council is of the mind to sponsor the Awards, this can be funded through Council's Sustainable Living program funded by the Environment Levy.

Sponsorship of the Award would not hinder any dealings Council may have with any other award program.

GOVERNANCE CONSIDERATIONS

Council's Donations, Grants, and Sponsorship Policy, adopted in November 2022 covers matters relating to outgoing sponsorships. A financial contribution of \$3,000 plus GST is considered a "Low level" contribution and the proposed sponsor benefits are in line with those outlined in the Policy.

Council's new Policy outlines an expression of interest process calling for outgoing sponsorships, which are then assessed in accordance with predetermined criteria. It is noted that the timing of the invitation to sponsor this year's awards is such that it was not able to be the subject this process and as such the unsolicited proposal would be an exception to the policy for Council consideration.

While this is the case, there is merit to the proposal given it is a low-level contribution and it supports an environmental sustainability business award that is exclusive to the Shire's businesses, supports Council sustainability engagement with local businesses and showcases initiatives and good practice in environmental sustainability.

The Policy requires all outgoing sponsorship agreements to be authorised by a resolution of Council.

COMMUNICATION AND CONSULTATION

Community Engagement

Nil

Internal Communication and Consultation

Manager Governance and Corporate Performance

Executive Manager Strategic Outcomes

External Communication and Consultation

Nil

SUSTAINABILITY ASSESSMENT

Environment

Sponsorship of the awards would include an award category of *Excellence in Environmental Sustainability* which would engage with local businesses and showcase achievements in this area.

Social

There are no social issues in relation to this report.

Broader Economic Implications

The Awards are regarded as one of the major business events for the local area where the public participate in nominating their favourite businesses. The program supports and promotes local businesses across the Shire.

Culture

There are no cultural issues in relation to this report.

Governance

Governance issues are highlighted in the body of the report.

COUNCIL BUDGET IMPLICATIONS

If the Council is of the mind to sponsor the Awards, the amount of \$3,000 +gst can be funded through Council's current Sustainable Living program funded by the Environment Levy.

RELATED COUNCIL POLICY

Council's Donations, Grants, and Sponsorship Policy, covers outgoing sponsorships. A financial contribution of \$3,000 plus GST is considered a "Low level" contribution and the proposed sponsor benefits are in line with this e outlined in the Policy. The Policy outlines a process for requesting outgoing sponsorships, and applications for outgoing sponsorships will be assessed in accordance with predetermined criteria which have been published in advance or which are circulated to organisations that submit an expression of interest.

This process has not taken place and this outgoing sponsorship offer is an unsolicited proposal. While this is the case, there is merit to the proposal as it supports an environmental sustainability business award that is exclusive to the Shire's businesses and supports Council sustainability engagement with local businesses.

The Policy requires all outgoing sponsorship agreements to be authorised by a resolution of Council.

CONCLUSION

Council has received an unsolicited outgoing sponsorship proposal to support the Southern Highlands Local Business Awards. While the proposal has not been received via an outgoing sponsorship requisition process, there is merit to the proposal which Council could consider. This includes supporting an environmental sustainability business award that is exclusive to the Shire's businesses. The offer is presented to Council for its consideration.

ATTACHMENTS

1. 2023 Southern Highlands Local Business Awards Support Proposal [**9.8.1** - 3 pages]
2. 2023 Southern Highlands Local Business Awards Sponsor Program [**9.8.2** - 13 pages]

precedent

11 May 2023

Barry Arthur
Manager - Environment and Sustainability
Wingecarribee Shire Council
Civic Centre, Elizabeth Street
Moss Vale NSW 2577



2023 Southern Highlands Local Business Awards Support Partnership

The Local Business Awards will once again be presented in 2023. The success of the Local Business Awards program, for 40 years has seen acknowledgement for businesses, their teams and owners. It is regarded as one of the major business events for the local area where the general public participate in nominating their favourite businesses.

Awards Partners contribute to the continued success of the Local Business Awards. We invite Wingecarribee Shire Council to give consideration in partnering with the Southern Highlands Local Business Awards. The benefits are included and listed in the attached Partnership Proposal. We are happy to offer the following:

Partner Type	Normal Rate	Special Rate
Support	\$5,000 + gst	\$3,000 + gst

Key Dates for the 2023 Southern Highlands Local Business Awards.

Date	Action
Monday, 15 May 2023	Nominations Open
Wednesday, 16 August 2023	Presentation Evening at Mittagong RSL

To confirm Wingecarribee Shire Council's partnership, please sign the Partnership Agreement on the following page and email this to chris@precedent.net

We look forward to working with you on this prestigious awards program.

Yours sincerely

Chris Jamgotchian
General Manager



2023 LOCAL BUSINESS AWARDS PARTNERSHIP AGREEMENT

PROGRAM Southern Highlands
PARTNER LEVEL Support
AMOUNT \$3,000 plus GST

Program Details

Nominations Open Monday, 15 May 2023
Presentation Night Wednesday, 16 August 2023
Venue Mittagong RSL

Partner Details

Company Name Wingecarribee Shire Council
Contact Person Barry Arthur
Phone 4868 0852
Email barry.arthur@wsc.nsw.gov.au

I confirm that the details in the Agreement are correct and that I am authorised to enter into an agreement on behalf of Wingecarribee Shire Council.

Signed: _____ Date: _____

Name in Full: _____

Authorised on behalf of Precedent Productions

Signed:  Date: 11 May 2023
Steve Loe, Managing Director

PLEASE SIGN AND RETURN TO PRECEDENT PRODUCTIONS

chris@precedent.net

precedent



2023 Support Partner Coverage

Finalists and Winners Lists	Access to Finalists and Winners lists
Electronic Media	Partners highlighted on website Hyperlink to partner's landing page
Media Coverage	Logo in Winners Feature advertisement Acknowledged in editorials throughout program
Facebook Campaign	Partner logos on winners' announcement page
Partner Logo	Finalist Certificates Finalist Information Sheets Invitations Presentation Evening Program
Presentation Evening	Partner logo appearing on Large Screen Speaking opportunities Presentation of 1-3 categories Two Complimentary Tickets Promotional material at event (provided by partner) Signage in venue (provided by partner)





Inspiring greatness

We understand the worth of recognition, acknowledgement and the celebration of outstanding businesses. Since 1985, Precedent Productions have been rewarding and inspiring businesses to achieve greatness. We are positioned at the heart of it all, in local communities.

After a lifetime working with my parents in their small businesses, I recognised that the endless hours and commitment to serve their community was not being recognised and rewarded. This realisation led to the creation of the Local Business Awards 38 years ago.

Today by working together we will ensure the *Future Success* of the local business community.

Precedent Productions invites your organisation to become a Partner for the Local Business Awards. You will be supporting the recognition of the local businesses, helping to make a difference in the local community. Your support plays an important role in ensuring the many business people who participate in the awards programs are inspired and motivated to continue chasing their dreams.

It is just as meaningful and rewarding as it sounds; I hope you choose to experience the joy and satisfaction that comes with being a Local Business Awards Partner.

Steve Loe
Managing Director
Precedent Productions





Our mission

To play a positive role in supporting and bringing local communities together, by recognising and acknowledging the role of local business, focusing on their successes and helping business owners to feel valued by their customers, their peers and the local community.

Precedent Productions understands that everyone's business is special and our approach is personal. Our awards are always a positive experience with our clear communication being the vital factor for smooth and successful outcomes.

The Local Business Awards program achieves a number of important outcomes:

1. Engagement
2. Community
3. Recognition & acknowledgement
4. Inspiration



Our mission

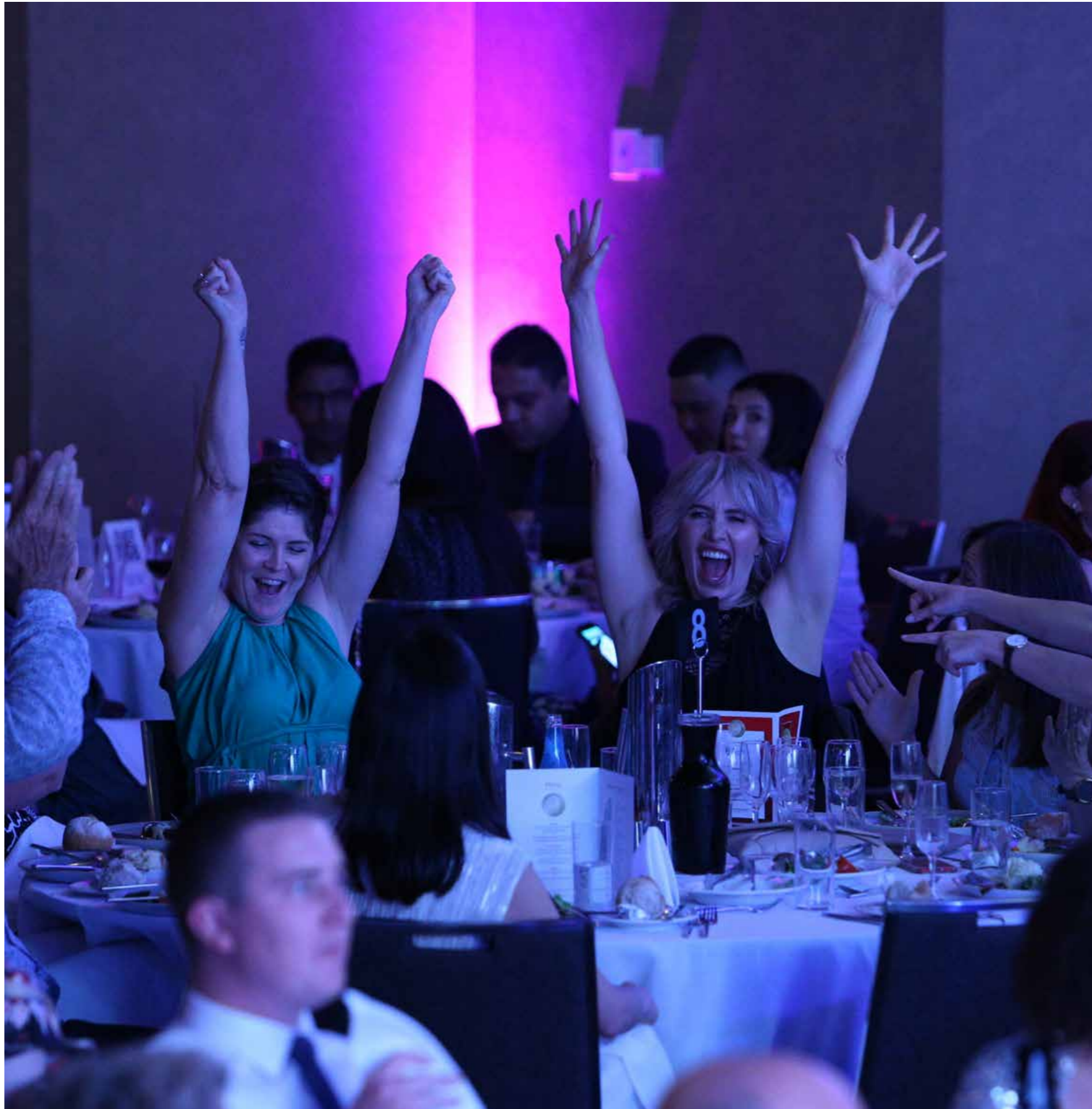
Engagement

The program helps local businesses engage their customers, with consumers enabled and encouraged to nominate their favourite local business. Program success is a powerful marketing tool for many businesses.



"Being part of the Local Business Awards has been the best thing for building and developing our business profile. The nomination process has been a great way for us to connect with new and existing customers within the community. Our small team loved celebrating together at the annual presentation evening."

Joe Papandrea, Papandrea Quality Meats



Our mission

Community

The design of the program around communities and regions, enables a unique and targeted community awards program to be run, with each program having a distinctive local community focus and flavour. The program brings the local community together.

The Local Business Awards is fully embedded in each community. It is the only recognition program that the community looks forward to annually.



"We have been helping local people with disabilities find and maintain employment of their choice for over 30 years. As a partner of the Local Business Awards, we have a fantastic platform with which to educate the community on disability opportunities. Having had more than 18,000 successful placements, supporting the Awards program is a brilliant way for us to say 'Thank you' to the local business community for their support."

Martin Wren, CEO NOVA Employment



Our mission

Recognition & acknowledgement

The power of the program is in the recognition and acknowledgement of the unique journeys & achievements of local businesses.

Feeling valued by both their customers and their communities has a hugely positive and motivating affect on the local business owners and their teams.



"Running a business is tough and scary at times, but that challenge is what drives us to want to be better every day. To receive this award makes all that hard work worth it."

Deborah Bradshaw, Hair Angel



Our mission

Inspiration

Success breeds success. The magic of the program is that participants are left with inspiring stories and examples of other local businesses who have achieved outstanding results.

The Local Business Awards has witnessed many businesses inspired to greatness through the program.



"Being part of the Local Business Awards opened my eyes to what was possible, and I realised I had to dream bigger. I'm forever grateful because we never would have achieved all that we have done without that"

Lois Yaghoubpour, Chic Skin & Laser Clinic

How the program works

Twenty nine individual highly successful Local Business Awards programs are presented each year. It is an opportunity for customers to say thank you to their favourite businesses.

An annual orchestrated marketing campaign announces when the program has launched and encourages businesses to register for the awards. Public coverage includes advertisements and editorials in our media partner publications, social media and e-newsletter campaigns.

Each business has an individual poster with their personalised QR code that directs customers to their business profile.

Business finalists are selected based on the number of nominations received.

Our team personally contacts each successful business and congratulates them on their finalist status. A finalist pack is sent with all the award details and marketing collateral for them to use in their business.

The judging of winners relies on information provided by the business, a business' online presence including social media, and where possible, a visit by an anonymous judge.

The winners are announced at a sold-out presentation evening that is attended by business people, award's partners and special guests.

The presentation evening is the highlight of the year and a fantastic event that celebrates the outstanding businesses of each local area.

The Local Business Awards are presented in the following areas:

- | | | |
|------------------------|---------------------------|----------------------|
| • Blacktown City | • Hawkesbury | • Parramatta |
| • Blue Mountains | • Hornsby Ku-ring-gai | • Penrith City |
| • Camden | • Hunter | • Port Stephens |
| • Campbelltown | • Illawarra & South Coast | • Randwick City |
| • Canberra Region | • Inner West | • Southern Highlands |
| • Canterbury Bankstown | • Liverpool City | • St George |
| • Central Coast | • Mt Druiett & St Marys | • Sutherland Shire |
| • City Suburbs | • North Shore | • Sydney Hills |
| • Cumberland City | • Northern Beaches | • Wollondilly |
| • Fairfield City | • Northern Districts | |



QR Code Voting Tent Card



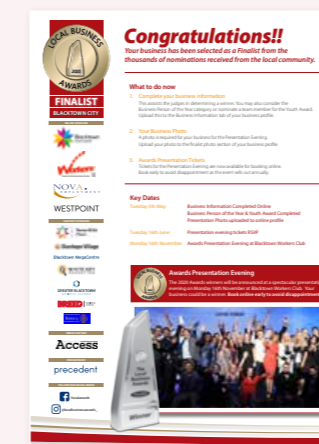
Personalised QR Code Voting Poster



Awards Finalist Sticker



Awards Finalist Certificate



Congratulations Information Sheet



Finalist Poster



Community celebration

The Local Business Awards witnesses winners spurring on their peers with powerful and impassioned, yet humble and thankful acceptance speeches. Winners sharing their journeys from diverse backgrounds, circumstances and industries revealing the 'heart' of each local community.

The message, time and again, is potent. Commitment to excellence, tenacity, care for customers and upmost devotion is characterised by our local businesses everywhere who every day dedicate to serving their community.

A powerful evening leaving the business community uplifted to strive for further greatness.



Statistics Snapshot



www.thebusinessawards.com.au

1.2M unique users
1.4M sessions
3.8M page views

37,000 registered businesses
195,000 public nominations
8,000 award finalists
10,500 presentation attendees



Facebook

11,500 likes
160,000 monthly reach
10,500 monthly engagement



Instagram

20,500 followers
8,500 monthly reach
18,000 monthly impressions



Partnership Benefits

Working with Partners is an integral part of the Local Business Awards model – providing an important link to local community and facilitating the running of the presentation evenings. The Precedent approach has always been to understand what Partners are looking for from the program and to tailor engagement as much as possible to these needs.

Typically, partners have looked for one or more of the following in the past:

- Engagement of community through connection to customers of Local Business Awards participants
- Brand promotion
- Distribution of messages and priorities
- Access to local businesses
- Alignment with strategic goals in supporting local small business

Major partner \$9,000 +GST per program

Overall Benefits

- Annual program
- Specific partner plan tailored to your needs
- Access to local business insights and reports
- Platform for local business messaging and brand promotion through Precedent digital channels and newsletters
- Priority brand promotion at presentation evening including time to speak and presentation of specific awards

Exposure

- Database of finalists and winners
- Website exposure
- E-newsletter exposure
- Media partner editorial and advertising coverage
- Facebook exposure
- Partner logo on finalist certificates, invitations, information

Presentation evening

- AV commercial
- Logo on large screen, program, trophies
- Speaking opportunities & presentation of trophies
- 6 complimentary tickets
- Signage & promotional material (provided by partner)
- Logo on winners poster

Support partner \$5,000 +GST per program

Overall Benefits

- Local Business Award specific program
- Brand promotion and awareness as key partner on presentation evening and in program collateral
- Brand promotion and awareness through Precedent website

Exposure

- Database of finalists and winners
- Website exposure
- E-newsletter exposure
- Media partner editorial and advertising coverage
- Facebook exposure
- Partner logo on finalist certificates, invitations, information

Presentation evening

- Logo on large screen, program
- Speaking opportunities & presentation of trophies
- 2 complimentary tickets
- Signage & promotional material (provided by partner)

The key to the Precedent model is a mutually beneficial partnership – a genuine ‘win-win’ approach, founded on respect and desire to support local business and local communities.



precedent

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PO Box H211, Hurlstone Park, NSW 2193
Telephone: (02) 8363 3333
chris@precedent.net
www.thebusinessawards.com.au

9.9 Highlands Fest - Post Event Review

Report Author: Executive Assistant to Director Corporate Strategy and Resourcing

Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

The purpose of the report is to provide Council with a post event review of the Highlands Fest event held on 4 March 2023 at Bong Bong Racecourse.

OFFICER'S RECOMMENDATION

THAT Council note the report and survey feedback on the event.

REPORT

BACKGROUND

In April 2022 the Department of Regional NSW announced its \$25 million Reconnecting Regional NSW Community Program. The Programs purpose was to reconnect communities and facilitate economic recovery in the local area. The funding stipulated that the event must be held before 31 March 2023.

At its Extraordinary meeting on 29 June 2022, Council resolved to endorse a proposal to apply for Reconnection Regional NSW Community Event Program funding (MN 2022/139)

THAT:

- 1. Council note the overview and intent of the Program.*
- 2. Council endorse the proposal to apply funds to a signature Southern Highlands event which is to deliver positive social outcomes and provide local business support.*

The non-competitive grant of \$287,582 was allocated to Council to hold a signature event.

At its Ordinary Meeting of Council on 19 October 2022, Council resolved:

THAT:

- 1. Council note it was successful in securing event funding of \$287,582 through the Reconnection Regional NSW Community Event Program.*
- 2. Council note that following community consultation the Reconnection Regional NSW Program funding be utilised to hold 'Highlands Fest' on Saturday 4 March 2023 at Bong Bong Racecourse.*

REPORT

The aim of the festival was to promote community bonding and social cohesion by bringing together residents from different backgrounds, ages, and interests to a single local event. It provided an opportunity for community members to interact, connect, and strengthen social bonds. The event fostered a sense of belonging, unity, and shared identity within the community.

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Due to staff vacancies and the scale of the proposed event, an Event Coordinator was engaged (Mindshare Events) to undertake the planning and delivery of the festival and a working group was formed comprising Council staff and external people that had previous event experience to ensure a diverse range of perspectives and views when planning for the festival.

In planning for Highlands Fest there was a focus on providing broad entertainment options to cater for families, teenagers and adults. Given the size of the venue (Bong Bong Racecourse) it was decided to have two stages. This would enable a full day of activities and performances for all ages and give more opportunities for local talent to perform. A headline act for both stages was sought, Bluey was engaged for the children's stage and Eskimo Joe engaged for the adult's stage with the rest of the performers on both stages to be local. A marquee was provided for local producers and local food vans provided food and drinks throughout the day. Th event schedule is provided below.

Main Stage

ACT
We Mavericks
Zac Moses
Ruby Bagnell
Duncan Raey
Lauren Amber
The Postcards
Richelle Bootsie Booth
The Steve Cheers Band
Welcome to Country
Oxley Pipe Band
Ross Webb & Band
Visual Stories
Angus Murray
Visual Stories
Angus Murray
Visual Stories
Prefab Hearts
Jess Howell
Zahra Nasser
Eskimo Joe

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Kids Zone Stage

ACT
Bluey & Bingo Interactive
The Vegetable Plot
Dance Troupes
Interchange Rock Band

Six thousand tickets were made available for locals and one hundred family Bluey “meet and greet” tickets in addition to the Bluey and Bingo stage show. All tickets were taken up and and four thousand people attended on the day.

Council staff volunteered to assist on the day and whilst there were some scattered showers, for the most part it was reasonable weather for the day/night festival which contributed to the strong number of attendees on the day.

Two surveys of the event were undertaken. One for Event Visitors (Attachment 3) and one for stall holders and suppliers (Attachment 4). One hundred and twenty-four visitors participated in the event visitors survey and eleven stall holders and suppliers participated in the stall holders survey. Council received many compliments over the course of the day and in subsequent weeks. Quotes have been captured and recorded in a Highlands Fest Quotes document (Attachment 2).

	Visitors of Highlands Fest (Rating 1-5 with 5 being the most satisfied)				
Question	1	2	3	4	5
How satisfied were you with the event	3	10	16	40	55

	Stallholders of Highlands Fest (Rating 1-5 with 5 being the most satisfied)				
Question	1	2	3	4	5
How satisfied were you with the event	0	1	2	3	5

A question on the survey asked if the event was to occur again without funding would people be prepared to pay a fee, 62.9 % 78 said they would not want to pay for a ticket: 58.1 % or 72 participants would pay \$25 for an individual ticket and less than \$60 for a family ticket: 12.1% or 15 participants said they would pay between \$25 to \$40 for an individual ticket \$60 to \$90 for a family ticket: 3.2% or 4 participants saying they would pay greater than \$40 for an individual ticket and greater than \$90 for a family ticket. Should the event attract similar attendees an individual ticket would need to be approximately \$90 per ticket to be cost neutral.

Council is currently working on a three-year roadmap to rebuild the organisation and prepare for new Councillors to be elected in 2024. There is a focus on ensuring that the community get value for money by undertaking reviews of its services and has multiple projects underway to improve and streamline the customer experience in addition to ensuring current services to the community continue. Additionally, Council has a significant capital spend and major capital projects being undertaken in the next financial year and that is not expected to decline in following years.

Council is continuing to deliver the Tulip Time and Arts Trail events, as well as working with the community and other agencies on Festival of Lights and Bowral Classic, is working to grow the visitor economy through the recommendations from the MyTravelResearch Visitor Servicing report in addition to the actions contained within the Agri-Tourism report.

Given the cost and resources required to deliver a similar event and the feedback demonstrating that Council would have to subsidise the event, it is recommended that Council consider this a post covid one off community event as intended by the grant.

COMMUNICATION AND CONSULTATION

Community Engagement

Pre event, significant communication and engagement was undertaken through social media channels, the Highland Fests website page, Council's Corporate and Destination Southern Highlands website pages, postcards that were distributed at various Council events and large banners that were displayed in prominent sites throughout the shire.

Internal Communication and Consultation

N/A

External Communication and Consultation

Two post event surveys were undertaken through YourSayWingecarribee to obtain feedback from event attendees and event stallholders. Feedback surveys are attached to this report. Quotes from community members and stallholders was also sought and collated.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 21 JUNE 2023

COUNCIL BUDGET IMPLICATIONS

Highlands Fest was made possible by the State Government Reconnecting Regional Grant of \$287,582 with Council staff supporting through promotion and advertising, contributing to committee meetings, organisation of invoices and payments and volunteering on the day of the event. Council's contribution to the event has not been quantified.

RELATED COUNCIL POLICY

N/A

CONCLUSION

Highlands Fest was a successful community event that was made possible by the Reconnecting Regional grant providing an opportunity for the community to celebrate the Southern Highlands.

ATTACHMENTS

1. Copy of Highlands Fest split of expenses [**9.9.1** - 1 page]
2. Highlands Fest Gallery_ [**9.9.2** - 5 pages]
3. Highlands Fest Post Event Survey report [**9.9.3** - 11 pages]
4. Highlands Fest Post Event Survey - Stallholders [**9.9.4** - 6 pages]

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 21 JUNE 2023**

Description	Total Balance
Highlands Fest	-287,582.00
Accommodation - Artists & Production Crew	5,990.72
Consultants - Marketing (Logo Designs, Poster Designs, Marketing Materials, Website mock up, hosting, set up and design)	1,400.00
Cntr General (Face Painting, Banner Artwork, Animal Farm, Site Services, Main Stage Hire, Lighting, Labour, Infrastructure, Audio, Event Coordination, Website Maintenance, Preparation of DA, Cultural Stall, Welcome to Country, First AID, Cleaning, Photography, Videography, ticketing management, Traffic Control, Incidentals for Artists	170,114.35
Waste Collection	882
Entertainment - Bluey & Bingo, Childrens Entertainment, Mainstage Entertainment, Master of Ceremonies	26,445.46
Cntr Entertainment - Mainstage Entertainment	40,000.00
Uniform Purchases	1,142.91
Printing & Stationary - Promotional Postcards & Banners	3,564.00
Rent & Hire Expenses - Pagodas, Hoecker Pavillions, Chrome Barricade, Hurricane Pedstal Fan, Mirror, Clothes Rack, Labour Hire, Venue Hire, Toilet & Equipment	28,136.32
Security Services	10,824.00
Memberships & Subscriptions - Domain Name Registration	7.88
Sustenance - Catering for Artists & Volunteers	1,278.17
Advertising Print - Print Advertising	572.73
Advertising Online - Digital Marketing	1,700.00
	292,058.54

SUMMARY:		
Highlands Festival	-\$	287,582
Accommodation	\$	5,991
Consultants	\$	1,400
Cntr General	\$	170,114
Waste Collectio	\$	882
Entertainment	\$	26,445
Contractor Entertainm	\$	40,000
Uniform Purchases	\$	1,143
Printing & Stationery	\$	3,564
Rent & Hire Expenses	\$	28,136
Security Services	\$	10,824
Memberships & Subsc	\$	7.88
Sustenance	\$	1,278
Advertising Print	\$	572.73
Advertsing Online	\$	1,700
	\$	292,058.54

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
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Quotes Highlands Fest



The Highlands Fest was an absolute triumph! From the delighted expressions of children to the beaming faces of parents, everyone who attended was swept up in the joyous atmosphere. The incredible line-up of talent from 1pm until late had the crowd captivated and craving more. This event was a remarkable opportunity to bring the Southern Highlands community together and share in a truly unforgettable day."
Adam Stokeld



'It was a joy to see all ages of our community out enjoying themselves and reconnecting at Highlands Fest. It was a great day and the Southern Highlands Community Foundation is proud to have been involved.'
Nicole Smith,
Chair,
Southern Highlands
Community Foundation



The afternoon was amazing, food selection was great, music acts were amazing to listen to and I loved the relaxing outdoor environment. The highlands did so well and I hope we can do it again yearly.
Chole Timores

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
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"What a treat Highlands Fest was and big thanks to Council. Great to shake off the dust and reconnect with neighbours. Bluey & Bingo were the stars of the show!"

**Christopher Brown of Werai,
and Director of Southern
Highlands Community
Foundation**



The Highland's Fest was a wonderful family event that brought us all closer together as a community. I enjoyed celebrating all of the many talents and skills we have here in the Highlands.

**Erin Reedie,
Piccolo Ponies**



"I can't express how much we enjoyed the day. Our sales were awesome. The set-up was awesome, and our position was great. More than enough power, tables etc. I would love to be a part of anything you organise again. Thanks again for organising Highlands Fest"

**Brad Wolff,
liil Piggys Nacho Bar**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
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"It felt great to be part of a local community event that brought Shire residents together for a day of good wine, food, tunes and an all round fun time."

Mike Archer, Dawning Day



"Great event for the Southern Highlands to show off both local talent and big artists. Should be an annual event for the Southern Highlands!" **Emily Turland, The Empire performance Studio**



"Highlands Fest was epic! Fun for the whole family, amazing community spirit with something for everyone from start til the very last song. Thank you to the organisers and council for putting on such an incredible (FREE!) community event!" **Jael Barrios**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
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"On behalf of Dr. Gumbo (Stefan Sernek and Adam Barnard) and myself, I want to express our sincere gratitude for the incredible festival experience. We had an absolute blast and performing in front of the community was an unforgettable experience. Thank you for inviting us to perform at the Highlands Fest, and we're already looking forward to next year's event!"

Thank you once again for this amazing opportunity to showcase our talent at the festival. We feel honoured to have been a part of such a wonderful event!"

- Richelle 'Bootsie' Booth.



"Wow, Highlands fest was amazing for all ages. What a great day for the entire community after COVID. Congratulations to WSC with the organisation. Can't wait for next year!" –

Kate Kennedy



"What a fantastic event Highlands Fest turned out to be. We were so happy to be involved and loved every minute of it. I only hope it's not a one off because it's a great avenue to bring people together and showcase the highlands businesses and artists in one place. Don't let it stop, build on it"

- Ross Webb

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
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I wanted to say how FABULOUS Highlands Fest was. I grew up in the area and don't ever remember having an event quite like it. . . It will be great to see it continue to grow every year.

Everyone involved has done a great job as the MC on the night said., often Council staff are in a thankless job, well – THANKYOU, you have all done an amazing job!

**Melissa Johnson
McGrath Estate Agents
Southern Highlands**

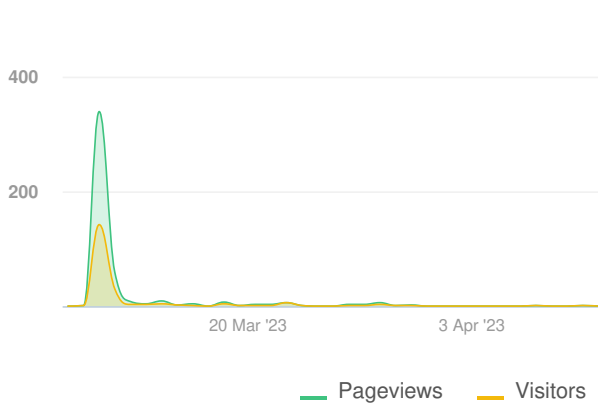
Project Report

15 February 2010 - 10 April 2023

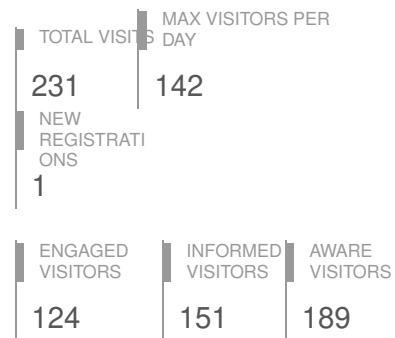
Your Say Wingecarribee Highlands Fest Post Event Survey



Visitors Summary



Highlights

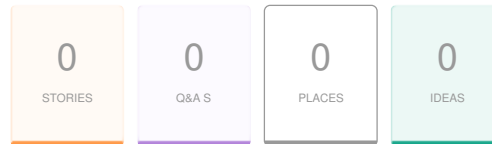
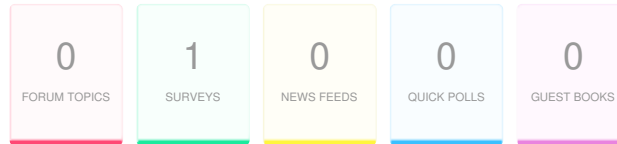


Aware Participants	189	Engaged Participants	124		
Aware Actions Performed	Participants	Engaged Actions Performed	Registered	Unverified	Anonymous
Visited a Project or Tool Page	189	Contributed on Forums	0	0	0
Informed Participants	151	Participated in Surveys	1	0	123
Informed Actions Performed	Participants	Contributed to Newsfeeds	0	0	0
Viewed a video	0	Participated in Quick Polls	0	0	0
Viewed a photo	0	Posted on Guestbooks	0	0	0
Downloaded a document	0	Contributed to Stories	0	0	0
Visited the Key Dates page	0	Asked Questions	0	0	0
Visited an FAQ list Page	0	Placed Pins on Places	0	0	0
Visited Instagram Page	0	Contributed to Ideas	0	0	0
Visited Multiple Project Pages	31				
Contributed to a tool (engaged)	124				

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 21 JUNE 2023

Your Say Wingecarribee : Summary Report for 15 February 2010 to 10 April 2023

ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Survey Tool	Survey	Archived	152	1	0	123

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 21 JUNE 2023

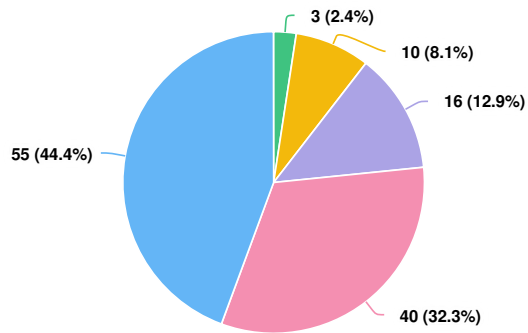
Your Say Wingecarribee : Summary Report for 15 February 2010 to 10 April 2023

ENGAGEMENT TOOL: SURVEY TOOL

Survey

Visitors	152	Contributors	124	CONTRIBUTIONS	124
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How satisfied were you with the event on a scale of 1-5 with 5 being the most satisfied?



Question options

1 2 3 4 5

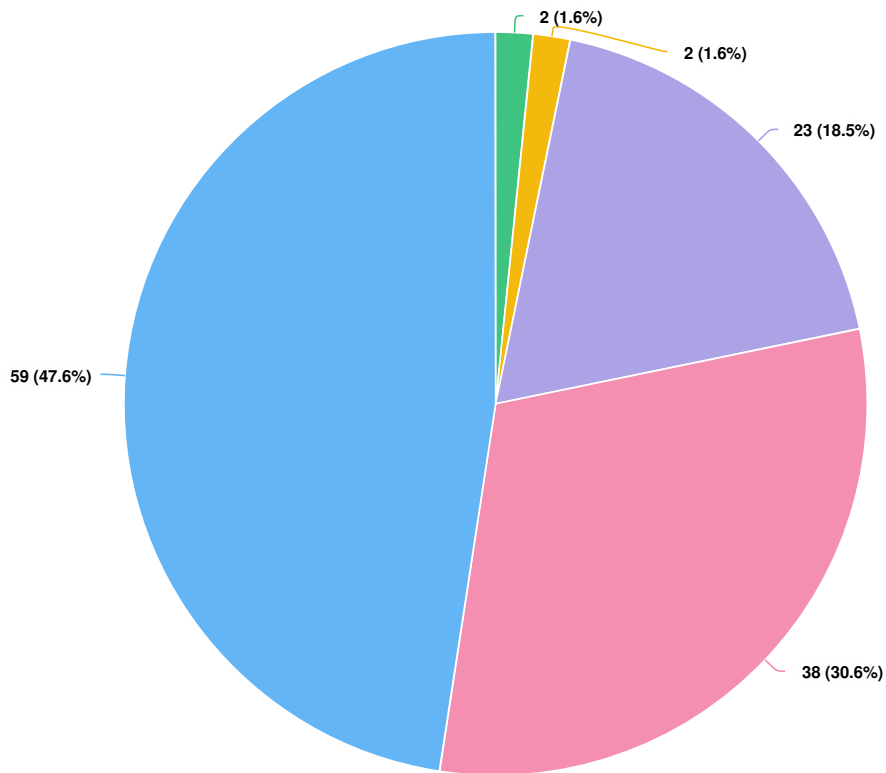
Mandatory Question (124 response(s))

Question type: Radio Button Question

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 21 JUNE 2023**

Your Say Wingecarribee : Summary Report for 15 February 2010 to 10 April 2023

Please rate the local food & beverage on a scale of 1-5 with 5 being the most satisfied.



Question options

● 1 ● 2 ● 3 ● 4 ● 5

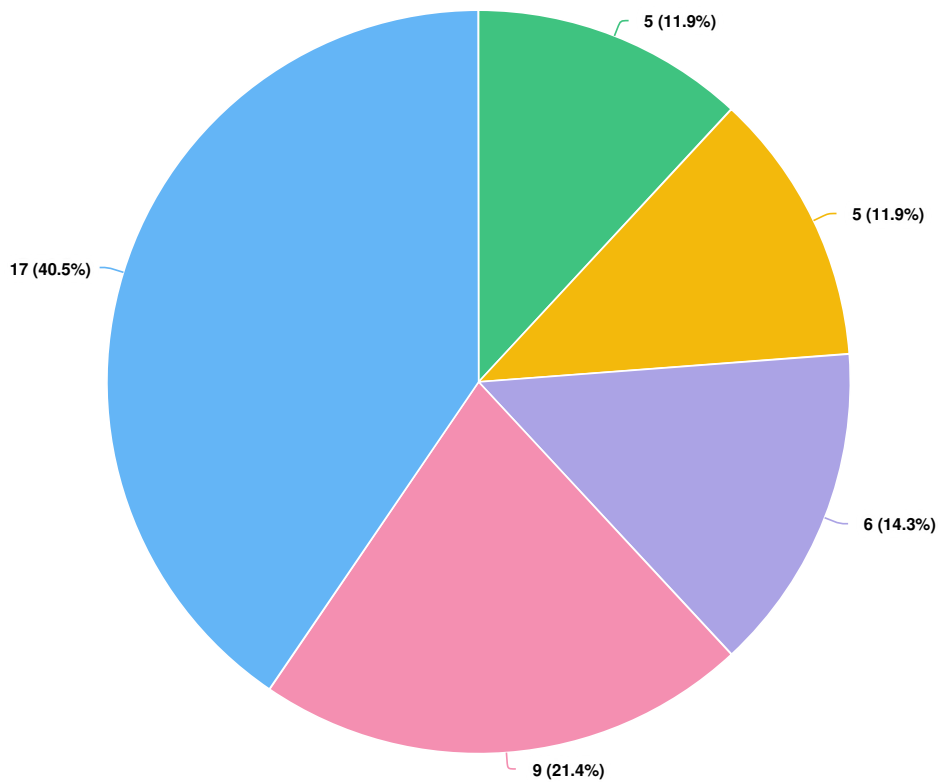
Optional question (124 response(s), 0 skipped)

Question type: Radio Button Question

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 21 JUNE 2023**

Your Say Wingecarribee : Summary Report for 15 February 2010 to 10 April 2023

If you attended the Bluey & Bingo meet and greet, please rate your experience on a scale of 1-5 with 5 being the most satisfied.



Question options

● 1 ● 2 ● 3 ● 4 ● 5

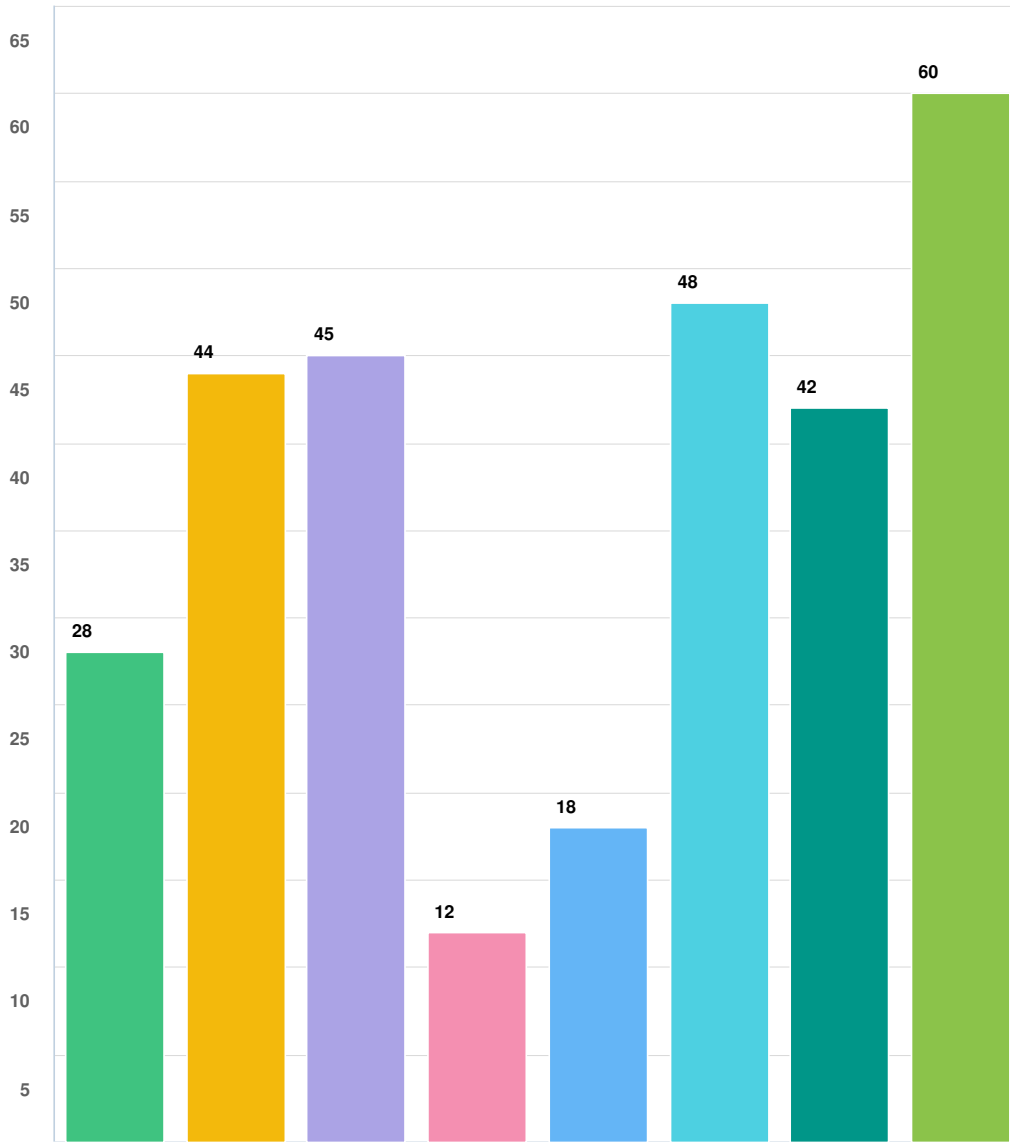
Optional question (42 response(s), 82 skipped)

Question type: Radio Button Question

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 21 JUNE 2023

Your Say Wingecarribee : Summary Report for 15 February 2010 to 10 April 2023

Please select age groups from your family that attended the event. Multiple selections can be made.



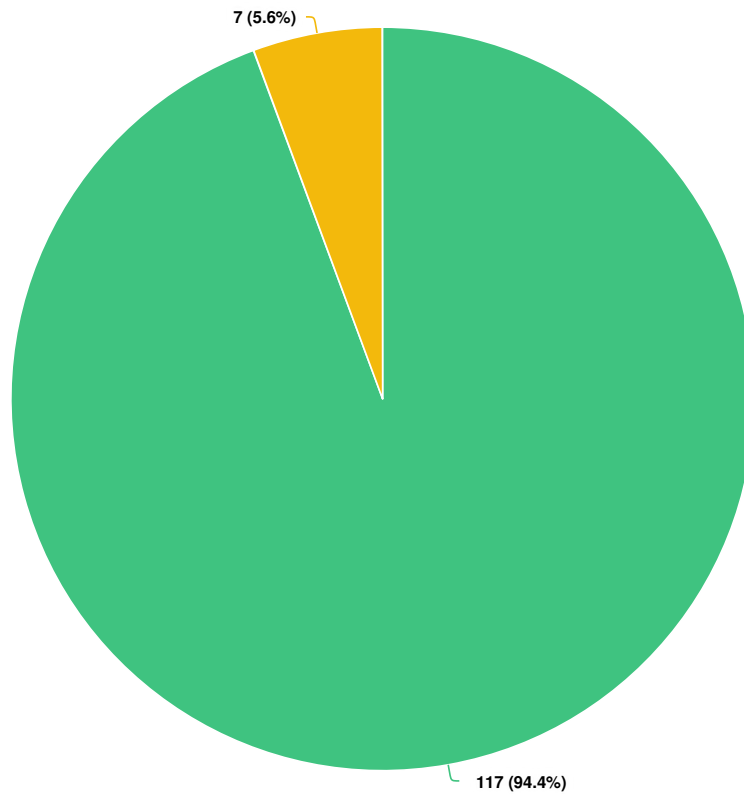
Question options

- <2 years
- 3-5 years
- 6-12 years
- 13-17 years
- 18-30 years
- 31-40 years
- 41-50 years
- >50 years

Mandatory Question (124 response(s))

Question type: Checkbox Question

Was booking for Highlands Fest easy?



Question options

- Yes
- No

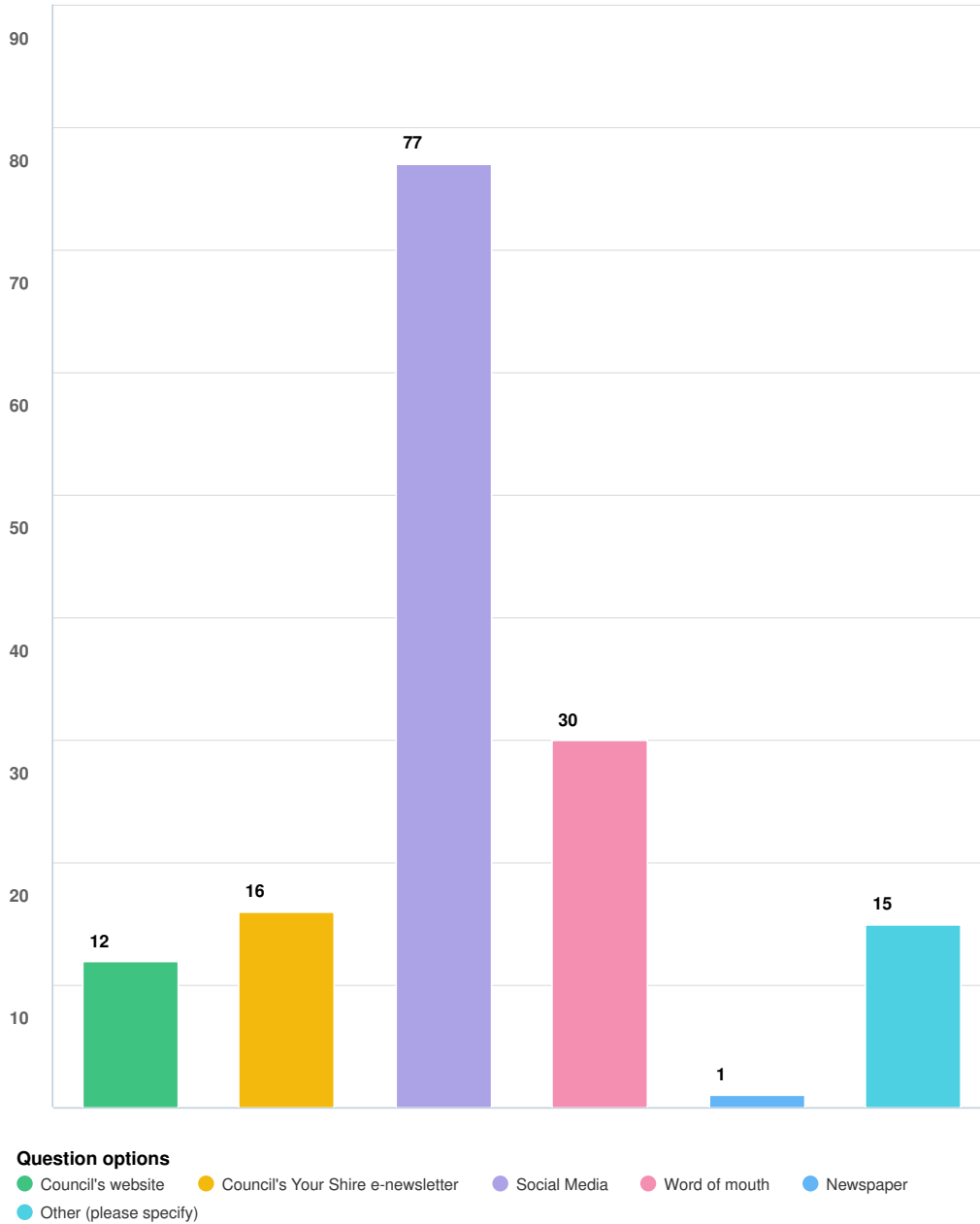
Mandatory Question (124 response(s))

Question type: Radio Button Question

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 21 JUNE 2023

Your Say Wingecarribee : Summary Report for 15 February 2010 to 10 April 2023

How did you hear about this event?



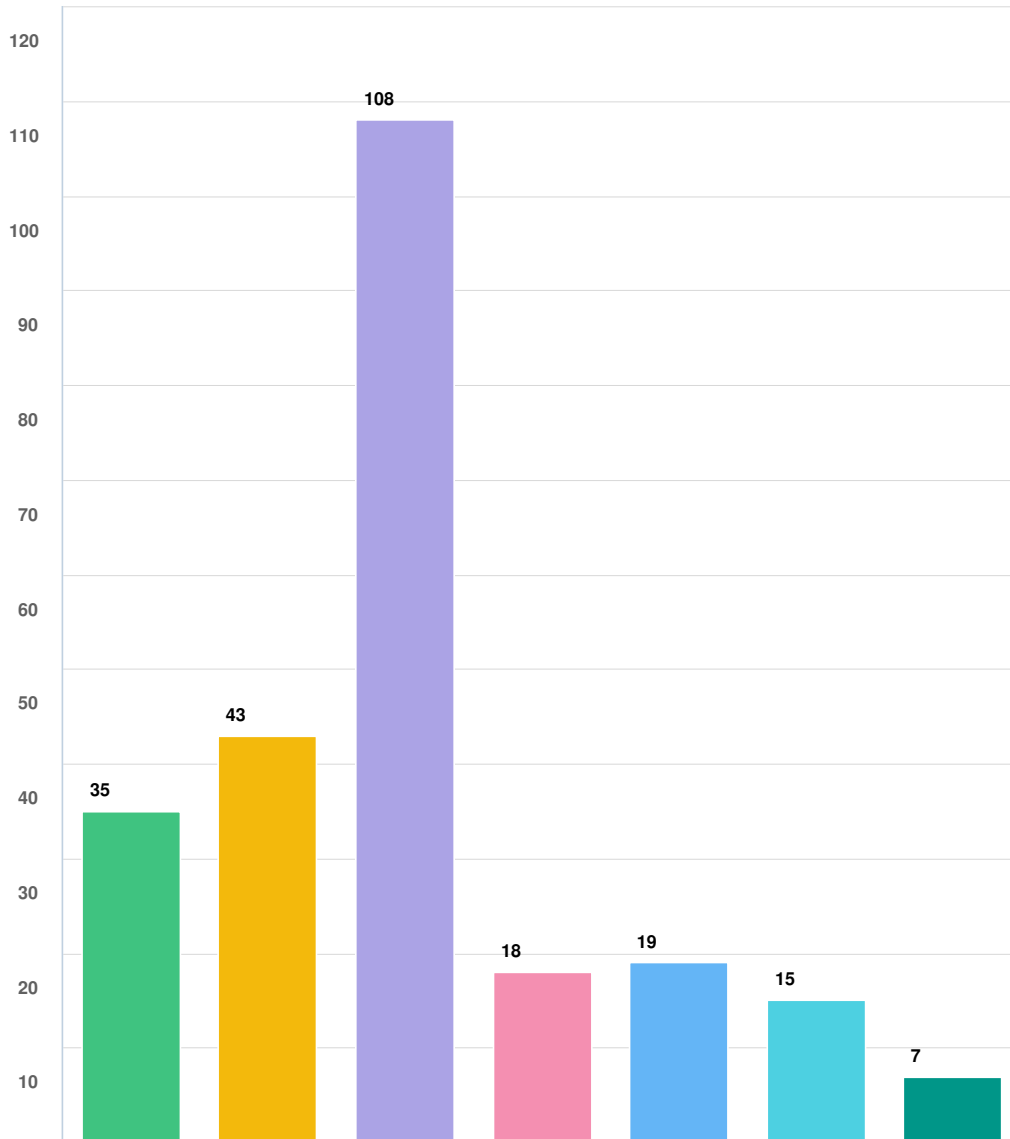
Mandatory Question (124 response(s))

Question type: Checkbox Question

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 21 JUNE 2023

Your Say Wingecarribee : Summary Report for 15 February 2010 to 10 April 2023

Where would you like to see us promote future events like this?



Question options

- Council's website
- Council's Your Shire e-newsletter
- Social Media
- Word of mouth
- Newspaper
- Other (please specify)
- Other (please specify)

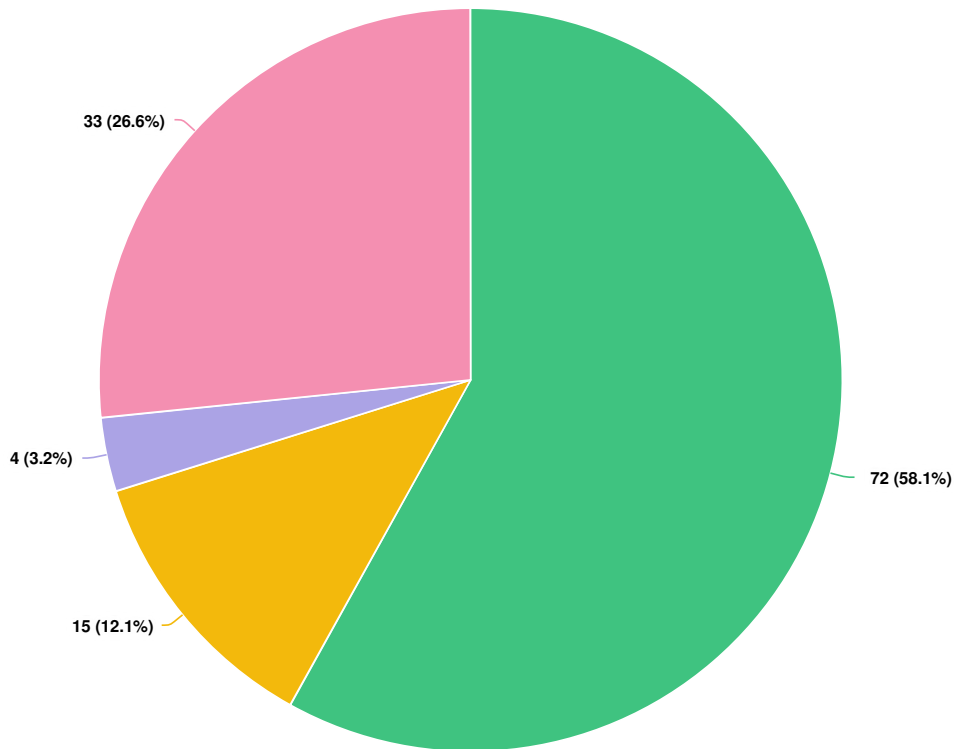
Mandatory Question (124 response(s))

Question type: Checkbox Question

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 21 JUNE 2023

Your Say Wingecarribee : Summary Report for 15 February 2010 to 10 April 2023

A one-off NSW Government grant to reconnect regional communities in the wake of the pandemic and extreme weather events made it possible for Council to offer this as a free event for local stallholders and residents. Would you be willing to pay for ...



Question options

- Yes <\$25 individual ticket or <\$60 family ticket
- Yes between \$25-\$40 individual ticket or between \$60-\$90 family ticket
- Yes > \$40 individual ticket or >\$90 family ticket
- No I would not be willing to pay for a ticket to attend

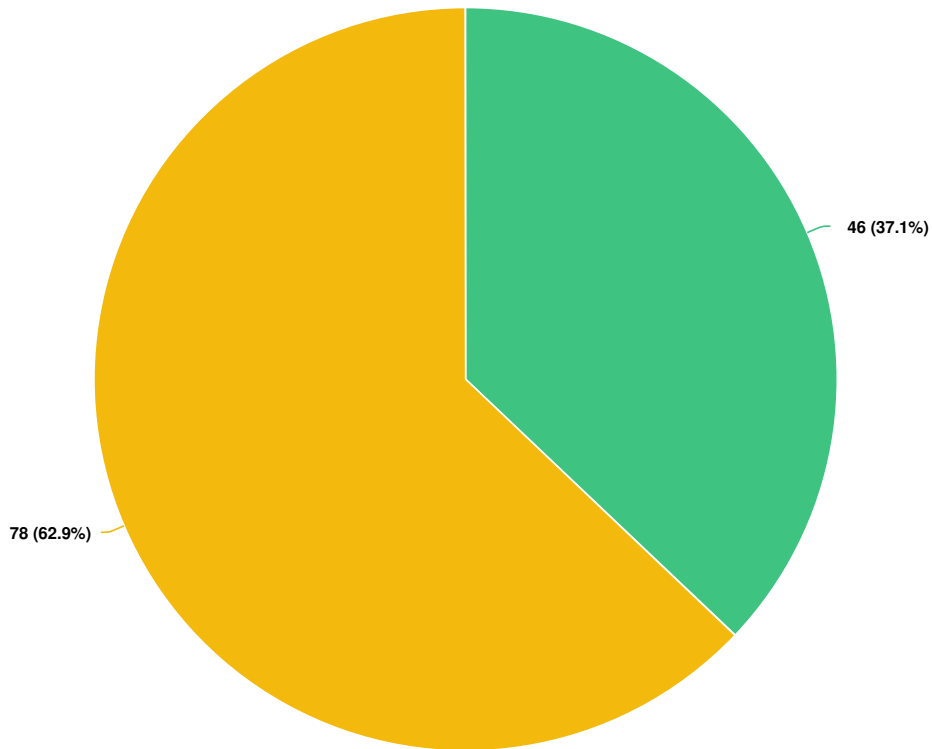
Mandatory Question (124 response(s))

Question type: Radio Button Question

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 21 JUNE 2023**

Your Say Wingecarribee : Summary Report for 15 February 2010 to 10 April 2023

If Council was to hold Highlands Fest in the future, would you be interested in using a shuttle bus service from Bowral to Bong Bong Racetrack for a minimal fee?



Question options

● Yes ● No

Optional question (124 response(s), 0 skipped)

Question type: Radio Button Question

Project Report

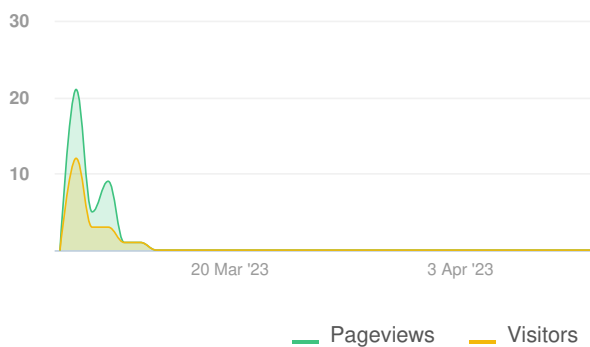
15 February 2010 - 10 April 2023

Your Say Wingecarribee

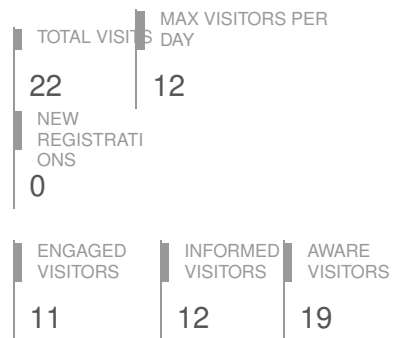
Highlands Fest - Post Event Survey for Stallholders and Suppliers



Visitors Summary



Highlights

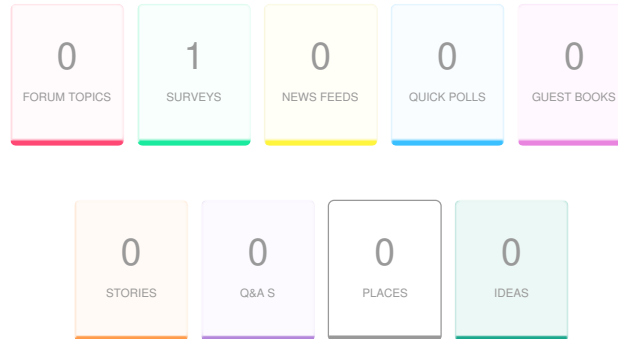


Aware Participants	19	Engaged Participants	11		
Aware Actions Performed	Participants	Engaged Actions Performed	Registered	Unverified	Anonymous
Visited a Project or Tool Page	19	Contributed on Forums	0	0	0
Informed Participants	12	Participated in Surveys	0	0	11
Informed Actions Performed	Participants	Contributed to Newsfeeds	0	0	0
Viewed a video	0	Participated in Quick Polls	0	0	0
Viewed a photo	0	Posted on Guestbooks	0	0	0
Downloaded a document	0	Contributed to Stories	0	0	0
Visited the Key Dates page	0	Asked Questions	0	0	0
Visited an FAQ list Page	0	Placed Pins on Places	0	0	0
Visited Instagram Page	0	Contributed to Ideas	0	0	0
Visited Multiple Project Pages	3				
Contributed to a tool (engaged)	11				

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 21 JUNE 2023

Your Say Wingecarribee : Summary Report for 15 February 2010 to 10 April 2023

ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Survey Tool	Survey	Published	13	0	0	11

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 21 JUNE 2023

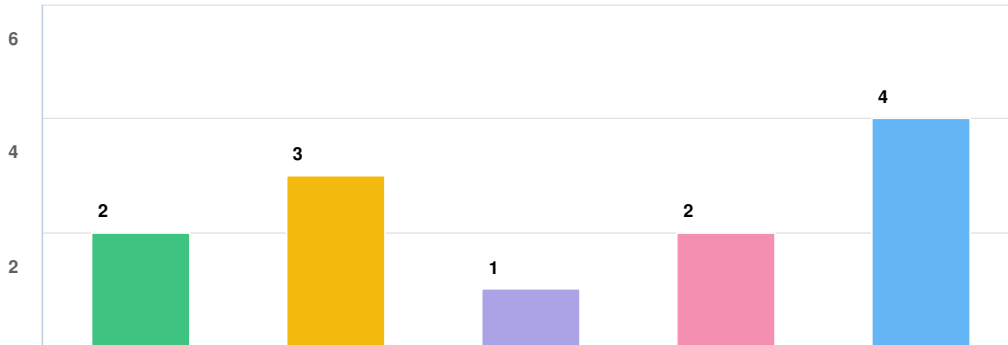
Your Say Wingecarribee : Summary Report for 15 February 2010 to 10 April 2023

ENGAGEMENT TOOL: SURVEY TOOL

Survey

Visitors 13	Contributors 11	CONTRIBUTIONS 11
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How did you find out about the opportunity to have a stall at Highlands Fest?



Question options

- Council's website
- Social Media
- Word of mouth
- Your Say Wingecarribee e-newsletter
- Other (please specify)

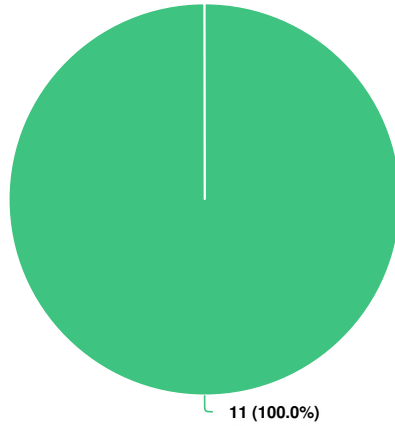
Mandatory Question (11 response(s))

Question type: Checkbox Question

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 21 JUNE 2023**

Your Say Wingecarribee : Summary Report for 15 February 2010 to 10 April 2023

Were you satisfied with the communication in the lead up to the event?



Question options

- Yes

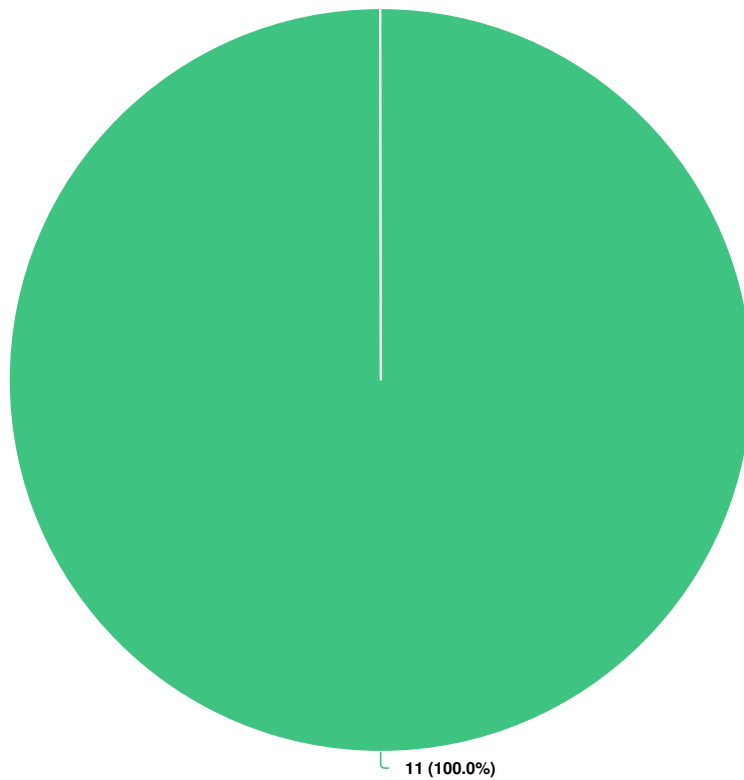
Mandatory Question (11 response(s))

Question type: Radio Button Question

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 21 JUNE 2023**

Your Say Wingecarribee : Summary Report for 15 February 2010 to 10 April 2023

Were you satisfied with the communication on the day of the event?



Question options

- Yes

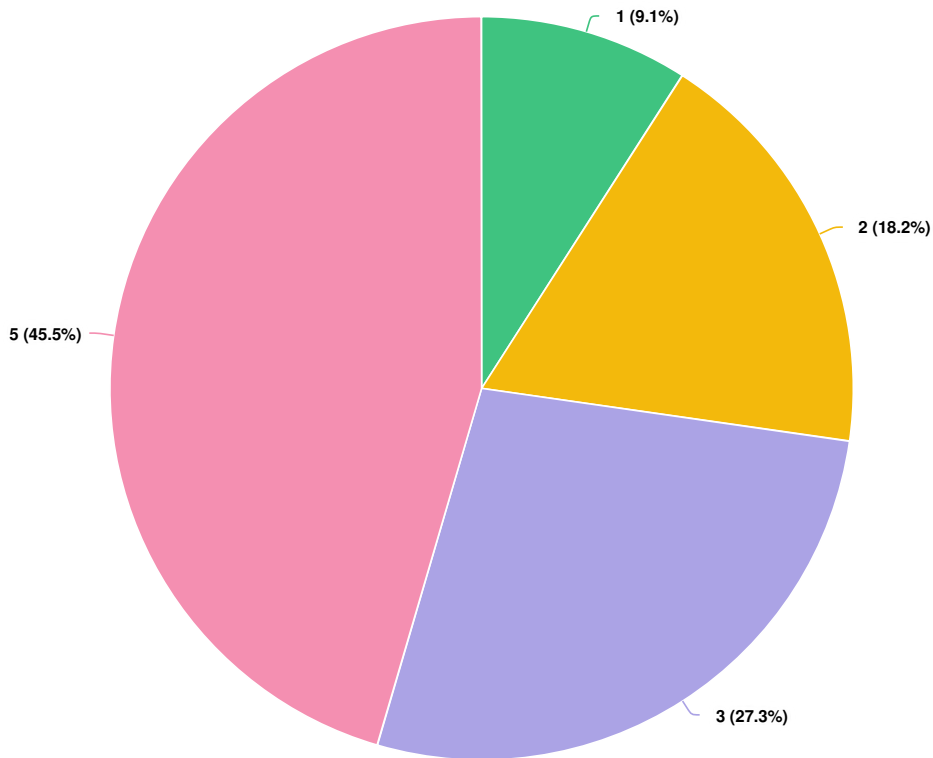
Mandatory Question (11 response(s))

Question type: Radio Button Question

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
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Your Say Wingecarribee : Summary Report for 15 February 2010 to 10 April 2023

How satisfied were you with your Highlands Fest experience on a scale of 1 to 5 with 5 being the most satisfied?



Question options

● 2 ● 3 ● 4 ● 5

Mandatory Question (11 response(s))

Question type: Radio Button Question

9.10 General Manager Acting Arrangements

Report Author: Coordinator Governance
Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to adopt a process for acting arrangements during periods the General Manager is on leave.

OFFICER'S RECOMMENDATION

THAT Council adopt a standing resolution that when the General Manager on leave (planned or unplanned) for periods of 5 days or more, one of the Directors will be temporarily appointed to the position. The appointment of the Acting General Manager will be made by the General Manager in consultation with the Mayor or Administrator.

REPORT

BACKGROUND

The *Local Government Act 1993* (the Act) provides in Section 336 that a council “must” immediately appoint a person as general manager or to act as general manager where the position becomes vacant.

336 Filling of vacancy in position of general manager

- (1) *If a **vacancy** occurs in the position of general manager, the council **must** immediately appoint a person under section 334 to the vacant position or appoint a person to act in the vacant position.*

Subsection 2 goes on to specify when a vacancy occurs –

- (2) *A **vacancy** occurs in the position of general manager if the general manager—*
- a) dies, or*
 - b) completes the term of his or her contract and is not re-appointed, or*
 - c) resigns from the position, or*
 - d) becomes a mentally incapacitated person and is removed from the position by the council because of that mental incapacity, or*
 - e) is sentenced to imprisonment, or*
 - f) is removed from the position for breach of or under the terms of the general manager’s contract with the council.*

By omission, the General Manager’s position does not actually become **vacant** during periods of leave.

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 21 JUNE 2023

In contrast, Section 351 provides that a council “may” appoint a person to the General Manager’s position where the holder of the position is “suspended from duty, sick or absent”. The use of the term “may” indicate that the decision is a discretionary one.

351 Temporary appointments

- (1) *If a position (including a senior staff position) within the organisation structure of the council is vacant or the holder of such a position is suspended from duty, sick or absent—*
- (a) the council, in the case of the general manager’s position, or*
(b) the general manager, in the case of any other position,
- may** *appoint a person to the position temporarily.*
- (2) *A person who is appointed to a position temporarily may not continue in that position—*
- (a) if the holder of the position is on parental leave—for a period of more than 24 months, or*
(b) in any other case – for a period of more than 12 months.

Advice has been sought from the Office of Local Government who advise that many councils adopt a standing resolution nominating several directors who may act on the role when the General Manager is on leave.

Based on this advice, it is recommended that when the General Manager on leave (planned or unplanned) for periods of 5 days or more, one of the following Directors will be temporarily appointed to the position:

- Director Corporate Strategy and Resourcing
- Director Communities and Place
- Director Service and Project Delivery.

The appointment of the Acting General Manager will be made by the General Manager in consultation with the Mayor or Administrator.

It should be noted that while in Administration, the Administrator performs all the functions of the council including all the functions of a Councillor and the Mayor.

COMMUNICATION AND CONSULTATION

Community Engagement

Nil

Internal Communication and Consultation

Manager Governance and Corporate Performance

External Communication and Consultation

Advice was sought from the Office of Local Government.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

This report seeks to enhance transparency and accountability by formalising Council's process for temporary appointments to the General Manager's position during periods of leave.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

Nil

CONCLUSION

This report provides information on the statutory requirements for temporary appointments to the General Manager's position and ensures compliance with the provisions of the *Local Government Act 1993*.

ATTACHMENTS

Nil

9.11 Wingecarribee Animal Shelter and SES Tender Evaluation

Report Author: Project Manager
Authoriser: Director Service and Project Delivery

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Wingecarribee Animal Shelter and Moss Vale branch SES Construction at Moss Vale.

OFFICER'S RECOMMENDATION

THAT:

- 1. Council accepts the Tender from Puch Construction and Building Pty Ltd at a lump sum price of \$6,940,380.62 (inclusive of GST) to undertake the construction of the Wingecarribee Animal Shelter and the Moss Vale Branch SES.**
- 2. Council note the tenders received ranged from \$6,940,380.62 to \$8,774,679.00.**
- 3. Council delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.**

REPORT

BACKGROUND

The current Wingecarribee Animal Shelter and Moss Vale SES buildings are both at end of life. Land at 1 Bowman was acquired with the intention to co-locate these important community organisations in new, fit for purpose facilities.

An extensive stakeholder consultation process took place to capture the functional requirements of both buildings, and to further enhance the concept design provided by the SES. Valuable information was received from the stakeholder groups which included FOWAS (Friends of Wingecarribee Animal Shelter), volunteer dog walkers, Councils current Animal shelter Staff and the SES.

A detailed design was prepared which included consultation and review of plans with our stakeholders at certain stages. A Development Application was lodged and has been approved. During the design process, Kemps Creek, Campbelltown and Yagoona Animal Shelters were visited for research into the various functions required from such buildings, and to discuss these detailed requirements with our shelter staff.

REPORT

Council sought tenders for suitable and qualified contractors to provide a lump sum tender for the scope of works. The full scope of works was detailed in the design drawings and tender documents. Following approval of the requested recommendations in this report, the following high level road map provides insight into the estimated time frames associated with the proposal moving forward.

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In accordance with the *Local Government Act 1993* part 3, section 55(3)(n), Council is required to invite tenders where estimated expenditure is greater than \$250,000 (GST inclusive).

ADVERTISING

The tender advertising period was from the 28 March 2023 to 16 May 2023 (49 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Council's Website	For the duration of the advertising period
Council's eTendering Website	For the duration of the advertising period

TENDERS RECEIVED

A total of (3) three tender submissions were received:

Company Name	Location	Postcode
Project Co-ordination	Unanderra	2526
Puch Construction and Building	Banksmeadow	2019
TCQ	Chullora	2190

LATE TENDERS

A total of (0) zero late tender submissions were received (therefore non-conforming):

Company Name	Location	Postcode

TENDER EVALUATION

A Procurement Evaluation Plan was developed which outlined the pre-determined selection criteria, the criteria weightings, and members of the tender evaluation panel.

Each submission was evaluated against the specified criteria by the tender evaluation panel with a scoring system based from 0 to 10 and weighted according to the pre-determined criteria.

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
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TENDER ROLES AND RESPONSIBILITIES

The Tender was conducted by staff in the following positions as approved through the completion of Procurement Initiation Plan.

Role	Responsibility	Position
Evaluation Panel Chair	To manage the evaluation process and report to Council.	Project Manager
Evaluation Panel Member	Perform a detailed evaluation of the Tender Submissions.	Co-ordinator Project Management
Evaluation Panel Member Independent*	Perform a detailed evaluation of the Tender Submissions.	Co-ordinator Parks and Building Assets
Procurement Process and Advice (Probity)	Manages the tender process ensuring that it complies with all relevant legislation, Procurement Policy, Guidelines and Procedures. Manages all communication with Respondents during the advertisement and evaluation periods. Providing probity advice and support to the evaluation panel.	Procurement Officer

SELECTION CRITERIA

The pre-determined criteria used to evaluate the tender were as follows:

Mandatory Criteria:

Mandatory Criteria
Public Liability - \$20 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Motor Vehicle Insurance-Comprehensive
Works Insurance -\$130% of contract value
Bank Guarantees 1 x 4%, 1 x 1 % of contract value
Professional Indemnity insurance-

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 21 JUNE 2023

Tenderers were required to meet the mandatory criteria to be eligible to be shortlisted and progress any further in the evaluation process.

Non-Cost Selection Criteria & Weighting:

Non-Cost Criteria	Weighting
Capability & Experience	20 %
Specifications, Service & Support, Fit for Purpose	20 %
Quality Assurance	5 %
Community & Social(including local content)	10 %
Work Health and Safety, Environment & Sustainability	5 %
Total	60 %

Summary of Selection Criteria & Weighting:

Criteria	Weighting
Total Non-Cost Criteria	60 %
Total Cost Criteria	40 %
Total	100%

NON-COMPLIANT TENDERS

Upon evaluation no tender submissions were determined to be non-compliant.

TENDERED SUBMISSION PRICES

A total of three tenders were received, with prices ranging from \$6,940,380.62 to \$8,774,679.00 inclusive of GST.

COMMENTS ON OVERALL EVALUATION OUTCOME

The tender evaluation panel scored the non-cost criteria of the tender in accordance with the Procurement Initiation Plan (PIP). In accordance with the PIP, only those tender submissions meeting the minimum non-cost selection criteria threshold of 60% were deemed to be compliant. No tender submissions were assessed as non-compliant after the evaluation for reaching the non-cost threshold. The quality of submissions received was of a high standard.

COMMENTS ON RECOMMENDED TENDER SUBMISSION

The panel is confident resulting from the evaluation process that Puch Construction and Building Pty Ltd have the capability and experience to successfully deliver the project. Their tender submission demonstrated an understanding of the project and their experience in government projects of a similar nature was evident in their submission.

COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement was undertaken regarding the tender process.

Internal Communication and Consultation

Extensive consultation has been undertaken between Councils procurement, Assets, Finance, Operations, Shelter team and projects Delivery teams. This consultation included the design review of cat and dog enclosures, review of staff safety and security measures, and ICT services.

External Communication and Consultation

Whilst tenders are part of a commercial arrangement and therefore no community engagement is required, key stakeholders have been consulted and communications are ongoing with these parties in relation to the project as a whole.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

The provision of a new SES facility will assist the SES in providing improved response times to members of the community in emergencies, as well quality training areas.

The new Animal Shelter building will provide a new, fit for purpose facility for the rehoming of cats and dogs. Our staff will benefit from the fresh office and amenities, and external areas designed to promote health and wellbeing.

Broader Economic Implications

There are no broader economic implications in relation to this report. Local purchasing has been considered and assessed as part of the non-evaluation criteria.

Culture

There are no cultural issues in relation to this report.

Governance

This tender has been conducted in accordance with Part 7 of the *Local Government (General) Regulation 2005*.

COUNCIL BUDGET IMPLICATIONS

The budget for the Animal Shelter and SES has been included in the 2023/24 Draft Operational Plan for endorsement. Subject to endorsement of the 2023/24 Draft Operational Plan, the recommended tender price is within the proposed budget for the project.

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RELATED COUNCIL POLICY

Council's Procurement Guidelines have been used to inform the tender process.

CONCLUSION

It is recommended that Council accept the tender for the Wingecarribee Animal Shelter and the Moss Vale Branch SES Construction and award this contract to Puch Construction and Building Pty Ltd.

ATTACHMENTS

Nil

9.12 Bowral Tennis Club Court & Fence Replacement - Tender Rejection

Report Author: Co-Ordinator – Open Spaces, Buildings and Pools

Authoriser: Director Service and Project Delivery

PURPOSE

This report presents the evaluation of the Request for Tender for the Bowral Tennis Club Courts Resurfacing and Fence Replacement.

OFFICER'S RECOMMENDATION

THAT:

1. Council, in accordance with s178(1)(b) of the Local Government (General) Regulation decline to accept any of the tenders.
2. Council, in accordance with s178(3)(e) of the Local Government (General) Regulation resolves to enter into negotiations with suitable parties with a view to entering into a contract to Resurface Bowral Tennis Club Courts & Fence Replacement.
3. Council, in accordance with s178(4)(a) of the Local Government (General) Regulation note:
 - i. Tenders were called through an Open Tender Process.
 - ii. Council received interest in the tender from a pool of potential tenderers both previously known and unknown to Council.
 - iii. Re-tendering at this time would be unlikely to result in a more beneficial outcome.
4. Council notes that an external probity advisor will be appointed to oversee the negotiations of this contract.
5. Council delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.

REPORT

BACKGROUND

The Bowral Tennis Court as part of its usage of the Loseby Park Bowral tennis facilities were looking to increase participation in their sport and attract additional players to their programs. Currently they have around 1200 participants per week, an improvement in the overall facilities, courts and fencing, and subsequent publicity around this, would increase the numbers.

There is currently capacity for up to 2000 participants per week, an increase in the number of participants would also mean an increase of coaches that could be assigned to programs. The overall goal is to maximise court usage and participation.

The Bowral Tennis Club had secured funding through a grant from the NSW State Government, Regional Development Programs, Stronger Communities Funding. The awarded amount was \$364,837.00.

The application for funding was based on the below scope:

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- Remove/dispose of existing court fence - Install new court chain wire fences
- Courts 1-4 remove and dispose existing surface
- Courts 1-4 base prep and supply/install sand filled synthetic grass surface
- Courts 5-8 base prep and supply/install acrylic court surface.

REPORT

Council sought tenders for suitable and qualified contractors to provide a lump sum tender for the scope of works. The full scope of works was detailed in the design drawings and tender documents.

In accordance with the Local Government Act 1993 part 3, section 55(3)(n), Council is required to invite tenders where estimated expenditure is greater than \$250,000 (GST inclusive).

ADVERTISING

The tender advertising period was from the 14 March 2023 to 4 April 2023 (20 days). The tender included an option to offer a different solution for the Court Resurfacing, with an aim to provide cost benefits.

The tender was advertised as following.

- Councils E-tendering system
- Councils' website
- WSC Weekly Community Update 15, 22 March 2023

TENDERS RECEIVED

A total of two (2) tender submissions were received:

1. Dynamic Sports Facilities Australia Pty Ltd – Moss Vale
only conforming tender
Fencing - \$286,143.00
Court Resurface - \$492,921.00
Total - \$779,064.00 (inc GST)

2. Form and Pour (D Digian Company Pty Ltd) – Horsley Park
Non - conforming tender
Fencing - \$292,781.69
Court Resurface - \$180,638.17
Total - \$473,419.86

LATE TENDERS

All Grass Sport Surfaces Pty Ltd – Alexandria, submitted a late tender.

TENDERS EVALUATION

A Procurement Evaluation Plan was developed which outlined the pre-determined selection criteria, the criteria weightings, and members of the Tender Evaluation Panel.

Each submission was evaluated against the specified criteria by the tender evaluation panel with a scoring system based on 0 to 10 and weighted according to the pre-determined criteria.

EVALUATION PANEL MEMBERS

A Tender Evaluation Panel was formed consisting of:

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Role	Responsibility	Position
Evaluation Panel Chair	To manage the evaluation process and report to Council.	Maintenance and Contracts Officer
Evaluation Panel Member	Perform a detailed evaluation of the Tender Submissions.	Building Service Delivery Officer
Evaluation Panel Member Independent	Perform a detailed evaluation of the Tender Submissions.	Assets Inspection Officer
Procurement Process and Advice (Probity)	Manages the tender process ensuring that it complies with all relevant legislation, Procurement Policy, Guidelines and Procedures. Manages all communication with Respondents during the advertisement and evaluation periods. Providing probity advice and support to the evaluation panel.	Procurement Officer

SELECTION CRITERIA

The pre-determined criteria used to evaluate the tender were as follows:

Mandatory Criteria:

- Public Liability - \$20 million
- Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
- Motor Vehicle – Comprehensive Insurance – Market Value
- Attendance at the Pre-Tender Briefing and Site Inspection

Tenderers were required to meet the mandatory criteria to be eligible to be shortlisted and progress any further in the evaluation process.

Non-Cost Selection Criteria & Weighting:

Selection Criteria	Sub Criteria	Weighting
Community, Sustainable & Social	Local Procurement	10%
Capability & Experience	Capability	5%
	Experience – Relevant	5%
	Experience – Past with Council	15%
Specifications, Methodology & Program of Works	Methodology	10%
	Program of Works	10%
Work Health and Safety & Environment	Work Health and Safety	5%
	Environment	5%
TOTAL		65%

A Non-Cost Selection Criteria Threshold:

A Non-Cost Selection Criteria Threshold will be applied during the evaluation of submissions. A Respondent must achieve a Non-Cost Weighted Criteria Score of at least 60% of the 65% (i.e., score at least an average of 6 out of 10 for each weighted criteria) in order for their submission to progress any further in the evaluation process.

Summary of Selection Criteria & Weighting:

A combined score from the Non-Cost Weighted Criteria and the Cost Criteria will achieve a Total Evaluation Score out of 100%.

EVALUATION COMMENTS

Whilst 6 parties attended the Tender mandatory meeting only two companies completed the Tender Documentation on time. One was deemed compliant upon receipt and the other was non-compliant. The Tender Evaluation Panel assessed the received tender against the Non-Cost Criteria threshold and determined that neither tender met the percentage requirement.

COMMENTS ON RECOMMENDED TENDER SUBMISSION

It is recommended to engage in negotiations with suitable parties to achieve a value for money outcome.

COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement was undertaken regarding the tender process.

Internal Communication and Consultation

Assets were consulted regarding the potential budget implications as a result of the tendered prices received.

External Communication and Consultation

All communication to external parties during the tender process was facilitated by Council's Procurement staff.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

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Governance

This tender has been conducted in accordance with Part 7 of the Local Government (General) Regulation 2005.

COUNCIL BUDGET IMPLICATIONS

The only complying tender received was well in excess of the current budget allocated to the project.

RELATED COUNCIL POLICY

Council's Procurement Guidelines have been used to inform the tender process.

CONCLUSION

This report recommends that all tenders are declined, and that Council enter into negotiations for these works as outlined in this report as per the mechanisms within the Local Government Regulations.

ATTACHMENTS

NIL

9.13 Part 801, 890, 911 and 931 Range Road, Glenquarry - Acquisition of Land for Road Purposes

Report Author: Property and Project Officer

Authoriser: Manager Property and Business

PURPOSE

This report seeks Council approval to acquire land for road purposes. The acquisition of land is required for the widening and upgrade of part Range Road, Glenquarry.

The properties the subject of this report include:

1. Part Lot 100 in Deposited Plan 1134172 - 801 Range Road, Glenquarry ("Lot 100").
2. Part Lot 12 in Deposited Plan 596095 – 890 Range Road, Glenquarry ("Lot 12").
3. Part Lot 211 in Deposited Plan 812823 - 911 Range Road, Glenquarry ("Lot 211").
4. Part Lot 210 in Deposited Plan 812823 - 931 Range Road, Glenquarry ("Lot 210").

The subject properties are collectively referred to in this report as "the properties" unless identified individually.

OFFICER'S RECOMMENDATION

THAT:

1. **The General Manager be delegated authority to negotiate with owners of:**
 - Lot 100 in Deposited Plan 1134172 being 801 Range Road, Glenquarry;
 - Lot 12 in Deposited Plan 596095 being 890 Range Road, Glenquarry;
 - Lot 211 in Deposited Plan 812823 being 911 Range Road, Glenquarry; and
 - Lot 210 in Deposited Plan 812823 being 931 Range Road, Glenquarry**for the acquisition of part of those lots for the purpose of road AND THAT compensation be negotiated within 10% range of independent valuation.**
2. **If the acquisition referred to in Item 1 cannot be negotiated by agreement, Council resolves to:**
 - a. **acquire the land by compulsory acquisition under sections 186 and 187 of the *Local Government Act 1993* and in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*.**
 - b. **approve the making of an application to the Minister of Local Government for the issue of a proposed Acquisition Notice under the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* with respect to the land AND THAT Council request the Minister for Local Government approve a reduction in the notification period from ninety (90) days to sixty (60) days;**
 - c. **approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* with respect of the land.**
3. **Council affix the Common Seal of Council to any documents required to be sealed for the acquisition of land referred to in Item 1 AND THAT authority be delegated to the Mayor/Administrator and General Manager to execute those documents.**

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4. Authority be delegated to the Mayor/Administrator and General Manager to execute on behalf of Council any documents associated with the acquisition of the land referred to in Item 1 above that do not require the Common Seal of Council.
5. Upon acquisition the land be classified as Operational land.

REPORT

BACKGROUND

Council has identified segments of the road pavement along Range Road, located between George Emery Lane and Tourist Road Glenquarry, to be in extremely poor condition.

Poor drainage, failed asphalt surface and narrow road width has contributed to the current dilapidated status of the road.

To facilitate the required road widening, road re-construction and drainage works, acquisition of small slithers of land from several adjoining properties is required.

The land to be acquired from each property (subject to final survey) is approximately:

Affected property	Area of land to be acquired
Lot 100	127.54m ²
Lot 12	113.303m ²
Lot 211	44.13m ²
Lot 210	21.899m ²

An aerial map of each of the property is shown in **Attachment 1, 2, 3 and 4**. A layout of the road reconstruction works/design plan is shown in **Attachment 5**.

REPORT

Council has made initial contact with the affected landowners to discuss the proposed acquisitions, including attendance at an on-site meeting, to discuss the project.

Discussions with all four (4) landowners have indicated that each property owner is supportive of the project in principle, pending negotiations.

The acquisitions of part of the properties will ultimately result in an improvement to existing road conditions, stormwater drainage and traffic safety.

Works to be undertaken from George Emery Lane to Tourist Road, Glenquarry include:

- subsoil drainage installation;
- stormwater pit and pipe installations;
- concrete dish gutter construction;
- fence and utility relocation;
- road pavement reconstruction and widening; and

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- vegetation removal.

Formal valuation has been obtained from a registered valuer to assess the likely compensation payable to acquire part of each of the properties for road purposes. The valuer has assessed compensation as follows:

Affected property	Compensation (exclusive of GST)
Lot 100	\$4,500
Lot 12	\$4,300
Lot 211	\$1,000
Lot 210	\$3,300

LAND ACQUISITION PROCESS

Pursuant to the Land Acquisition Guidelines published by the Office of Local Government, Council must allow at least six (6) months to negotiate in good faith with the affected owners of the land.

Every effort is made to acquire land by agreement, to avoid having to proceed via the compulsory acquisition process. This report recommends that authority be delegated to the General Manager to negotiate acquisition of the land. In the event that agreement cannot be reached after six (6) months of good faith negotiations, a further report will be forwarded to future meeting of Council to formally resolve to proceed with the acquisition of land via the compulsory process.

In the interim, a Plan of Acquisition will be prepared on behalf of Council by a registered surveyor and lodged with NSW Land Registry Services for registration against the title to the land.

COMMUNICATION AND CONSULTATION

Community Engagement

Consultation with the broader community is not considered appropriate. This is an administrative matter between Council as acquiring authority and the owners of the affected properties.

Internal Communication and Consultation

Project Manager – Capital Projects

External Communication and Consultation

Property owners.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

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Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

Costs associated with the land acquisition will be funded through Council's Range Road, Mittagong – Road Rehabilitation and Widening Budget.

RELATED COUNCIL POLICY

None identified.

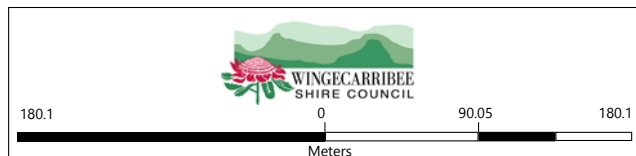
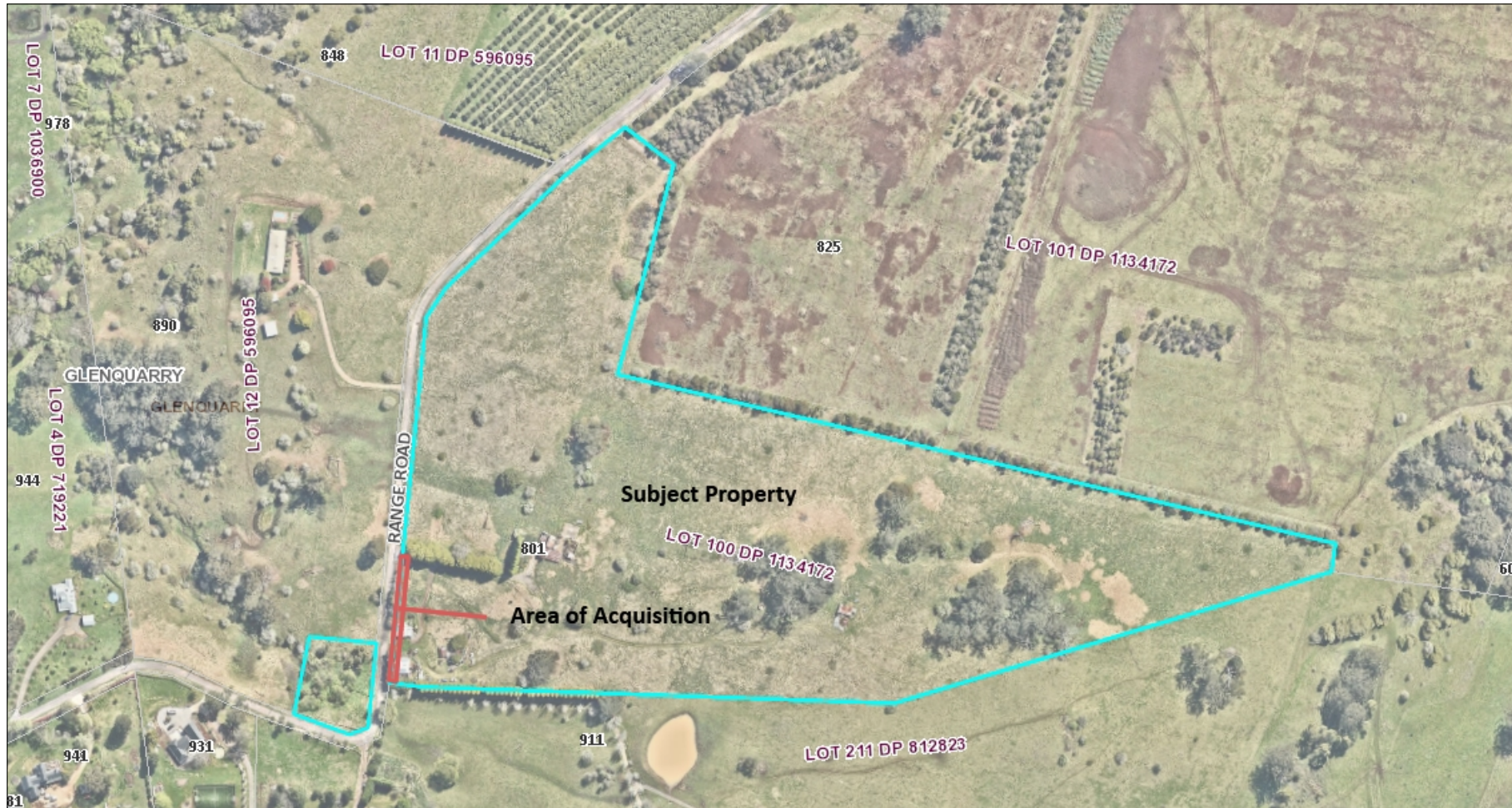
CONCLUSION

It is recommended that Council adopt the recommendations made in this report so that negotiations for acquisition of the required land can progress.

ATTACHMENTS

1. Attachment 1 [**9.13.1** - 1 page]
2. Attachment 2 [**9.13.2** - 1 page]
3. Attachment 3 [**9.13.3** - 1 page]
4. Attachment 4 [**9.13.4** - 1 page]
5. Attachment 5 [**9.13.5** - 3 pages]

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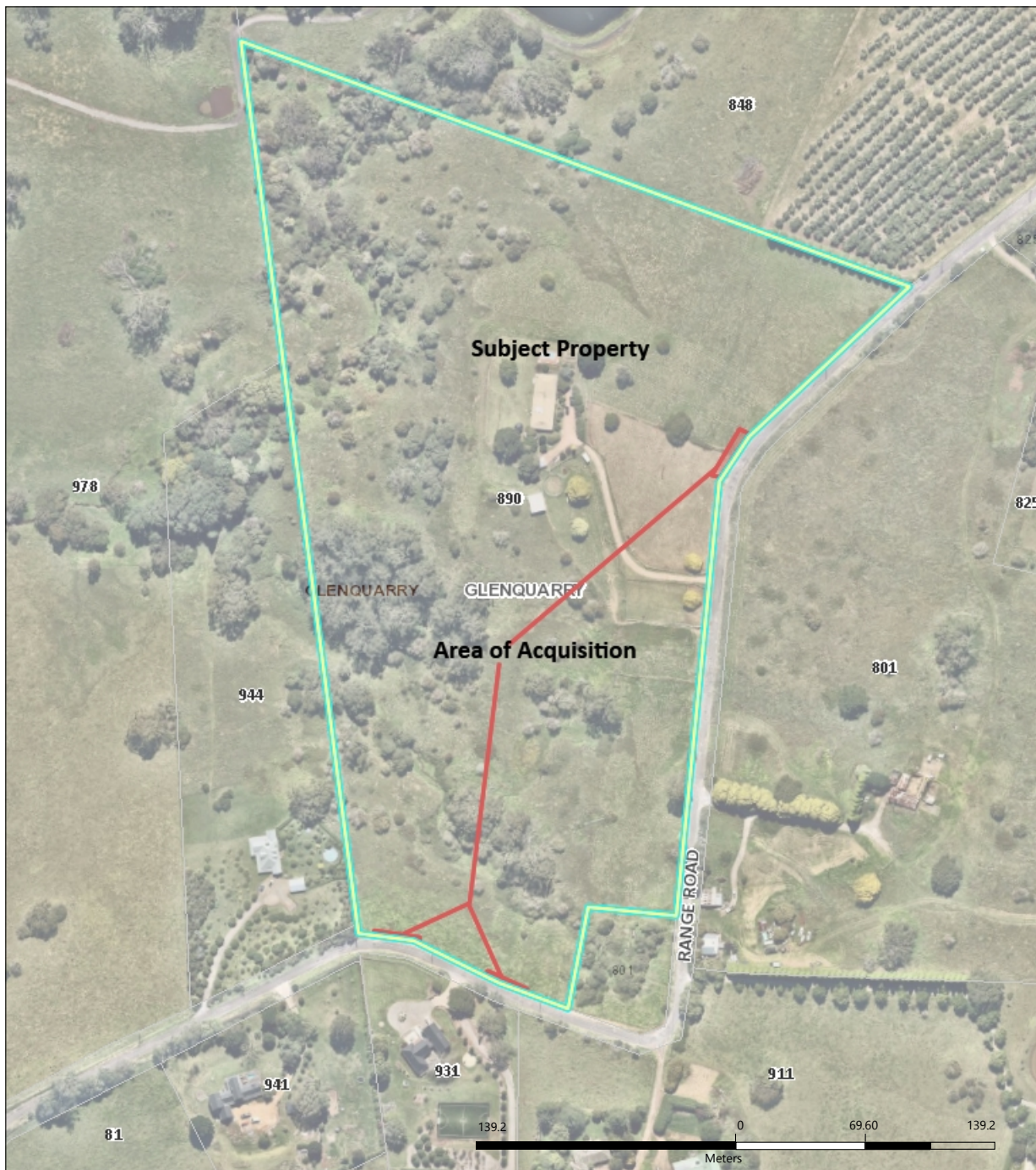


**Aerial of Acquisition - 801
Range Road Glenquarry**

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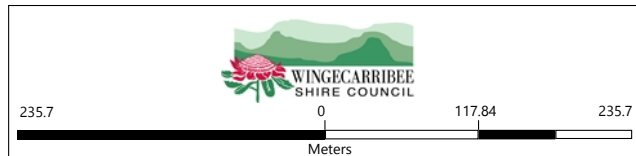
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**Aerial of Acquisition - 911
Range Road Glenquarry**

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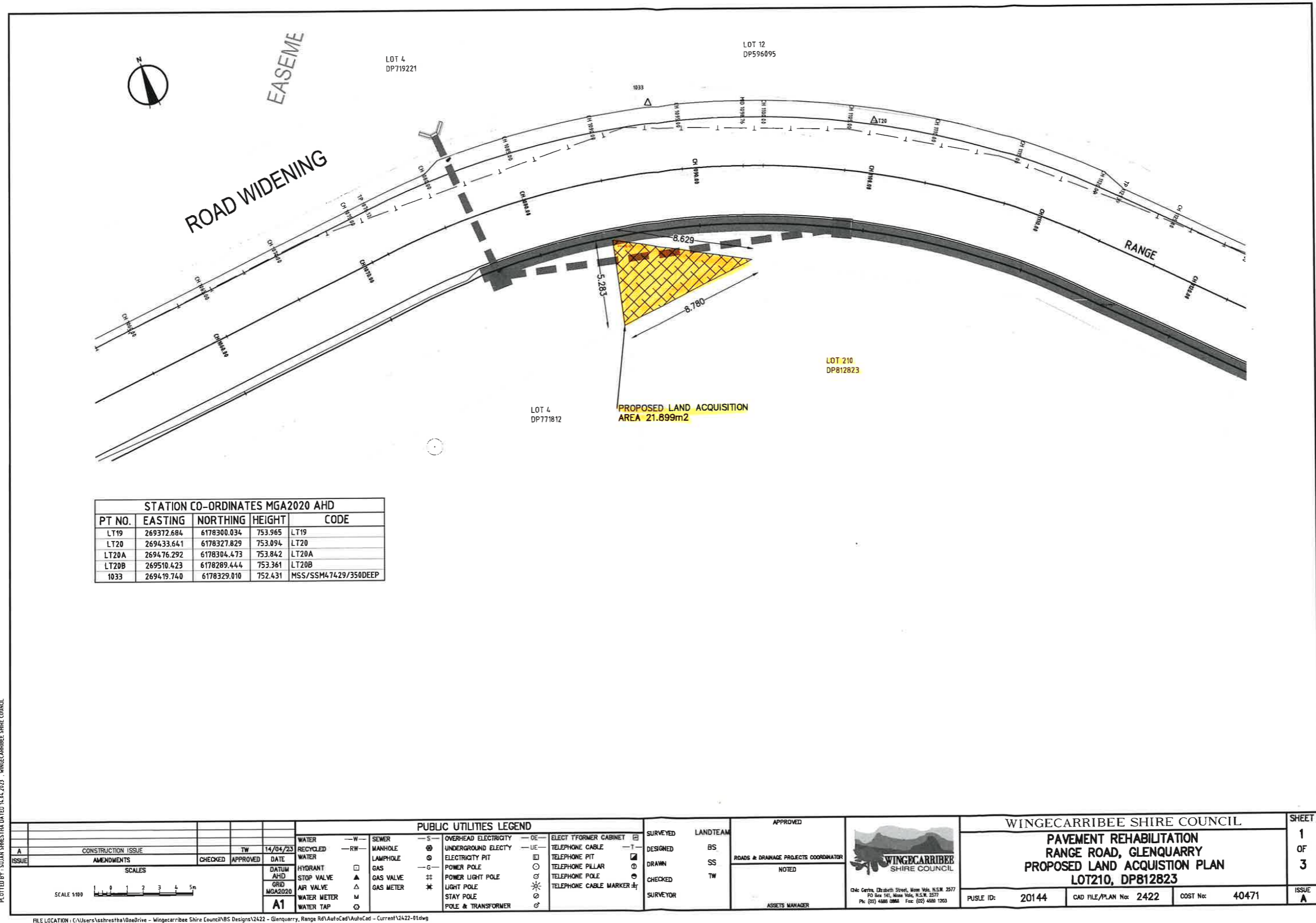


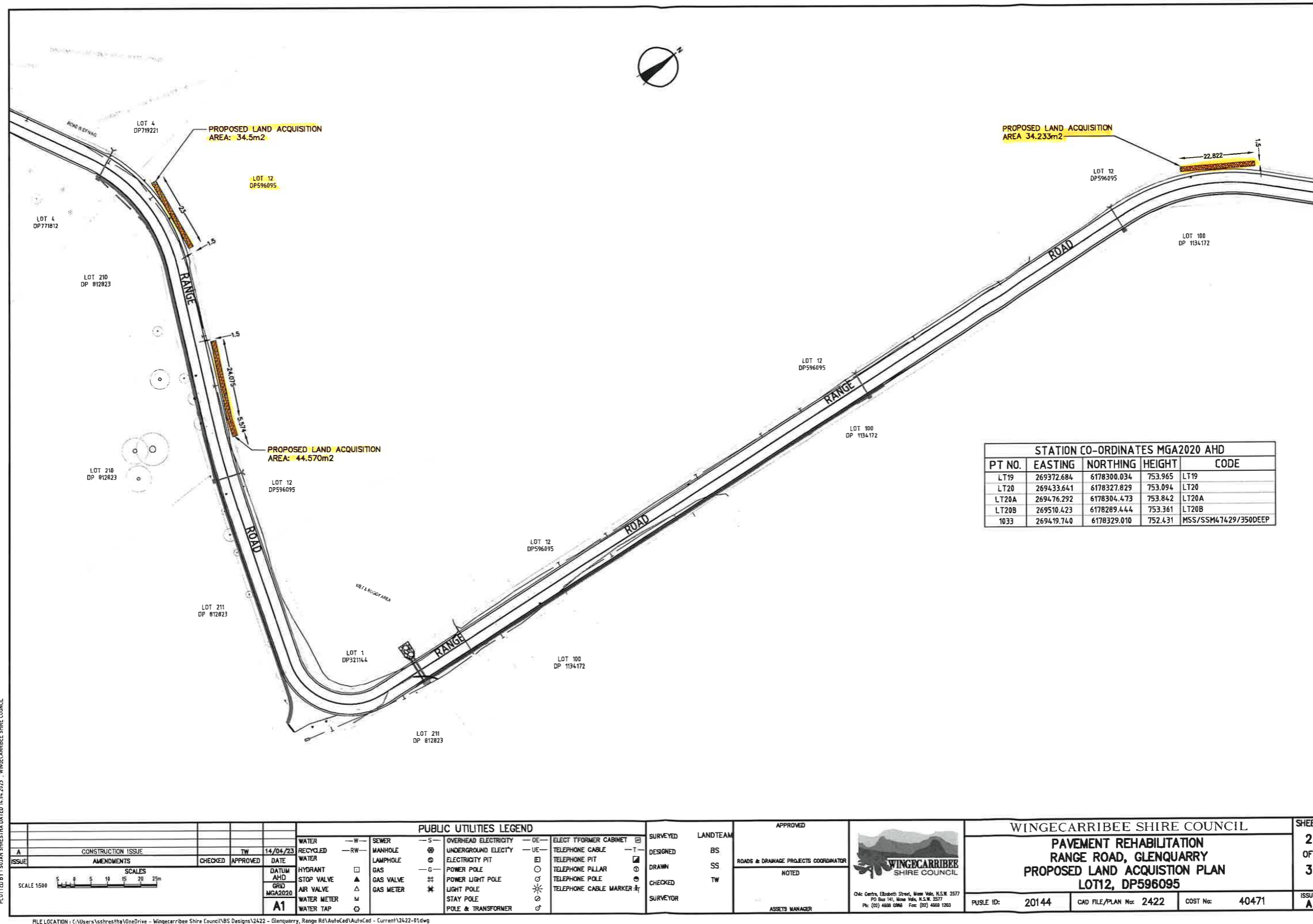
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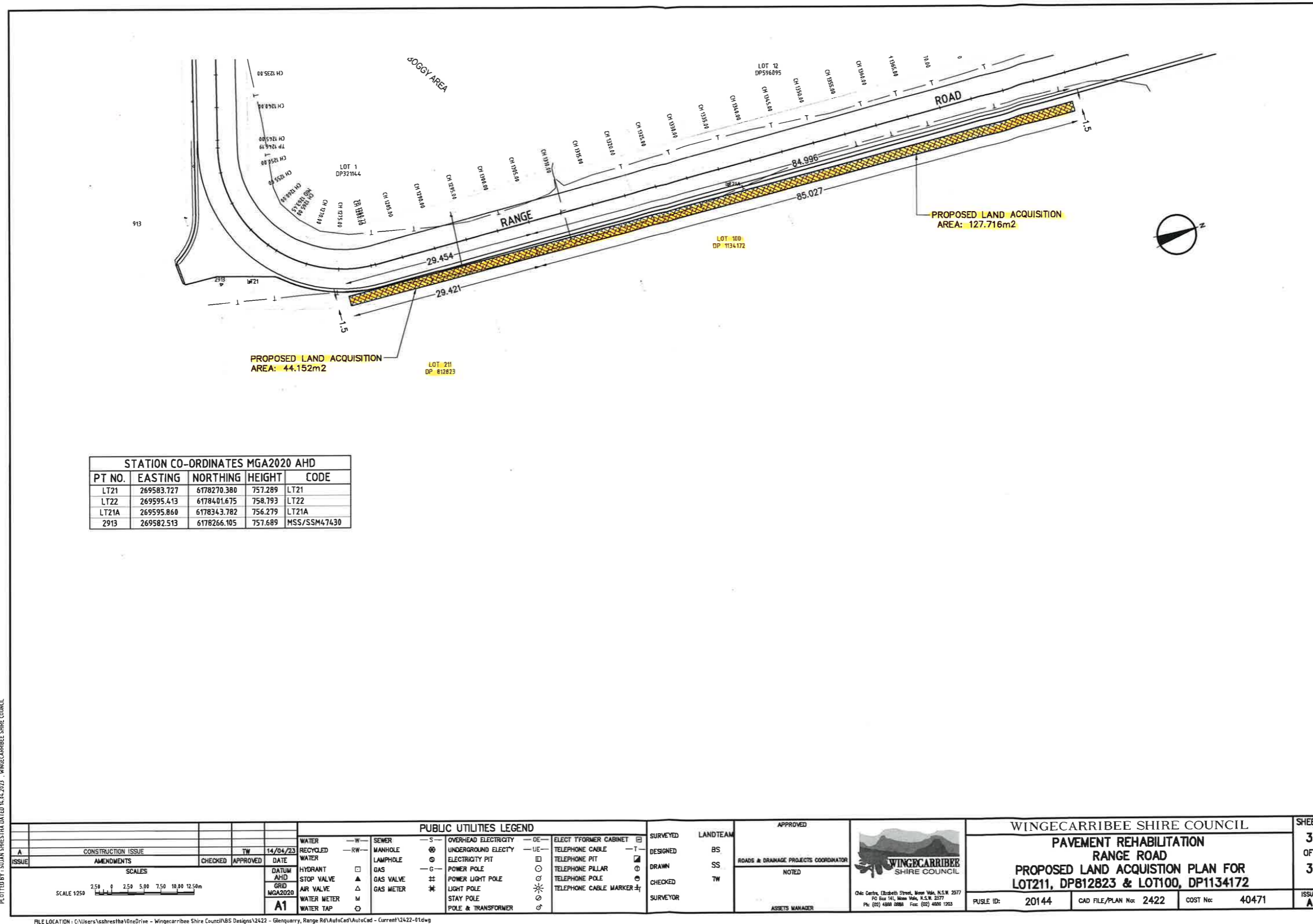




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<p>CONSTRUCTION ISSUE</p> <p>AMENDMENTS</p> <p>CHECKED</p> <p>APPROVED</p> <p>TW</p> <p>DATE</p> <p>14/04/23</p>		<p>PUBLIC UTILITIES LEGEND</p> <p>WATER — W —</p> <p>SEWER — S —</p> <p>OVERHEAD ELECTRICITY — OE —</p> <p>UNDERGROUND ELECTRICITY — UE —</p> <p>ELECTRICITY PIT</p> <p>POWER POLE</p> <p>POWER LIGHT POLE</p> <p>LIGHT POLE</p> <p>STAY POLE</p> <p>POLE & TRANSFORMER</p> <p>RECYCLED WATER</p> <p>MANHOLE</p> <p>LAMPHOLE</p> <p>GAS</p> <p>GAS VALVE</p> <p>GAS METER</p> <p>HYDRANT</p> <p>STOP VALVE</p> <p>AIR VALVE</p> <p>WATER METER</p> <p>WATER TAP</p> <p>ELECTRIC FORMER CABINET</p> <p>TELEPHONE CABLE</p> <p>TELEPHONE PIT</p> <p>TELEPHONE PILLAR</p> <p>TELEPHONE POLE</p> <p>TELEPHONE CABLE MARKER</p>		<p>SURVEYED</p> <p>DESIGNED</p> <p>DRAWN</p> <p>CHECKED</p> <p>SURVEYOR</p> <p>LANDTEAM</p> <p>BS</p> <p>SS</p> <p>TW</p>		<p>APPROVED</p> <p>ROADS & DRAINAGE PROJECTS COORDINATOR</p> <p>NOTED</p> <p>ASSETS MANAGER</p>		<p>WINGECARRIBEE SHIRE COUNCIL</p> <p>PAVEMENT REHABILITATION</p> <p>RANGE ROAD, GLENQUARRY</p> <p>PROPOSED LAND ACQUISITION PLAN</p> <p>LOT12, DP596095</p>		<p>SHEET</p> <p>2</p> <p>OF</p> <p>3</p> <p>ISSUE</p> <p>A</p>	
<p>SCALE 1500</p> <p>0 5 10 15 20 25m</p>		<p>DATUM</p> <p>AHD</p> <p>GRID</p> <p>MGA2020</p> <p>A1</p>		<p>CHIC CENTRE, 133/135 STURT, HORN HOLE, N.S.W. 2577</p> <p>PO BOX 141, HORN HOLE, N.S.W. 2577</p> <p>Ph: (02) 4688 0888 Fax: (02) 4660 1203</p>		<p>PUBLIC ID: 20144</p> <p>CAD FILE/PLAN No: 2422</p> <p>COST No: 40471</p>					

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9.14 70 Drapers Creek Road Colo Vale - Proposed Closure of Road Reserve

Report Author: Property and Project Officer

Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

To seek Council approval for the closure of the road reserve which traverses 70 Drapers Creek Road, Colo Vale.

OFFICER'S RECOMMENDATION

THAT:

- 1. Pursuant to Part 4 Division 3 of the *Roads Act 1993* Council, as roads authority, formally approve the closure of the portion of Council public road reserve which runs through 70 Drapers Creek Road, Colo Vale AND THAT upon closure the newly created lot will be classified as Operational Land pursuant to the *Local Government Act, 1993*.**
- 2. The General Manager and Administrator be delegated authority to execute under the Common Seal of Council any agreement, plan, real property dealing or any other document in respect of the proposed closure and sale of the road reserve referred to in item 1 above.**
- 3. Authority be delegated to the General Manager to execute on behalf of Council any other documents associated with the road closure and sale referred to in item 1 above which do not require the affixing of the Common Seal of Council.**
- 4. That following the closure and sale of the portion of road reserve, the applicant be required to consolidate the newly created lot (being the former segment of road reserve) with the applicant's property.**

REPORT

BACKGROUND

Council was contacted by the owner of 70 Drapers Creek Road, Colo Vale, requesting that Council consider the closure and sale of the road reserve which traverses their property, in the hope that closure will reduce illegal dumping and antisocial and dangerous behaviour in the area.

At its meeting held on 11 October 2022, Council resolved as follows: (MN 2022/223)

THAT:

- 1. Council endorse the application for closure of the road reserve which runs through 70 Drapers Creek Road, Colo Vale by the applicant (being the owners of 70 Drapers Creek Road, Colo Vale) AND THAT it be noted that all costs in relation to the closure and potential future sale of the road reserve are to be paid by the applicant.*
- 2. Council give a minimum twenty-eight (28) days public notice of its intention to close the road reserve referred to in Resolution 1 above AND THAT if any objections are received, a further report be forwarded to a future ordinary meeting of Council for determination.*

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3. *If there are no objections received by Council during the period of public exhibition, that pursuant to Part 4, Division 3 of the Roads Act 1993, Council as roads authority formally approve the closure of the road reserve referred to in Resolution 1 above and that upon closure the newly created lot will be classified as Operational Land pursuant to the Local Government Act, 1993.*
4. *The General Manager and Administrator be delegated authority to execute under the Common Seal of Council any agreement, plan, real property dealing or any other document in respect of the proposed closure of the road reserve referred to in Resolution 1 above.*
5. *Authority be delegated to the General Manager to execute on behalf of Council any other document associated with the road closure referred to in Resolution 1 above which does not require the affixing of the Common Seal of Council.*
6. *Following the closure and sale of the portion of road reserve, the applicants are required to consolidate the newly created lot (being the former segment of closed road) with the applicants' property.*

REPORT

The area of the proposed closure is approximately 10,741 square metres and is shown in **Attachment 1** to this report.

Following Council resolution on 11 October 2022, the proposed road closure was placed on public exhibition from 2 November 2022 to close of business on 2 December 2022.

Further, Council has undertaken the following legislative requirements under the *Roads Act, 1993*:

- Two (2) double sided temporary public notice signs were erected on the site of the area of proposed closure, one at the end adjoining Bells Road and one at the opposite end of Drapers Creek Road. The notice signs remained in place during the period of public exhibition.
- The proposed closure was advertised on Your Say Wingecarribee.
- The relevant notifiable authorities were given notice in writing of the proposed road closure, including the Rural Fire Service.
- Neighbour notifications were sent to fourteen (14) residents in the vicinity of the proposed portion of road to be closed and to Crown Lands New South Wales.

During the period of public exhibition, three (3) submissions of objection and two (2) submissions of support were received. A summary of the submissions received is provided below:

Item No.	Feedback	Council response
P & B Harland Colo Vale	In favour of the road reserve closure.	Noted.
H Huseyin & I Fikri Balaclava	We are in favour of this proposal.	Noted.
J Cleland Colo Vale	The proposed closure is of a section, circa one hectare, of unmade road	The majority of the road reserve is only trafficable by 4WD and

	<p>reserve providing legal passage between Drapers Creek Rd and Bells Rd. It is appreciated that traverse is required to be by four wheel drive.</p> <p>The road reserve however provides the only alternative legal passage for residents of Drapers Creek Road, the SES or RFS in the case of bush fire or torrential rain rendering Drapers Creek Rd impassable.</p> <p>The proposed closure could put lives at risk, particularly in a bush fire event.</p> <p>We submit that council should not proceed to closure and should not alter the status quo.</p>	<p>becomes dangerous to pass following wet weather. At the time the resident approached Council, the subject road had been completely impassable for a period exceeding six (6) months due to fallen trees etc. The resident's family has owned property in the vicinity of the road for over 40 years. During this time the road has been known primarily as the domain for joyriders and illegal dumpers.</p> <p>The main access for properties on Drapers Creek Road is via Drapers Creek Road and McCallums Road which are both Crown Roads.</p> <p>Details of the proposed closure were forwarded to RFS NSW for comment.</p> <p>The Rural Fire Service has advised that given the road is potentially impassable, they would have no objection to closing the road. They have further advised that if they do require any ongoing access, they can negotiate this with the land owner through the Bush Fire Management Committee.</p> <p>The RFS advises that if you have any doubts about your ability to manage during a bush fire, you should plan to leave early, well before a fire reaches your area and well before you are under threat.</p> <p>The RFS also advises that leaving early is always the safest option and you should have a bush fire survival plan in place.</p> <p>Drapers Creek Road and McCallums Road are less densely vegetated than the road reserve and would provide a safer exit route in case of bush fire. The</p>
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		<p>road reserve proposed for closure is highly vegetated and would not provide a safe evacuation route in the case of bush fire emergency.</p>
<p>J & J Tregannon Colo Vale</p>	<p>Closing the council roadway from Bells Rd to our neighbour's property (76) will adversely impact our access (74) through our neighbour's property.</p> <p>The roadway in question is the legal carriageway to our property. Our neighbours when purchasing the property would have known that there was a legal access to Bells Rd, past our property from their property.</p> <p>In the instance of a bush fire emergency coming down from Drapers Creek Rd at McCallums Rd, Bells Rd is the escape route for us and our neighbours.</p> <p>I am quite appalled that there is even consideration to close an access road so close to the bush after the tragic fires of 2019-2020.</p> <p>Closing this roadway will also adversely impact the ability of the rural fire service to access the bushland around Drapers Creek and prevent fire from reaching the Public School and centre of Colo Vale village. An extreme number of lives will be put at risk.</p> <p>It would be negligent of Council to reduce the escape routes for residents. The fire trail from Drapers to Colo Road is locked, preventing residents from escaping impending doom in the event of fire if access to Bells Road is also closed off.</p> <p>Bells Road access needs to remain open to prevent a repeat of Balmoral Village/Buxton 2019. For access to get</p>	<p>The submission maker's property and their neighbour gain access to their properties via Drapers Creek Road (with those properties also rated as Drapers Creek Road).</p> <p>Details of the proposed closure were forwarded to RFS NSW for comment.</p> <p>The Rural Fire Service has advised that given the road is potentially impassable, they would have no objection to closing the road. They have further advised that if they do require any ongoing access, they can negotiate this with the land owner through the Bush Fire Management Committee.</p> <p>The RFS advises that if you have any doubts about your ability to manage during a bush fire, you should plan to leave early, well before a fire reaches your area and well before you are under threat.</p> <p>The RFS also advises that leaving early is always the safest option and you should have a bush fire survival plan in place.</p> <p>Drapers Creek Road and McCallums Road are less densely vegetated than the road reserve and would provide a safer exit route in case of bush fire.</p> <p>The road proposed for closure is highly vegetated and would not provide a safe evacuation route in the case of bush fire emergency.</p>

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	<p>through Bells Road, and as its councils responsibility the access road requires maintenance from the horrific weather events since February this year (2022), this also applies to Drapers Creek Road which due to aforesaid weather events has incurred such erosion on both sides of Drapers Creek Road it has become quite dangerous to drive on and if we are to encounter another deluge of rain again most of Drapers Creek Road will be washed away.</p>	
<p>K J Kordic Colo Vale</p>	<p>I object to the closure of the road reserve.</p> <p>It would be negligent of Council to consider the closure of the road reserve. Drapers Creek Road is in an extreme high fire risk area and in an event of a bushfire, the road provides an escape route for me and the neighbours.</p> <p>The road has been there for many years and it was made for a reason. Instead of closing it, the council should consider turning it into a driveable state, or even make an official road/street. As we have learnt from the horrific bushfire season in 2019/2020, safety and escape routes in rural areas could not be more important. And this is especially important for residents at Drapers Creek Road because we are down in a valley/hole with thick bush surrounding all around us, which is the formula for a very dangerous bushfire zone, with only one way out. We should be having two ways out, not one. Should the council close the road reserve and then if in the future, a resident in Drapers Creek Road dies or gets injured in a bushfire because they were trapped</p>	<p>Details of the proposed closure were forwarded to RFS NSW for comment.</p> <p>The Rural Fire Service has advised that given the road is potentially impassable, they would have no objection to closing the road. They have further advised that if they do require any ongoing access, they can negotiate this with the land owner through the Bush Fire Management Committee.</p> <p>The RFS advises that if you have any doubts about your ability to manage during a bushfire, you should plan to leave early, well before a fire reaches your area and well before you are under threat.</p> <p>The RFS also advises that leaving early is always the safest option and you should have a bush fire survival plan in place.</p> <p>Drapers Creek Road and McCallums Road are less densely vegetated than the road reserve and would provide a safer exit route in case of bush fire.</p> <p>The road proposed for closure is highly vegetated and would not provide a safe evacuation route in the case of bush fire</p>

	<p>and could not escape onto McCallums Road, the council could be liable for any loss of life, because the road reserve could not be used as a second escape route.</p> <p>Drapers Creek Road and McCallums road are not proper roads, they are dirt roads. There have been serious erosion issues on both sides of Drapers Creek Road due to the recent floods and constant rain. One time, a section of the road became extremely soggy that no one could drive over because the car wheels sank in and one of the neighbours got stuck. We have also had fallen trees on the street, blocking the residents from accessing in and out of the street. Drapers Creek Road is such an unreliable street and while it is in this stage or unless the council turns it into a proper bitumen road, a back-up road is absolutely necessary, and this is why the public road reserve should remain open and be turned into a usable road.</p> <p>On another note, I feel it's unfair that I have to pay a lot more money to have my garbage bin privately collected because the council garbage truck cannot turn around in Drapers Creek Road. Also, all the residents' letterboxes are up on the top of Drapers Creek Road, McCallums Road because even the postman doesn't want to drive down the street, myself and my neighbours should have the right to have our letterboxes right in front of our own properties. Therefore, by improving the reserve road, the council garbage truck and postmen will be able to drive through.</p> <p>If Council can make Drapers Creek</p>	<p>emergency.</p> <p>Drapers Creek Road and McCallums Road are both Crown Roads and are not under the control of Council.</p> <p>Council's Manager of Waste and Resource Management has advised that Drapers Creek Road is currently outside the nominated collection zone. Each time Council receives a request for a waste service outside the nominated collection zone it reviews if a service is possible based upon access, safety and viability of the service.</p> <p>Council has just written to 2,000 residents within the shire that are outside the nominated collection zone to understand their desire for a council provided waste service. The feedback received will be incorporated into a review of the waste collection boundaries as part of the procurement for the new collections contract.</p>
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	Road, as well as possibly McCallums Road, into a proper bitumen road, then I will support the closure of the road reserve. Having a proper road will make a fire escape easier and also, the neighbours won't have to hassle Council all the time about road erosion issues. And we should have the right to have a proper road like everyone else.	
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The road proposed for closure is highly vegetated and would not provide a safe evacuation route in the case of bushfire emergency. The Rural Fire Service has advised that, given the road is potentially impassable, they have no objection to closing of the road. The RFS have further advised that if they do require any ongoing access, they can negotiate this with the land owner through the Bush Fire Management Committee.

This report is submitted for consideration of the submissions and final decision in relation to the requested road closure. This report recommends that Council resolve to formally approve the road closure pursuant to authority delegated to it under Part 4 Division 3 of the *Roads Act, 1993*.

COMMUNICATION AND CONSULTATION

Community Engagement

Public notice of the proposed road closure was provided for a period of twenty eight (28) days on Your Say Wingecarribee, by sign boards on site and in the Council Libraries.

Council also issued notice of the proposed closure to property owners in the vicinity of the road reserve.

Internal Communication and Consultation

The relevant Council officers have been consulted and invited to comment in relation to the proposed closure of the road reserve. There were no internal submissions objecting to the proposed closure (which included Council's Bushfire Environment Officer).

External Communication and Consultation

Applicant.

Adjoining owners.

Statutory authorities.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

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Social

Closure of the road reserve would serve to prevent antisocial and dangerous behaviour in the area and would prevent illegal dumping whilst still maintaining road access to surrounding properties.

Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The adjoining owner, as applicant, will be responsible for the payment of all fees and charges in relation to the road closure. Fees will include application fees to Council together with valuation, surveying and registration fees. The applicant will also be required to pay consideration to Council for the purchase of the area of closed road in accordance with independent valuation.

RELATED COUNCIL POLICY

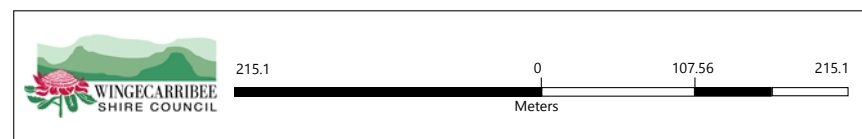
Permanent Road Closure and Road Lease Policy.

CONCLUSION

It is recommended that Council resolve to formally approve the road closure pursuant to authority delegated to it under Part 4 Division 3 of the *Roads Act, 1993*.

ATTACHMENTS

1. 70 Drapers Creek Road Colo Vale - A 3 Landscape [**9.14.1** - 1 page]



Wingecarribee Shire Council

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9.15 Suttor Road, Moss Vale - Classification of Land for Road Purposes

Report Author: Property and Project Officer
Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to seek Council approval to classify land acquired for road purposes at Suttor Road, Moss Vale being Lot 1 and Lot 2 in Deposited Plan 1292881 ("the land") as Operational Land.

OFFICER'S RECOMMENDATION

THAT:

- 1. Council gives a minimum twenty-eight (28) days public notice of its intention to classify Lots 1 and 2 in Deposited Plan 1292881, Suttor Road, Moss Vale as Operational Land pursuant to the *Local Government Act 1993* AND THAT if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination.**
- 2. If there are no objections during the period of public exhibition, the land known as Lots 1 and 2 in Deposited Plan 1292881 be classified as Operational Land pursuant to the *Local Government Act, 1993*.**

BACKGROUND

The land (being Lots 1 and 2 in Deposited Plan 1292881 Suttor Road, Moss Vale) has been acquired to enable the commencement of Stage 1 of the Moss Vale Bypass Project. Whilst the key infrastructure project remains unfunded, the acquisition of all land required for Stage 1 of the project has now been finalised.

Having finalisation of the acquisitions significantly improves opportunities to secure external grant funding and to progress the project to be ready for construction when the time comes.

Stage 1 of the Moss Vale Bypass Project will:

- deliver the critical second unrestricted crossing of the main southern railway;
- provide a bypass of the town centre for non-town centre destined freight, commercial and residential traffic;
- provide traffic relief along the existing Illawarra Highway through the Moss Vale town centre;
- provide a strategic regional alternate crossing of the main southern railway, especially useful for over-height freight vehicles that have been required to undertake significantly longer journeys to overcome this constraint;
- aid in wider area traffic distribution, releasing latent wider network capacity that will be required to support expected commercial, retail, industrial, residential, and primary industry growth in Moss Vale and the surrounding region; and
- provide an emergency second crossing of the main southern railway (e.g. bridge works, broken down vehicle, flooding, etc).

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 21 JUNE 2023

On Wednesday 13 March 2019, Council resolved (MN 84/19):

1. *THAT in relation to the report concerning Proposed Land Acquisition – Moss Vale – Council adopts the recommendation contained within Closed Council report – Item 22.2.*
2. *THAT the General Manager be delegated authority to negotiate with the owners of Lot 2 Deposited Plan 873240 (Part 18-19 McCourt Road Moss Vale) and Lot 3 Deposited Plan 873240 (Suttor Road Moss Vale) for the acquisition of part of the Land for the purpose of road widening AND THAT compensation be negotiated within a 10% range of the formal valuation obtained by Council in respect of the proposed acquisitions.*
3. *THAT if the acquisition referred to in Resolution 1 cannot be negotiated by agreement Council resolves to:*
 - (a) *acquire the Land by compulsory acquisition under Sections 186 and 187 of the Local Government Act 1993 (NSW) and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991;*
 - (b) *approve the making of an application to the Minister of Local Government for the issue of a proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the Land AND THAT Council request that the Minister for Local Government approve a reduction in the notification period from ninety (90) days to sixty (60) days;*
 - (c) *approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the Land.*
4. *THAT Council affix the Common Seal of Council to any documents required to be sealed for the Land referred to in Resolution 1 above AND THAT authority be delegated to the Mayor and General Manager to execute those documents and any other documents required.*
5. *THAT authority be delegated to the General Manager to execute on behalf of Council any documents associated with the compulsory acquisition of the Land referred to in Resolution 1 above that does not require the Common Seal of Council.*

REPORT

Pursuant to Section 25 of the *Local Government Act 1993*, land must be classified as either Operational or Community Land.

Section 31 of the *Local Government Act 1993*, states that, for the land acquired after July 1993 “before Council acquires land, or within three (3) months after it acquires land, a Council may resolve (in accordance with this Part) that the land be classified as community land or operational land”.

Further, any land that is acquired by Council that is not classified at the end of the period of three (3) months is taken to have been classified as Community Land.

Following resolution of Council on 13 March 2019, negotiations commenced in relation to the acquisition of the required land for the proposed Moss Vale Bypass, Suttor Road Moss Vale.

The Plan of Acquisition was registered on 30 March 2023 as Deposited Plan 1292881, the lots acquired being Lots 1 and 2. **Attachment 1** to this report is the registered deposited plan showing the area of Lots 1 and 2.

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Following registration of the plan of acquisition ownership of Lot 2 was transferred to Council on 28 April 2023 and Lot 1 to Council on 22 May 2023.

As Council has now finalised acquisition of the land and commissioned design for the bypass, this report is submitted for formal classification of the land as Operational in accordance with the *Local Government Act, 1993*.

COMMUNICATION AND CONSULTATION

Community Engagement

Following resolution, Council will issue public notice of its intention to classify the land as Operational. This notice will be advertised for a minimum twenty-eight (28) days.

Internal Communication and Consultation

Project Delivery.

External Communication and Consultation

Nil.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

There are no broader economic implications in relation to this report

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no budgetary implications to this report.

RELATED COUNCIL POLICY

None identified.

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
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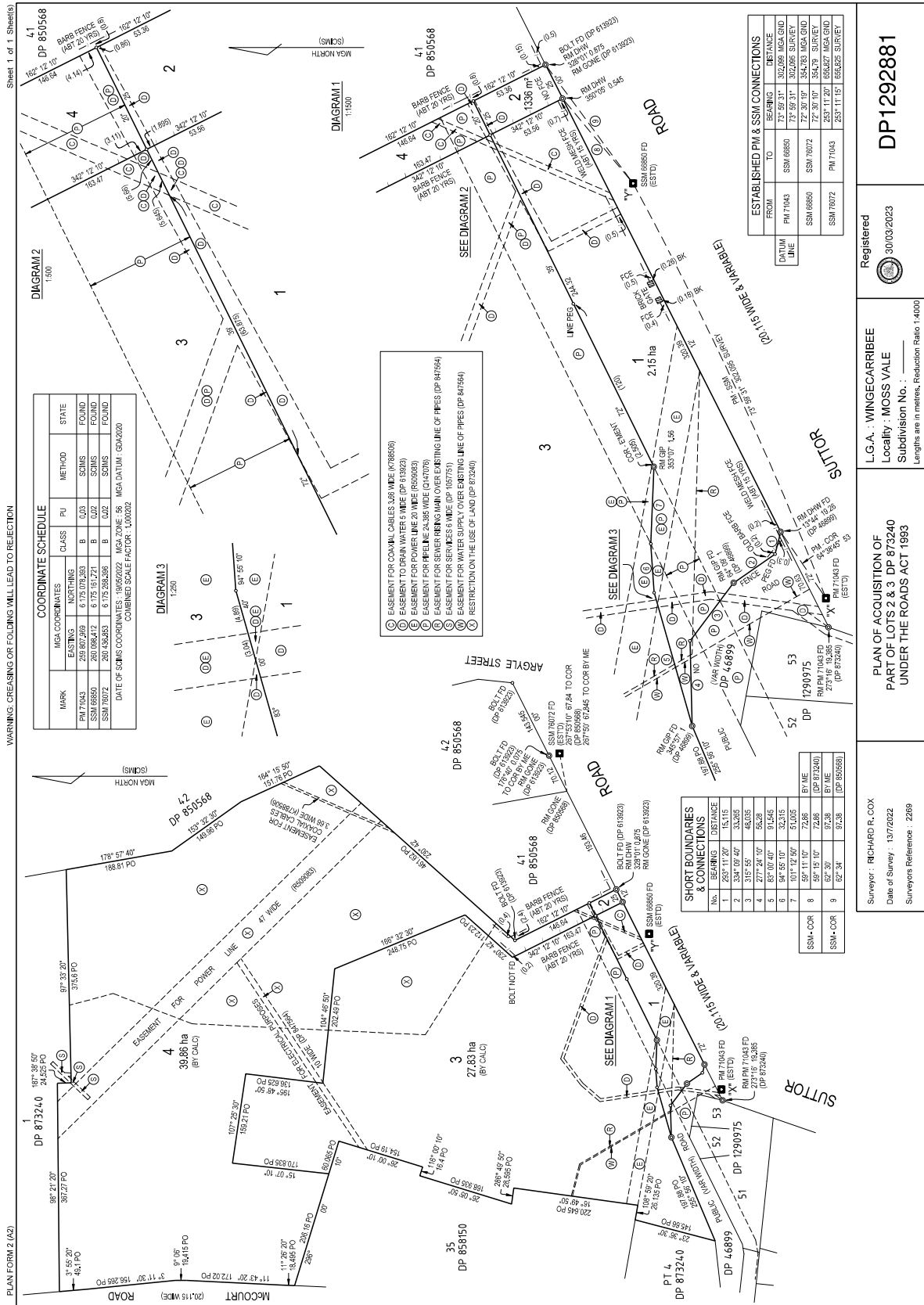
CONCLUSION

It is recommended that Council give a minimum twenty-eight (28) days public notice of its intention to classify Lots 1 and 2 in Deposited Plan 1292881 Suttor Road, Moss Vale as Operational Land.

ATTACHMENTS

1. Attachment 1 [**9.15.1** - 1 page]

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 21 JUNE 2023



9.16 Investments Report as at 31 May 2023

Report Author: Accounting Officer - Banking & Investments

Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

This report presents Council's Cash Investment Portfolio held at 31 May 2023.

OFFICER'S RECOMMENDATION

THAT Council receives and notes this Cash Investment Report as at 31 May 2023.

REPORT

In accordance with section 212 of the Local Government (General) Regulation 2021, the Responsible Accounting Officer must provide Council with a written report setting out details of all money that Council has invested under section 625 of the Local Government Act 1993.

This report provides details of Council's Investment Portfolio as at 31 May 2023.

Attachment 1 to this report provides Council's Cash Investment Portfolio, detailing investments held and a summary of the portfolio by the institution invested with and their credit rating.

In accordance with section 212(1)(b) of the Local Government (General) Regulation 2021, the investments listed in **Attachment 1** have been made in accordance with:

- The Local Government Act 1993,
- The Local Government (General) Regulation 2021,
- The Ministerial Investment Order 2011, and
- Council's Investment Policy.

Interest earned from investments totalled \$5,555,135 for the eleven months to 31 May 2023.

The interest is attributable to each fund as listed in the table below.

Fund	YTD Original budget	YTD revised budget	YTD actual	Revised Budget Variance
General fund	381,333	2,049,303	2,049,062	(241)
Water Fund	323,583	1,602,731	1,774,062	171,331
Sewer Fund	228,250	1,595,063	1,732,011	136,948
Total	933,166	5,247,097	5,555,135	308,038

ATTACHMENTS

1. May 2023 - Investment Report Summary [**9.16.1** - 6 pages]

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 21 JUNE 2023**

**Wingecarribee Shire Council
Investment Report Summary**

For the period ending 31 May 2023

List of Investments

Council's investment portfolio as at 31 May 2023 consists of the following investments:

INVESTMENT PORTFOLIO AS AT 31 May 2023						
Institution	Type	Amount	Interest Rate	Investment Term - Days	Maturity Date	% Investment Portfolio
CBA	Term Deposit	5,000,000	3.96%	287	13/06/2023	2.59%
ME	Term Deposit	5,000,000	4.15%	365	23/06/2023	2.59%
CBA	Term Deposit	5,000,000	3.94%	365	23/06/2023	2.59%
ING	Term Deposit	6,000,000	4.00%	364	30/06/2023	3.10%
MyState	Term Deposit	4,000,000	4.05%	364	30/06/2023	2.07%
CBA	Term Deposit	5,000,000	4.02%	317	13/07/2023	2.59%
ME	Term Deposit	5,000,000	4.00%	364	28/07/2023	2.59%
CBA	Term Deposit	5,000,000	3.79%	365	3/08/2023	2.59%
CBA	Term Deposit	5,000,000	4.00%	365	10/08/2023	2.59%
NAB	Term Deposit	5,000,000	0.60%	729	25/08/2023	2.59%
NAB	Term Deposit	5,000,000	0.60%	731	28/08/2023	2.59%
MyState	Term Deposit	2,000,000	4.23%	364	1/09/2023	1.03%
BOQ	Term Deposit	8,000,000	4.41%	731	2/09/2024	4.14%
CBA	Term Deposit	5,000,000	4.20%	365	15/09/2023	2.59%
CBA	Term Deposit	5,000,000	4.89%	720	16/09/2024	2.59%
MyState	Term Deposit	4,000,000	4.61%	365	28/09/2023	2.07%
AMP	Term Deposit	2,500,000	4.60%	365	4/10/2023	1.29%
NAB	Term Deposit	2,000,000	4.20%	365	10/10/2023	1.03%
CBA	Term Deposit	5,000,000	4.48%	360	26/10/2023	2.59%
AMP	Term Deposit	2,500,000	4.70%	365	15/11/2023	1.29%
NAB	Term Deposit	5,000,000	4.30%	365	21/11/2023	2.59%
Auswide	Term Deposit	8,000,000	4.60%	365	30/11/2023	4.14%
CBA	Term Deposit	3,000,000	4.79%	364	5/01/2024	1.55%
CBA	Term Deposit	2,500,000	4.64%	365	16/01/2024	1.29%
GSB	Term Deposit	7,000,000	4.78%	365	30/01/2024	3.62%
GSB	Term Deposit	5,000,000	4.65%	365	6/02/2024	2.59%
GSB	Term Deposit	5,000,000	4.95%	365	17/02/2024	2.59%
CBA	Term Deposit	5,000,000	5.04%	365	22/02/2024	2.59%
ING	Term Deposit	10,000,000	4.98%	364	1/03/2024	5.17%
BankVIC	Term Deposit	5,000,000	5.00%	365	14/03/2024	2.59%
Judo	Term Deposit	3,000,000	4.75%	364	15/03/2024	1.55%
ING	Term Deposit	5,000,000	4.60%	364	22/03/2024	2.59%
AMP	Term Deposit	5,000,000	4.85%	366	26/04/2024	2.59%
Bendigo	Term Deposit	5,000,000	4.70%	364	26/04/2024	2.59%
Judo	Term Deposit	4,000,000	4.95%	364	3/05/2024	2.07%
GSB	Term Deposit	5,000,000	5.11%	365	21/05/2024	2.59%

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
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**Wingecarribee Shire Council
Investment Report Summary**

For the period ending 31 May 2023

INVESTMENT PORTFOLIO AS AT 31 May 2023						
Institution	Type	Amount	Interest Rate	Investment Days	Term - Maturity Date	% Investment Portfolio
GSB	Term Deposit	2,000,000	5.10%		365 23/05/2024	0.00%
Judo	Term Deposit	5,000,000	5.10%		365 29/05/2024	0.00%
CBA	Call Account	11,765,523	3.75%	NA	NA	0.00%
Bendigo	Call Account	1,000,000	0.90%	NA	NA	0.00%
AMP	31 Day Notice Ac	58	2.55%	NA	NA	0.00%
Total Investments		\$193,265,581				100.00%

Institution Legend		
AMP = AMP Limited	CBA = Commonwealth Bank of Australia	NAB = National Australia Bank
ANZ = Australia & New Zealand Banking Group	GSB = Great Southern Bank (formerly CUA)	Newcastle = Newcastle Permanent
Auswide = Auswide Bank	IMB = IMB Bank	St George = St George Bank
BOQ = Bank of Queensland	ING = ING Direct	WBC = Westpac Banking Corporation
BCU = Berrima District Credit Union	ME = Members Equity Bank	Rural = Rural Bank
Bendigo = Bendigo & Adelaide Bank	MyState = MyState Bank	Judo = Judo Bank
BankVIC = Bank Victoria		

Wingecarribee Shire Council Investment Report Summary

For the period ending 31 May2023

Policy Compliance

Council's Investment Policy provides clear direction for the diversification of Council's investment portfolio. This ensures credit and diversification risk is managed in accordance with the adopted risk management framework, as outlined in Council's Policy.

Individual Institution Limits

A summary of investments placed by institution is as follows:

Institution	S&P Short Term Rating	Maximum %	Actual %	Invested \$	Supports Fossil Fuels	Policy Compliance
NAB	A1+	40%	8.80%	17,000,000	YES	YES
CBA	A1+	40%	32.22%	62,265,523	YES	YES
ING	A1	25%	10.87%	21,000,000	YES	YES
AMP	A2	15%	5.17%	10,000,058	YES	YES
BOQ	A2	15%	9.31%	8,000,000	YES	YES
ME (acquired by BOQ)	A2	Combined with BOQ %		10,000,000	YES	YES
Bendigo	A2	15%	3.10%	6,000,000	NO	YES
MyState	A2	15%	5.17%	10,000,000	NO	YES
Auswide	A2	15%	4.14%	8,000,000	NO	YES
GSB	A2	15%	12.42%	24,000,000	NO	YES
BankVIC	A2	15%	2.59%	5,000,000	NO	YES
Judo	A3	10%	6.21%	12,000,000	NO	YES
Total			100.00%	193,265,581		

Portfolio Credit Limits

A summary of investments placed by credit limit is as follows:

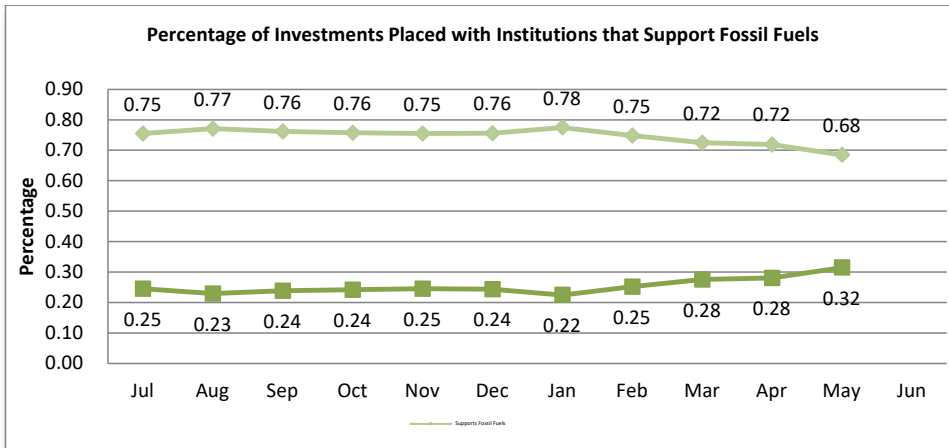
S&P Short Term Rating	Maximum %	Actual %	Invested \$	Policy Compliance
A1+	100%	41.01%	79,265,523	YES
A1	80%	10.87%	21,000,000	YES
A2	60%	41.91%	81,000,058	YES
A3	20%	6.21%	12,000,000	YES
Govt	25%	0.00%	0	YES
Total		100.00%	193,265,581	

**Wingecarribee Shire Council
Investment Report Summary**
For the period ending 31 May 2023

Non-Fossil Fuel Investment Preferecing

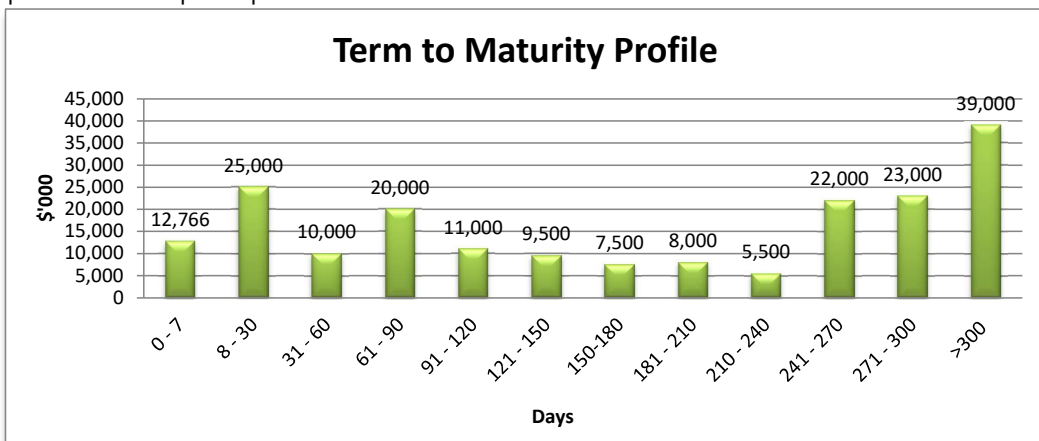
Council's adopted Investment Policy states a preference for placing funds with institutions that do not support the fossil fuel industry. The chart below identifies Council's percentage of investments placed with institutions that do not support the fossil fuel industry.

As investments mature Council will actively seek investments with institutions that do not support the fossil fuel industry, on the basis that they offer equivalent returns and are compliant with legislation and the objectives and parameters of the Investment Policy.



Term to Maturity

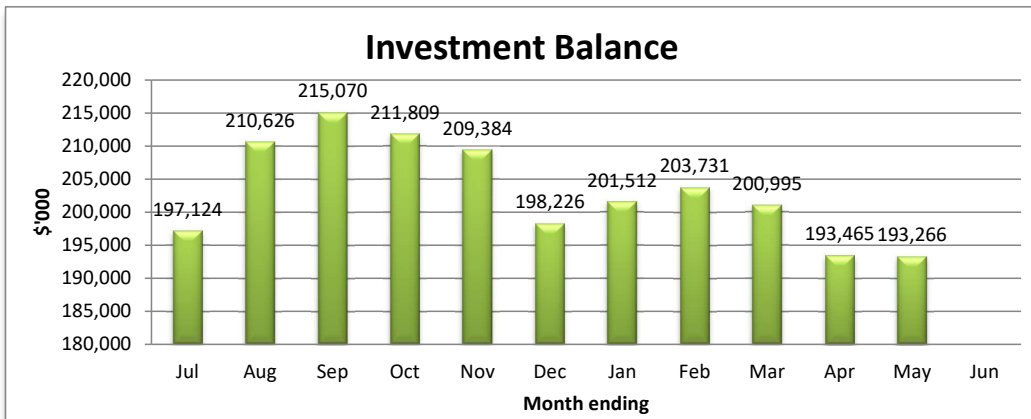
Investments have been placed giving due consideration to Council's liquidity requirements. Enough Working Capital is available to ensure Council continues to meet its ongoing cash flow requirements for operational and capital expenditure.



**Wingecarribee Shire Council
Investment Report Summary**
For the period ending 31 May 2023

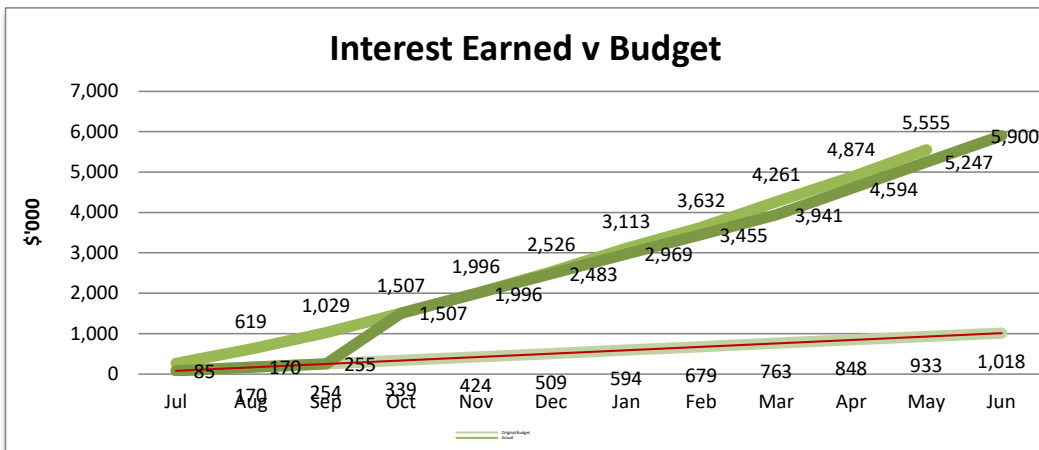
Portfolio Performance

Council's investment balance at the end of May 2023 was \$193.26 million. This has decreased by \$0.20 million since the end of April 2023.



Interest Revenue

Council's 2022/23 original budget for return on investments was based on the market conditions and expectations at the time, which was a protracted low interest rate environment. After Council's 2022/23 budget was adopted, there have been sharp increases in the official cash rate and this has seen an increase in the interest rates being offered in the fixed interest market. A revised investment revenue forecast of \$5,900,000 was adopted as part of the March Quarterly Budget Review, which is reflective of current market conditions.



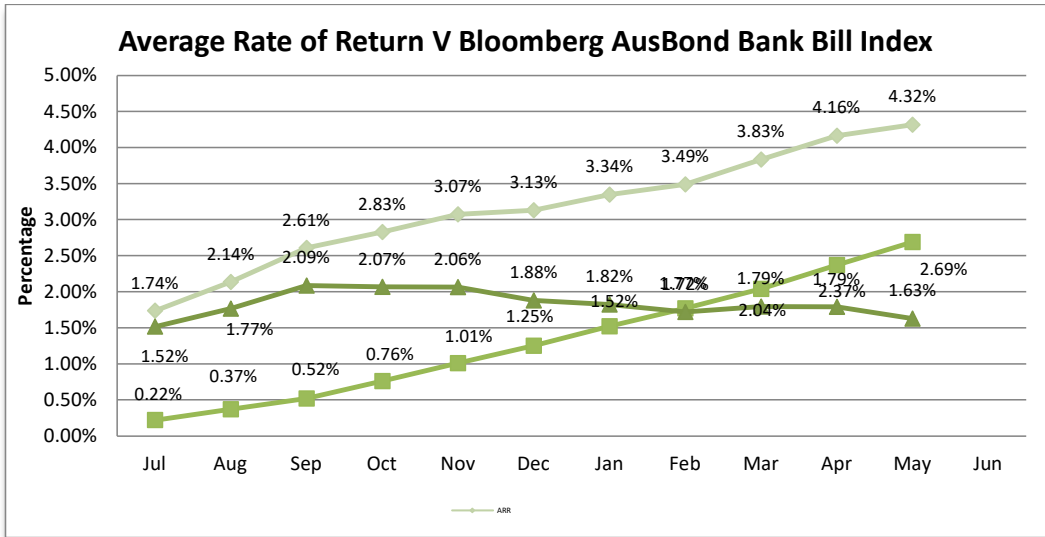
**Wingecarribee Shire Council
Investment Report Summary**
For the period ending 31 May 2023

Performance against Benchmark

Council's investment portfolio is benchmarked against the Bloomberg AusBond Bank Bill Index.

The average rate of return (ARR) achieved for May 2023 was 4.32% which is an increase of 0.16% from April 2023. The Bloomberg AusBond Bank Bill Index for 1 year was 2.69%.

The margin against the Bloomberg AusBond Bank Bill Index was 1.63% for May 2023.



9.17 Country Mayors Association Meeting Minutes - 26 May 2023

Report Author: Executive Assistant to General Manager
Authoriser: General Manager

PURPOSE

The purpose of the report is to note the minutes of the Country Mayors Association Meeting held on 26 May 2023.

OFFICER'S RECOMMENDATION

That Council notes the minutes from the Country Mayors Association Meeting held on 26 May 2023.

REPORT

BACKGROUND

The Country Mayors Association represents almost 70 rural and regional councils across New South Wales, allowing their representatives to come together to discuss issues of specific interest that affect their communities, as well as looking at the bigger picture of the whole local government sector within the state.

The minutes of the Country Mayors Association Meeting held on 26 May 2023 are attached for the information of Council.



Country Mayors Association of NEW SOUTH WALES Inc

Chairperson: Cr Jamie Chaffey
PO Box 63 Gunnedah NSW 2380
02 6740 2115
e-mail Council@infogunnedah.com.au
ABN 92 803 490 533

MINUTES

GENERAL MEETING

FRIDAY, 26 MAY 2023 THEATRETTE, PARLIAMENT HOUSE, SYDNEY

The meeting opened at 8.31a.m.

- 1. Chairmans Welcome**
- 2. Acknowledgement to Country**
We acknowledge the Traditional Custodians of the land and waters, and we show our respect for Elders past and present and emerging. We are committed to providing communities in which Aboriginal and Torres Strait Islander people are included socially, culturally and economically.
- 3. Acknowledgement of Parliamentarians**
The Chairman acknowledged the attendance of several Shadow Ministers and Members of Parliament as observers.
- 4. ATTENDANCE:**
Albury City Council, Cr Kylie King, Mayor
Armidale Regional Council, Mayor, Cr Tod Redwood, Deputy Mayor
Armidale Regional Council, Mr James Roncon, General Manager
Ballina Shire Council, Cr Sharon Cadwallader, Mayor
Bathurst Regional Council, Cr Robert Taylor, Mayor
Bega Valley Shire Council, Cr Russell Fitzpatrick, Mayor
Bega Valley Shire Council, Mr Anthony McMahon, CEO
Bellingen Shire Council, Cr Jo Cook, Deputy Mayor
Bellingen Shire Council, Mr Mark Griffioen, General Manager
Berrigan Shire Council, Cr Matthew Hannan, Mayor
Bland Shire Council, Cr Brian Monaghan, Mayor
Bland Shire Council, Mr Grant Baker General Manager
Blayney Shire Council, Cr Scott Ferguson, Mayor
Blayney Shire Council, Mr Mark Dicker, General Manager
Bogan Shire Council, Cr Glen Neill, Mayor
Bogan Shire Council, Mr Derek Francis, General Manager
Bourke Shire Council, Cr Barry Hollman, Mayor

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**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 21 JUNE 2023**

Bourke Shire Council, Ms Leone Brown, General Manager
Broken Hill City Council, Cr Jim Hickey, Deputy mayor
Byron Shire Council, Cr Michael York, Mayor
Cabonne Shire Council, Cr Kevin Beatty, Mayor
Cabonne Shire Council, Mr Brad Burns, General Manager
Coffs Harbour City Council, Cr Paul Amos, Mayor
Coolamon Shire Council, Cr David McCann, Mayor
Coolamon Shire Council, Mr Tony Donoghue, General Manager
Coonamble Shire Council, Cr Tim Horan, Mayor
Coonamble Shire Council, Mr Hein Basson, General Manager
Cowra Shire Council, Cr Bill West, Mayor
Dubbo Regional Council, Cr Mathew Dickerson, Mayor
Dubbo Regional Council, Mr Murray Wood, CEO
Dungog Shire Council, Cr John Connors, Mayor
Dungog Shire Council, Mr Gareth Curtis, General Manager
Forbes Shire Council, Cr Phyllis Miller, Mayor
Forbes Shire Council, Mr Steve Loane, General Manager
Gilgandra Shire Council, Cr Doug Batten, Mayor
Gilgandra Shire Council, Mr David Neeves, General Manager
Glen Innes Shire Council, Cr Rob Banham, Mayor
Glen Innes Shire Council, Cr Troy Arandale, Deputy Mayor
Greater Hume Council, Cr Tony Quinn, Mayor
Greater Hume Council, Ms Evelyn Arnold, General Manager
Griffith City Council, Cr John Doug Curran, Mayor
Griffith City Council, Mr Brett Stonestreet, General Manager
Gunnedah Shire Council, Cr Jamie Chaffey, Mayor
Hay Shire Council, Cr Carol Oataway, Mayor
Hay Shire Council, Mr David Webb, General Manager
Hilltops Council, Cr Margaret Roles, Mayor
Inverell Shire Council, Cr Paul Harmon, Mayor
Junee Shire Council, Cr Neil Smith, Mayor
Kempsey Shire Council, Cr Leo Hauville, Mayor
Kempsey Shire Council, Mr Craig Milburn, General Manager
Kiama Municipal Council, Cr Neil Reilly, Mayor
Kiama Municipal Council, Ms Jane Stroud, CEO
Kyogle Council, Cr Kylie Thomas, Mayor
Lachlan Shire Council, Cr John Medcalf, Mayor
Lachlan Shire Council, Mr Greg Tory, General Manager
Leeton Shire Council, Cr Tony Reneker, Mayor
Leeton Shire Council, Ms Jackie Kruger, General Manager
Lismore City Council, Cr Steve Krieg, Mayor
Lismore City Council, Mr John Walker, General Manager
Lithgow City Council, Cr Maree Statham, Mayor
Lithgow City Council, Mr Craig Butler, General Manager
Liverpool Plains Shire Council, Cr Doug Hawkins, Mayor
Liverpool Plains Shire Council, Mr Gary Murphy, General Manager
Lockhart Shire Council, Cr Greg Verdon, Mayor
Lockhart Shire Council, Mr Peter Veneris, General Manager
MidCoast Council, Cr Claire Pontin, Mayor
MidCoast Council, Mr Adrian Panuccio, General Manager
Mid-Western/Mudgee Regional Council, Cr Des Kennedy, Mayor

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**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 21 JUNE 2023**

Moree Plains Shire Council, Cr Mark Johnson, Mayor
Moree Plains Shire Council, Mr Nick Tobin, General Manager
Murray River Council, Cr Christopher Bilkey, Mayor
Murray River Council, Mr Terry Dodds, General Manager
Murrumbidgee Council, Mr John Scarce, General Manager
Muswellbrook Shire Council, Cr Steve Reynolds, Mayor
Muswellbrook Shire Council, Derrick Finnigan, General Manager
Narrabri Shire Council, Cr Ron Campbell, Mayor
Narrabri Shire Council, Mr Robert Williams, General Manager
Narrandera Shire Council, Cr Cameron Lander, Deputy Mayor
Narromine Shire Council, Cr Craig Davies, Mayor
Oberon Council, Cr Mark Kellam, Mayor
Oberon Council, Mr Gary Wallace, General Manager
Orange City Council, Cr Jason Hamling, Mayor
Parkes Shire Council, Cr Ken Keith, Mayor
Queanbeyan-Palerang Regional Council, Mr Kenrick Winchester, Mayor
Queanbeyan-Palerang Regional Council, Ms Rebecca Ryan, CEO
Shellharbour City Council, Cr Chris Homer, Mayor
Shoalhaven City Council, Cr Amanda Findley, Mayor
Shoalhaven City Council, Mr Stephen Dunshea, CEO
Singleton Council, Cr Sue Moore, Mayor
Singleton Council, Mr Jason Linnane, General Manager
Snowy Valleys Council, Cr Ian Chaffey, Mayor
Tamworth Regional Council, Cr Russell Webb, Mayor
Tamworth Regional Council, Mr Paul Bennett, General Manager
Temora Shire Council, Cr Rick Firman, Mayor
Temora Shire Council, Mr Gary Lavelle, General Manager
Tenterfield Shire Council, Cr Bronwyn Petrie, Mayor
Upper Lachlan Shire Council, Cr Pam Kensit, Mayor
Upper Lachlan Shire Council, Mr Alex Waldron, General Manager
Uralla Shire Council, Cr Robert Bell, Mayor
Uralla Shire Council, Ms Kate Jessep, General Manager
Walcha Council, Cr Eric Noakes, Mayor
Walcha Council, Phil Hood, Acting General Manager
Warren Shire Council, Cr Milton Quigley, Mayor
Warren Shire Council, Mr Gary Woodman, General Manager
Warrumbungle Shire Council, Cr Ambrose Doolan, Mayor
Warrumbungle Shire Council, Mr Roger Bailey, General Manager
Weddin Shire Council, Cr Craig Bembrick, Mayor
Weddin Shire Council, Ms Noreen Vu, General Manager
Wingecarribee Shire Council, Mr Viv May, Interim Administrator
Wingecarribee Shire Council, Ms Lisa Miscamble, General Manager
LGNSW, Cr Darriea Turley, President
LGNSW, Mr Damien Thomas, Director Advocacy
LGNSW, Mr Shaun McBride
LGNSW, Bronwen Regan
ALGA, Cr Linda Scott, President
OLG, Brett Whitworth, Deputy Secretary
OLG, Melissa Gibbs, Director Policy and Sector Development
RAMJO, Ms Yvonne Lingua, CEO
CNSWJO, Ms Jenny Bennett

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**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 21 JUNE 2023**

The Hon Leslie Williams - Shadow Minister for Women, Prevention of Domestic Violence and Sexual Assault and Aboriginal Affairs
The Hon Wendy Tuckerman – Shadow Minister for Local Government
The Hon Aileen McDonald – Shadow Minister for Youth Justice
The Hon Scott Farlow – Shadow Minister for Planning & Public spaces, Housing and Cities
The Hon Bronnie Taylor – Shadow Minister for Regional Health
The Hon Gurmeh Singh – Shadow Minister for Tourism, Emergency Services and North Coast
The Hon Adam Marshall – Member for the Northern Tablelands
The Hon Kevin Anderson – Shadow Minister for Gaming, Racing, Arts and Heritage
The Hon Wes Fang – Shadow assistant Minister for Police and Emergency Services
Mr Michael Kemp – Member for Oxley
Ms Tanya Thompson – Member for Myall Lakes
Mr Dave Layzell MP

APOLOGIES:

As submitted Additional apologies received on behalf of Cr Narelle Davis, Mayor Snowy Monaro Regional Council, Mr James Davis, General Manager, Junee Shire Council and Mr David Sherley, General Manager, Bathurst Regional Council

SPECIAL GUESTS:

The Hon Jenny Aitchison MP, Minister for Regional Transport and Roads
The Hon Rose Jackson MLC, Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth and Minister for the North Coast
Dr Michael Holland MP, Parliamentary Secretary for Health and Regional Health
Carmel Donnelly, Chair, IPART
The Hon Dugald Saunders MP, Leader of the Nationals, Shadow Minister for Regional NSW, Shadow Minister for Agriculture and Natural Resources
The Hon Sam Farraway MLC, Shadow Minister for Regional Transport and Roads
The Hon Steph Cooke MP, Shadow Minister for Water and Shadow Minister Minister for Crown Lands

5. ADOPTION OF MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the General Meeting held on 9 March 2023 be accepted as a true and accurate record.

Moved Singleton Council Mayor, Councillor Sue Moore
Seconded Forbes Shire Mayor Councillor Phyllis Miller

6. Matters Arising from the Minutes

NIL

7. ALGA Update Report

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**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 21 JUNE 2023**

Cr Linda Scott, President, presented her report advising that the Association focused on the Federal budget and advising that Local Government was currently receiving 0.5% of tax instead of the 1.5% tax being sought. There is a 75% hole in FAG Grants which is not being able to be filled. Councils are to receive \$3.1 billion in Financial Assistance Grants over the next twelve months but it is disappointing the government have not delivered on its pre-election promise for "fair increases." Other budget funding was \$484 million in Roads to Recovery funding • \$60 million over three years in supplementary road funding for South Australian councils • \$200 million Thriving Suburbs Program (local governments eligible to apply) • \$150 million Urban Precincts and Partnerships Program (local governments eligible to apply) • \$120 million Black Spot Program • Additional \$13.5 million round of the Remote Airstrip Upgrade Program • \$236 million over 10 years for flood warning infrastructure (rain gauges) • \$10 million for a national waste education campaign. Other subjects addressed were NSW Housing Affordability Reforms, Growing Regions Grants, Disaster recovery Funding, New Bank Closure Protocols, and National General Assembly. A copy of the report was included in the business paper.

RESOLVED That the report be noted

Moved Lachlan Shire Council Mayor, Councillor John Medcalf
Seconded Parkes Shire Council Mayor, Councillor Ken Keith

8. LGNSW Update Report

Cr Darriea Turley, President, provided up to date advice regarding the ESL subsidy advising that the subsidy was not allocated this year and a review of the models are to be undertaken. Cr Turley requested Councils to write to their local members and the Minister. The report covered Emergency Services Levy, Red Fleet Update and the IPART Review of Rate Peg Methodology NSW State Election, Cost Shifting Survey, Federal Budget with NSW to Receive \$951.4Million in Financial Assistance Grants and other assistance with Local Roads and Community Infrastructure Program, Skills, Aged Care, Flood and River Gauges, Rental Assistance and Sustainable Urban Development. A copy of the report was included in the business paper.

Resolved That the report be noted

Moved Forbes Shire Council Mayor, Councillor Phyllis Miller
Seconded Tamworth Regional Council Mayor, Councillor Russell Webb

9. Membership

RESOLVED that Bogan Shire Council, Greater Hume Shire Council and MidCoast Council be admitted as members of the Association.

Moved Forbes Shire Council Mayor, Councillor Phyllis Miller
Seconded Muswellbrook Shire Council Mayor, Councillor Steve Reynolds

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 21 JUNE 2023**

Membership pins were presented to the new members admitted at the 9 March meeting and this meeting and to other members that had not received them.

10. Retirement of Mr Gary Lavell, General Manager, Temora Shire Council

Deputy Chairman Cr Rick Firman thanked Mr Lavell who retires on the 30 June, for his 28 years of service to Temora Shire Council and for his contribution to the Country Mayors Association.

11. Correspondence

Outward

Mr Andrew Clennell, Sky News Political Reporter	Thanking for being master of ceremonies at the "Meet the Leaders Forum" on the 21 February 2023
Cr Neil Smith, Mayor, Junee Shire Council	Advising that Junee Shire Councils application for membership was approved at the General meeting held on the 9 March 2023
Cr Steven Reynolds, Mayor Muswellbrook Shire Council	Advising that Muswellbrook Shire Councils application for membership was approved at the General meeting held on the 9 March 2023
Cr Barry Holman, Mayor, Bourke Shire Council	Advising that Bourke Shire Councils application for membership was approved at the General meeting held on the 9 March 2023
Cr Nuatali, Lord Mayor, Newcastle City Council	Thanking her for hosting the welcome function on the 8 March 2023 and updating her on Newcastle's application for associate membership of the Country Mayors Association
Mr Craig Carmody, Chief Executive Officer, Port of Newcastle	Thanking him for hosting the Country Mayors meeting on the 9 March 2023 and updating him on the Port of Newcastle's application for associate membership of the Country Mayors Association
The Hon Chris Minns MP, Premier	Congratulating him on his elevation to the position of Premier and offering an open invitation to address our members at future meetings
The Hon Timothy Crakanthorp MP, Minister for Skills, TAFE, and Tertiary Education, The Hon Daniel Mookhay MLC, Treasurer, The Hon Jenny Aitchison MP, Minister for Regional Transport and Roads, The Hon Ron Hoenig MP, Minister for Local Government, The Hon Rose Jackson MLC,	Congratulating them on their elevation to the Ministry outlining the CMA's priorities and offering an opportunity to address our members at a future meeting

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**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 21 JUNE 2023**

<p>Minister for Water, Housing, Homelessness, Mental Health, and Youth, The Hon Ryan Park MP, Minister for Health and Regional Health, and The Hon Tara Moriarty MLC, Minister for Agriculture, Regional NSW and Western NSW</p>	
<p>Department of Fair Trading</p>	<p>Notifying them of the change to the Constitution to create the position of Immediate Past Chairman</p>
<p>The Hon Damien Tudehope, MLC, Shadow Minister for Industrial Relations and Treasurer, The Hon Dugald Saunders MP, Leader of the Nationals, Shadow Minister for Regional NSW, Ms Eleni Petinos MP, Shadow Minister for Finance and Sport, Mr Gurmeh Singh MP, Shadow Minister for Tourism, Emergency Services and North Coast, The Hon James Griffin MP, Shadow Minister for Energy and Climate Change, Customer Service and Digital Government. The Justin Clancy MP, Shadow Minister for Skills, TAFE and Tertiary Education, Ms Kellie Sloane MP, Shadow Minister for Environment, The Hon Kevin Anderson MP, Shadow Minister for</p>	<p>Congratulating them on their elevation to the Shadow Ministry outlining the CMA's priorities and offering an opportunity to address our members at a future meeting</p>

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 21 JUNE 2023**

<p>Gaming, Racing, Arts and Heritage, The Hon Leslie Williams MP, Shadow Minister for Women, Mr Mark Coure MP, Shadow Minister for Multiculturalism, The Hon Mark Speakman MP, Opposition Leader, Leader of the Liberals, Mr Mark Taylor MP, Shadow Minister for Corrections and Western Sydney, The Hon Matt Kean MP, Shadow Minister for Health, The Hon Natalie Ward MLC, Shadow Minister for Transport and Roads, The Hon Natasha Maclaren-Jones MLC, Shadow Minister for Families and Communities, Disability Inclusion, Homelessness and Youth, The Hon Paul Toole MP, Shadow Minister for Police, Ms Robyn Preston MP, Shadow Minister for Mental Health and Medical Research, The Hon Sam Faraway MLC, Shadow Minister for Regional Transport and Roads, The Hon Sarah Mitchell MLC, Shadow Minister for Education and Early Learning and Western NSW, The Hon Scott Farlow MLC, Shadow Minister for Planning</p>	
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**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 21 JUNE 2023**

and Public Spaces, Housing, Cities, Hunter and the Central Coast, The Hon Steph Cooke MP, Shadow Minister for Water and Crown Lands, Mr Tim James MP, Shadow Minister for Fair Trading, Work Health and Safety and Building, The Hon Wendy Tuckerman MP, Shadow Minister for Local Government and Small Business, The Hon Aileen MacDonald MLC, Shadow Minister for Youth Justice, The Hon Alister Henskens MP, Shadow Attorney General, The Hon Bronnie Taylor MLC, Shadow Minister for Regional Health, Trade and Seniors.	
Mr Phillip Donato MP, Member for Orange	Congratulating him on his election to State Parliament and seeking a meeting with him on the 25 May 2023
The Hon Yasmin Catley MP, Minister for Police and Counter- terrorism	Congratulating her on her appointment as Minister for Police and Counter-terrorism and seeking a meeting with her on the 25 May 2023
Mr Roy Butler MP, Member for Barwon	Congratulating him on his election to State Parliament and seeking a meeting with him on the 25 May 2023

Inward

Department of Fair Trading	Advising that the changes to the Constitution having the Immediate Past Chairman as a member of the Executive Committee has been registered
Mr Greg Warren MP, Shadow Minister for Local Government, Shadow Minister for Veterans Affairs, and	Regarding the CMA priorities for the next election (Copy Attached)

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 21 JUNE 2023**

Shadow Minister for Western Sydney	
Mr Robert Borsak MLC, Shooters and Fishers and Farmers Party NSW	Advising that they will hold the Government to account regarding Regional NSW (Copy Attached)

Media Releases

Regional NSW Doing the Heavy Lifting
Local Government March to the Wall

RESOLVED THAT THE INFORMATION BE NOTED

Moved Kyogle Council Mayor, Councillor Kylie Thomas
Seconded Mayor, Councillor

12. FINANCIAL REPORT

RESOLVED That the financial reports for the last quarter were tabled and accepted

Moved Weddin Shire Council Mayor, Councillor Craig Bembrick
Seconded Junee Shire Council Mayor, Councillor Neil Smith

13. The Hon Rose Jackson MLC, Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth and Minister for the North Coast

The Minister hoped that this meeting would be the start of ongoing conversations with Country Mayors. She undertook to give clear and honest and direct answers to matters referred to her. Collaboration can be fruitful between government and councils. Water authorities are aware that councils in regional and rural areas are water utilities and need support through a partnership with the government and state water authorities, based on honesty to provide a more reliable water supply. The government wishes to lift the quality of town water supplies. Housing shortages particularly housing for key workers needs to be addressed. If any council has land that can be developed for housing please lets talk.

The Hon Jenny Aitchison MP, Minister for Regional Transport and Roads

The Minister has already had meetings with several councils. Integrated plans that look at people first are important. Reclassifications of roads is a great opportunity. Unfortunately in 2019 it was unfunded and in some cases councils have had to wait up to 8 years for their reclassification. Things have now moved on. Disaster Recovery funding has changed the way councils are looking at reclassifications so priorities are changing. The Government wants to give councils the cash now rather than having to wait. The city was getting \$5 for every \$1 that the country was getting in road funding. This has now been addressed and regional NSW will be getting double what it is now plus emergency repair funds.

Dr Michael Holland MP, Parliamentary Secretary for Health and Regional Health

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AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 21 JUNE 2023

Closing the gap for aboriginal health regional health is a priority. The NSW Government is committed to regional NSW and wants it to have parity with metropolitan areas. Dr John McGirr MP has been appointed Chairman of a select committee to oversee Rural Health Inquiry recommendations and the financial implications. The Health workforce is a high priority with the intention of employing 1,200 additional nurses and 500 paramedics. Those studying Health Care Degrees can receive a \$4000 subsidy per year for 4 years providing they comply with work requirements. The threat of workforce burnout is real and a taskforce has been established and has commenced work looking at the needs of health staff. Access to health care has improved using technology in country areas. The Rural Generalist Service supports country GP's.

The presentations were followed by Question and Answers from members

14. Carmel Donnelly, Chair, IPART

The Ratepayer Review Terms of Reference commenced 30 August 2022, followed by an issues paper and workshops with a draft report due early June 2023 and a final report to the Minister in August 2023. There have been 96 submissions and 2881 resident/ratepayer respondents. Council feedback has included abolishing rate pegging, current model doesn't support council financial sustainability, labour cost changes should be based on the Local Government award and other suggestions. Ratepayer submissions included affordability and cost of living and Councils financial affordability, and Councils financial management and efficiency. Affordability of rates is the most important consideration and residents have positive views about the services provided by councils. Council technical workshops propose the rate peg should include change in base costs, population factor, ESL factor, productivity factor and other adjustments which IPART are looking at as options.

15. The Hon Dugald Saunders MP, Leader of the Nationals, Shadow Minister for Regional NSW, Shadow Minister for Agriculture and Natural Resources

The leader of the Nationals introduced his Shadow Minister Team who are representing NSW on the cost of government. Funds committed by the previous Coalition Government are unspent and still available and the opposition is working to keep those funds for the purpose for which they were allocated. They are putting the money where their mouth is.

The Hon Sam Farraway MLC, Shadow Minister for Regional Transport and Roads

The Coalitions top commitment is the state of the roads and in opposition they want to highlight what programs should be continued and not be diverted. The Minister this morning did not mention betterment. The Coalition in Government had significantly more funds allocated to regional NSW including \$1.6billion to improve the road system, compared to the current government. It is understood that the Seniors Travel Card and Regional Apprenticeship and University Travel Card will be chopped in the September budget.

The Hon Steph Cooke MP, Shadow Minister for Water, and Shadow Minister for Crown Lands

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AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 21 JUNE 2023

Hosted 5 Cootamundra summits which has helped her to understand the Local Government sector. The Government has introduced an amendment to the Sydney Water Act and regional and rural NSW's 1.8 million water customers have been left out. Water NSW was also left out of the proposed legislation. The Opposition is now putting forward a number of amendments and the legislation has currently been removed. Water infrastructure and water planning is being deferred. It is critical that funding be provided for water services projects. A lot of work on priorities for Crown Land needs to be done.

The presentations were followed by Question and Answers from members

15. Scholarship Program Update

RESOLVED That the amended Scholarship program be adopted

1. The NSW CMA Scholarship be allocated to the finalist Runner-up Council of the A R Bluett Memorial Award Winner (Rural/Regional Category)
2. Implement for 2023 at November AGM
3. The Council must be a current, Financial Member of NSW CMA
4. In the first year, that a \$5,000 Scholarship be offered to a Trainee/Apprentice/Degree of a Member Council (NSW CMA) amplifying the 'Grow our Own' Staff position NSW CMA Members have.
5. This Scholarship would assist with expenses such as accommodation, tools, textbooks, travel, and other relevant costs associated with their TAFE, University or similar courses relating to their employment at their respective member Council.
6. Scholarship funds will be presented in full to the recipient at the AGM in November.
7. Should the Runner Up of the Bluett Award not be a current financial member of NSW CMA, they be given the opportunity to join (enhancing membership numbers).
8. The inaugural Scholarship be funded out of NSW CMA reserves. Subsequent years, to be determined (eg: special Scholarship Levy added to existing membership fee)
- 9.. A Special Plaque to be presented, acknowledging the Scholarship Recipient (NSW CMA logo, Recipient's name and date etc). The Recipient would also present to the NSW CMA Members about their career and how the funds may assist. Further, the Recipient to be invited back at another future meeting of NSW CMA, to present a written report to the Members, on how the Scholarship actually assisted them during the year. This places responsibility on the Recipient and should only enhance the Members commitment to continuing with the concept of awarding a Scholarship.
10. It is expected that the Runner-up Council will pay for the travel accommodation costs associated with the scholarship recipient to attend appropriate meetings of the Country Mayors Association.
11. A caveat be placed on the Scholarship Recipient that if the Recipient discontinues their course/s, the Scholarship ceases, effective at the time of advice. If they discontinue studies within six months from presentation of scholarship unexpended funds to be returned to CMA.

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**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 21 JUNE 2023**

12. The Scholarship Sub-Committee conducts a review, after the first year of awarding a Scholarship and make recommendations to the Executive and members on potential improvements/restructuring that may be required

Moved Forbes Shire Mayor, Councillor Phyllis Miller
Seconder Parkes Shire Council Mayor, Councillor Ken Keith

16. Aligning Membership Criteria of CMA with LGNSW

A MOTION was moved by Forbes Shire Council seconded by Singleton Council that the CMA membership be aligned with the LGNSW Regional and Rural membership.

The motion was LOST

17. Country Mayors Association Associate Members

RESOLVED That the following new clauses be added to the Constitution
6. Those Councils, for Profit Organisations and not for Profit Organisations that are not eligible under clause 3 and 3a. Clause 4 conditions apply to obtain Associate Membership

7. Associate Members will not have voting rights at Annual General Meetings or at any other time a membership vote is taken

8. Associate Members will be encouraged to attend, Annual General Meetings, forums, study tours and any other events that promote CMA's objectives

Clause 10 be amended by the inclusion of the words "Associate Membership of for Profit Organisations shall be set at 200% of the full fee and not for Profit Organisations shall be set at 75% of the full fee" after the words "full fee in line four"

Moved Parkes Shire Council Mayor, Councillor Ken Keith
Seconded Singleton Council Mayor, Councillor Sue Moore

18. Rural Councils Victoria Forum Echuca 14 July

Rural Councils Victoria have extended an invitation to the Chairman and Deputy Chairman to attend their Forum at Echuca as complimentary Guests. The Executive Committee have resolved that any costs incurred be paid by the CMA

RESOLVED That the information be noted

Moved Junee Shire Mayor, Councillor Neil Smith
Seconded Muswellbrook Shire Council Mayor, Councillor Steve Reynolds

19. Review of Pensioner Rebate Subsidy

RESOLVED That the Country Mayors Association advocate to the State Government for a more realistic and timely indexing process for pensioner concessions and rebates to assist pensioners in paying their Council rates and

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**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 21 JUNE 2023**

charges. This advocacy is to include increased funding support from the State Government for the cost of providing pensioner rebates

Moved Ballina Shire Council Mayor, Councillor Sharon Cadwallader
Seconded Muswellbrook Shire Council Mayor, Councillor Steve Reynolds

20. Daylight Saving

RESOLVED That Day Light Saving be reduced to four months of the year starting on the first weekend in November and finishing in the last weekend in February to be implemented no later than November 2023.

Moved Lachan Shire Council Mayor, Councillor John Medcalf
Seconded Kyogle Council Mayor, Councillor Kylie Thomas

21. Gifts for Future Presenters

The Executive Committee has received quotations for the supply of Country Mayors ties, scarf's and pens and has agreed to purchase 50 ties and scarf's at a cost of \$3,185.00 and 100 pens with logo and engraving for \$850.00. Invited guests will be offered a gift for attending our meetings and members are encouraged to purchase these items at cost.

RESOLVED that the information be noted

Moved Narromine Shire Council Mayor, Councillor Craig Davies
Seconded Kyogle Council Mayor, Councillor Kylie Thomas

22. The Accounting Treatment of RFS Assets

RESOLVED That the NSW Country Mayors Association

1. Confirms its strong position that local councils do not control RFS assets and therefore should not have to account for RFS assets in their financial statements
2. Rejects outright NSW Treasury's current policy position that the State Government does not control the RFS assets and that Local Government therefore does
3. Rejects and dismisses any argument that vesting under the RFS Act equates to control in terms of accounting standards (where 'substance over form' sees control in the accounting sense sitting squarely with the RFS)
4. Rejects outright the Auditor General's position that she must audit in accordance with Treasury's policy position instead of Australian Accounting standards, noting also that the AG is supposed to be independent of government, not a voice for government
5. Writes to the Premier of NSW and the NSW Parliamentary Accounts Committee to ask that they
 - (i). immediately investigate the basis behind all 40 Councils' qualified financial statements for YE 21/22 (especially given that nothing changed in YE 21/22 from prior years when absolutely NO Councils were qualified for having accounting policies that did not account for RFS assets), and

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(ii). Immediately investigate statutory remedies that enshrine in legislation the reality regarding control of RFS assets, being that RFS assets are entirely controlled by the NSW RFS.

Moved Leeton Shire Council Mayor, Councillor Tony Reneker
Seconded Lachlan Shire Council Mayor, Councillor John Medcalf

23. CMA November Meeting

CMA meeting dates are organized around Parliamentary sitting days. Our August meeting complies with those dates but the 3 November does not as the sitting days are the 21-23 November 2023

RESOLVED That the AGM and General Meeting in November be held on the 24 November 2023

Moved Forbes Shire Council Mayor, Councillor Phyllis Miller
Seconded Leeton Shire Council Mayor, Councillor Tony Reneker

24. Launch of Country Mayors Association Website

The Chairman advised that in accordance with the CMA resolution of the 9 March 2023 the website has now been developed and is online "nswcountrymayors.com.au" and invited all to connect. The Chairman walked through each of the tabs of Publications, Media, Events. Advocacy, Members, Annual Survey and Contacts. The website will be updated regularly.

25. Survey Results

The priority survey forwarded to members closed on Friday 19 May 2023. The results are as follows

Q1 - 90% of our members responded to the annual survey

Q2 - New top five issues as ranked by our members are;

1. Financial Sustainability
2. Housing
3. Labour Shortages
4. Transport and Roads
5. Health

Q3 - New top five emerging issues as ranked by our members

1. Planning
2. Disaster Preparedness
3. Renewable Energy
4. Water Security
5. Infrastructure – Crime, Law and Order

Q4 - At full value more than 2,000 positions vacant over 71 Regional Councils in NSW

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Q5 - 85% of our members that completed the survey have in the past two years or will within the next five years undertake a Special Rate Variation

Q6 - 39 responses to our request for further advocacy positions

26. Next Meeting

The date of the next meeting is scheduled for Friday, 4 August 2023

There being no further business the meeting closed at 1.26pm.

Cr Jamie Chaffey
Chairman Country Mayor's Association of NSW

10 MEETING CLOSURE