

AGENDA

Notice is hereby given that an Ordinary Meeting of Wingecarribee Shire Council will be held in the Council Chambers at Wingecarribee Shire Council Civic Centre, 68 Elizabeth Street, Moss Vale on:

Wednesday 11 December 2024 at 3.30pm

The Public Forum will commence at 3.00pm, subject to any registered speaker/s to items listed on this Agenda. Further information and details on the registration process can be found on Council's website, using the following link: [Public Forum Application Form | Wingecarribee Shire Council \(nsw.gov.au\)](#)

Lisa Miscamble
General Manager

We're with you

AGENDA

Ordinary Meeting of Council



We're with you

Wednesday 11 December 2024

Council Chambers, Wingecarribee Shire Council Civic Centre
68 Elizabeth Street, Moss Vale at 3:30 pm

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WEDNESDAY 11 DECEMBER 2024**

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Council Chambers

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Please ensure that all electronic devices including mobile phones are switched to silent.

The Council Chamber has 24 Hour Video Surveillance.

1 OPENING OF THE MEETING

The Mayor will open the meeting.

2 ACKNOWLEDGEMENT OF COUNTRY

“Wingecarribee Shire Council acknowledges the Gundungurra and Dharawal people as the Traditional Custodians of this land. I pay my respect to the Traditional Custodians, their Ancestors who cared for this Country for many thousands of years, and their Elders and descendants who continue to care for Country. I would also like to extend that respect to all Aboriginal and Torres Strait Islander peoples, including those here today.”

3 STATEMENT OF ETHICAL OBLIGATIONS

Councillors are reminded of the obligations conferred on them at the time of their appointment.

Councillors are to undertake the duties of the office of Councillor 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 their ability and judgement.

Councillors are 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 Wednesday 20 November 2024 (*MN 2024/317 to MN 2024/349*) inclusive, be noted 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 MAYORAL MINUTE

8 REPORTS

8.1 Privacy Management Plan - Draft for Public Exhibition

Report of: Warwick Lawrence
Governance Advisor

Authorised by: Shelley Jones
Director Corporate Strategy and Resourcing

PURPOSE

This report presents the draft Privacy Management Plan (PMP) and seeks Council's endorsement to place the draft Plan (at Attachment 1) on public exhibition.

OFFICER'S RECOMMENDATION

THAT:

- 1. Council endorse the draft Privacy Management Plan as included at Attachment 1 to this report to be placed on public exhibition for an extended period of 42 days.**
- 2. A further report be submitted to the 19 February 2025 Ordinary Council Meeting following conclusion of the public exhibition period.**

REPORT

BACKGROUND

Section 33 of the *Privacy and Personal Information Protection Act 1998* (PPIPA) requires Council to have a privacy management plan. The Office of Local Government (OLG) developed a "Model Plan" upon which the Draft Plan included in **Attachment 1** has been prepared.

DISCUSSION

Every NSW public sector agency is bound by the PPIPA and must prepare and implement a Privacy Management Plan (PMP).

The purpose of a PMP is to:

- ensure that the agency has identified how the requirements of the PPIP Act and the HRIP Act apply to the personal and health information that it manages
- explain the agency's functions and activities and the main types of personal or health information that the agency deals with to carry out those functions and activities
- explain the agency's strategies to comply with the PPIP Act and HRIP Act
- provide staff with the necessary knowledge and skills to manage personal and health information appropriately
- ensure that members of the public understand:
 - how to make a complaint or request an internal review if they consider that their privacy may have been breached

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- how to request access to their personal or health information or an amendment of that information to ensure that it is accurate
- encourage the agency to be transparent and accountable in how it manages personal and health information.

Council's current plan was prepared in 2013 and, although based on the OLG's Model Code, now requires substantial updates. A review of Council's PMP has now been completed using the Information and Privacy Commission's (IPC) guidance.

The draft PMP has been updated to reflect current branding, updated referencing to applicable legislation and information relating to data breaches. To ensure that the plan is kept up to date with local trends and relevant legislation, a provision to review the PMP every two (2) years has been included.

The newly developed PMP has been checked against each of the IPC's 66-point checklist to ensure that it is fully compliant with legislation.

It is intended to place the draft PMP on public exhibition and given that the plan will be on exhibition over the Christmas and New Year period it is proposed to extend the exhibition timeframe to 42 days and to invite submissions from the public prior to final adoption by Council.

At the end of the exhibition period a further report will be provided to Council addressing any submission received during the exhibition period prior to final adoption of the plan.

COUNCIL BUDGET IMPLICATIONS

There are no budgetary implications in relation to this report.

CONCLUSION

The draft Privacy Management Plan has been prepared using the relevant resources provided by the IPC and OLG and checked against a comprehensive list provided by the IPC. It is recommended that it be placed on public exhibition for 42 days. At the end of the consultation period the plan will be reported back to Council to address any submission received prior to adoption.

ATTACHMENTS

1. Draft Privacy Management Plan [8.1.1 - 27 pages]

8.2 Hampden Park Concept Masterplan - Draft Public Exhibition

Report of: Sara McGufficke
Recreational Planner

Authorised by: Clinton McAlister
Director Service and Project Delivery

PURPOSE

The purpose of this report is to seek Council approval for the Hampton Park Concept Masterplan to be placed on public exhibition for community feedback.

OFFICER'S RECOMMENDATION

THAT:

- 1. Council endorse the Hampden Park Concept Masterplan as included at Attachment 1 to this report to be placed on public exhibition for a period of twenty-eight (28) days.**
- 2. A further report be submitted to the 19 March 2025 Ordinary Council Meeting following the conclusion of the public exhibition period.**

REPORT

BACKGROUND

Hampden Park is centrally located within the village of Robertson. Hampden Park is currently a well-used community space for organised sport, play and passive recreation activities. The main sport facilities in the park are soccer, cricket and tennis, with an amenities building between the two large soccer fields. There is also a playspace, skate park and a half basketball court currently located on the south-eastern corner. Caalang Creek and the bushland on the northern corner provide a passive recreational walking track which connects to residential areas.

The Wingecarribee Shire Council's Community and Recreational Facilities Strategy (CRFS) was adopted in October 2023. The CRFS is a 20-year strategic document has been developed to guide and inform Council and the Community to plan, fund and deliver formal community and recreation facilities across the Shire. It contains a list of shire-wide and local precinct actions.

For the Robertson precinct (Precinct F), one action contained in the strategy is to "Prepare a concept plan for a combined skate park, pump track and basketball/multipurpose hardcourt facility at Hampden Park, Robertson."

The Robertson Village Place Plan (RVPP) was adopted in April 2024. The RVPP is a holistic place-based plan that has been developed in partnership with the community and addresses the housing, environmental, economic, social, and cultural needs of Robertson, both now and into the future. An action from the RVPP, as part of the Community and Place theme, was to 'Develop a Masterplan for Hampden Park to guide the development and activation of the reserve, and work with the community and industry to fast track its implementation (CP6)'.

The proposed masterplan incorporates the following actions from the RVPP.

- 2.2.4 Develop a scope of works to construct a shared path along Hoddle Street in front of Hampden Park up to Meryla Street as a priority.**

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5.2.4 Develop a Master Plan for Hampden Park to guide the development and activation of the reserve, and work with the community and industry to fast track its implementation.

DISCUSSION

From 16 September 2024 to 14 October 2024 Council conducted community consultation as the first step in developing a concept Masterplan for Hampden Park. Consultation actions undertaken included a Participate Wingecarribee page with an on-line survey and on-site meetings with key stakeholders including:

- Robertson Public School
- Robertson Soccer Club
- Robertson Community Association

From the consultation 19 submissions were received from 502 visits to the website. A summary of the community feedback is provided as **Attachment 2** with Robertson Community Association's submission as **Attachment 3**.

From both the on-line feedback received and meetings and communications with key stakeholders the following themes emerged from the consultation:

- **Play Facilities Upgrade:** Broad enthusiasm for a pump track, expanded skate park, and revitalised playground, including options for basketball, netball, and natural play areas to engage all age groups.
- **Enhanced Amenities: Requests for improved seating,** weather-protected tables, accessible pathways, a family friendly café, BBQ area, and upgraded restrooms closer to play areas.
- **Parking and Access:** Mixed opinions on adding hard parking areas, with some preferring current street parking while others suggest improved pathways and access points.
- **Dog-Friendly Spaces:** Interest in creating more areas suitable for dog-friendly activities.
- **Tourism & Community Benefit:** Support for positioning the park as an inviting stopover for travellers, enhancing Robertson's appeal with amenities similar to nearby parks like McDonald Park, to support both local and visitor engagement.
- **Emergency Resources:** A suggestion to include a designated sandbagging station with a sheltered concrete pad, lighting, and vehicle access for community emergency preparedness.

The development of the masterplan has been based on Council's review of the community and internal consultations, as well as relevant Council strategies that guide the development and implementation of community and recreational facilities within the Shire.

The Hampden Park Masterplan has been prepared to transform the park into a sustainable, accessible, and vibrant community and recreational hub. Key improvements focus on enhancing connectivity through new pathways that integrate with the existing track along Caalang Creek, creating a cohesive and accessible pedestrian network as well as providing bicycle parking in key locations to encourage more active transport use in the community.

The relocation of the playground and skate facilities in closer proximity to the existing pedestrian lights along Hoddle Street as well as to the existing public toilet block on site creates a more cohesive, safe, and usable facility.

Community-focused developments include new park signage and park amenities that reflects Robertson's heritage as well as upgraded recreational facilities. These enhancements, including a new skate park, pump track, multi-purpose court, as well as an inclusive playground that celebrates the unique natural environment of the site. These improvements aim to increase park usage and attract both locals and visitors, supporting Robertson's unique character as a lively, welcoming village.

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A copy of the draft Concept Masterplan recommended for public exhibition is provided as **Attachment 1**.

COUNCIL BUDGET IMPLICATIONS

The purpose of preparing masterplans for Council parks and sportsfields is to ensure that Council is applying a strategic mindset to the planning and utilisation of these spaces.

Without an adopted masterplan, decisions about provision of infrastructure are instead prone to be made on a reactive and rushed basis – which can lead to inconsistent and poor outcomes.

This masterplan therefore provides a pragmatic vision for Hampden Park and defines the infrastructure renewal and upgrade projects that Council will pursue. Items not included in the masterplan will not be pursued or supported by Council. Implementation of the masterplan will be primarily dependant on grant funding opportunities.

CONCLUSION

The Hampden Park Masterplan has been prepared to transform the park into a sustainable, accessible, and vibrant community and recreational hub. Key improvements focus on enhancing connectivity through new pathways that integrate with the existing track along Caalang Creek, creating a cohesive and accessible pedestrian network as well as providing bicycle parking in key locations to encourage more active transport use in the community.

It is recommended that Council place the Masterplan on Public Exhibition.

ATTACHMENTS

1. Draft Hampden Park Master Plan [**8.2.1** - 19 pages]
2. Hampden Park Masterplan Community Feedback Report [**8.2.2** - 5 pages]
3. Robertson CA submission to WSC re Hampden Park Concept Plan [**8.2.3** - 2 pages]

8.3 Local Orders Policy (Order 21) - Draft for Adoption

Report of: Barry Arthur
Manager Environment and Sustainability

Authorised by: Michael McCabe
Director Communities and Place

PURPOSE

To meet the requirements of the Local Government Act 1993 (the Act) a review of the Local Orders Policy (Order 21) (the draft Policy) was undertaken. The draft Policy was publicly exhibited and is recommended for adoption.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Adopt the Local Orders Policy (Order 21) as included in Attachment 1 to this report.**
- 2. Advise the people who made a submission of the outcome and thank them for their contribution.**

REPORT

BACKGROUND

Under the framework of the Act, the draft Policy underwent a scheduled review and requires re-adoption.

The draft Policy concerns land or premises not in a safe or healthy condition under the Act. An Order Number 21 can be issued to require an owner or occupier of land, to do, or refrain from doing, certain things to ensure the land or premises are placed or kept in a safe or healthy condition.

The draft Policy outlines the criteria that Council will consider when determining whether to issue an order, ensuring consistency and fairness for relevant compliance matters in the community.

At the Ordinary Council Meeting 17 July 2024, Council considered agenda item 9.8 which presented the draft Policy seeking endorsement for public exhibition. Refer to pages 234-245 of the following link for further details:

<https://www.wsc.nsw.gov.au/files/assets/public/v/1/council/meeting-minutes/2024/17-july-2024/agenda-ordinary-meeting-of-council-17-july-2024.pdf>

At the meeting Council resolved that:

- 1. Council endorse the Draft Local Orders Policy (Order 21) to be placed public exhibition for 42 days.*
- 2. A further report be submitted to Council following the conclusion of the public exhibition period.*

Refer to page 25 of the following link to view the Council resolution:

<https://www.wsc.nsw.gov.au/files/assets/public/v/1/council/meeting-minutes/2024/17-july-2024/draft-minutes-ordinary-meeting-of-council-17-july-2024.pdf>

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REVIEW OF SUBMISSIONS TO THE DRAFT LOCAL ORDERS POLICY (ORDER 21)

The draft Policy was placed on public exhibition period between 22 July and 9 September 2024 via the Participate Wingecarribee page and Council's e-Newsletter.

The Participate Wingecarribee page was visited by 36 people with 42 views. There was a total of 11 downloads of the draft document. There was 1 follower and 1 contribution who provided comments via the page which has been considered and summarised in Table 1.

The one submission received during the public exhibition is provided in **Attachment 2** to this report.

Table 1.

Respondent details	Summary of submission	Response	Suggested change
C Roberts, Bowral	The submission generally supported the draft Policy. Raised the point that an "authorised officer" would need to give directions under the Order not just any employee.	The draft Policy currently makes reference to the staff carrying out the functions of the Policy, referring to delegated officers and authorised officers. The draft Policy currently states that, should it be necessary, the "order will be issued by the Manager Development Assessment and Regulation, or any other delegated officer". The draft Policy also states that it is an "authorised Council officer" that must observe and consider the relevant circumstances that may lead to an Order.	No Change is proposed as current references to authorised and delegated officers are included in the draft Policy.

The final version of the draft Policy is provided in **Attachment 1** to this report.

COUNCIL BUDGET IMPLICATIONS

There are no additional budget implications of the draft Policy as matters are currently administered via Council's Development Assessment and Regulation function.

CONCLUSION

The draft Policy is ready for adoption to meet the requirements of the Act.

ATTACHMENTS

1. Local Orders Policy Order 21 Final November 2024 [8.3.1 - 10 pages]
2. Submissions [8.3.2 - 2 pages]

8.4 Drinking Water Quality Policy – Draft for Adoption

Report of: Graeme Mellor
Manager Water Services

Authorised by: Clinton McAlister
Director Service and Project Delivery

PURPOSE

The purpose of this report is to seek councils' adoption of the Drinking Water Quality Policy (Policy). This policy is an integral element of Council's Drinking Water Management System (DWMS). The DWMS is a regulatory document that has been developed in conjunction with the Australian Drinking Water Guidelines (ADWG) framework and the Public Health Unit of NSW Ministry of Health.

OFFICER'S RECOMMENDATION

THAT Council adopt the updated Drinking Water Quality Policy.

REPORT

BACKGROUND

The NSW Public Health Act 2010 and Public Health Regulation 2022 requires the supplier of drinking water to develop and adhere to a quality assurance program. This is known as a DWMS.

Council initially developed its DWMS using the ADWG framework and in consultation with NSW Public Health Unit in 2014. The policy undergoes a regular review process as part of Council's commitment to the provision of safe drinking water to ensure it meets the strict requirements of NSW Health.

The DWMS contains twelve (12) elements which includes relevant policies, procedures and other supporting information for the safe supply of drinking water to residents and businesses in the Wingecarribee Shire from councils two Water Treatment Plants (WTP) and distributions networks.

DISCUSSION

One of the twelve (12) elements of the DWMS is to implement a Drinking Water Quality Policy that demonstrates Council's commitment to providing safe drinking water to the community.

The community can be reassured in Council's ability to supply high quality and safe drinking water to residents given it was recently awarded the 2024 IXOM best tasting tap water for NSW/ACT.

The last review of this policy was in 2021, it is now undergoing Council's regular 5-year review process.

The policy has been internally reviewed and found to be compliant with the requirements of the ADWG. Therefore, only minor changes to the policy are required that include updating legislation references, formatting into councils' latest style guide template and typographical corrections.

COUNCIL BUDGET IMPLICATIONS

There are no direct budget implications related to the adoption of this policy.

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CONCLUSION

The policy has been developed to demonstrate Council's ongoing commitment to supply safe drinking water to the community through its water treatment processes and distribution networks. The policy has been reviewed to support councils DWMS using the ADWG framework and is in alignment with NSW legislative requirements.

It is recommended that Council adopt the reviewed policy as attached to this report.

ATTACHMENTS

1. Drinking Water Policy 2024 - Draft for Adoption [8.4.1 - 7 pages]

8.5 Pesticide Use Notification Plan - Draft for Adoption

Report of: Barry Arthur
Manager Environment and Sustainability

Authorised by: Michael McCabe
Director Communities and Place

PURPOSE

To meet the requirements of the Pesticides Regulation 2017 (the Regulation), a review of Council's Pesticide Use Notification Plan (the draft Plan) was undertaken. The draft Plan was publicly exhibited and is recommended for adoption.

OFFICER'S RECOMMENDATION

THAT Council adopt the Pesticide Use Notification Plan as included in Attachment 1 to this report.

REPORT

BACKGROUND

Under the framework of the Regulation, the draft Plan underwent a scheduled review and requires adoption.

At the Extraordinary Meeting of Council on 26 June 2024, Council considered agenda item 9.4 which detailed the draft Plan seeking endorsement for public exhibition. Refer to pages 45-63 of the following link for full details:

<https://www.wsc.nsw.gov.au/files/assets/public/v/2/council/meeting-minutes/2024/26-june-2024/agenda-extraordinary-meeting-of-council-26-june-2024.pdf>

At the meeting, Council resolved that:

1. Council endorse the draft Pesticides Use Notification Plan at Attachment 1 to be placed on public exhibition for 28 days.
2. A further report be submitted to Council following the conclusion of the public exhibition period.

Refer to page 16 of the following link to view the Council resolution:

<https://www.wsc.nsw.gov.au/files/assets/public/v/2/council/meeting-minutes/2024/26-june-2024/draft-minutes-extraordinary-meeting-of-council-26-june-2024.pdf>

Council is required to have a Pesticide Use Notification Plan for the use of pesticides in outdoor public places. The draft Plan aims to meet the community's general right to be made aware of pesticides applied to public places and to allow the community to make informed decisions to avoid contact with pesticides.

REVIEW OF SUBMISSIONS TO THE PESTICIDES USE NOTIFICATION PLAN

The draft Plan was placed on public exhibition period between 24 June and 2 August 2024 via the Participate Wingecarribee page and Council's e-Newsletter.

The Participate Wingecarribee page was visited by 63 people with 66 views. There was a total of 17 downloads of the draft document. No submissions were received during this period.

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The post exhibition report is provided in **Attachment 2** to this report.

COUNCIL BUDGET IMPLICATIONS

There is no budget implications associated with the adoption of the draft Plan.

CONCLUSION

A review of Council's Pesticide Use Notification Plan has been undertaken and the draft Plan has been placed on public exhibition. It is recommended that the Plan at **Attachment 1** be adopted in line with the *Pesticides Regulation 2017*.

ATTACHMENTS

1. 2024 Draft Pesticide Use Notification Plan [**8.5.1** - 14 pages]
2. Engagement Overview - Report [**8.5.2** - 5 pages]

8.6 Draft Voluntary Planning Agreements Policy for Adoption

Report of: **Jacob Hatch**
Contributions Advisor

Authorised by: **Deniz Kilic**
Executive Manager Strategic Outcomes

PURPOSE

This report provides Council with the submissions received during the public exhibition period of the *draft Voluntary Planning Agreements Policy (draft VPA Policy)*, how the submissions have been addressed and determine whether any amendments are required.

As the submissions raised during the public exhibition period have been adequately addressed, it is recommended that Council adopt the draft VPA Policy. The VPA Policy would commence on the date of adoption and made available on Council's website.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Note the results of the community consultation of the draft Voluntary Planning Agreements Policy.**
- 2. Adopt the amended Voluntary Planning Agreements Policy with the recommended changes.**

REPORT

BACKGROUND

The draft Voluntary Planning Agreements Policy (the VPA Policy) outlines Council's requirements for the negotiation, preparation and procedures relating to the use of Planning Agreements. An updated Policy is required to reflect changes that have been implemented since the former Policy was created in 2005. These statutory changes since 2005 include:

- Updated references to the *Environmental Planning and Assessment Regulation 2021*
- Planning Agreements Practice Note (February 2021) (DPHI)
- Planning Circular PS21-002 Reporting and accounting requirements for infrastructure contributions

The draft Policy has been developed through reviewing Council's existing policy with reference to the Practice Note and with reference to VPA policies from other NSW Councils which are considered to be best practice.

The purpose of the draft Policy is to establish a framework, policies and procedures which Council will apply to guide the use and negotiation of Planning Agreements by Wingecarribee Shire Council, in keeping with the provisions of the Act, the *EP&A Regulation 2021* and the Practice Note.

This Policy applies to Planning Agreements that Council may enter into with a person which requests changes to an environmental planning instrument (such as the Wingecarribee Local Environmental Plan 2010) or has made or proposes to make a development application or application for a complying development certificate, within the Wingecarribee local government area. The person may or may not be the landowner, and a Planning Agreement can be entered into with a person who has an arrangement with the Developer.

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Planning Agreements are by their very nature entirely voluntary, and Council would not enter into a Planning Agreement unless there is a clear demonstration of net public benefit when compared to the alternate outcome arising from a Section 7.11 Contributions Plan.

The proposed Policy will replace the *Planning Agreements Policy 2005*, following its adoption.

The Policy will be reviewed every 2 years, following the election of a new Council, or as required by legislation.

DISCUSSION

The draft Voluntary Planning Agreements Policy (draft VPA Policy) was presented to the Local Planning Panel meeting on 5 July 2024 (Item 5.3).

At this meeting, the Local Planning Panel resolved to:

- Endorse the draft VPA Policy for public exhibition for a period of 28 days; and
- Consider a further report at the conclusion of the exhibition period.

At the Ordinary Council Meeting held on 17 July 2024 (Item 8.6) Council noted the Local Planning Panel's advice and resolved to progress the draft VPA Policy to public exhibition, with the outcomes to be reported back to Council.

A summary of the timing of the seven (7) submissions being received relating to the draft VPA Policy are outlined in the table below and further addressed in the 'public exhibition' section of this report.

Table 1. Summary of exhibition period and submissions

Timing	Key milestone	Submissions
4 July 2024	Prior to the consideration of the draft VPA policy by the Local Planning Panel & Council	Four (4) submissions discussing the same issues were received.
22 July to 19 August 2024	Initial exhibition period	Two (2) submissions
18 September to 18 October 2024	Re-exhibition period Following the initial public exhibition period minor amendments were made to the draft VPA policy to address a Council resolution from 14 December 2022 regarding VPA's in lieu of Public Carparking. Following Council's resolution on 17 July 2024 and the amendments made to include Clause 9A in the draft VPA Policy, the draft VPA Policy was re-exhibited.	One (1) submission

Inclusion of Clause 9A for 'VPA's in Lieu of Public Carparking'

On 14 December 2022, Council considered the introduction of a car parking contributions scheme for the Bowral Town Centre to allow for new commercial development to pay a monetary contribution for car parking, in lieu of providing parking on site (Item 8.2).

In line with resolution 8.2, Council resolved to prepare a template VPA for car parking contributions in the Bowral Town Centre.

Council staff have subsequently engaged consultants (Astrolabe and Lindsay Taylor Lawyers) to commence drafting a template VPA for this purpose.

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To support the drafting of the template VPA, Council staff have also requested that the draft VPA Policy be amended to include generic provisions (with reference to the Bowral town centre) for the consideration of Council entering a VPA for monetary contributions in lieu of the provision of carparking. The benefit of this approach is that Council can add additional areas in future if required.

The draft VPA Policy was then re-exhibited with these provisions included for a period of 28 days from 18 September to 18 October 2024.

Public exhibition

Prior to and during the public exhibition periods a total of eight (8) submissions were received. Of the seven (7) submissions received, four (4) responded to the same issues.

The table below provides a summary of the issues raised in the submissions and a response where necessary.

Table 2. Response to submissions

#	Submission	Staff response
K Firth – Moss Vale		
1	This submission was broadly supportive of the VPA policy however requested to amend Clause 9A of the VPA Policy to include Moss Vale, Mittagong and Bowral.	Provisions were included in Clause 9A of the VPA policy to address the provision of monetary contributions in lieu of carparking within the Bowral Town Centre. There is scope to amend Clause 9A to apply to Moss Vale and Mittagong in future if necessary.
Dickson – No locality specified		
2.1	Defer consideration of the Draft VPA Policy until the 24 July 2024 Local Planning Panel meeting	The draft VPA policy was presented to the Local Planning Panel followed by the Council meeting.
2.2	Amend the definition of ‘public amenities or public services’ to include ‘water supply and sewerage services’	‘Water supply and sewerage are not listed as a public purpose in Section 7.4 (2) of the EP&A Act. Contributions towards water supply and/or sewerage however are a requirement of development consent and are collected for under Council’s Development Servicing Plans (DSPs). Therefore, it is not recommended for this to be included in the VPA policy, to avoid duplication.
2.3	Amend the policy to capture the future effects of a development including but not limited to the unforeseen consequences of the development on the community, ecology, hydrology, water quality and flood mitigation.	‘ <i>Conservation or enhancement of the natural environment</i> ’ is listed as a public purpose in Section 7.4 (2) of the EP&A Act. Inclusion of this in the draft VPA policy would be appropriate to address the submission. The draft VPA policy has been amended to include this in section 6 ‘Overview of Planning Agreements’.
2.4	The draft VPA policy does not refer to	The draft VPA policy refers to the DPHI’s

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#	Submission	Staff response
	the current draft Practice note issued by the Department of Planning, Housing and Industry (DPHI).	<p>adopted Planning Agreement Practice Note released in February 2021.</p> <p>As the revised Departmental practice note is still under draft and not yet adopted, there are no changes to the subject policy recommended. If DPHI endorse their revised practice note, Council should consider amending the policy for consistency.</p>
N Pearce, A Stacey, M Ayling, P Fischer - Burradoo		
3.1-11	A range of matters raised in relation to the exhibition period and representations made to postpone exhibition period.	Issues raised not relevant to content of policy. This is a shire wide draft policy that all Councils are required to have in place. It is not about a specific precinct or development.
3.12	The public exhibition period for the draft VPA policy should be longer than 28 days to align with the exhibition period for the Master Plan and Servicing Strategy for the Bowral South New Living Area (NLA).	<p>There is no requirement for the public notification of a draft VPA policy.</p> <p>The draft VPA policy has been notified in line with the public notification period for a VPA as legislated in the EP&A Act 1979. The draft VPA policy was also re-exhibited as a result of the inclusion of Clause 9A.</p>
3.13	<p>In February 2023, Council resolved for Council staff to work with Bowral South landowners to identify the infrastructure requirements for this NLA.</p> <p>The submission specifically refers further to the Special Infrastructure Contributions (SIC) practice note, Bowral South infrastructure requirements and Section 7.11 / VPA approach.</p>	<p><u>SIC Practice Note</u></p> <p>WSC is not located on land to which the SIC or the new Housing and Productivity Contribution (HPC) applies and therefore is not relevant.</p> <p><u>Bowral South Infrastructure requirements</u></p> <p>The infrastructure requirements for Bowral South are being worked through as part of a master planning and subsequent rezoning process.</p> <p><u>Section 7.11 / VPAs</u></p> <p>s7.11 Plans are appropriate for land where there are multiple landowners rather than a VPA. As such, WSC intends to proceed to prepare a s7.11 plan for the Bowral South NLA.</p>
3.14	Issues raised in respect of the Bowral South NLA Master Plan	Comments raised not relevant to draft VPA policy.
3.15	Comments raised regarding the quality of the drafting and similarities of the policy to the Inner West VPA policy in respect of value uplift.	<p>Council engaged Astrolabe to prepare the draft VPA policy.</p> <p>Value uplift was omitted from the draft VPA policy as the current Practice Note</p>

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#	Submission	Staff response
		<p>states that agreements “<i>should not be used to capture land value uplift as a result of rezonings</i>”.</p> <p>As such, Council is relying on the current practice note as its position on land value uplift. Irrespective, the focus of the draft VPA policy is to ensure that Council is securing a VPA which proposes public benefit.</p>
3.16	<p>Comments raised around the following public purposes being addressed in the draft VPA policy:</p> <ol style="list-style-type: none"> 1. Conservation or enhancement of the natural environment 2. Water supply or sewerage services 3. Land value uplift 	<ol style="list-style-type: none"> 1. See comment 2.3 2. See comment 2.2 3. See comment 3.15
M Saywell – No locality specified		
4.1	Need for inclusion of provisions for land value uplift	See comment 3.15
4.2	Comments raised about why there is not a need for a VPA in relation to the Bowral South NLA	<p>Council is intending to prepare a Contributions Plan to support the Bowral South NLA.</p> <p>Typically, Contributions Plans are a more appropriate mechanism than a VPA when there are multiple landowners within a precinct. As such, it is intended that the Contributions Plan to be prepared for the Bowral South NLA will identify the required infrastructure to support development in the precinct.</p>
4.3	Dam safety upgrades / emergency management arrangements	Not relevant to policy

Minor amendment to the VPA Policy

In response to the public submissions raised during the exhibition period, an amendment to Section 6 of the VPA Policy was made to reference an additional public benefit that can be secured through entering a VPA.

As such, Section 6 of the VPA Policy was updated to include ‘*conservation or enhancement of the natural environment*’ as a listed public benefit. By adding this item as a public benefit, it maintains consistency with the public purposes/benefits listed in Section 7.4 (2) of the Environmental Planning and Assessment Act 1979.

This amendment is considered minor in nature and therefore it is recommended that Council adopt the revised VPA Policy in its form without the need for re-exhibition of these changes.

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COUNCIL BUDGET IMPLICATIONS

Funds obtained through the operation of VPAs contribute to Council's financial resource base and thereby positively impact budget.

Any funds that are collected from a Voluntary Planning Agreement will be maintained in a register and funds restricted to a VPA reserve and released in line with the terms of the Voluntary Planning Agreement.

CONCLUSION

The adoption of a Voluntary Planning Agreements Policy, will establish a framework, policies and procedures which Council will apply to guide the use and negotiation of Planning Agreements by Wingecarribee Shire Council, in keeping with the provisions of the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021* and the current Practice Note (2021) and draft Practice Note.

As Planning Agreements are voluntary in nature the revisions made will also ensure best practice when Council is considering, negotiating, and entering into a planning agreement with a developer to safeguard and protect the public interest and the integrity of the planning process. Given they are voluntary, there is nothing requiring Council to enter into the Planning Agreements and therefore the policy gives the framework for what Council may accept.

In addition, the Policy will include a standard template for the planning agreement and explanatory note, providing transparency and clarity on the process to be following by both the developer and Council.

ATTACHMENTS

1. Voluntary Planning Agreements Policy - Draft for Adoption [**8.6.1** - 27 pages]
2. Submissions - Voluntary Planning Agreements Policy - Draft for Adoption [**8.6.2** - 20 pages]

8.7 Community Engagement Strategy - Draft for Adoption

Report of: Kathryn Baget-Juleff
Manager Community Life and Libraries

Authorised by: Michael McCabe
Director Communities and Place

PURPOSE

The purpose of this report is for Council to adopt the Community Engagement Strategy (the draft Strategy). Community Engagement is defined as any process that involves the community in problem solving or decision making and uses community input to make better decisions.

As part of the Integrated Planning and Reporting (IP&R) Framework, the Local Government Act 1993 states Council must establish and implement a Community Engagement Strategy to support the development of all plans, policies, programs and key activities.

At the 30 October 2024 Council Meeting, Council resolved to place the draft Strategy on public exhibition for a period of 28 days which resulted in nineteen submissions being received.

OFFICER'S RECOMMENDATION

THAT Council adopt the Community Engagement Strategy.

REPORT

BACKGROUND

At the Council Meeting on 30 October 2024 Council resolved to:

1. *Endorse the Community Engagement Strategy for public exhibition for a period of twenty-eight (28) days calling for submissions.*

Refer to page 13 of the below link to view minutes which profile the Council report 8.2 resolution dated 30 October 2024:

<https://www.wsc.nsw.gov.au/files/assets/public/v/1/council/meeting-minutes/2024/30-october-2024-extraordinary/draft-minutes-extraordinary-meeting-of-council-30-october-2024.pdf>

Refer to page 35 of the below link to view Council report 8.2 dated 30 October 2024:

<https://www.wsc.nsw.gov.au/files/assets/public/v/1/council/meeting-minutes/2024/30-october-2024-extraordinary/agenda-extraordinary-meeting-of-council-30-october-2024.pdf>

The draft Strategy outlines Council's principles, commitments, levels and process for engagement to guide Council's elected members, staff and consultants when engaging with our community. The draft Strategy remains unchanged following the public exhibition period – refer Attachment 1.

Council is committed to providing a diverse range of opportunities for our community to share feedback and join the conversation on Council's projects and plans. Council has a responsibility to effectively plan engagement activities whilst keeping our community involved and informed about projects and the rationale for Council's decisions.

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The draft Strategy is about how Council involves the community and the scope of engagement across Council operations including major projects, policy and strategy development, service planning, area improvement planning, site specific projects and activities on Council owned or managed land. Community engagement does not necessarily mean achieving consensus.

The level of engagement will be determined on the level of impact and will reflect the International Association for Public Participation (IAP2) Spectrum of Public Participation, being:

- Inform: to provide the public with balanced and objective information to assist them in understanding the problem, alternative, opportunities and/or solutions.
- Consult: to obtain public feedback on analysis, alternatives and/or decisions.
- Involve: to work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
- Collaborate / Co-design: To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
- Empower: to place final decision making in the hands of the public.

Submissions and Council Officer Response

The draft Strategy was placed on public exhibition on Participate Wingecarribee from 31 October to 28 November 2024. Council received nineteen submissions (**Attachments 2 & 3**) which were both supportive and unsupportive of the draft Strategy. A staff response to each submission is provided in **Table 1**

It is highlighted that many of the submissions reference Council communication methods and that the draft Strategy does not specifically reference local traditional media. It is important to note that within the 2023/2024 financial year, Council invested in print and radio advertising to inform the community as per below (GST inclusive):

- Southern Highlands Express: \$17,111
- Australian Radio Network (2ST): \$26,354
- Australian Community Media (Southern Highlands News): \$7,567
- Fairfax Media Publications (Sydney Morning Herald): \$1,544
- Highlife Publishing: \$42,273 (Includes Tourism publication – Southern Highlands Escape)

This financial year, Council has continued to use local traditional media to inform the community and when identifying stakeholders for community engagement, determines best avenue to inform, engage and collaborate with the intended audience.

Table 1 – Submissions and Council Officer Response

Key Theme	Council Officer Response
<p>L. Gross, Braemar</p> <p>Does not support the Draft Community Engagement Strategy and notes:</p> <ul style="list-style-type: none"> - Document lacks specific details about how community consultations will be conducted - The terms “How We Engage” in the Strategy is too vague and does not provide the community with a clear understanding of the methods and channels that will be used - The Strategy fails to mention specific local media outlets including radio 	<p>Council agrees that clear and inclusive engagement is essential to building trust and fostering informed decision-making for our community. This ensures local needs and aspirations are reflected in Council’s plans and policies.</p> <p>Council is committed to implementing a robust and inclusive community engagement strategy. Steps Council currently undertakes in community engagement that address the concerns raised include:</p> <ul style="list-style-type: none"> - Using a range of methods to engage with the community, including in-person meetings, online surveys,

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Key Theme	Council Officer Response
<p>stations and local newspapers</p> <ul style="list-style-type: none"> - Improvements to the Strategy include further detailed consultation process, using traditional media and providing regular updates and feedback to the community 	<p>workshops, and targeted place-based outreach engagement and consultations.</p> <p>Where appropriate using local newspapers and radio stations to disseminate information about consultation opportunities and encourage participation. For example, when engaging with young people Council would use communication channels appropriate to that audience.</p> <ul style="list-style-type: none"> - Providing information in Councils Your Shire community e-newsletter and using social media to share updates about engagement and consultation opportunities. - Ensure that all communication materials and engagement activities are accessible and appropriate. - Provide regular updates on the progress of the engagement process of specific projects, including key findings and decisions through Participate Wingecarribee and Your Shire Community e-newsletter. - Council is further exploring innovative approaches, such as interactive mapping tools through the development of our Place Portal project, to reach a wider audience particularly communities located in our Shire villages.
<p>J. Swainston, Bowral</p> <p>Does not support the Draft Community Engagement Strategy, however in general agrees with the Strategy and further notes:</p> <ul style="list-style-type: none"> - Little information or analysis of media channels for diverse messaging needs is explored in the Strategy - Newspapers deliver a vital independent channel of communication on local issues, and this should be specifically identified in the Strategy - A disclosure of providing photographic services to Southern Highlands Express newspapers 	<p>Council acknowledges the role of local media outlets, including newspapers, play when informing and engaging the Wingecarribee Shire community.</p> <p>Council currently supports local journalism through providing community announcements and media releases to local media outlets, including newspapers, radio. Council has spent in 2023/2024 \$94,848.49 on print and radio advertising.</p> <p>This ensures our communication strategies reach a broad and diverse audience as we look forward to developing a broader Communications and Engagement Framework in 2025.</p>

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Key Theme	Council Officer Response
<p>D. White, Mittagong</p> <p>Does not support the Draft Community Engagement Strategy and notes:</p> <ul style="list-style-type: none"> - The Strategy needs more upfront community engagement including information and feedback sessions and gathering a group of randomly selected community members together to review this process 	<p>Council prioritises inclusive and iterative processes noted and believe this approach ensures our strategies are well informed by a wide range of perspectives to better serve the needs of the Wingecarribee Shire community.</p> <p>Council will be providing further engagement opportunities for the development of the Communications and Engagement Framework in 2025.</p> <p>Your feedback reinforces our commitment to this approach as we continue to refine our engagement strategies to ensure they are as effective and inclusive as possible.</p>
<p>C. King, Mittagong</p> <p>Does not support the Draft Community Engagement Strategy and notes:</p> <ul style="list-style-type: none"> - The Strategy only briefly mentions local media, newspaper or radio on page 10. - Local media outlets (both print and radio) are to be included in this Strategy. 	<p>Council acknowledges the role of local media outlets, including newspapers, play when informing and engaging the Wingecarribee Shire community.</p> <p>Council currently supports local journalism through providing community announcements and media releases to local media outlets, including newspapers, radio. Council has spent in 2023/2024 \$94,848.49 on print and radio advertising.</p> <p>This ensures our communication strategies reach a broad and diverse audience as we look forward to developing a broader Communications and Engagement Framework in 2025.</p>
<p>B. Horden, Moss Vale</p> <p>Supports the Draft Community Engagement Strategy and notes:</p> <ul style="list-style-type: none"> - Support for the Strategy, it's objectives and mixed methods to inform the community using social media, flyers, letters, advertisements and newsletters. - Concerns about New Residential Single Storey Dwellings will have no notification exhibition requirements (Page 20). 	<p>As per the 1st and 2nd row of Table 2 (page 20) of the draft Strategy:</p> <ul style="list-style-type: none"> - New Residential Single Storey Dwellings will not require notification whether it be a Complying Development Certificate (CDC) or Development Application (DA). - However, notification is still required for DAs for New Residential Single Storey Dwelling (and Residential alterations and additions) with change in ground level >600mm and not in an urban release area and has identifiable impacts on adjoining or adjacent properties in the opinion of a Council assessing officer.
<p>H. Fagan, Sutton Forest</p> <p>Does not support the Draft Community Engagement Strategy and notes:</p> <ul style="list-style-type: none"> - Does not agree that New Residential 	

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Key Theme	Council Officer Response
<p>Single Storey Dwellings will have no notification exhibition requirements (Page 20).</p> <ul style="list-style-type: none"> - All new DA's for a new residential dwelling should require notification 	
<p>A. Bell, Renwick</p> <p>Supports the Draft Community Engagement Strategy and notes:</p> <ul style="list-style-type: none"> - The hope that dissemination of information includes the local media as well as the internet 	<p>Council acknowledges the role of local media outlets, including newspapers, play when informing and engaging the Wingecarribee Shire community.</p> <p>Council currently supports local journalism through providing community announcements and media releases to local media outlets, including newspapers, radio. Council has spent in 2023/2024 \$94,848.49 on print and radio advertising.</p>
<p>C. McGuigan, Moss Vale</p> <p>Supports the Draft Community Engagement Strategy and notes:</p> <ul style="list-style-type: none"> - That Council should explore the purchase and installation of digital noticeboards in our towns and villages. As well as informing residents of events, activities, requests for engagement, these digital noticeboards could be used in times of emergency such as bushfires, flood events etc. They could also be used to generate income for Council via paid advertising. 	<p>Feedback received and noted.</p>
<p>P. Stevens, Balaclava</p> <p>Supports the Draft Community Engagement Strategy and notes:</p> <ul style="list-style-type: none"> - There are many excellent aspects of the Strategy and is fully supportive of the thrust of the document. - Concerned about the lack of traditional media used in engagement such as newspapers and radio - The physical public exhibition space in Council's libraries need to be improved and presented in a more dynamic and interesting manner. 	<p>Council acknowledges the role of local media outlets, including newspapers, play when informing and engaging the Wingecarribee Shire community.</p> <p>Council currently supports local journalism through providing community announcements and media releases to local media outlets, including newspapers, radio. Council has spent in 2023/2024 \$94,848.49 on print and radio advertising.</p> <p>Feedback regarding Council's library public exhibition space has been noted and recommendations will be made for physical improvement.</p>
<p>A. Dubber, Moss Vale</p> <p>Supports the Draft Community Engagement</p>	<p>Noted.</p>

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Key Theme	Council Officer Response
Strategy and notes no comments	
<p>T. Onisforou, Kangaloon</p> <p>Does not support the Draft Community Engagement Strategy and notes:</p> <ul style="list-style-type: none"> - Document lacks specific details about how community consultations will be conducted - The terms “How We Engage” in the Strategy is too vague and does not provide the community with a clear understanding of the methods and channels that will be used - The Strategy fails to mention specific local media outlets including radio stations and local newspapers - Improvements to the Strategy include further detailed consultation process, using traditional media and providing regular updates and feedback to the community 	<p>Council agrees that clear and inclusive engagement is essential to building trust and fostering informed decision-making for our community. This ensures local needs and aspirations are reflected in Council’s plans and policies.</p> <p>Council is committed to implementing a robust and inclusive community engagement strategy. Steps Council currently undertakes in community engagement that address the concerns raised include:</p> <ul style="list-style-type: none"> - Using a range of methods to engage with the community, including in-person meetings, online surveys, workshops, and targeted place-based outreach engagement and consultations. - Council acknowledges the role of local media outlets, including newspapers, play when informing and engaging the Wingecarribee Shire community. - Council currently supports local journalism by providing community announcements and media releases to local media outlets, including newspapers and radio. Council has spent in 2023/2024 \$94,848.49 on print and radio advertising. - Where appropriate using local newspapers and radio stations to disseminate information about consultation opportunities and encourage participation. For example, when engaging with young people Council would use communication channels appropriate to that audience. - Providing information in Councils Your Shire community newsletter and using social media to share updates about engagement and consultation opportunities - Ensure that all communication materials and engagement activities are accessible and appropriate - Provide regular updates on the progress of the engagement process of

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Key Theme	Council Officer Response
	<p>specific projects, including key findings and decisions through Participate Wingecarribee and Your Shire Community Newsletter.</p> <p>Council is further exploring innovative approaches, such as interactive mapping tools through the development of our Place Portal project, to reach a wider audience particularly communities located in our Shire villages.</p>
<p>G. Barnsley, Mittagong</p> <p>Does not support the Draft Community Engagement Strategy and notes:</p> <ul style="list-style-type: none"> - A vigorous and independent print media is an essential part of 'engagement 'between leaders and led. - Electronic communication is just one part of the solution, not the whole, and traditional means must be retained no matter what cost is incurred. 	<p>Council acknowledges the role of local media outlets, including newspapers, play when informing and engaging the Wingecarribee Shire community.</p> <p>Council currently supports local journalism by providing community announcements and media releases to local media outlets, including newspapers and radio. Council has spent in 2023/2024 \$94,848.49 on print and radio advertising.</p> <p>This ensures our communication strategies reach a broad and diverse audience as we look forward to developing a broader Communications and Engagement Framework in 2025.</p>
<p>D. Bruggeman, Wingello</p> <p>Does not support the Draft Community Engagement Strategy and notes:</p> <ul style="list-style-type: none"> - Online only is not enough 	<p>Council acknowledges the role of local media outlets, including newspapers, play when informing and engaging the Wingecarribee Shire community.</p> <p>Council currently supports local journalism by providing community announcements and media releases to local media outlets, including newspapers and radio. Council has spent in 2023/2024 \$94,848.49 on print and radio advertising.</p> <p>This ensures our communication strategies reach a broad and diverse audience as we look forward to developing a broader Communications and Engagement Framework in 2025.</p>
<p>T. Whitelaw</p> <p>Does not support the Draft Community Engagement Strategy and notes:</p> <ul style="list-style-type: none"> - The Strategy lacks specific details about how consultations will be conducted 	<p>Council acknowledges the role of local media outlets, including newspapers, play when informing and engaging the Wingecarribee Shire community.</p> <p>Council currently supports local journalism through providing community announcements</p>

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Key Theme	Council Officer Response
<ul style="list-style-type: none"> - The Strategy fails to mention specific media outlets including radio and two local newspapers. 	<p>and media releases to local media outlets, including newspapers, radio. Council has spent in 2023/2024 \$94,848.49 on print and radio advertising.</p> <p>This ensures our communication strategies reach a broad and diverse audience as we look forward to developing a broader Communications and Engagement Framework in 2025.</p>
<p>S. Moore, did not identify location</p> <p>Notes the following regarding the Draft Community Engagement Strategy:</p> <ul style="list-style-type: none"> - Post Plasrefine and how many in the community did not know about it? Your engagement with community was really good to see, felt like you had our back. 	<p>Feedback received and noted.</p>
<p>B. Kennedy on behalf of the GROW Southern Highlands Group (Email Submission)</p> <p>Supports the Draft Community Engagement Strategy and notes:</p> <ul style="list-style-type: none"> - Local media should be included in Council’s communication strategy. 	<p>Council acknowledges the role of local media outlets, including newspapers, play when informing and engaging the Wingecarribee Shire community.</p> <p>Council currently supports local journalism by providing community announcements and media releases to local media outlets, including newspapers and radio. Council has spent in 2023/2024 \$94,848.49 on print and radio advertising.</p> <p>This ensures our communication strategies reach a broad and diverse audience as we look forward to developing a broader Communications and Engagement Framework in 2025.</p>
<p>A & J. Stiles, did not identify location</p> <p>Notes the following regarding the Draft Community Engagement Strategy:</p> <ul style="list-style-type: none"> - Document lacks specific details about how community consultations will be conducted - The terms “How We Engage” in the Strategy is too vague and does not provide the community with a clear understanding of the methods and channels that will be used - The Strategy fails to mention specific local media outlets including radio 	<p>Council agrees that a clear and inclusive engagement is essential to building trust and fostering informed decision-making for our community. This ensures local needs and aspirations are reflected in Council’s plans and policies.</p> <p>Council is committed to implementing a robust and inclusive community engagement strategy. Steps Council currently undertakes in community engagement that address the concerns raised include:</p> <ul style="list-style-type: none"> - Using a range of methods to engage with the community, including in-person meetings, online surveys,

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Key Theme	Council Officer Response
<p>stations and local newspapers</p> <ul style="list-style-type: none"> - Improvements to the Strategy include further detailed consultation process, using traditional media and providing regular updates and feedback to the community 	<p>workshops, and targeted place-based outreach engagement and consultations.</p> <ul style="list-style-type: none"> - Council acknowledges the role of local media outlets, including newspapers, play when informing and engaging the Wingecarribee Shire community. - Council currently supports local journalism by providing community announcements and media releases to local media outlets, including newspapers and radio. Council has spent in 2023/2024 \$94,848.49 on print and radio advertising. - Where appropriate using local newspapers and radio stations to disseminate information about consultation opportunities and encourage participation. For example, when engaging with young people Council would use communication channels appropriate to that audience. - Providing information in Councils Your Shire community newsletter and using social media to share updates about engagement and consultation opportunities - Ensure that all communication materials and engagement activities are accessible and appropriate - Provide regular updates on the progress of the engagement process of specific projects, including key findings and decisions through Participate Wingecarribee and Your Shire Community Newsletter. - Council is further exploring innovative approaches, such as interactive mapping tools through the development of our Place Portal project, to reach a wider audience particularly communities located in our Shire villages.
<p>B. Graham, did not identify location</p> <p>Notes the following regarding the Draft Community Engagement Strategy:</p>	<p>Council agrees that a clear and inclusive engagement is essential to building trust and fostering informed decision-making for our community. This ensures local needs and</p>

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Key Theme	Council Officer Response
<ul style="list-style-type: none"> - Document lacks specific details about how community consultations will be conducted - The terms “How We Engage” in the Strategy is too vague and does not provide the community with a clear understanding of the methods and channels that will be used - The Strategy fails to mention specific local media outlets including radio stations and local newspapers - Improvements to the Strategy include further detailed consultation process, using traditional media and providing regular updates and feedback to the community 	<p>aspirations are reflected in Council’s plans and policies.</p> <p>Council is committed to implementing a robust and inclusive community engagement strategy. Steps Council currently undertakes in community engagement that address the concerns raised include:</p> <ul style="list-style-type: none"> - Using a range of methods to engage with the community, including in-person meetings, online surveys, workshops, and targeted place-based outreach engagement and consultations. - Council acknowledges the role of local media outlets, including newspapers, play when informing and engaging the Wingecarribee Shire community. - Council currently supports local journalism by providing community announcements and media releases to local media outlets, including newspapers and radio. Council has spent in 2023/2024 \$94,848.49 on print and radio advertising. - Where appropriate using local newspapers and radio stations to disseminate information about consultation opportunities and encourage participation. For example, when engaging with young people Council would use communication channels appropriate to that audience. - Providing information in Councils Your Shire community newsletter and using social media to share updates about engagement and consultation opportunities - Ensure that all communication materials and engagement activities are accessible and appropriate - Provide regular updates on the progress of the engagement process of specific projects, including key findings and decisions through Participate Wingecarribee and Your Shire Community Newsletter.

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Key Theme	Council Officer Response
	<ul style="list-style-type: none"> - Council is further exploring innovative approaches, such as interactive mapping tools through the development of our Place Portal project, to reach a wider audience particularly communities located in our Shire villages.
<p>A. Stephen, Moss Vale</p> <p>Does not support the Draft Community Engagement Strategy and notes:</p> <ul style="list-style-type: none"> - The Strategy lacks specific details around understanding the methods and channels of how Council will engage. - The Strategy engagement options fail to mention specific media outlets including radio and two local newspapers. 	<p>Council acknowledges the role of local media outlets, including newspapers, play when informing and engaging the Wingecarribee Shire community.</p> <p>Council currently supports local journalism through providing community announcements and media releases to local media outlets, including newspapers, radio. Council has spent in 2023/2024 \$94,848.49 on print and radio advertising.</p> <p>This ensures our communication strategies reach a broad and diverse audience as we look forward to developing a broader Communications and Engagement Framework in 2025.</p>

The submissions have been considered, and the draft Strategy remains unchanged in response to the submissions received. The draft Strategy as proposed will enable Council to carry out community engagement on key projects, initiatives, policies, strategies and plans to ensure a balanced and collaborative decision-making process between the community and Council is achieved.

Community Engagement

Residents were provided the opportunity to provide feedback through an online submission form on the Participate Wingecarribee (**Attachment 4**) project page. Several hard copies of the draft Strategy were placed at Council libraries including the Rural Outreach and Delivery Service Mobile Library and Council’s Civic Centre Customer Service counter.

Public notice of the exhibition period was provided via the following means:

- Council’s ‘Your Shire’ weekly e-newsletter
- Media Release
- Social Media (Facebook)
- Participate Wingecarribee Website

COUNCIL BUDGET IMPLICATIONS

There is no budget implication in this report.

CONCLUSION

Community engagement is about involving people in decision-making and is at the very core of our democratic processes in local government. Community participation is crucial for building a great shire where people want to live, work, and visit.

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This draft Strategy which incorporates a Community Participation Plan meets statutory requirements and enables effective, proactive and consistent implementation.

The Strategy was placed on public exhibition from Thursday 31 October 2024 and closed on Thursday 28 November 2024 with nineteen submissions received. The Strategy is now being recommended for adoption without change following the 28-day public exhibition process.

ATTACHMENTS

1. Draft Community Engagement Strategy 2024 2028 [**8.7.1** - 29 pages]
2. Participate Submissions Draft Community Engagement Strategy [**8.7.2** - 14 pages]
3. Email Submissions Received Community Engagement Strategy [**8.7.3** - 8 pages]
4. PDF Overview Draft Community Engagement Strategy Participate Engagement [**8.7.4** - 5 pages]

8.8 Planning Agreement for land at Yarrawa Road Moss Vale - Post Exhibition

Report of: Susan Stannard
Coordinator Strategic Policy

Authorised by: Deniz Kilic
Executive Manager Strategic Outcomes

PURPOSE

This report seeks support to finalise a draft Voluntary Planning Agreement (VPA) associated with a Planning Proposal to rezone land at 121, 131 and 153 Yarrawa Road Moss Vale and to include that land within the Chelsea Gardens Coomungie Urban Release Area.

OFFICER'S RECOMMENDATION

THAT Council endorse the draft Planning Agreement for execution and registration on Lot 4 DP706194 (121 Yarrawa Road Moss Vale), Lot 5 DP706194 (131 Yarrawa Road Moss Vale) and Lot 2 DP610352 (153 Yarrawa Road Moss Vale).

REPORT

BACKGROUND

Planning Agreements

A Planning Agreement is a voluntary agreement or other arrangement between a planning authority and a developer, who, in the case of a Planning Proposal, has sought a change to an Environmental Planning Instrument (the Wingecarribee LEP 2010 is the subject instrument), and under which the developer agrees to dedicate land free of cost, and/or pay a monetary contribution, and/or provide any other material benefit to be used for or applied towards a public purpose. A Planning Agreement recognises the value uplift to property owners resulting from the rezoning of land and provides the opportunity for the broader community to also benefit from that uplift. Council drafts and implements Planning Agreements in accordance with planning legislation and Departmental Guidelines. These are described below.

Part 7 Division 7.1 Subdivision 2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the legislative framework for Planning Agreements. Part 4 Division 1A of the *Environmental Planning and Assessment Regulation 2000* (the Regulation) has further requirements regarding the form and subject matter of planning agreements. The (then) Department of Planning, Industry and Environment (now DPHI) published a Ministerial Practice Note on Planning Agreements in February 2021.

Planning Agreements are identified in the adopted and State-endorsed Wingecarribee Local Housing Strategy (LHS) as an effective mechanism for obtaining funds and in-kind works contributions towards necessary infrastructure and community facilities.

The key feature of a Planning Agreement is that it provides a 'net public benefit' over and above what would normally be collected through adopted contributions plans under Section 7.11 and Section 7.12 of the EP&A Act. Section 7.11 contributions apply where there is a demonstrated link between the development and the infrastructure to be funded and are based on adopted Contributions Plans. Section

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7.12 levies are an alternative to s7.11 contributions and are charged as a percentage of the estimated cost of the development, generally to a maximum of 1%.

Therefore, to demonstrate a ‘net public benefit’, the value of a Planning Agreement, either in monetary or works in kind, must exceed the value of contributions applicable under the relevant contributions plans. Water and sewer contributions under s68 of the *Local Government Act 1993* also apply to residential development and would remain additional to the outcomes of a Planning Agreement.

DISCUSSION

The Subject Land

The subject land comprises three adjoining lots on Yarrowa Road Moss Vale comprising some 6.2 hectares in area. These lots are:

- Lot 4 DP706194, 121 Yarrowa Road, Moss Vale,
- Lot 5 DP706194, 131 Yarrowa Road, Moss Vale, and
- Lot 2 DP610352, 153 Yarrowa Road, Moss Vale

The lots are located adjacent to land identified as the Chelsea Gardens Coomungie Urban Release Area (URA) under Wingecarribee Local Environmental Plan (WLEP) 2010. This name reflects their original property names, and the adjacent land is now known as Ashbourne. The adjacent Ashbourne release area was rezoned by the State Government under Amendment 43 to Wingecarribee Local Environmental Plan (WLEP) 2010 on 27 October 2017, to facilitate a primarily residential development on the southern boundary of the Moss Vale township as indicated in **Figures 1 & 2** below.

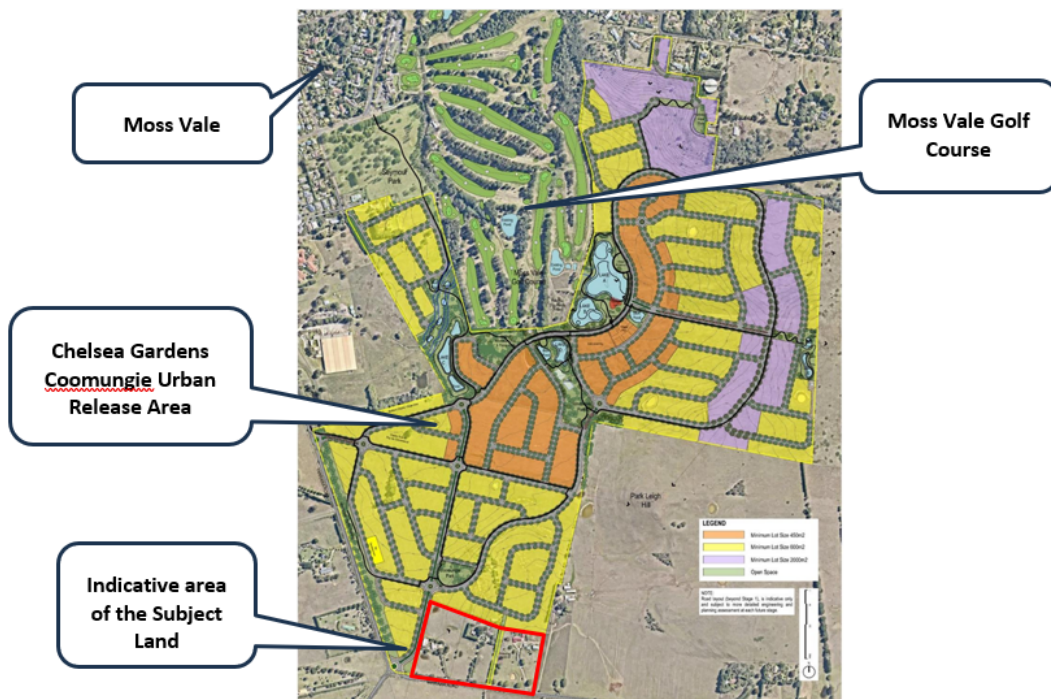


Figure 1: Extract from the Wingecarribee Local Housing Strategy indicating the proposed incorporation of the subject land into the Moss Vale New Living Area.

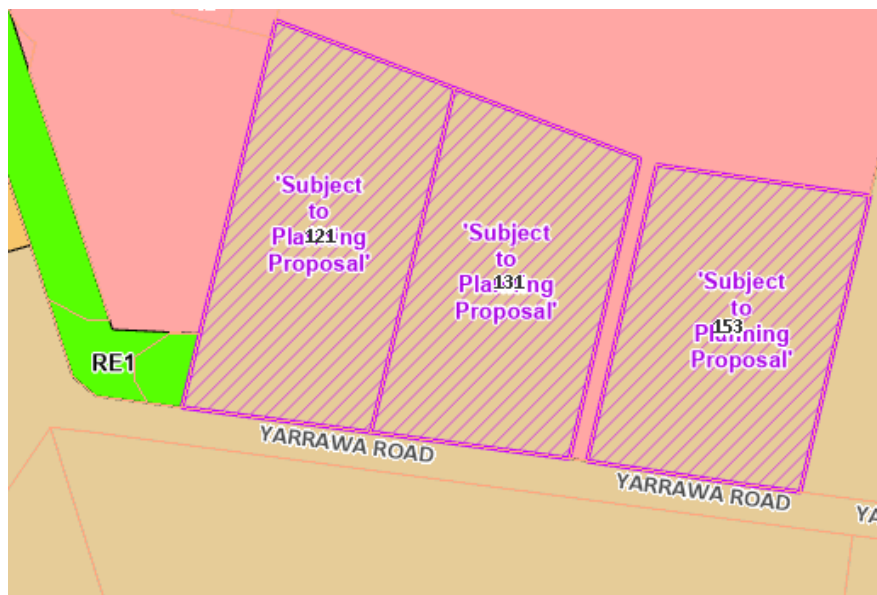


Figure 2: Detailed delineation of the subject land.

As the Chelsea Gardens Coomungie URA (Ashbourne) was rezoned unilaterally by the State Government in response to a site-specific proponent-led Planning Proposal, the appropriate boundaries for the Urban Release Area (URA) were not strategically considered as part of that earlier rezoning process. To address this, an assessment was undertaken during preparation of the Wingecarribee Local Housing Strategy (LHS) to determine whether additional land should be incorporated into the URA to provide a more logical zoning boundary and rational rural - urban interface. This assessment resulted in the three sites on Yarrawa Road which comprise the subject land being included within the now adopted and State-endorsed LHS for inclusion within the URA for future development as a New Living Area.

A Planning Proposal was subsequently prepared by consultants on behalf of the landowners with the intent of rezoning the land to predominantly R2 Low Density Residential with a minimum lot size of 600m², estimated to achieve a lot yield of some 55 lots, consistent with the adjoining URA zoning and minimum lot size. The Planning Proposal also seeks to rezone an area of land of approximately 1 ha along the Yarrawa Road frontage to RE1 Public Recreation thereby extending the RE1 zone of the adjoining URA. This continuous RE1 Public Recreation zone provides a long-term landscape buffer between urban and rural land uses.

A Gateway Determination by the now Department of Planning, Housing & Infrastructure (DPHI), allowing the proposal to proceed in accordance with Departmental Guidelines, was issued on 6 February 2023 and, following State agency referrals, the Planning Proposal was placed on Public Exhibition from 22 May to 23 June 2023. A post exhibition report was considered by Council on 16 August 2023 when it was resolved:

THAT The Planning Proposal to rezone land at 121, 131 and 153 Yarrawa Road Moss Vale be deferred to allow for an appropriate infrastructure funding mechanism to be in place prior to the land being rezoned.

In response to this Resolution, a Letter of Offer to enter into a Planning Agreement was considered at the Council Meeting of 13 December 2023 when it was resolved:

THAT Council:

- 1. Provide in-principle support for the instrument of a legally binding Letter of Offer to enter into a Voluntary Planning Agreement from the owners of land at 121, 131 and 153 Yarrawa Road Moss Vale, as the mechanism for contributions***

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towards infrastructure and community facilities resulting from the development of the subject land.

2. Endorse the finalisation of the Planning Proposal to rezone land at 121, 131 and 153 Yarrowa Road Moss Vale and to extend the boundary of the Chelsea Gardens Coomungie Urban Release Area to include the subject land.

In response to this Resolution a draft Planning Agreement was prepared by the proponents which reflected the Letter of Offer supported by Council. The draft Agreement was reported to Council on 15 May 2024 when it was resolved:

THAT the draft Voluntary Planning Agreement be placed on public exhibition for a period of 28 days and that a further report be provided to Council at the completion of the public exhibition and independent review process.

Public exhibition occurred from 28 May to 25 June 2024. Council subsequently sought an independent legal review of the exhibited draft Planning Agreement, in line with the Resolution of 15 May 2024, resulting in the final draft Planning Agreement attached to this report. Minor refinements made between the exhibited and final drafts and have been agreed by all parties.

It is noted that the Planning Proposal to which the draft Planning Agreement applies is ready to be finalised and is now awaiting the finalisation of the subject Planning Agreement in order to enable rezoning of the subject land to occur.

It is therefore the recommendation of this report that the attached draft Planning Agreement be accepted and supported to be finalised in accordance with statutory requirements that have been satisfied.

COMMUNICATION AND CONSULTATION

Public exhibition occurred from 28 May to 25 June 2024. The draft Planning Agreement was exhibited on the Participate Wingecarribee website and written notifications were sent to the authors of submissions received during exhibition of the Planning Proposal. No submissions were received in response to this exhibition although the exhibition page recorded 76 views during the exhibition period and a total of 103 views since the page was first uploaded.

Council sought independent legal advice on the exhibited draft Planning Agreement.

ENVIRONMENT

The draft Planning Agreement provision of embellished open space would ensure a positive environmental outcome. Any future application for development would consider relevant environmental studies accompanying the application to identify and address any environmental constraints.

SOCIAL

The subject land is identified as a New Living Area within the adopted and state endorsed Wingecarribee Local Housing Strategy. The rezoning of the subject land to provide a potential 55 residential dwelling sites supports the Strategy's intent to provide additional housing supply.

BROADER ECONOMIC IMPLICATIONS

The additional contributions achieved under the draft Agreement would provide a net public benefit of some \$640,000 above what would otherwise be achieved through Council's adopted Contributions Plans. A Planning Agreement recognises the value uplift to property owners resulting from the rezoning of land and provides the opportunity for the broader community to also benefit from that uplift. The development

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itself would also yield some \$1.6 million in funding towards water and sewer infrastructure through s68 contributions.

GOVERNANCE

The draft Agreement, and the Planning Proposal it supports, have both been processed in accordance with relevant legislation and Departmental guidelines.

COUNCIL BUDGET IMPLICATIONS

A Planning Agreement offers Council the opportunity to receive funds or in-kind works which can make a significant contribution towards the provision of infrastructure and community facilities, thereby having a positive impact on Council's budget.

CONCLUSION

A Planning Agreement provides a mechanism to achieve a net public benefit from urban development through contributions to Shire-wide infrastructure above and beyond what can be collected under s7.11 and 7.12 contribution plans. The draft Agreement which is the subject of this report provides an estimated equivalent monetary value of \$1.2 million. By comparison, the current applicable s7.11 Plans would attract a total contribution of some \$560,000. The draft Agreement therefore provides an additional net public benefit of approximately \$640,000.

The subject land is identified as a New Living Area within the adopted and state endorsed Wingecarribee Local Housing Strategy and its rezoning provides a potential 55 lot yield to support the Strategy's intent to provide additional housing supply. Without finalisation of the draft Agreement and its registration on the titles of the subject land, the Planning Proposal to rezone the land cannot be finalised.

ATTACHMENTS

1. Draft Yarrowa Rd VPA - Post Exhibition [**8.8.1** - 30 pages]

8.9 Planning Proposal to amend Schedule 2 of WLEP 2010 to enable events on bush fire prone land as exempt development – Post Exhibition

Report of: Susan Stannard
Coordinator Strategic Policy

Authorised by: Deniz Kilic
Executive Manager Strategic Outcomes

PURPOSE

This report seeks endorsement to finalise a Planning Proposal to remove the requirement for a Development Application for certain events on public land that is bushfire prone.

OFFICER'S RECOMMENDATION

THAT the Planning Proposal to amend Schedule 2 of Wingecarribee Local Environmental Plan 2010 to remove the exclusion of bush fire prone land from the provisions of exempt development for events on public land be finalised under s.3.36 of the *Environmental Planning & Assessment Act 1979*.

REPORT

LOCAL PLANNING PANEL'S ADVICE

This report was considered by the Local Planning Panel on 27 November 2024. The Panel concurred with the Officer's report and considered that the process undertaken was sound and in accordance with the previous Panel's advice.

The voting was unanimous.

BACKGROUND

Schedule 2 of the Wingecarribee Local Environmental Plan (WLEP) 2010 contains exempt development provisions additional to those specified within the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Exempt development does not require a Development Approval. One of these additional provisions relates to public events and states:

Public events

Use of public land (including a public reserve or public road) for public events, including stalls, meetings, exhibitions, entertainment or similar community, cultural or commercial purposes—

- (a) proposed event must be consistent with any applicable plan of management under the [Local Government Act 1993](#) for the land,*
- (b) development must be carried out in accordance with a licence or hire agreement granted by the Council,*
- (c) must not be located on bush fire prone land.*

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The current exclusion of 'bush fire prone land' (BFPL) from the exempt development provisions of Schedule 2 of WLEP 2010 results in the need for the community to prepare a Development Application (DA) in order to hold an event on Council owned land which is identified as being bush fire prone. This creates immense community frustration and expense and the diversion of staff resources to undertake the development assessment process. Council recognises this frustration and agrees that Council owned land should be more easily available for the community to book for events that benefit both the community and the economy while ensuring that appropriate safety measures are in place in case of adverse bush fire conditions. The proposed amendment reflects Council's ongoing commitment to supporting community engagement and local business to build resilient and inclusive communities.

A Planning Proposal to amend the Wingecarribee Local Environmental Plan (WLEP) 2010 to remove this restriction was considered by Council at its Ordinary Meeting of 15 March 2023. In response to the Planning Proposal, Council resolved that:

- 1. The Planning Proposal to amend Schedule 2 (Exempt development) of Wingecarribee Local Environmental Plan 2010 to amend the exclusion of bush fire prone land from the provisions of exempt development for events on public land be supported.***
- 2. The Planning Proposal be submitted for a Gateway determination under s.3.34 of the Environmental Planning & Assessment Act 1979 and processed in accordance with the Gateway requirements.***
- 3. Documentation to support the Planning Proposal, as endorsed by the NSW Rural Fire Service, be exhibited concurrently with the Planning Proposal.***
- 4. Council work with NSW Rural Fire Service to address the advice of the Local Planning Panel, prior to the Planning Proposal being publicly exhibited.***
- 5. The Planning Proposal to amend Schedule 2 (Exempt development) of Wingecarribee Local Environmental Plan 2010 to amend the exclusion of bush fire prone land from the provisions of exempt development for events on public land be provided to all village associations and 355 committees.***

In response to Item 4 of the resolution, Council finalised and adopted in November 2023, a Closure of Public Facilities Operational Management Standard (OMS). The OMS includes the requirement for the preparation of a bushfire risk assessment and evacuation plan as part of Council's hiring agreement if the site is mapped as bush fire prone land.

In discussion of the Proposal with the NSW Rural Fire Service (RFS) subsequent to the adoption of the OMS, RFS advised that it would no longer require further referral prior to Council submitting the Planning Proposal for a Gateway Determination. However, NSW RFS also advised that it would be unlikely to support an LEP amendment that exempts any public events on BFPL that include overnight accommodation, including camping which would require a s100B approval under the *Rural Fires Act*. This feedback from RFS framed the draft wording of the proposed amendment, as follows:

Public events

Use of public land (including a public reserve or public road) for public events, including stalls, meetings, exhibitions, entertainment or similar community, cultural or commercial purposes—

- (a) proposed event must be consistent with any applicable plan of management under the [Local Government Act 1993](#) for the land,*

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(b) development must be carried out in accordance with a licence or hire agreement granted by the Council, accompanied by a bush fire risk assessment and evacuation plan if located on bush fire prone land,

(c) must not involve overnight accommodation.

DISCUSSION

The Planning Proposal and supporting documentation were submitted to the NSW Department of Planning, Housing & Infrastructure (DPHI) for a Gateway Determination (conditional approval) to proceed with agency consultation and public exhibition. A Gateway Determination was issued on 22 July 2024. The Planning Proposal was referred to both the NSW Rural Fire Service and WaterNSW, neither of which objected. RFS specifically noted that *“The NSW RFS has considered the information submitted and subsequently raise no concerns or issues in relation to bush fire”*.

It is therefore recommended that Council proceed with finalising the Planning Proposal to facilitate community events on public land as exempt development.

COMMUNICATION AND CONSULTATION

The Planning Proposal and supporting documentation were placed on public exhibition from 2 September to 11 November 2024 in order to ensure that the community, including village associations and 355 Committees, had the opportunity to provide feedback.

Five (5) submissions were received through the Participate Wingecarribee website where the Proposal was viewed 194 times. No submissions were received through the NSW Planning Portal. Four (4) responses were fully supportive, with comments including:

- 1) *The Penrose Community Association has been advocating for a long time to get the LEP amended so that community groups do not have to apply for a DA to run community events and we are pleased to see this planning proposal finally reach this stage. The PCA fully support the planning proposal to amend the Wingecarribee Local Environmental Plan 2010 to enable community events on public bush fire prone land without the need for a Development Application. We do, of course, support the need to still maintain all other current risk assessment procedures.*
- 2) *This amendment will resolve the administrative and cost burden on the affected villages while ensuring appropriate safeguards are still in place to ensure public safety if a bushfire is likely. The current arrangement has discouraged village associations from organising outdoor events. This amendment will facilitate events and have a positive effect on the social life of the village communities (Southern Villages Group).*
- 3) *The requirement for a Development Application to be prepared prior to any event in Bushfire Prone Areas has limited community events in those areas due to the prohibitive cost and time involved in preparing the applications. Council's proposal to reframe these events as exempt development is a sensible enabling response which still ensures that the potential for bushfire is monitored by Council and the RFS. (Private submission, Exeter)*
- 4) *The proposed amendment to the WLEP is welcomed to enable smaller Shire villages to propose public activities, such as community gatherings, without development consent.*

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Shire village associations have a stake in ensuring activities are fire safe, & welcome this long-sought after change. (Private submission, Exeter)

One comment stated:

I believe overnight accommodation/camping should be allowed on land considered 'bush fire prone'. The current plan is too restrictive. We can not eliminate all risk from our lives, and people should be allowed decide their own risk comfort level. I would support allowing overnight accommodation/camping. (Private submission, Bowral).

This comment is noted, but the requirement for no overnight accommodation was from the RFS and non-compliance may have risked the Planning Proposal not being supported at all. Events that involve overnight accommodation can still be facilitated, however via the DA pathway.

Internal Communication and Consultation

Strategic Outcomes branch liaising directly with all Council branches, including directly impacted branches Development Assessment & Compliance and Environment & Sustainability to ensure full alignment across the organisation. The table below summarises the response received from internal stakeholders.

Referrals	Advice/Response/Conditions
Environment & Sustainability	Supported the Planning Proposal through preparation of the Closure of Public Facilities OMS
Community Development & Communications	Supported the Planning Proposal as it facilitate community engagement and business development

External Communication and Consultation

The Planning Proposal was publicly exhibited to satisfy statutory requirements and direct engagement with village associations was undertaken, as detailed above under "Community Engagement". There is broad community consensus in support of this planning and regulatory reform.

In addition, and in accordance with Gateway Determination, referrals to State Government agencies was undertaken. The table below provides details of these referrals and the response.

Referrals	Advice/Response/Conditions
NSW Rural Fire Service	No objection
WaterNSW	No objection

ENVIRONMENT

The proposed amendment would enable events on bush fire prone public land subject to certain conditions to ensure that appropriate bush fire management procedures are in place to protect bush fire prone land and potential vegetation loss.

SOCIAL

The proposed amendment would be replaced by a more easily assessable booking and hiring process thereby facilitating more community events and social interaction without compromising public safety.

BROADER ECONOMIC IMPLICATIONS

The proposed amendment would facilitate community events with which local businesses could engage and benefit.

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COUNCIL BUDGET IMPLICATIONS

There are no related budget implications.

CONCLUSION

Currently, certain community events cannot be considered as exempt development when they are located on 'bush fire prone' public land. The purpose of the Planning Proposal is to enable such events as exempt development in accordance with Council's adopted Closure of Public Facilities Operational Management Standard. This approach would continue to manage public safety and protect environmentally sensitive land, while also providing an easier, less expensive pathway for event approvals on public land.

ATTACHMENTS

1. PP 2024 1360 Events on Public Land - Post Exhibition [8.9.1 - 21 pages]
2. PP 2024 1360 Submissions (redacted) [8.9.2 - 5 pages]

8.10 Access Control and Surveillance Program - Tender Evaluation Report

Report of: George Harb
Chief Information Officer

Authorised by: Shelley Jones
Director Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Access Control and Surveillance Program.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Accept the Tender for Access Control and Surveillance Program from Red Handed Security Pty Limited.**
- 2. Delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.**

REPORT

BACKGROUND

Over the past two (2) years, Council has been undergoing a significant security transformation, aimed at improving the safety and security of its sites and facilities. As part of this initiative, Council has expanded its closed-circuit television (CCTV) network and access control systems to provide enhanced oversight and control across multiple locations.

Council currently manages various critical infrastructure and public assets, including community centres, water and sewer treatment plants, sports fields, and public buildings. Security at these sites is paramount, and the rollout of a standardised Video Management System and access control systems has been pivotal in achieving this goal. The successful Contractor will play a key role in maintaining, upgrading, and expanding these systems to ensure continued and improved security for Council facilities

DISCUSSION

The purpose of this tender is to engage a qualified Contractor to enhance and sustain the reliability, effectiveness, and scalability of security systems across Council sites. The proposed Contract focuses on several core objectives that aim to strengthen Council's security infrastructure, maintain high operational standards, ensure seamless integration with current systems, and support future growth along with providing a schedule of rates based on councils current and future requirements.

The specific objectives of the tender include:

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1. **Enhanced Security:** Upgrading CCTV and access controls across a diverse range of facilities, including community centres, treatment plants, sports fields, and public buildings, to improve overall security.
2. **Operational Reliability:** Implementing a preventive maintenance plan to ensure continuous functionality of all systems, including regular diagnostics, repairs, and updates.
3. **System Integration:** Ensuring new security equipment integrates seamlessly with Council's Genetec Video Management System and Inner Range access controls, allowing for cohesive management.
4. **Scalability for Future Growth:** Designing systems that can accommodate future expansions without disrupting existing infrastructure.
5. **Standardised Solutions:** Maintaining uniformity by using established, high-quality security products, to support ease of management and system reliability.
6. **Transparent Cost Management:** Providing detailed cost breakdowns for both installations and maintenance, along with a comprehensive schedule of rates, ensuring transparency and enabling effective budgeting for ongoing and future needs.
7. **Certified Expertise:** Ensuring all personnel are trained and certified in the Genetec and Inner Range systems, guaranteeing a high standard of service and compliance.
8. **Long-Term Partnership:** Establishing a supportive, long-term relationship to facilitate ongoing upgrades, support, and strategic security improvements over a minimum three-year period, with potential extensions.

This tender aims to secure a contractor capable of meeting these objectives, ensuring that Council's security infrastructure is robust, future-proof, and managed with transparency and expertise.

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 8 October 2024 to 29 October 2024 (21 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 four (4) tender submissions were received:

Company Name	Location	Postcode
ARA Security Services Pty Ltd	Kingsgrove	2208
G D Moss Pty Ltd	Smeaton Grange	2567
Red Handed Security Pty Limited	Glendenning	2761
WCG Group Pty Ltd	Unanderra	2526

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LATE TENDERS

No Late Tender submissions were received.

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.

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.	Chief Information Officer
Evaluation Panel Member	Perform a detailed evaluation of the Tender Submissions.	Coordinator ICT Operations
Evaluation Panel Member	Perform a detailed evaluation of the Tender Submissions.	Senior Development Assessment Planner
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

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Mandatory Criteria
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Genetec Certification
Inner Range Certification
Qualified Electrician and Data Cabler
Working from Heights

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	30%
Community & Social (including local content)	10%
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 a total of 1 tender submission were determined to be non-compliant:

Company Name	Reason for Non-Compliance
WCG Group Pty Ltd	Professional Indemnity and liability insurance is only \$1 million. Our mandatory criteria states that we require \$2 million Professional Indemnity.

COMMENTS ON OVERALL EVALUATION OUTCOME

The submissions received were from suitably qualified contractors. The scoring was consistent for each submission within the evaluation criteria of Community and Social and Capability and Experience. The scoring ranges varied for each submission for the remainder of the evaluation criteria (including pricing).

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The evaluation panel endorsed the final outcome of the evaluation for the recommended tender submission.

COMMENTS ON RECOMMENDED TENDER SUBMISSION

The recommended contractor, Redhanded Security Pty Ltd, has demonstrated extensive experience in the installation, maintenance, and configuration of CCTV and access control systems using the preferred technologies, Genetec and Integriti. Their established partnerships and competitive pricing agreements with these providers enable them to deliver a robust and cost-effective solution.

It is therefore recommended that the tender from Redhanded Security Pty Ltd be accepted based on the schedule of rates provided to the council as part of the tender submission.

COUNCIL BUDGET IMPLICATIONS

Capital and operating budget provisions have been allocated to support the works associated with this tender. For the 2024/2025 financial year, \$210,000 in capital expenditure (Capex) has been allocated as part of the broader funding for this multi-year project. No additional funds are required for this financial year.

CONCLUSION

A competitive tender process was conducted for the supply and services of Access Control and Surveillance Program. The outcomes of the panel evaluation recommend Council accepts the tender proposal from Red Handed Security Pty Limited as the preferred vendor for these services.

ATTACHMENTS

Nil

8.11 T-2024-21 Water and Wastewater Mains Renewal – Railway Street, Moss Vale

Report of: Graeme Mellor
Manager Water Services

Authorised by: Clinton McAlister
Director Service and Project Delivery

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Water and Wastewater Mains Renewals – Railway Street, Moss Vale.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Accept the Tender for the Water and Wastewater Mains Renewal – Railway Street, Moss Vale from Infrastructure Renewal Services at a lump sum price of \$906,513.40 (inclusive of GST).**
- 2. Note the tenders received ranged from \$906,513 to \$1,019,545.**
- 3. Delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.**

REPORT

BACKGROUND

The sewer mains to be upsized are 395m in length, plus 18 lateral services. The works have been identified by computer modelling to reduce the risk of network surcharging (effluent spilling) in wet weather. Furthermore, this construction is programmed to be completed ahead of the construction of a new concrete footpath on the same alignment.

The renewal of the 206m of aged asbestos cement water mains (installed in 1967) on the alignment is also programmed to be completed before the construction of the new concrete footpath.

DISCUSSION

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 29 October 2024 to 19 November 2024 (21 days).

The tender was advertised as follows:

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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 two (2) tender submissions were received:

Company Name	Location	Postcode
Infrastructure Renewal Services	Rydalmere, NSW	2116
Keane Civil and Construction	Thornleigh, NSW	2120

LATE TENDERS

A total of zero (0) late tender submissions were received (therefore non-conforming):

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.

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 Renewals
Evaluation Panel Member	Perform a detailed evaluation of the Tender Submissions.	Asset Officer – Water and Wastewater
Evaluation Panel Member	Perform a detailed evaluation of the Tender Submissions.	Asset Officer – Water and Wastewater
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	Procurement Officer

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Role	Responsibility	Position
	Respondents during the advertisement and evaluation periods. Providing probity advice and support to the evaluation panel.	

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 comprehensive Insurance
Bank Guarantees – 2 x 2.5% of Contract Value
Compliance with QMS Accreditation

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	10%
Specifications, Service & Support, Fit for Purpose	20%
Community & Social (including local content)	10%
Work Health and Safety, Environment & Sustainability	10%
Total	50%

Summary of Selection Criteria & Weighting:

Criteria	Weighting
Total Non-Cost Criteria	50%
Total Cost Criteria	50%
Total	100%

NON-COMPLIANT TENDERS

Upon evaluation a total of zero (0) tender submissions were determined to be non-compliant:

TENDERED SUBMISSION PRICES

Tenders received ranged from \$906,513.40 to \$1,019,545.00 inclusive of GST.

COMMENTS ON OVERALL EVALUATION OUTCOME

Tendered submissions were of a high standard. The contractors were all clearly capable and experienced with the type of work required.

COMMENTS ON RECOMMENDED TENDER SUBMISSION

Infrastructure Renewal Services (IRS) has effectively performed several contracts for Wingecarribee Shire Council recently. They have an excellent track record for completing projects to a high standard and within the cost and timeframe of the project. Due to the complexity and technical demands of this project IRS are a suitable fit for the engagement. Community consultation and resident relations are an important aspect of this job and IRS have proven their capability and expertise of managing their work to sympathetically accommodate the needs of the community and residents.

COMMUNICATION AND CONSULTATION

The Railway Street, Moss Vale road-reserve is a busy pedestrian route. Notices will be in place at the time of the construction to direct pedestrians safely around the work site. Traffic controllers will also be in place for the duration of the works to assist with worker, pedestrian, and motorist safety.

Coordinator Wastewater consulted regarding the preferred alignment of the sewer main renewal as it appears to be in close proximity to an established Photinia Hedge that borders the property at 63 Railway Street.

Sympathetic pruning of the Photinia Hedge at 63 Railway Street will be required to renew the sewer main. The preferred contractor will engage directly with the property owner to ensure only the required amount of the hedge is cut back or restrained to perform the work.

COUNCIL BUDGET IMPLICATIONS

This project is funded by the annual capital water and wastewater renewal budgets.

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CONCLUSION

It is recommended that Council proceeds with the proposal from IRS to renew both the water and wastewater mains in Railway Street, Moss Vale immediately, in advance of constructing a new footpath along the alignment.

ATTACHMENTS

Nil

8.12 T-2024-14 Water Main Renewal - Parkes Road, Moss Vale

Report of: Graeme Mellor
Manager Water Services

Authorised by: Clinton McAlister
Director Service and Project Delivery

PURPOSE

The purpose of this report is to recommend postponement of the Tender for the Water Main Renewal – Parkes Road, Moss Vale.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Decline to accept tender submissions for the water main renewal in Parkes Road, Moss Vale, In accordance with Section 178 (1) (a) of the Local Government (General) Regulations 2021.**
- 2. Postpone the proposal for the contract in accordance with Section 178 (3) (a) of the Local Government (General) Regulations 2021.**
- 3. Note that the work will be retendered once there is certainty about access to the required water main alignment.**

REPORT

BACKGROUND

The Parkes Road reticulation water main which is made of cast iron is to be renewed due to its deteriorated condition. The water main project was due to be completed by the time the Moss Vale Station and Stabling Yard Upgrade overlapped with the water main alignment, however, water main project delivery delays have resulted in a conflict of the space in the road reserve – this will require the water main upgrade to be postponed for around 12 months. TfNSW (or more specifically their appointed contractor Degnan) have recently established a site office/storage compound in the road reserve at the eastern end of the water main alignment. Hence the water main upgrade will be delayed until the TfNSW compound is demobilised – expected to be in late 2025 (subject to weather delays and site conditions).

DISCUSSION

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 16 July 2024 to 6 August 2024 (21 days).

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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 Six (6) tender submissions were received:

Company Name	Location	Postcode
CPD Services Pty Ltd	Earlwood, NSW	2206
Fluid Plumbing and Drainage Services Pty Ltd	Penrith, NSW	2750
Infrastructure Renewal Services Pty Ltd	Rydalmere, NSW	2116
KHP Civil Pty Ltd	Mulgoa, NSW	2745
SNG Engineering Pty Ltd	Stanhope Gardens, NSW	2768
Utilstra Pty Ltd	Fyshwick, ACT	2609

LATE TENDERS

A total of zero (0) late tender submissions were received.

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.

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 Renewals
Evaluation Panel Member	Perform a detailed evaluation of the Tender Submissions.	Water Coordinator
Evaluation Panel Member	Perform a detailed evaluation of the Tender Submissions.	Asset Officer – Water and Wastewater

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Role	Responsibility	Position
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 – Comprehensive insurance
Compliance with Quality Management System Accreditation
Bank Guarantees 2 x 2.5% of Contract Value

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	10%
Specifications, Service & Support, Fit for Purpose	20%
Community & Social (including local content)	10%
Work Health and Safety, Environment & Sustainability	10%
Total	50%

Summary of Selection Criteria & Weighting:

Criteria	Weighting
Total Non-Cost Criteria	50%
Total Cost Criteria	50%
Total	100%

NON-COMPLIANT TENDERS

Upon evaluation a total of zero (0) tender submissions were determined to be non-compliant.

COMMENTS ON OVERALL EVALUATION OUTCOME

All of the tendered submissions were of a high quality and the interested contractors were all capable of performing the works. Most of the tenderers demonstrated their experience with similar work they have performed.

COMMUNICATION AND CONSULTATION

Acting Coordinator Procurement and Contracts and Procurement Officer were consulted regarding delaying the construction start date by negotiating a suitable arrangement with suitable tenderers.

Manager Assets was consulted regarding the delay of the contract to the following financial year.

Coordinator Water Assets was consulted regarding the urgency of the water main upgrade and the detailed scope of work requirements.

Peter Page (Stakeholder & Design Interface Manager – Degnan) who is the Transport for NSW liaison was consulted regarding the occupation of the road reserve and the anticipated duration of the works.

COUNCIL BUDGET IMPLICATIONS

This project is funded by the annual capital water mains renewal budget.

CONCLUSION

The best interests of the community will be served by re-tendering the work when there is greater certainty of access to the water main alignment, and delay the commencement of construction work on the water main upgrade to coincide with the demobilisation of TfNSW from the road reserve where Degnan have established their site compound.

ATTACHMENTS

Nil

8.13 Code of Conduct Complaints Statistics

Report of: Danielle Lidgard
Manager Governance and Corporate Performance

Authorised by: Shelley Jones
Director Corporate Strategy and Resourcing

PURPOSE

This purpose of this report is to advise Council of the complaints received and finalised under Council's Code of Conduct during the period from 1 September 2023 to 31 August 2024.

OFFICER'S RECOMMENDATION

THAT the information in relation to the Code of Conduct Complaints for 1 September 2023 to 31 August 2024 be submitted to the Office of Local Government by 31 December 2024.

REPORT

BACKGROUND

Under clause 11.1 of Council's Procedures for the Administration of the Code of Conduct ("Procedures"), the complaints coordinator must report statistics to Council regarding Code of Conduct complaints received and the outcome of complaints against a Councillor and the General Manager during the period from 1 September 2023 to 31 August 2024. Clause 11.2 of the Procedure requires that Council must provide these statistics to the Office of Local Government within three (3) months of the end of September each year.

DISCUSSION

Attachment 1 to this report is the information on Code of Conduct complaints required under clause 11.1 of the Procedures for the period 1 September 2023 to 31 August 2024.

The report is based on a standard template issued by the Office of Local Government. As Council was in Administration during the reporting period the Administrator has all the functions of Council, including all the functions of Mayor and Councillors. Where the standard template refers to the Mayor or Councillors this should be read as Administrator.

For the Code of Conduct reporting period Council received three (3) Code of Conduct Complaints in relation to the Administrator and no Code of Conduct complaints in relation to the General Manager.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications as a result of this report.

CONCLUSION

This report advises Council of the complaints received and finalised under Council's Code of Conduct during the period from 1 September 2023 to 31 August 2024.

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ATTACHMENTS

1. Code of Conduct Returns - 2024 [8.13.1 - 4 pages]

8.14 Disclosure of Interest Returns 2024 - Tabling of First Disclosures by Councillors

Report of: Warwick Lawrence
Governance Advisor

Authorised by: Shelley Jones
Director Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to table the first returns of Disclosure of Pecuniary Interests by Councillors in accordance with Council's Code of Conduct (Schedules 1 and 2) and *section 440AAB of the Local Government Act, 1993*.

OFFICER'S RECOMMENDATION

THAT Council note the tabling of the first returns of Disclosure of Pecuniary Interests and other matters for Councillors elected to Wingecarribee Shire Council at the September 2024 Local Government elections.

REPORT

BACKGROUND

The Wingecarribee Shire Council Code of Conduct (Code) requires Councillors and designated persons to make and lodge a return disclosing their interests:

- within 3 months of becoming a Councillor or designated person (first return),
- within 3 months of 30 June each year (annual return) or
- as they become aware of an interest throughout the year (change return).

First or change returns are to be tabled at the next Council meeting after the return is lodged.

DISCUSSION

This report tables:

- first returns for Council's nine (9) newly elected Councillors
- Annual returns for two (2) designated persons who were on leave when Annual Returns were tabled at the 9 October 2024 Council meeting.

In addition to being publicly available on request, these returns will be published on Council's website as soon as practicable, in line with the mandatory open access requirements of the Government Information (Public Access) Act 2009 (GIPA Act) and Information Access Guideline 1 - For Local Councils on the disclosure of information (returns disclosing the interest of councillors and designated persons) September 2019. The Guideline is available via the following [link](#).

Pursuant to the "Protection of Privacy" provisions detailed in section 739 of the Local Government Act 1993, information that discloses a person's place of residence or any other material that may place the personal safety of the person or of members of the person's family at risk will be omitted from the published version should such a person make a formal application to have such information redacted.

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COUNCIL BUDGET IMPLICATIONS

Nil

ATTACHMENTS

Nil

8.15 Monthly Financial Report - November 2024

Report of: **Stephen Joss**
Deputy Chief Financial Officer

Authorised by: **Pav Kuzmanovski**
Chief Financial Officer

PURPOSE

This report presents to Council the monthly financial report for the period ending 30 November 2024.

OFFICER'S RECOMMENDATION

THAT Council receive and note the monthly financial report for November 2024.

REPORT

Attachment 1 to this report includes the Income Statements for Council's:

- Consolidated Fund
- General Fund
- Water Fund
- Sewer Fund
- Consolidated Capital Expenditure Program by Asset Class.

The report presents Council's financial position as of 30 November 2024, with unaudited figures allocated according to the Code of Accounting Practice and Financial Reporting standards. Please note that the actuals were run before all End of Month processes were complete, due to the timing of the December Council Meeting. As a result, income and expenditure figures may be understated and should be interpreted with caution.

Income Statement

As of 30 November 2024, Council's consolidated Income Statement shows an actual year to date operating surplus of approximately \$31M. Monthly monitoring by the Finance team, Managers, and Coordinators ensures expenditures align with budgets, with any adjustments reported to Council as a part of the Quarterly Budget Review process. At a consolidated level, all spending remains within forecast budget allocations.

Key Context for Figures

- The majority of land rates are levied in July. With the introduction of part-year rating, allowing newly subdivided properties to be charged rates and levies within the current rating year, generating additional rates revenue throughout the year.
- Water and Sewerage rates and annual charges reflect access charges raised up to 31 July 2024. Additional notices will be issued in January and April for charges up to the end of March 2025. Income is forecast to meet budget.
- Development Application fees are now recognised on determination, rather than receipt. Current development application income will align to revised budgeted forecasts reported in the September 2024 Quarterly Budget Review.

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- Materials and Services accruals are not included, leading to an approximate one-month lag that is reconciled at year end.
- Depreciation and amortisation are based on budget figures, with final adjustments following asset capitalisation at year end.
- Grants and Contributions are brought to account on a cash basis and adjusted at year end to align with accounting standards.
- Transfers to and from reserves are finalised during year-end processing.

Capital Expenditure Program

The Council's approved capital budget for 2024/25 began at \$105M, revised to \$122M after adjustments as a part of the year end carry overs and September 2024 Quarterly Budget Review. The year to date actuals as at the end of November 2024 are approximately \$28M or 23% of the revised budget and is being monitored, noting that there are a number of large scale, multi year projects.

It is noted that capital expenditure does not follow a uniform monthly pattern, as the timing of major projects varies throughout the year. Larger projects are scheduled to commence in the latter half of the financial year, which significantly impacts the year-to-date expenditure figures.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications in presenting this report.

CONCLUSION

Council receive and note the Monthly Financial Report.

ATTACHMENTS

1. November - Monthly Financials [8.15.1 - 11 pages]

8.16 Development Assessment Progress - November 2024

Report of: Michael McCabe
Director Communities and Place

Authorised by: Michael McCabe
Director Communities and Place

PURPOSE

Council previously resolved on matters relating to Development Assessment Progress Report (DAP) and the Wingecarribee Local Planning Panel (WLPP) at the Council meetings dated 7 August 2024 and 20 November 2024.

Some of those resolutions are addressed in this report whilst other resolutions remain scheduled for reporting to the 19 February 2025 Council meeting.

This report recommends rescinding one Council resolution dated 7 August 2024 related to the functions of the WLPP as the Council resolution cannot be administered due to legislative limitations.

OFFICER'S RECOMMENDATION

THAT Council rescind Resolution 3 of Council Report 10.21 dated 7 August 2024, as the Wingecarribee Local Planning Panel is:

- (a) An independent committee appointed by Council to determine certain development applications only.
- (b) Not subject to the direction or control of Council, except on matters relating to panel procedures or the time within which the panel is to deal with a matter that is not inconsistent with the Minister's directions.

REPORT

BACKGROUND

Monthly Reporting

The DAP was first presented to Council on 20 November 2024 to provide Council with a consistent snapshot on Development Applications (DAs) performance which is to be reported at each Ordinary Meeting of Council.

The DAP primarily relies on data published on the NSW Planning - Council League Table (the League Table) which is generally updated by NSW Planning within the fortnight following the conclusion of each month. The data representing DAs through to 30 November 2024 has not been published on the League Table by NSW Planning, therefore the November 2024 DAP has not been published.

The November 2024, December 2024 and January 2025 DAPs are to be collectively presented to Council at the first 2025 Ordinary Meeting of Council scheduled for 19 February 2025.

In the meantime, a link to the League table is provided: <https://www.planning.nsw.gov.au/policy-and-legislation/housing/faster-assessments-program/council-league-table>

Community Information Forums

At the Ordinary Meeting of Council held on 20 November 2024 the need for community and industry forums for DAs was discussed. As per page 79 of Council's adopted Operational Plan 2024/25, two forums are to be held, one for owner builders and one for industry by June 2025. Link to Council's Operational Plan:

https://www.wsc.nsw.gov.au/files/assets/public/v/2/council/strategies-amp-plans/op-plan-2024/wsc-operational-plan-and-budget-2024_adopted_24july2024.pdf

On the 28 November 2024, the NSW bi-annual Developer Contributions Conference was hosted by Wingecarribee Shire Council at the Renwick Community Centre. Sixty-five individuals attended from various urban and regional NSW councils.

A forthcoming forum is currently being scoped to introduce and profile Council's Artificial Intelligence tool known as DAISY. Forum date/s will be set for early 2025 following successful user acceptance testing and refinement of DAISY which has recently commenced.

Delegations and Functions of the WLPP

Under the previous Administrator, Council resolutions were made to expedite the ongoing administration of Land and Environment Court matters in addition to increased reporting of aged DAs.

At the Ordinary Meeting dated 7 August 2024, Council considered item 10.20 and resolved that:

1. *A report be presented to the Wingecarribee Local Planning Panel:*
 - a. *Seeking resolution that the Panel pursuant to Section 2.20(8) of the Environmental Planning & Assessment Act 1979 (EPA Act) revoke their current delegation in relation to the conduct of appeals.*
 - b. *That the Panel pursuant to Section 2.20(8) of the EPA Act delegates to Council's General Manager the functions of the Panel under Section 8.15(4) of the EPA Act with respect to the control and direction of appeals subject to the current operational guidelines documented in the Wingecarribee Shire Council - Planning Panel Guidelines.*
2. *A routine reporting mechanism be developed for Appeals and Development Applications which have been lodged for a period of 180 days which would have come to the Wingecarribee Local Planning Panel.*
3. *The routine reporting mechanism be reported to the Wingecarribee Local Planning Panel to seek their feedback.*
4. *The Wingecarribee Shire Council - Planning Panel Guidelines be reviewed and draft amendments be proposed for consideration by the Wingecarribee Local Planning Panel in response to the Council resolutions of this report.*
5. *A further report be brought back to Council following consideration of the above resolutions by the Wingecarribee Local Planning Panel.*

Report 10.20 of Ordinary Council Meeting dated 7 August 2024 can be viewed from page 289 of the following link:

<https://www.wsc.nsw.gov.au/files/assets/public/v/1/council/meeting-minutes/2024/7-august-2024/agenda-ordinary-meeting-of-council-7-august-2024.pdf>

The resolutions for Report 10.20 of Ordinary Council Meeting dated 7 August 2024 can be viewed from page 38 of the following link:

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<https://www.wsc.nsw.gov.au/files/assets/public/v/2/council/meeting-minutes/2024/7-august-2024/draft-minutes-ordinary-meeting-of-council-7-august-2024.pdf>

This current Council report addresses **Resolution 5** above by advising that the WLPP considered all the above five Council resolutions by providing advice and determining items 6.2 and 6.3 at the WLPP meeting dated 25 September 2024. The WLPP reports 6.2 and 6.3 can be viewed from page 74 and page 77 respectively of the following link:

<https://www.wsc.nsw.gov.au/files/assets/public/v/1/plan-and-build/wingecarribee-local-planning/25-september-2024/wingecarribee-local-planning-panel-agenda-25-september-2024.pdf>

The WLPP determinations for 6.2 and 6.3 can be viewed from page 6 and page 7 respectively of the following link:

<https://www.wsc.nsw.gov.au/files/assets/public/v/1/plan-and-build/wingecarribee-local-planning/25-september-2024/wlpp-minutes-24-september-2024.pdf>

Additionally, at the Ordinary Meeting of Council dated Wednesday 7 August 2024, Council considered item 10.21 which can be viewed from page 318 of the following link:

<https://www.wsc.nsw.gov.au/files/assets/public/v/1/council/meeting-minutes/2024/7-august-2024/agenda-ordinary-meeting-of-council-7-august-2024.pdf>

The resolutions for Report 10.21 of Ordinary Council Meeting dated 7 August 2024 can be viewed from page 40 of the following link:

<https://www.wsc.nsw.gov.au/files/assets/public/v/2/council/meeting-minutes/2024/7-august-2024/draft-minutes-ordinary-meeting-of-council-7-august-2024.pdf>

For item 10.21 Council resolved that:

- 1. Performance against the timeframe expectations for development assessments as contained in the Environmental Planning and Assessment (Statement of Expectations) Order 2024 be reported to Council as part of the Operational Plan 2024/25 - Service Performance Measures reporting requirements.*
- 2. A further report on Development Assessment Performance be provided to the newly elected Council in the first quarter of 2025.*
- 3. A routine reporting mechanism be developed for development applications which have been lodged for a period of 180 days or more, with short commentary, to the monthly meeting of the Wingecarribee Local Planning Panel until the Ministerial Order dated 1 July 2024 is satisfied; such reporting to commence at the September meeting.*

Resolution 1 as per above is to be actioned through the Operational Plan 2024/25 - Service Performance Measures reporting requirements which are scheduled for the Ordinary Meeting of Council dated 19 February 2025.

Additionally, the DAP first presented to Council on 20 November 2024 is to be reported at each Ordinary Meeting of Council with the next DAP report scheduled for 19 February 2025.

Resolution 2 as per above is to be reported at the first 2025 Ordinary Meeting of Council scheduled for 19 February 2025.

Resolution 3 as per above is relevant to the WLPP, however, the WLPP did not initially consider it as it was not reported to the 25 September 2024 WLPP meeting. However, at the WLPP meeting of the same date the Council resolution was drawn to the WLPP's attention by Mr Barry Anstee who addressed the WLPP on the matter.

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The WLPP considered the matter and stated that: *The Panel is of the view that consideration of Development Applications (DAs) that would not otherwise come before it is beyond its remit, that such DAs are a matter for Council operational management and that the advice of the Director Communities and Place and General Manager be sought regarding the above matter.*

Council staff concur with the WLPPs view and detail reasoning further below in this report.

LEGISLATIVE CONSIDERATIONS

The Environmental Planning and Assessment (Statement of Expectations) Order 2024

The Order made by the Hon. Paul Scully MP, Minister for Planning and Public Spaces dated 1 July 2024 can be viewed at the following link: <https://www.planning.nsw.gov.au/node/27186>

The Order states expectations of a Council, however the order does not state expectations of a local planning panel, therefore it does not apply to the WLPP. It is noted that local planning panels are referenced in item 5(1)(c) of the Order.

Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents

This Direction made by the Hon. Paul Scully MP, Minister for Planning and Public Spaces dated 6 March 2024 can be viewed at the following link:

<https://www.planning.nsw.gov.au/sites/default/files/2023-02/local-planning-panels-direction-development-applications-and-applications-to-modify-development-consents.pdf>

The WLPP are only to determine DAs in accordance with Schedule 1 of the Direction.

Local Planning Panels Direction – Operational Procedures

The Direction made by the Hon. Anthony Roberts MP; Minister for Planning dated 7 December 2022 can be viewed at the following link:

<https://www.planning.nsw.gov.au/sites/default/files/2024-03/local-planning-panels-direction-operational-procedures-april.pdf>

Under the heading 'Application' contained within page 1 of the Direction there is a 'Note' which states: ***Local Planning Panels are independent committees appointed by Councils to determine certain development applications and to provide advice on planning proposals. A local planning panel is not subject to the direction or control of council, except on matters relating to panel procedures or the time within which the panel is to deal with a matter that is not inconsistent with this direction.***

Item 4.4(3) of the Direction titled 'Panel Performance' states: *Should an application experience unreasonable delays in excess of 180 calendar days from lodgement, the panel chair may require the council to report the matter to the panel within 4 weeks for determination.*

It is noted that item 4.4(3) is only applicable to DAs in accordance with 'Schedule 1' of the Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents dated 6 March 2024 which can be viewed at the following link:

<https://www.planning.nsw.gov.au/sites/default/files/2023-02/local-planning-panels-direction-development-applications-and-applications-to-modify-development-consents.pdf>

This is the basis as to why Council Resolution 3 of item 10.21 of the Ordinary Meeting of Council dated Wednesday 7 August 2024 was not reported to the WLPP. Resolution 3 being that:

A routine reporting mechanism be developed for development applications which have been lodged for a period of 180 days or more, with short commentary, to the monthly meeting of the Wingecarribee Local Planning Panel until the Ministerial Order dated 1 July 2024 is satisfied; such reporting to commence at the September meeting.

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On 23 October 2024, Barry Anstee again addressed the WLPP in response to agenda item 6.4 which can be viewed from page 88 of the following link:

https://www.wsc.nsw.gov.au/files/assets/public/v/2/plan-and-build/wingecarribee-local-planning/23-october-2024/wingecarribee_local_planning_agenda-23-october-2024.pdf

The minutes relating to item 6.4 can be viewed from page 12 of the following link:

<https://www.wsc.nsw.gov.au/files/assets/public/v/1/plan-and-build/wingecarribee-local-planning/23-october-2024/wlpp-minutes-23-october-2024.pdf>

COUNCIL BUDGET IMPLICATIONS

There is no budget implications associated with this report.

CONCLUSION

The WLPP is an independent committee appointed by Council to determine certain DAs and to provide advice on planning proposals. The WLPP is not subject to the direction or control of Council, except on matters relating to panel procedures or the time within which the panel is to deal with a matter that is not inconsistent with the direction of the Minister.

As such Resolution 3 of Council Report 10.21 dated 7 August 2024 is recommended to be rescinded.

The WLPP will continue to be administered in accordance with relevant legislation.

ATTACHMENTS

Nil

8.17 Country Mayors Association Minutes - 15 November 2024

Report of: Lisa Miscamble
General Manager

Authorised by: Lisa Miscamble
General Manager

PURPOSE

The purpose of this report is to note the Minutes of the Country Mayors Association (CMA) Meeting held on 15 November 2024.

OFFICER'S RECOMMENDATION

That Council receive and note the minutes from the Country Mayors Association Meeting held on 15 November 2024.

REPORT

BACKGROUND

The minutes of the Country Mayors Association meeting held on 15 November 2024 are attached for the information of Council, noting that these minutes will be confirmed at the next CMA meeting in March 2025.

ATTACHMENTS

1. Country Mayors Association Minutes - 15 November 2024 [8.17.1 - 11 pages]

8.18 Canberra Region Joint Organisation Minutes - 25 October 2024

Report of: Lisa Miscamble
General Manager

Authorised by: Lisa Miscamble
General Manager

PURPOSE

The purpose of this report is to note the Minutes of the Canberra Region Joint Organisation (CRJO) Extraordinary Board Meeting held on 25 October 2024.

OFFICER'S RECOMMENDATION

That Council receive and note the Minutes of the Canberra Region Joint Organisation Extraordinary Board Meeting held on 25 October 2024.

REPORT

Council is a member of the Canberra Region Joint Organisation, which is a Government body that provides regional leadership to connect communities within the South-East region, collaborating with all levels of government, industry and community to work together to provide a vibrant regional vision and deliver important key outcomes.

The CRJO Extraordinary Board Meeting was held on 25 October 2024. The minutes and action list from the meeting are attached to this report for the information of Council.

ATTACHMENTS

1. Minutes CRJO Extraordinary Board Meeting 25 October 2024 [8.18.1 - 11 pages]
2. Board Actions Arising 25 October 2024 [8.18.2 - 4 pages]

9 NOTICES OF MOTION

9.1 Notice of Motion 1/2024 - Canteen Renovation - Southern Regional Livestock Exchange

COUNCILLOR RUSSELL SUBMITTED THE FOLLOWING MOTION:

MOTION

THAT Council staff prepare a timeline for Delivery on the renovation of the Canteen at the Southern Regional Livestock (SRLX) Exchange.

BACKGROUND FROM COUNCILLOR

Council flier was distributed at the SRLX during a sale in November 2024 stating that the Canteen renovation would be complete by April 2025. The SRLX had not had a functioning Canteen since at least April 2023. Council has been collecting a Levy of \$4.10 per head including GST from producers as a Capital Contribution Levy for the SRLX since July 2024. Prior to that date, Council was collecting the Capital Contribution Levy of \$3:00 per head including GST since a meeting of the Business Units Committee RLX on 5 February 2016. This is in addition to other fees and charges per head of cattle paid by both agents and producers. SRLX, on average, sell 800-100 head of cattle every week, and operates for 48-49 weeks of the year.

ATTACHMENTS

Nil

9.1 Notice of Motion 2/2024 – Disaster Relief Grant Funding

COUNCILLOR FOLEY SUBMITTED THE FOLLOWING MOTION:

MOTION

THAT the General Manager provide a short report to Council in the first quarter of 2025 providing details on the:

- a. Status of disaster relief grant funding, and the cause of any delays associated in securing this funding, and the impacts of the delay of payments.
- b. Estimated value of damage from the declared natural disasters (three) since April 2024.
- c. Total cumulative value of natural disaster damage for Wingecarribee since 2022.

BACKGROUND FROM COUNCILLOR

Wingecarribee Shire has been subjected to the highest number of Natural Disaster Declarations (NDD) in NSW, most recently having its 15th Declaration since 2019, putting us at equal first in the State for the number of NDD's. This has placed a significant burden on our community, its infrastructure and the Council. As a Council it is important to understand these impacts and what we can do to effect positive change.

ATTACHMENTS

Nil

10 QUESTIONS WITH NOTICE

11 RESPONSES TO QUESTIONS

11.1 14 Currockbilly Street, Welby - Lease to Highlands Community Theatre Group - End of Term Provisions

Report Author: Amanda McCullagh
Coordinator Property Services

Authoriser: Shelley Jones
Director Corporate Strategy and Resourcing

BACKGROUND

At the Ordinary Council Meeting on 20 November 2024, Council requested advice as to what happens at the end of the five (5) year Lease to Highlands Community Theatre Group and if the Group has options to renew the Lease, or if the property is able to be made available for other interested community groups who might want to take up a Lease in that space.

OFFICER'S RECOMMENDATION

THAT Council receive and note this response to the Question Taken on Notice.

REPORT

Welby Community Hall

A report was presented to the Council meeting on 20 November 2024 for resolution to enter into a five (5) year lease with Highlands Theatre Group for Welby Community Centre, 14 Currockbilly Street, Welby.

That Lease is for a five (5) year Lease period with no option to renew.

What happens at the end of the lease term?

1. Approach by Lessee to renew

Where a Lessee is in occupation of a Council property and they wish to continue that occupation following expiration of a five (5) year Lease term, the Lessee will typically make representation to Council to renew the Lease for a further period before the lease term ends.

If a request to enter into a further Lease agreement is received from the non-profit Lessee, and there has been no interest from any other community groups during the term of the Lease, the proposal to provide the Lessee with a further term would be placed on public exhibition.

If any objections are received during the period of public consultation, the matter would be reported to Council for resolution, providing details of the objections received.

If during this exhibition other non-profit parties express interest in a lease of the property, Council would initiate an expression of interest process, with a report provided to Council at the conclusion of that process.

2. Approach by other interested parties

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 11 DECEMBER 2024**

If interest from other non-profit community groups have been received during the terms of the Lease, a public expression of interest process would be undertaken to give other interested users an opportunity to be considered for use of the property at the conclusion of the lease term.

12 MEETING CLOSURE