

Lisa Miscamble

From: Adan Davis
Sent: Monday, 13 May 2024 5:51 PM
To: David O'Brien
Cc: Administrator Office; Lisa Miscamble; Clinton McAlister; Jon Shillito; Cathryn Fuller; Andre Vernez; goulburn@parliament.nsw.gov.au; Judy Hannan; gday@2st.com.au
Subject: FW: Council Delays (Restriction Of Trade)

Hi David,

I have separately sent a reply to your email from last week. I provide this response in relation to your email earlier today to the Administrator and General Manager.

An important clarification on the Council report being considered on Wednesday. The staff referred to in the report, who were without appropriate qualification and training in planning assessment and planning legislation, were former staff working at Council in 2019, 2020 and 2021. None of these staff or contractors work for Council any longer and DAs are only determined by planners.

Over the past two years, instead of being able to focus on assessing the backlog of applications, Council officers have had to spend considerable time dealing with the issues of the past including stormwater issues, delays with releasing new subdivision lots, exposed contamination material, and residents pointing out building exceedances or departures from standards.

Council is the consent authority, and only Council can issue consent for a local development application approval. Wingecarribee Shire Council, like many Council's across the State and nationally, have a shortage of qualified staff. Wingecarribee currently has less planning assessment and building surveying staff than its neighbouring Council's. Council has been, and is continuing to, recruit for the additional personnel required. The NSW State government set the regulated fees for development applications and it is a matter for the State as to whether it wishes to review these fees to reflect the increasing cost to Council's of paid professionals (or consultants) the resourcing of development assessment.

As you are aware, in September last year we commenced the integration of s.68 Local Government Act approvals with DA approvals. Council has increased its development engineering team that work on s.138 Roads Works applications.

Council's new development application tracker provides details on the progress of applications and notifies a registered person when it progresses to the next stage of the process. The report to Council this Wednesday on Council's current processing of applications is very open and transparent, more so than the level of detail than what NSW Council's would generally report. It answers your questions about the reasons for the current assessment times. I would hope that local builders, having the benefit of this knowledge, would then do the right thing by the community and ensure that their contracts do not financially penalise their clients.

I trust that this answers your questions.

Regards,
Adan

Adan Davis

Director Communities and Place

☎ 02 4868 0888

✉ Adan.Davis@wsc.nsw.gov.au



Wingecarribee
SHIRE COUNCIL

🌐 www.wsc.nsw.gov.au 📍 68 Elizabeth St, Moss Vale NSW 2577 📧 PO Box 141 Moss Vale NSW 2577

We acknowledge the Gundungurra and Tharawal people as the traditional custodians of this place we now call the Wingecarribee Shire. We recognise the continuous and deep connection for Gundungurra and Tharawal people to their Ngurra (Country) and

its great cultural significance to First Nations people, both locally and in the region. We pay respect to Elders past and present, and extend that respect to all First Nations people.

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VALUES



From: David O'Brien <david.obrien@gjgardner.com.au>

Sent: Monday, May 13, 2024 11:31:14 AM

To: Administrator Office <AdministratorOffice@wsc.nsw.gov.au>; Lisa Miscamble <Lisa.Miscamble@wsc.nsw.gov.au>; gday@2st.com.au <gday@2st.com.au>

Cc: Cathryn Fuller <cathryn.fuller@wsc.nsw.gov.au>; kiama@parliament.nsw.gov.au <kiama@parliament.nsw.gov.au>; goulburn@parliament.nsw.gov.au <goulburn@parliament.nsw.gov.au>; shellharbour@parliament.nsw.gov.au <shellharbour@parliament.nsw.gov.au>; wollongong@parliament.nsw.gov.au <wollongong@parliament.nsw.gov.au>; office@judyhannan.com.au <office@judyhannan.com.au>; Andre Vernez <Andre.Vernez@wsc.nsw.gov.au>; nsw@parliament.nsw.gov.au <nsw@parliament.nsw.gov.au>

Subject: Re: Council Delays (Restriction Of Trade)

Hi Viv & Lisa or whoever is there for the Wingecarribee Shire Council,

Given the latest news reports and the lack of a reply from the Wingecarribee Shire Council, we can only assume the Wingecarribee Shire Council doesn't have the qualified staff to provide a standard straightforward DA, 68, & 138 approvals so why take our money when you can't provide a service?

1/ Why is the Wingecarribee Shire Council telling us that the applications (DA, 68, & 138) are not back from the external planners, but yet then when we call the external planners which we do and have done they advise us that the application has been assessed, and recommended to be approved, and returned to the Wingecarribee Shire Council?

2/ WHY is the Wingecarribee Shire Council misleading us ALL about where our applications are up to?

3/ Why is it taking the Wingecarribee Shire Council 3 to 4 times longer than any other surrounding councils?

4/ Why is the Wingecarribee Shire Council Restricting our trading, our income, and our livelihoods?

5/ How long is it going to take the Wingecarribee Shire Council to clear the pile of DA, 68, and 138s that have been assessed and recommended for approval that are sitting on the deck at the Wingecarribee Shire Council and have been for MONTHS?

SEE BELOW EMAIL

Regards,

David O'Brien
Franchisee / Director / Builder

G.J. Gardner Homes Southern Highlands
217 Arvyle Street Moss Vale NSW 2577

T. 02 4868 3233

G.J. Gardner. HOMES

New Vision Builders Pty Ltd. ABN 12 088 350 154, T/AS G.J. Gardner Homes - Southern Highlands
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On Mon, 6 May 2024 at 15:18, David O'Brien <david.obrien@gjgardner.com.au> wrote:

Hi Viv & Lisa or whoever is there for the Wingecarribee Shire Council,

It's been a while, I thought I would see how things work out this year and give the Wingecarribee Shire Council time to catch up and well so far nothing has changed when it comes to the Wingecarribee Shire Council, we have received ONLY 2 DA Approvals this year not good. (Restriction Of Trade)

I see that the Wingecarribee Shire Council has lost yet again more good staff Cathryn Fuller and Chris Young are now gone.

Why is the Wingecarribee Shire Council telling us that the applications (DA, 68, & 138) are not back from the external planners, but yet then when we call the external planners which we do and have done they advise us that the application has been assessed, and recommended to be approved, and returned to the Wingecarribee Shire Council ????

WHY is the Wingecarribee Shire Council misleading and lying to us ALL ??????? the ratepayer has PAID for this and should receive the approval NOT be lied to by the Wingecarribee Shire Council.

Just so you know EVERYONE knows that the Wingecarribee Shire Council has given the external Planners 30 days that's one (1) month to carry out the assessment and the external Planners complete and return the application within the 30 days that's one (1) month so what's the holdup ???????

What the Wingecarribee Shire Council is doing to the local suppliers and Trades is called Restriction Of Trade which in Australia is illegal no matter who you are.

Shellharbour Council is providing DA, 68, 138 approvals within 3 to 4 months
Wollondilly Council is providing CDC approvals within 1 to 2 months
Wollondilly Council is providing DA, 68, 138 approvals within 2 to 3 months
Goulburn Council is providing CDC approvals within 1 to 1.5 months
Goulburn Council is providing DA approvals within 2 months

This information is from other builders and GJ Gardner offices in these areas.

Also, the above Councils do NOT send any RFI's and we provide ALL the councils with the same information and details so what is wrong with the Wingecarribee Shire Council planning approval department / process ??????

Why can't we get our approvals back within a reasonable timeframe (2 to 3 months) ??????

These are standard residential single-story homes and the land is already approved for a house why is the Wingercarribee Shire Council Restricting our trading, our income, our livelihoods ?????

Why is the Wingercarribee Shire Council the worst-performing council in NSW ?????

\$12 Million in debt and the Wingercarribee Shire Council wants another \$41 Million but yet, the Wingercarribee Shire Council doesn't care about the local small business people, doesn't care about the local shops/suppliers, doesn't care about the local trades, and doesn't care about the ratepayers who own land but can't get a house built because the Wingercarribee Shire Council is restricting the progress and trade within the Wingercarribee Shire.

I'm requesting an update on ALL our jobs that have been sitting on the desk for months at the Wingercarribee Shire Council waiting for someone to sign off on after a private certifier carried out the assessment and has recommended it be approved. We have paid for this work and we deserve answers and compensation.

Regards,

David O'Brien
Franchisee / Director / Builder

G.J. Gardner Homes Southern Highlands
217 Aravle Street Moss Vale NSW 2577


T. 02 4868 3233

G.J. Gardner. HOMES

New Vision Builders Pty Ltd. ABN 12 088 350 154. T/AS G.J. Gardner Homes - Southern Highlands

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