

11 February 2022

Dear Mr May PSM,

You are kindly requested to attend the **Extraordinary Meeting** of Wingecarribee Shire Council to be held in **Council Chambers, Civic Centre, Elizabeth Street, Moss Vale** on **Wednesday 16 February 2022** commencing at **3.30pm**.

Yours faithfully

Lisa Miscamble
General Manager

Business

1. **OPENING OF THE MEETING**
 2. **ACKNOWLEDGEMENT OF COUNTRY**
 3. **PRAYER**
 4. **APOLOGIES**
Nil
 5. **DECLARATIONS OF INTEREST** 1

 6. **INTERIM ADMINISTRATOR MINUTES**
 - 6.1 Community Update 2

 7. **GENERAL MANAGER**
 - 7.1 Sutherland Park Drive, Burradoo - Planning Proposal..... 3
 - 7.2 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to the minimum lot size of land at Villiers Road and Hill Road Moss Vale..... 15
 - 7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones 45
 - 7.4 Local Housing Strategy - Infrastructure Planning and Rezoning Process 73

 8. **CORPORATE STRATEGY AND RESOURCING**
 - 8.1 2021/22 Budget - Budget Review to 31 December 2021..... 78
 - 8.2 Investment Report - January 2022 83
 - 8.3 Extension of Formal Contract Agreement - Plant and Equipment Hire . 89
 - 8.4 Berrima District Historical & Family History Society Inc - part Mittagong Memorial Hall, 114-116 Main Street, Mittagong, Lease - Post Exhibition Report 95
 - 8.5 Penrose Hall Funding104
 - 8.6 Child Care Gap Fee Waiver108
 - 8.7 Hire of Council Facilities for Christmas in the Villages - Proposal to Waive Fees and Charges: Post Exhibition Report.....111
 - 8.8 Code of Meeting Practice - Post Exhibition Report.....114
 - 8.9 Council Resolutions - Status Update.....157

 9. **COMMUNITIES AND PLACE**
 - 9.1 NSW Rural Fire Fighting Fund - Acceptance of Grant Funding174

 10. **SERVICE AND PROJECT DELIVERY**
 - 10.1 Sewage Treatment Plant Upgrades - Funding Strategy176
-

AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL

Wednesday 16 February 2022



10.2 Road Asset Management Update	182
---	-----

11. CLOSED COUNCIL

Nil

12. MEETING CLOSURE

Our Mission, Our Vision, Our Values

OUR MISSION

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

OUR VISION

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

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

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

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

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

OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality



Council Chambers

Recording and Webcasting of Ordinary and Extraordinary Meetings of Council

This meeting is being recorded and webcast via Council's website and a person's image and/or voice may be publicly broadcast. Attendance at the meeting is to be taken as consent by a person to their image and/or voice being webcast. Any part of the meeting that is held in closed session will not be webcast.

Council requests that everyone in attendance is respectful and uses appropriate language. All speakers should refrain from making any defamatory, discriminatory or offensive comments or releasing any personal information about another individual without their consent. Council accepts no liability for any damage that may result from defamatory, discriminatory or offensive comments made by persons attending meetings – all liability will rest with the individual who made the comments.

The recording will be available for viewing on the internet for 12 months and retained as a Council record. The recording is subject to copyright.

The meeting must not be recorded by others without the prior written consent of Council in accordance with Council's Code of Meeting Practice.

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

The Council Chamber has 24 Hour Video Surveillance.



ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES

Nil at time of print.

DECLARATIONS OF INTEREST

101/3, 101/3.1

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.



6 INTERIM ADMINISTRATOR MINUTES

6.1 Community Update

Report Author: Interim Administrator
Authoriser: General Manager

PURPOSE

7 GENERAL MANAGER

7.1 Sutherland Park Drive, Burradoo - Planning Proposal

Report Author: Manager Strategic Land Use Planning
Authoriser: General Manager

PURPOSE

To consider a Planning Proposal to rezone land at Sutherland Park Drive, Burradoo from E3 Environmental Management to a mix of residential, commercial and environmental protection zones to facilitate a planned urban release area in accordance with the Wingecarribee Local Housing Strategy.

THIS ITEM WAS REFERRED FROM LOCAL PLANNING PANEL MEETING ON 6 OCTOBER 2021.

Applicant / Proponent	Cardno / Dawson James Pty Ltd
Owner	Tyree Pastoral Partnership
Consultants	Planning – Cardno Concept Master Plan – Cardno Aboriginal Heritage – Austral Archaeology Heritage – Austral Archaeology Water Cycle – Cardno Servicing / Infrastructure – Cardno Groundwater – Southern Geotechnics Preliminary Geotechnical / Contamination Assessment – Network Geotechnics Ecology – Cardno Traffic – Cardno Bushfire – Peterson Bushfire
Notification	N/A
Number Advised	N/A
Number of Submissions	N/A
Current Zoning	E3 Environmental Management
Proposed LEP Amendment/s	<ul style="list-style-type: none"> Rezone the subject land to a mix of residential, commercial, public recreation and environmental protection zones Introduce maximum height of building and FSR controls over the site.
Political Donations	None Disclosed
Recommendation	Planning Proposal be supported in principle



RECOMMENDATION

1. **THAT Council provide in-principle support for the Planning Proposal to rezone land at Sutherland Park Drive, Burradoo, to facilitate a residential development in accordance with the Wingecarribee Local Housing Strategy**
2. **THAT Council finalise the updated Wingecarribee River Flood Study to determine the zone boundaries of the Bowral South New Living Area**
3. **THAT in accordance with the Wingecarribee Local Housing Strategy, Council and / or the landowners prepare a Master Plan and Infrastructure Servicing Strategy for the Bowral South New Living Area prior to the Planning Proposal progressing to a Gateway determination**
4. **THAT a targeted Detailed Site Investigation be completed over the site prior to the Planning Proposal progressing to a Gateway determination**
5. **THAT the Planning Proposal be referred to Heritage NSW prior to Gateway determination**
6. **THAT the proposed Local Environmental Plan provisions, including land use zones, minimum lot sizes and zone boundaries be determined following the completion of the Wingecarribee River Flood Study, the Master Plan and Infrastructure Servicing Strategy for the Bowral South New Living Area.**

LOCAL PLANNING PANEL ADVICE

This matter was considered at the Local Planning Panel meeting on 6 October 2021. The Panel supported the staff recommendation and included an additional recommendation as follows:

7. **THAT the panel supports the Councils officer's recommendations and understands that the detailed master planning of the subject land will need to take into account a wide range of matters including staging of development, infrastructure capacity, integration with the master planning of the adjacent land together with a detailed appreciation of flooding and related constraints.**

The panel identified reservations about supporting the present structure plan and formed the view that the future master plan should more closely reflect not only staging, integration and infrastructure but also the principles of best planning practice.

Following the Local Planning Panel meeting of 6 October 2021, the matter was considered at the Ordinary Council Meeting of 13 October 2021 where it was resolved:

THAT the matter be deferred to enable the Panel's reservation to be clarified and opportunities for public/community benefit to be identified through associated contribution plans and to ensure the public interest is protected.

Council staff have since met with the Chair of the Local Planning Panel to seek clarification on the advice provided by the Panel.

The Chair has confirmed that the Panel support the recommendations of staff, and that any reservations related only to the structure plan provided by the proponent in support of the Planning Proposal, and not the staff recommendation.

The Panel notes that the recommendation of staff specifically addresses these reservations, in that it commits Council to undertaking a detailed master planning process for the New Living Area, prior to the land being rezoned. The proposed master planning process will be undertaken in consultation with the local community, and will deliver positive design outcomes, as well as providing greater certainty to the community, industry and Council. The Master Plan will ultimately form the basis of site-specific Development Control Plan provisions, to ensure that new development is managed in a way that is in keeping with the community's expectations.

The recommendation also commits Council to undertaking a detailed Infrastructure Plan and Servicing Strategy to identify the infrastructure requirements and funding mechanisms prior to the land being rezoned. The proposed Servicing Strategy will not only ensure that infrastructure is delivered in a well-planned and efficient way, it will spread the economic benefits or rezoning more broadly and help fund the infrastructure that is required to support new development.

REPORT

BACKGROUND

On 21 August 2020, a Planning Proposal was received by Council to rezone land at Sutherland Park Drive, Burradoo from E3 Environmental Management to a mix of residential, commercial and environmental protection zones. The Planning Proposal was supported by a number of technical studies and reports including:

- Concept Master Plan
- Aboriginal Cultural Heritage Assessment
- Heritage Assessment
- Water Cycle Assessment
- Servicing / Infrastructure Report
- Groundwater Assessment
- Preliminary Geotechnical and Contamination Assessment
- Ecological Assessment
- Traffic Assessment
- Bushfire Assessment

The Planning Proposal is provided as **Attachment 1** to this report, and the supporting studies and technical reports will be made available to the Panel prior to the meeting.

The land subject to the Planning Proposal forms part of the Bowral South New Living Area that was identified as a future urban release area under the Wingecarribee Local Housing Strategy.

The Local Housing Strategy was initially adopted by Council in June 2020, however, at the Ordinary Council Meeting of 12 August 2020, Council resolved to amend the Strategy, and undertake further consultation with the community.

The Planning Proposal was lodged on 21 August 2020, and it was agreed with the proponent that the Planning Proposal would be deferred pending the outcomes of the review of the Local Housing Strategy. The Housing Strategy was ultimately adopted at the Ordinary Council Meeting on 24 July 2021, allowing the Planning Proposal to progress.

REPORT

Subject Land

The subject land is located at Sutherland Park Drive, Burradoo and is legally described as Lot 20 DP 1220167 (see **Figure 1**). The site is approximately 106 ha of primarily cleared rural lands and forms the south-western boundary of the proposed Bowral South New Living Area.

The site is bound by the exiting residential areas of Burradoo to the north, an item of local heritage known as Moidart House and Garden to the west, the Wingecarribee River to the south, and the remainder of the Bowral South New Living Area to the east.

The land is primarily cleared, with scattered remnant vegetation in the north-east portion of the site and along the tributary in the north west corner of the site. The land contains three (3) existing buildings, including a residential dwelling and two (2) farm sheds.

The site is primarily zoned E3 Environmental Management under the Wingecarribee Local Environmental Plan 2010 (WLEP 2010), with a minimum lot size of 40ha. The edge of the property adjacent to Eridge Park Road is within an R5 Large Lot Residential zone and the southern boundary of the property along the Wingecarribee River is zoned E2 Environmental Conservation. The LEP does not currently set maximum building height or FSR standards for the site.

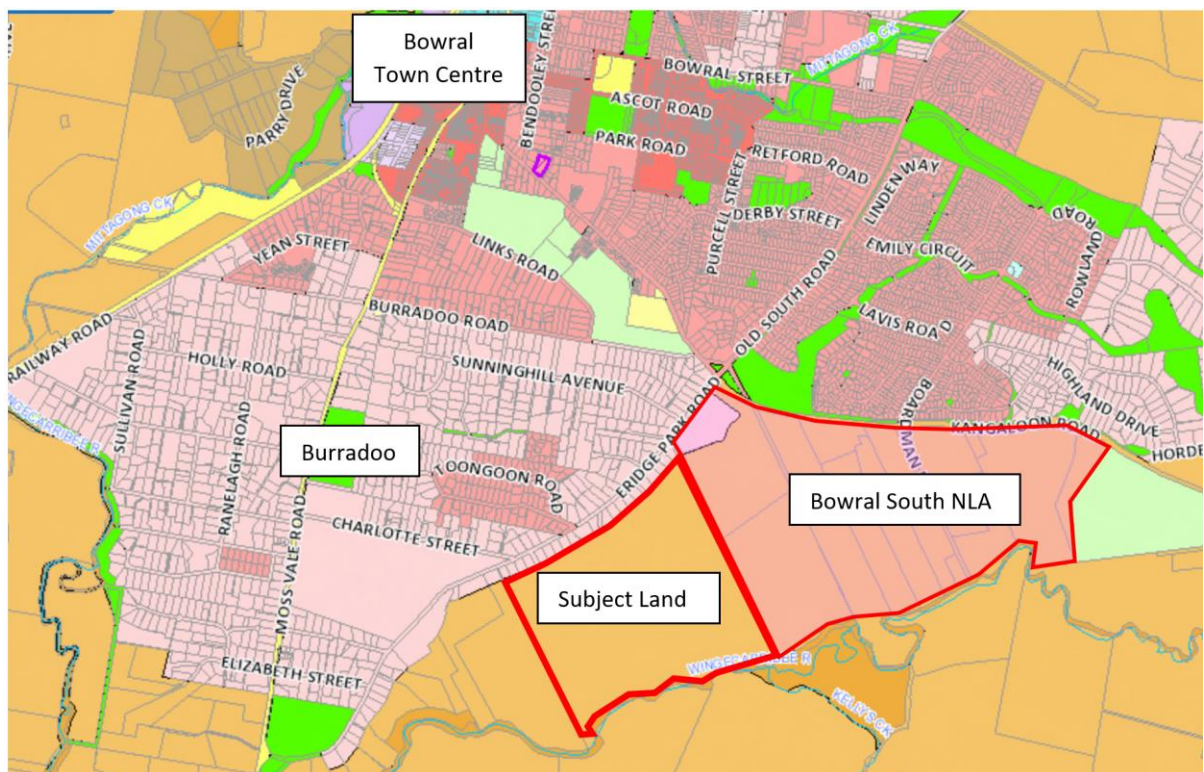


Figure 1 – Subject Land and Context

Planning Proposal

The Planning Proposal seeks to rezone the subject land to facilitate a primarily residential development in accordance with the Wingecarribee Local Housing Strategy. Specifically, the Planning Proposal seeks to:

- Rezone the subject land from E3 Environmental Management to:
 - Part R2 Low Density Residential
 - Part R3 Medium Density Residential
 - Part R5 Large Lot Residential
 - Part B1 Neighbourhood Centre
 - Part E2 Environmental Conservation
 - Part E3 Environmental Management, and
 - Part RE1 Public Recreation
- Introduce an Additional Permitted Use Clause under Schedule 1 to allow shop-top housing in the B1 zone
- Amend the minimum lot size provisions over the site (see **Figure 3**)
- Introduce maximum height of building and FSR controls over the site
- Map the land as an Urban Release Area under Part 6 of WLEP2010.

The Planning Proposal also presents a proposed development scheme for the site which is shown in **Figure 2** below with the proposed land use zones.

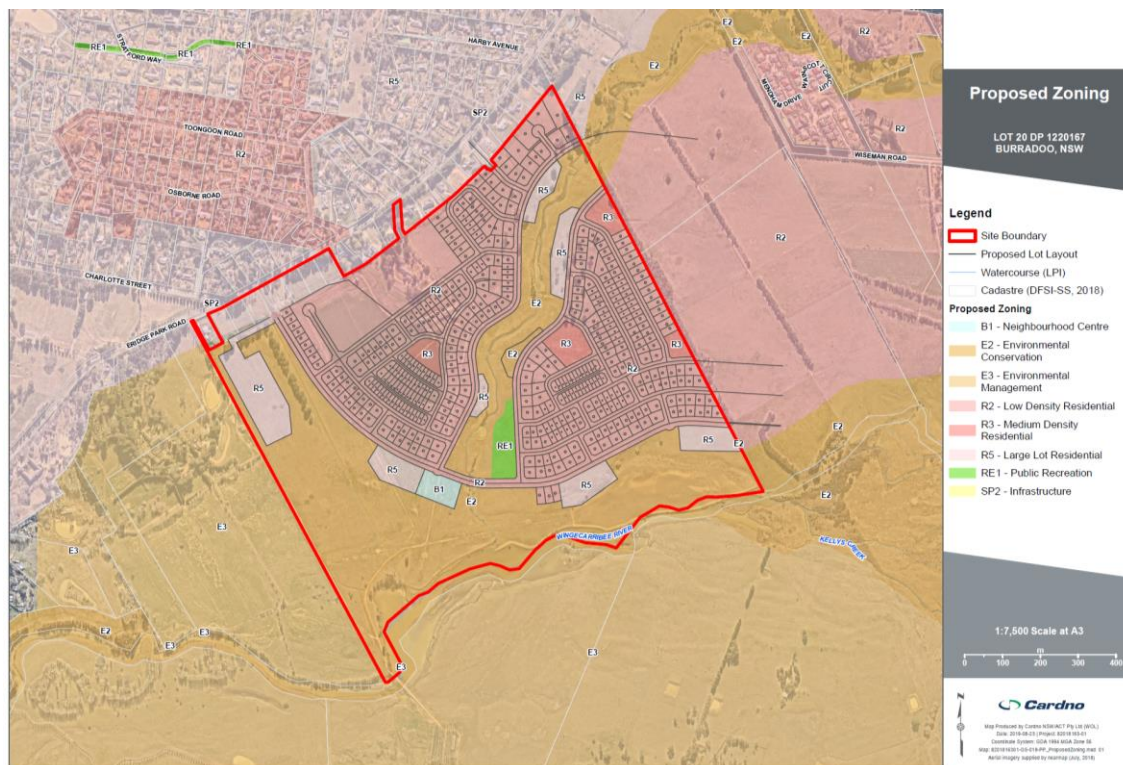


Figure 2 – Proposed Zones and Development Scheme

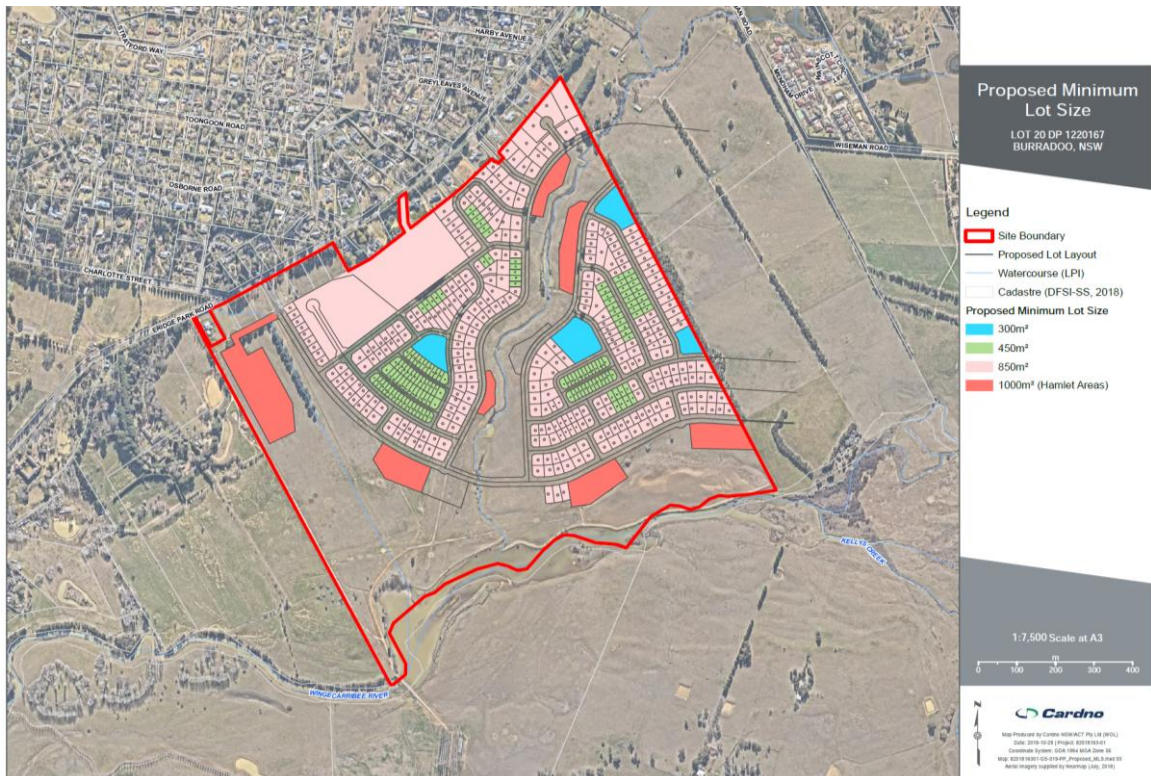


Figure 3 – Proposed Minimum Lot Sizes

Strategic Merit

The Department's *Guide to Preparing Planning Proposals* requires all Planning Proposals to demonstrate whether the proposal is a result of, or consistent with, the broader strategic planning framework for the area, including the Regional Plan and Local Strategic Planning Statement.

The proposal states that the proposed rezoning aligns with state, regional and local studies, and the strategic planning framework for Shire.

South East and Tablelands Regional Plan

The Regional Plan provides a broad planning framework, including a range of Goals, Directions and Actions to meet the economic, environmental, social and housing needs of the region.

The Planning Proposal provides an overview of each of the Goals and Directions outlined in the Regional Plan and seeks to demonstrate how the proposal gives effect to the Regional Plan.

The Planning Proposal is considered generally consistent with the Regional Plan, and specifically addresses a number of Directions in the Plan including:

- Direction 24 – Deliver greater housing supply and choice
- Direction 25 – Focus housing growth in locations that maximise infrastructure and services

Wingecarribee Local Strategic Planning Statement

The Wingecarribee LSPS sets out a 20-year land use vision and provides a long-term planning framework to meet the economic, housing, social and environmental needs of the community.

The Planning Proposal provides an overview of each of the Planning Priorities outlined in the LSPS and seeks to demonstrate how the proposal is consistent with the relevant priorities outlined in the Plan.

The Planning Proposal addresses a number of specific Planning Priorities and actions outlined in the LSPS including:

- **Planning Priority 4.3** Provide for well planned new release areas to meet the long-term housing needs of the community, and ensure that our growing communities are supported by essential infrastructure
- **Planning Priority 5.2** Ensure our growing communities are supported by essential infrastructure
- **Planning priority 6.1** Maintain the unique character of our towns and villages, separated by rich natural areas and rural landscapes

The subject land is also identified as part of the Bowral South New Living Area under the Bowral Precinct Plan contained within the LSPS.

Wingecarribee Local Housing Strategy

The Wingecarribee Local Housing Strategy provides a long term planning framework to meet the housing needs of the community both now and into the future. The Housing Strategy identifies six (6) new living areas to be developed over a 20-year period to meet the long term housing needs of the community, and the subject land forms part of the Bowral South New Living Area (see **Figure 4**).

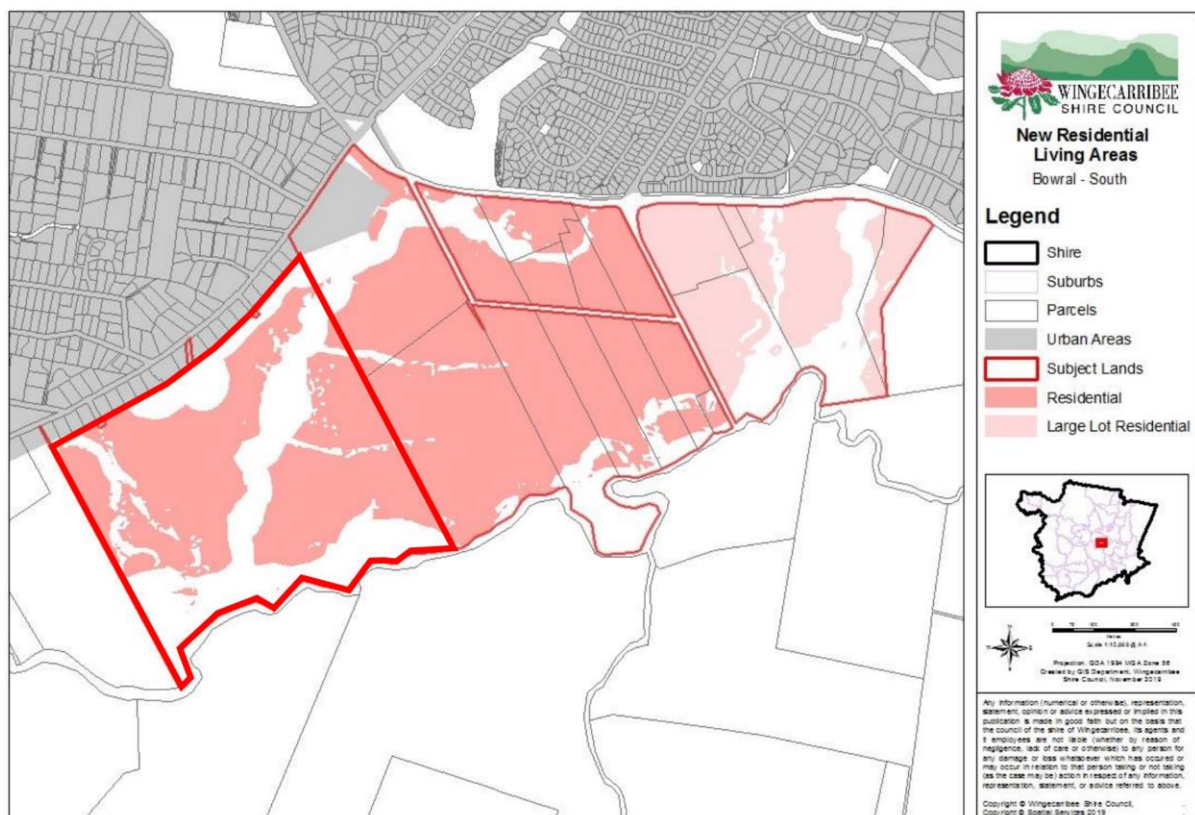


Figure 4 – Bowral South New Living Area (extract from the Local Housing Strategy)

The subject land is specifically identified as a New Living Area in the Housing Strategy, and Council are committed to rezoning the land in accordance with the Strategy to realise a



residential development on the site. However, the Strategy commits Council to undertaking a number of key planning processes prior to the land being rezoned, to ensure that new development areas are well planned and designed and supported by essential infrastructure.

Specifically, the Strategy commits Council to developing an Infrastructure Plan and Servicing Strategy to identify the infrastructure requirements to support the New Living Areas and to ensure that as our communities continue to grow, so too will the capacity of our infrastructure networks. The proposed servicing strategy will ensure that infrastructure is delivered in a well-planned and efficient way.

Further, the Strategy requires Master Plans to be prepared for each of the New Living Areas prior to rezoning, to deliver positive design outcomes, provide greater certainty to the community, industry and Council. The Master Plans will form the basis of site specific Development Control Plan provisions, to ensure that new development is managed in a way that is in keeping with the communities expectations.

Finally, the Strategy also requires the Wingecarribee River Flood Study to be updated prior to rezoning, to consider the release of water from Wingecarribee Dam in a flood event (not considered in the 2014 flood study). The updated flood study, including consideration of the release of water from the dam, has been prepared by Council and will be publicly exhibited during October 2021. The outcomes of the flood study will ultimately determine the zone boundaries of the New Living Area.

Council are committed to these improved planning processes that will ultimately deliver a well planned New Living Area, improved development outcomes, more efficient and effective infrastructure and houses on the ground sooner to meet the needs of the community.

Site Specific Merit / Land Capability

The majority of the subject land is generally free of constraints. The Local Housing Strategy identified small areas of bushfire prone land, a small area of high-value environmental lands as well as land subject to flooding along the Wingecarribee River and its tributaries, which need to be considered in the Planning Proposal and future development application process.

Further, the Housing Strategy identified the need for a number of site specific assessments to be completed, which have been provided as part of the Planning Proposal. The site specific studies generally demonstrate that the site is suitable for urban development.

Contamination

The Preliminary Site Investigation (PSI) submitted with the proposal identified isolated areas on the site that requires further detailed site investigations (DSI) to consider the general use of herbicides and pesticides from agricultural use, the potential storage of chemicals, and fill material on the site.

The results of the PSI are not uncommon for a rural property of this nature, however, a targeted DSI will be required to address the issues raised in the PSI. A new PSI and DSI are currently being prepared by the proponent, and it is recommended that the DSI be completed prior to submitting the Planning Proposal for Gateway determination.

Biodiversity

The preliminary biodiversity assessment identifies 33 remnant *Eucalyptus macarthurii* occurring as scattered paddock trees within the northern section of the site (see **Figure 5**). In accordance with the *Biodiversity Conservation Act 2016* (BC Act) any clearing of

E. macarthurii is considered a serious and irreversible impact. Therefore, all 33 remnant *Eucalyptus macarthurii* will need to be retained on the site in any future subdivision.

Given the location of the vegetation adjoining the major tributary to the Wingecarribee River, it is anticipated that the vegetation will be retained as part of the open space network associated with the creek.

No threatened fauna species under the BC Act and were detected during the field survey.

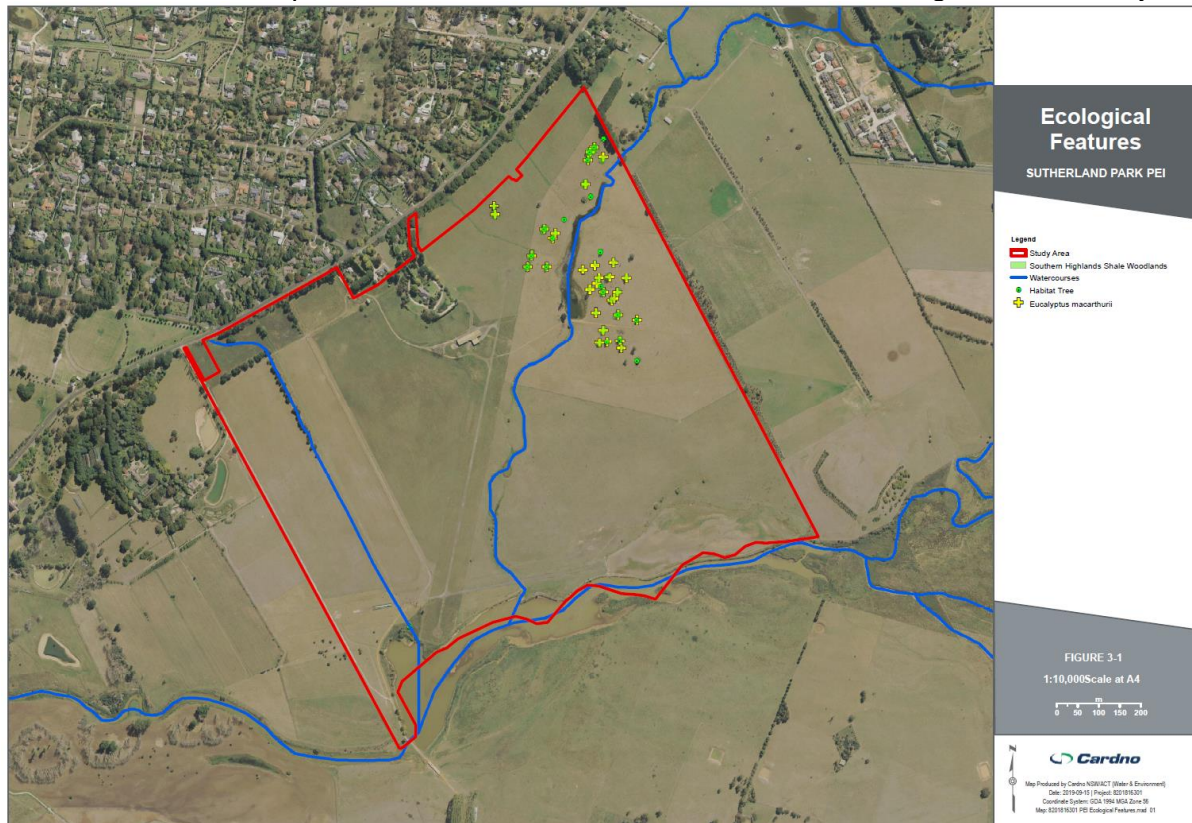


Figure 5 – Biodiversity Features

Aboriginal Cultural Heritage

A number of previously recorded Aboriginal Heritage Information Management System (AHIMS) sites are located within relatively close proximity to the subject land, however, no AHIM sites are located on the property.

A field survey undertaken to support the Planning Proposal identified a Scar Tree in the north-east portion of the study area. The area surrounding the scar tree has been identified as an area of high potential for further investigation. Due to the nature of trees and their associated finite lifespan, scar trees are considered rare in NSW and therefore have high archaeological significance.

Four areas of moderate archaeological potential have been identified for further investigation. The long history of disturbance of the site due to the clearing of trees and remnant vegetation, ploughing and grazing suggests that many potential surface or sub surface sites have been disturbed or destroyed.

The identified Scar Tree is of a significant nature and should be retained and protected from impacts of development. The five (5) areas identified as having high and moderate



archaeological potential will require detailed investigations prior to a development application being considered over the site.

Heritage

The subject land is within close proximity to a number of items of Local Heritage listed under the WLEP2010. The Planning Proposal includes an assessment of the curtilage of the heritage items and the potential impacts of the development on the significance of these items. While it is not anticipated that the development will result in a significant impact on any listed heritage item, a Heritage Impact Assessment will be required to support any future development application on the site.

The Planning Proposal also identifies that the site was previously subdivided to create veterans lots. These lots were reported to have contained wooden cottages. The lots were mostly abandoned or sold to other private ownership over time. A site inspection and archival search did not find any records of structures associated with the use of the land for veteran accommodation.

The site also contains a historic airstrip that was used for transporting participants of the Commonwealth Heads of Government meeting to Bowral due to the military lock down of Sydney CBD following the Hilton Hotel bombing on 13 February 1978.

As the study area contains heritage values, the Planning Proposal recommends that any future development will be subject to the following approvals:

- A Statement of Heritage Impact that refers to the detailed subdivision design and which mitigates impacts of potential archaeological remains of early settlement as part of the subdivision
- An Archaeological Assessment and research design that details the requirements of an archaeological program associated with early settlement of the study area and documents the pre-1940's use of the study area. This must support an application under section 140 of the Heritage Act

Further, the Planning Proposal recommends that interpretive material be provided to reflect the history of the site, and this will be further investigated with a SoHI developed for the site.

Given the historical significance of the site, it is recommended that the Planning Proposal be referred to NSW Heritage to provide feedback early in the process. This can occur while the Master Plan and Servicing Strategy are being completed over the whole of the New Living Area.

Infrastructure and Servicing

The Planning Proposal is supported by a high-level Infrastructure and Servicing Assessment which provides an overview of how the site can be serviced to support future development. There are a number of known limitations in the infrastructure networks that will impact on the timing of the New Living Area. Specifically, development on the site is subject to an upgrade of the Bowral Sewerage Treatment Plant that is currently operating at capacity.

The Housing Strategy commits Council to undertaking a detailed Infrastructure Plan and Servicing Strategy for the whole of the New Living Area, prior to rezoning, to ensure that infrastructure can be delivered in an efficient and cost effective way, without burdening our existing communities.

Council are currently working with all landowners within the New Living Area to prepare the Infrastructure Plan and Servicing Strategy, and it is recommended that this work be completed prior to a Planning Proposal progressing to Gateway determination.

Review of Planning Proposal Guidelines



The Department of Planning, Industry and Environment (DPIE) are currently reviewing the Guidelines for Preparing Planning Proposals. Under the updated Guidelines, the Departments will generally only issues Gateway determinations for a maximum period of 12 months, and will require all studies and technical reports to be completed prior to the issuing of a Gateway determination.

Therefore, consistent with advice from DPIE, the report recommends that the following studies and planning processes be completed prior to the Planning Proposal progressing to a Gateway determination:

- Wingecarribee River Flood Study (on exhibition in October 2021)
- A Master Plan and Infrastructure Servicing Strategy for the Bowral South New Living Area
- A targeted Detailed Site Investigation (contamination) over the subject land

It is also recommended that the Planning Proposal be referred to Heritage NSW prior to Gateway determination, and depending on the feedback received, a Statement of Heritage Impact may be required before progressing the Planning Proposal.

COMMUNICATION AND CONSULTATION

Community Engagement

The Local Housing Strategy was developed through extensive consultation with the community, and Council is currently working with landowners of the New Living Area to develop a Master Plan and Infrastructure Servicing Strategy.

No community engagement on the Planning Proposal has occurred at this stage. Should the Planning Proposal proceed to a Gateway determination, community engagement will occur in accordance with the requirements of the Gateway.

Internal Communication and Consultation

Internal consultation occurred with the Assets, Drainage and Traffic and Transport sections of Council.

The proposed Master Plan and Infrastructure Servicing Strategy will be developed in consultation with all groups of Council.

External Communication and Consultation

No external consultation on the Planning Proposal has occurred at this stage, however, it is recommended that Council refer the Planning Proposal to Heritage NSW prior to Gateway determination. Should the Planning Proposal proceed to a Gateway determination, community engagement will occur in accordance with the requirements of the Gateway.

SUSTAINABILITY ASSESSMENT

- **Environment**

Environmental issues have been addressed in the body of the report.

- **Social**

There are a number of social issues associated with the Planning Proposal that are addressed in the body of this report. The proposal seeks to provide housing in accordance with the Local Housing Strategy to meet the long term needs of our community.

- **Broader Economic Implications**

The proposed Master Plan and Infrastructure Servicing Strategy will ensure that infrastructure can be delivered in an efficient and cost effective way, without burdening our existing communities.

- **Culture**

Cultural issues are addressed in the body of this report.

- **Governance**

The Planning Proposal is consistent with an adopted strategy of Council, and has been assessed in accordance with the relevant legislation and guidelines.

COUNCIL BUDGET IMPLICATIONS

The proposed Master Plan and Infrastructure Servicing Strategy will ensure that infrastructure delivery will be coordinated, which will reduce the maintenance liability for Council.

RELATED COUNCIL POLICY

There are no related Council Policies.

CONCLUSION

The Planning Proposal seeks to rezone land at Sutherland Park Drive, Burradoo from E3 Environmental Management to a mix of residential, commercial and environmental protection zones to facilitate a planned urban release area in accordance with the Wingecarribee Local Housing Strategy.

While Council are committed to implementing the Local Housing Strategy and realising residential development on the site, a number of additional studies are required to ensure that the future development is well planned and designed, and is in keeping with the expectations of the community.

The report recommends that Council give in principle support to the Planning Proposal, and that the additional studies be completed prior to progressing the proposal to a Gateway determination.

ATTACHMENTS

1. Planning Proposal – *Under Separate Cover*

7.2 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to the minimum lot size of land at Villiers Road and Hill Road Moss Vale

Report Author: Manager Strategic Land Use Planning
Authoriser: General Manager

PURPOSE

The purpose of this report is to seek Council endorsement of a Planning Proposal to amend the current minimum lot size provisions for land situated at Villiers Road (Lot 8 DP 875224, Lot 9 DP 875224 and Lot 5 DP 844943) and Hill Road (Lot 3 DP 844943 and Lot 4 DP 844943) in Moss Vale, from 8,000m² to 2,000m².

THIS ITEM WAS REFERRED FROM LOCAL PLANNING PANEL MEETING ON 2 FEBRUARY 2022.

RECOMMENDATION

THAT the Planning Proposal be submitted to the Department of Planning Industry and Environment for Gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979.

PANEL ADVICE

This matter was considered at the Local Planning Panel meeting of 2 February 2022 and the Panel supported the staff recommendation.

REPORT

BACKGROUND

The purpose of the Planning Proposal is to seek an amendment of the current minimum lot size provisions of 8,000m² for land situated at Villiers Road (Lot 8 DP 875224, Lot 9 DP 875224 and Lot 5 DP 844943) and Hill Road (Lot 3 DP 844943 and Lot 4 DP 844943) in Moss Vale as a consequence of the rezoning of the Chelsea Gardens Coomungie Urban Release Area (URA) to the immediate south of the subject land.

The subject land is currently zoned R5 Low Density Residential with a minimum lot size of 8,000m² and is bounded by the Chelsea Gardens Coomungie URA to the south, and an established residential area to the north with a minimum lot size of 2,000m² and the Moss vale Golf Course to the west, as indicated in **Figures 1 and 2** below.

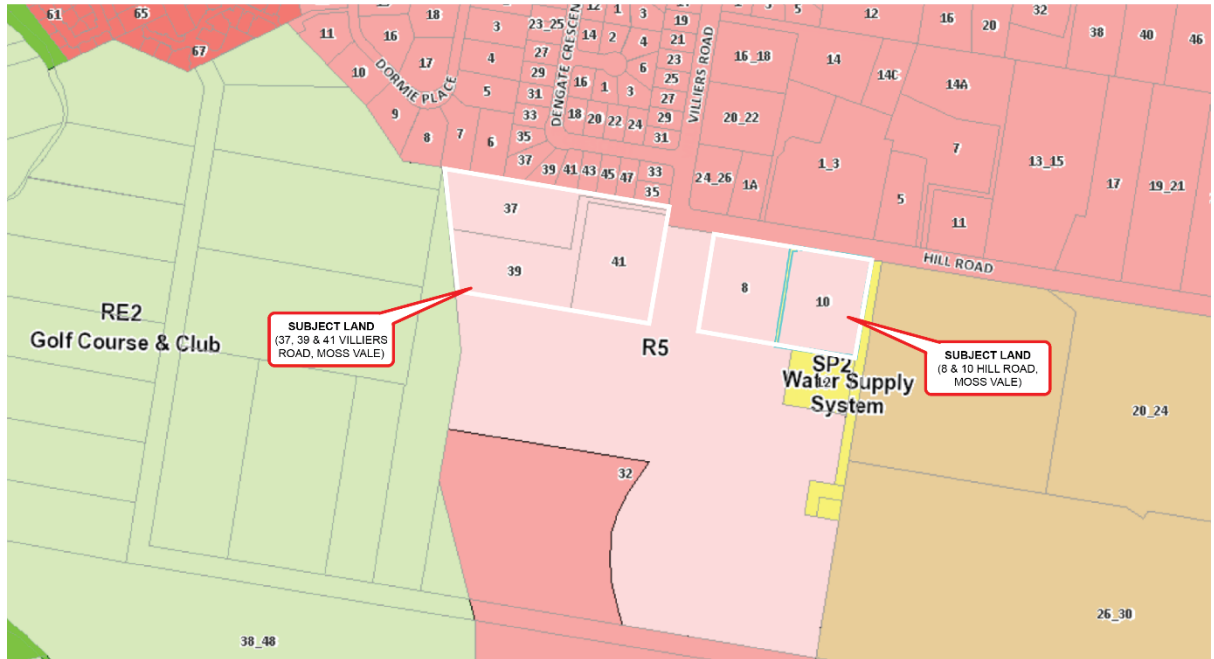


Figure 1 – Existing WLEP 2010 Zoning Provisions

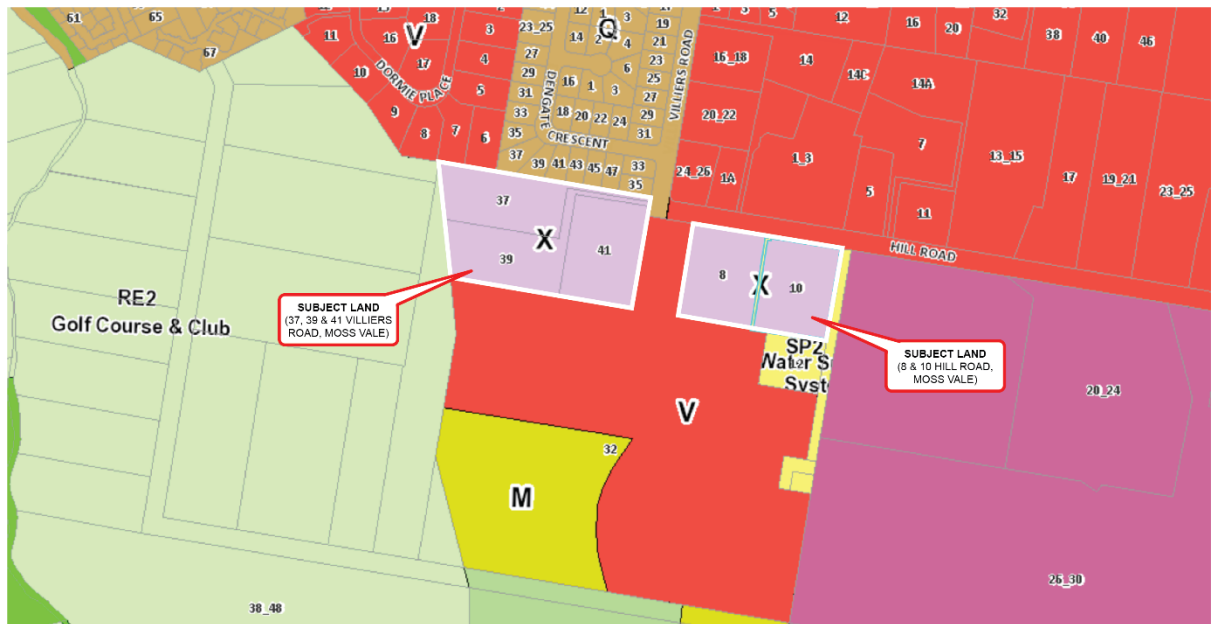


Figure 2 – Existing WLEP 2010 Minimum Lot Size Provisions

In 2017, the Department of Planning, Industry and Environment rezoned land to the south of Moss Vale known as the Chelsea Gardens Coomungie Urban Release Area (URA) for residential development. The URA adjoins the subject land to the south as indicated in **Figure 3** below.

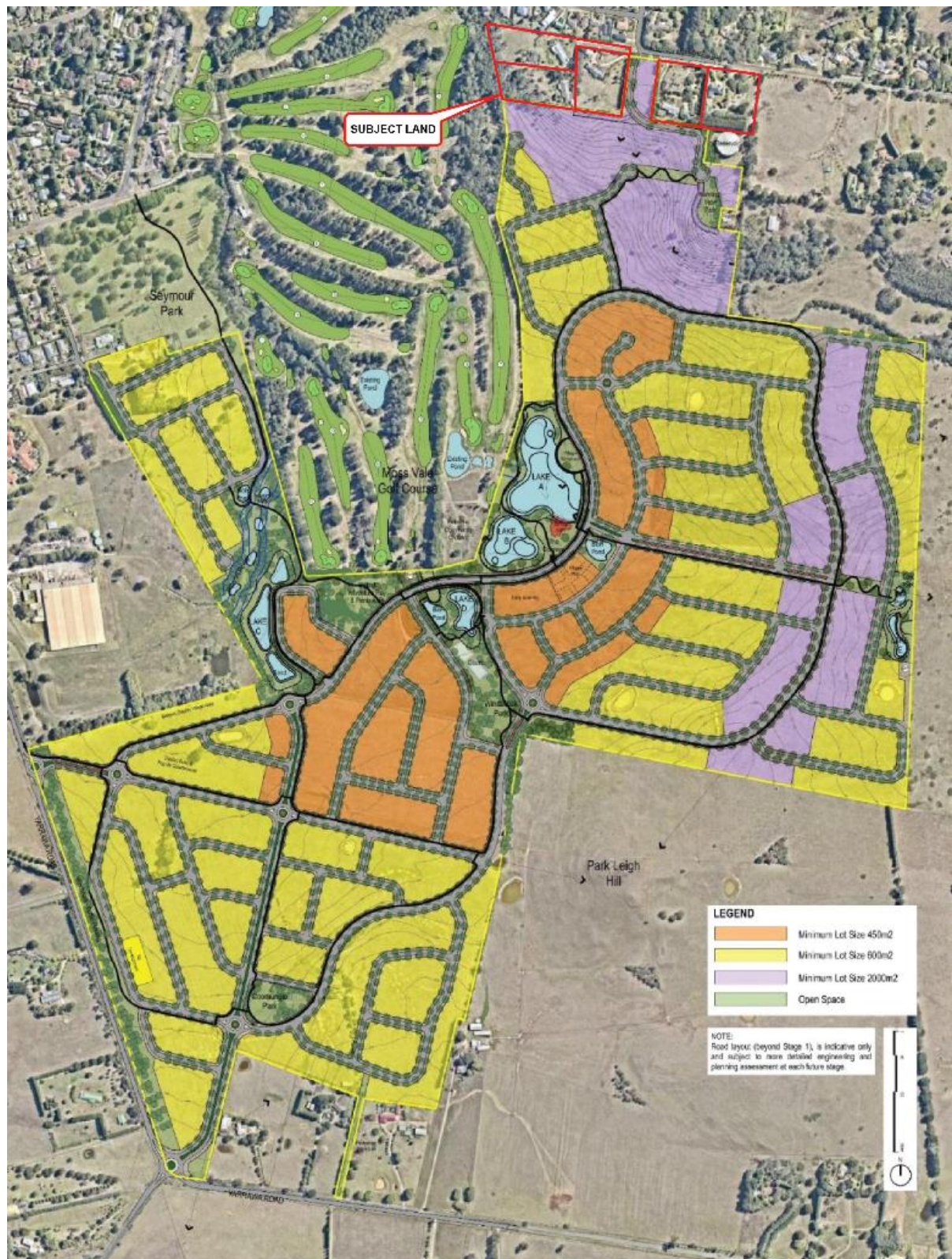


Figure 3 – Location of Subject Land and Chelsea Gardens Coomungie Master Plan
The URA rezoning came about as a result of a proponent-initiated Planning Proposal and thereby created an anomaly in the minimum lot size provisions for land immediately north of the URA on Hill Road and Villiers Road in Moss Vale.



Council is therefore seeking to rectify the identified anomaly by amending the minimum lot size of the subject land from 8,000m² to 2,000m² under the WLEP 2010. This amendment is considered to provide a more logical lot size pattern for the subject land, which will be generally consistent with the land to the north and south.

It is noted that the subject land is intended to remain zoned R5 Large Lot Residential and the proposed change in minimum lot size would allow for a more logical lot size pattern while enabling a modest increase in housing suited to the constraints of the site.

The Chelsea Gardens Coomungie URA is identified as one of the six new residential living areas under the Wingecarribee Local Housing Strategy (adopted June 2020) and consists of a mix of residential zones with minimum lot sizes ranging from 450m² to 2000m²

The Local Housing Strategy identified the need to better define the urban boundary of the Chelsea Gardens Coomungie URA and recommended that a number of small allotments surrounding the site be rezoned to provide a more logical urban edge.

Further, the Local Housing Strategy identified the need to undertake an administrative rationalisation of the minimum lot size provisions for the subject land on Hill Road (Lot 3 & 4 DP 844943) and Villiers Road (Lot 8 & 9 DP 875224 and Lot 5 DP 844943) along the Chelsea Gardens Coomungie URA northern boundary.

The intended outcome of this Planning Proposal is to amend the Wingecarribee Local Environmental Plan (WLEP) 2010 to reduce the minimum lot size provisions for the subject land situated at Hill Road and Villiers Road from 8000m² to 2000m².

COMMUNICATION AND CONSULTATION

Community Engagement

All land owners were previously consulted as part of the Wingecarribee Local Housing Strategy 2020. Further community engagement would occur as required under the Gateway determination would the Planning Proposal proceed. This would normally be for a period of at least 28 days and include notification to adjacent and near neighbours.

Internal Communication and Consultation

No further consultation would occur should the Planning Proposal not proceed.

External Communication and Consultation

No further consultation would occur should the Planning Proposal not proceed.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL

Wednesday 16 February 2022

REPORT GENERAL MANAGER



- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications in relation to this report. The preparation of the Planning Proposal will be undertaken with existing staff resources.

RELATED COUNCIL POLICY

Not Applicable

CONCLUSION

The advice of the Wingecarribee Local Planning Panel from the meeting held on 3rd November 2021 included the recommendation:

THAT the Planning Proposal be reported back to the Local Planning Panel for advice prior to being sent to the Department of Planning Industry and Environment for Gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979.

The purpose of this report is therefore to report the Planning Proposal back to the Local Planning Panel for consideration in regards to the amendment of the current minimum lot size provisions of 8,000m² for land situated at Villiers Road (Lot 8 DP 875224, Lot 9 DP 875224 and Lot 5 DP 844943) and Hill Road (Lot 3 DP 844943 and Lot 4 DP 844943) in Moss Vale as a consequence of the rezoning of the Chelsea Gardens Coomungie Urban Release Area (URA) to the immediate south of the subject land.

ATTACHMENTS

1. Planning Proposal for Gateway Determination



Planning Proposal

to amend Wingecarribee Local Environmental Plan
2010 with regard to the minimum lot size of land at
Villiers Road and Hill Road Moss Vale

Version 1 for Gateway Determination
Prepared by Wingecarribee Shire Council

FEBRUARY 2022

Working with you

WSC.NSW.GOV.AU





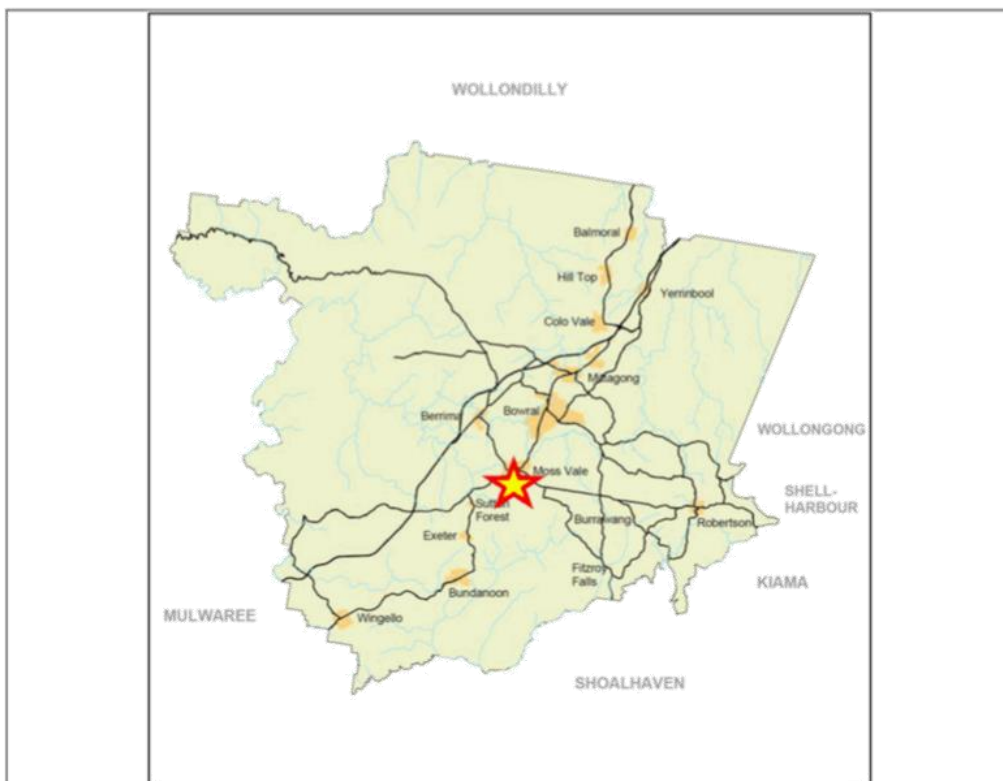
Attachments which form part of this Planning Proposal

1	Agenda for the Wingecarribee Local Planning Panel Meeting
2	Minutes of the Wingecarribee Local Planning Panel Meeting
3	Delegation Request Form

Address of the Land

Legal Description	<ul style="list-style-type: none"> a) Lot 8 DP 875224 b) Lot 9 DP 875224 c) Lot 5 DP 844943 d) Lot 4 DP 844943 e) Lot 3 DP 844943
Property Address	<ul style="list-style-type: none"> a) 37 Villiers Road, Moss Vale b) 39 Villiers Road, Moss Vale c) 41 Villiers Road, Moss Vale d) 8 Hill Road, Moss Vale e) 10 Hill Road, Moss Vale

Wingecarribee Shire





Site Location & Description

The purpose of the Planning Proposal is to seek an amendment of the current minimum lot size provisions of 8,000m2 for land situated at Villiers Road (Lot 8 DP 875224, Lot 9 DP 875224 and Lot 5 DP 844943) and Hill Road (Lot 3 DP 844943 and Lot 4 DP 844943) in Moss Vale as a consequence of the rezoning of the Chelsea Gardens Coomungie Urban Release Area (URA) to the immediate south of the subject land.

The subject land is currently zoned R5 Low Density Residential with a minimum lot size of 8,000m2 and is bounded by the Chelsea Gardens Coomungie URA to the south, and an established residential area to the north with a minimum lot size of 2,000m2 and the Moss vale Golf Couse to the west, as indicated in Figures 1 and 2 below.



Figure 1 – Existing WLEP 2010 Zoning Provisions

7.2 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to the minium lot size of land at Villiers Road and Hill Road Moss Vale



ATTACHMENT 1 Planning Proposal for Gateway Determination



Figure 2 – Existing WLEP 2010 Minimum Lot Size Provisions

In 2017, the Department of Planning, Industry and Environment rezoned land to the south of Moss Vale known as the Chelsea Gardens Coomungie Urban Release Area (URA) for residential development. The URA adjoins the subject land to the south as indicated in Figure 3 below.

7.2 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to the minium lot size of land at Villiers Road and Hill Road Moss Vale



ATTACHMENT 1 Planning Proposal for Gateway Determination



Figure 3 – Location of Subject Land and Chelsea Gardens Coomungie Master Plan



The URA rezoning came about as a result of a proponent-initiated Planning Proposal and thereby created an anomaly in the minimum lot size provisions for land immediately north of the URA on Hill Road and Villiers Road in Moss Vale.

Council is therefore seeking to rectify the identified anomaly by amending the minimum lot size of the subject land from 8,000m² to 2,000m² under the WLEP 2010. This amendment is considered to provide a more logical lot size pattern for the subject land, which will be generally consistent with the land to the north and south.

It is noted that the subject land is intended to remain zoned R5 Large Lot Residential and the proposed change in minimum lot size would allow for a more logical lot size pattern while enabling a modest increase in housing suited to the constraints of the site.

The Chelsea Gardens Coomungie URA is identified as one of the six new residential living areas under the Wingecarribee Local Housing Strategy (adopted June 2020) and consists of a mix of residential zones with minimum lot sizes ranging from 450m² to 2000m².

The Local Housing Strategy identified the need to better define the urban boundary of the Chelsea Gardens Coomungie URA and recommended that a number of small allotments surrounding the site be rezoned to provide a more logical urban edge.

Further, the Local Housing Strategy identified the need to undertake an administrative rationalisation of the minimum lot size provisions for the subject land on Hill Road (Lot 3 & 4 DP 844943) and Villiers Road (Lot 8 & 9 DP 875224 and Lot 5 DP 844943) along the Chelsea Gardens Coomungie URA northern boundary.

Part 1: Objectives or Intended Outcomes

The intended outcome of this Planning Proposal is to amend the Wingecarribee Local Environmental Plan (WLEP) 2010 to reduce the minimum lot size provisions for the subject land situated at Hill Road and Villiers Road from 8000m² to 2000m².

Part 2: Explanation of the Provisions

- No amendment to the WLEP 2010 instrument would result from this Planning Proposal.
- To achieve the intended outcomes of the Planning Proposal the following amendments to WLEP 2010 maps will be required:
 - Amend Lot Size Map LSZ_007H to modify the current minimum lot size provisions applied to the subject land from 8000m² to 2000 m².



Part 3: Justification of Objectives, Outcomes & Process

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is the result of recommendations included in the Wingecarribee Local Housing Strategy 2020 which identified the need to amend the current minimum lot size provisions of the subject land to enable a modest increase in housing and the delivery of a more logical lot size pattern that is consistent with the adjoining Chelsea Gardens Coomungie URA.

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

A Planning Proposal is the only means of achieving the amendment of the current minimum lot size provisions applied to the subject land.

Section B – Relationship to the Strategic Planning Framework

3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?

The Planning Proposal is considered to be consistent with the South East and Tablelands Regional Plan 2036.

As an overview, the Regional Plan aspires to ensure the realisation of a collaborative and borderless region that is prosperous, diverse, healthy and sustainable. This central vision is thus intended to be realised through four key goals, which are outlined within the Regional Plan. Whereby, the Planning Proposal is recognised as being consistent with one of the four principle objectives outlined within the South East Tablelands Regional Plan:

Goal 4: Environmentally sustainable housing choices – The Planning Proposal aligns with Direction 24, which references the importance of ensuring the delivery of housing options that are ‘flexible and responsive to shifts in local housing markets for both greenfield and infill development’ (2017, p.50). The amendment of the current minimum lot size provisions of the subject land is proposed to encourage a modest increase in housing, and a more logical lot size pattern that is consistent with the adjoining Chelsea Gardens Coomungie URA.

Is the Planning Proposal consistent with a council’s local strategy or other local strategic plan?

The Planning Proposal is recognised as being consistent with the Wingecarribee 2040 Local Strategic Planning Statement (LSPS).

7.2 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to the minimum lot size of land at Villiers Road and Hill Road Moss Vale



ATTACHMENT 1 Planning Proposal for Gateway Determination



Planning Priority 4.1 Promote infill development and increased densities in appropriate locations, and facilitate a greater mix of housing types to ensure our housing stock is reflective of the needs of our community.

It is noted that the Planning Proposal aligns with Planning Priority 4.1 in the LSPS, which outlines the importance of ensuring that the housing market meets the diverse needs of the community by exploring opportunities to increase housing choice and diversity. Whereby, the proposed amendment of the minimum lot size of the subject land will support this key objective by encouraging a modest increase in housing, and a more logical lot size pattern.

4. Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

SEPP (Affordable Rental Housing) SEPP
<p>The aims of this Policy are as follows—</p> <ul style="list-style-type: none"> (a) to provide a consistent planning regime for the provision of affordable rental housing, (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, (c) to facilitate the retention and mitigate the loss of existing affordable rental housing, (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing, (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing, (f) to support local business centres by providing affordable rental housing for workers close to places of work, (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.
<p>Assessment – Consistent – This SEPP does not apply to the Planning Proposal.</p>

SEPP (Building Sustainability Index : BASIX) 2004
<ul style="list-style-type: none"> (1) Regulations under the Act have established a scheme to encourage sustainable residential development (the BASIX scheme) under which: <ul style="list-style-type: none"> (a) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and (b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled. (2) The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State. (3) This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

7.2 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to the minimum lot size of land at Villiers Road and Hill Road Moss Vale



ATTACHMENT 1 Planning Proposal for Gateway Determination



Assessment – Consistent – The provisions of this SEPP would apply at any subsequent Development Application stage.

SEPP (Educational Establishments & Child Care Facilities) 2017

The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—

- (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and
- (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and
- (c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and
- (d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and
- (e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and
- (g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and
- (h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.

Assessment – Consistent – This SEPP does not apply to the Planning Proposal.

SEPP (Exempt & Complying Development Codes) 2008

This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by—

- (a) providing exempt and complying development codes that have State-wide application, and
- (b) identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and
- (c) identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and
- (d) enabling the progressive extension of the types of development in this Policy, and
- (e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.

Assessment – Consistent – The provisions of the SEPP would apply to any subsequent development proposal in the normal manner and could be utilised if relevant.

7.2 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to the minimum lot size of land at Villiers Road and Hill Road Moss Vale



ATTACHMENT 1 Planning Proposal for Gateway Determination



SEPP (Infrastructure) 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by—

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and
- (b) providing greater flexibility in the location of infrastructure and service facilities, and
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (g) providing opportunities for infrastructure to demonstrate good design outcomes.

Assessment – Consistent – This Planning Proposal is consistent with the SEPP as will not prevent the provision of State required infrastructure.

SEPP (Koala Habitat Protection) 2020 & 2021

The SEPP (Koala Habitat Protection) 2020 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline—

- (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and
- (b) by encouraging the identification of areas of core koala habitat, and
- (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.

The Policy applies to land within Wingecarribee Shire zoned RU1 Primary Production, RU2 Rural Landscape and RU3 Forestry.

The SEPP (Koala Habitat Protection) 2021 aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

‘Koala SEPP 2021’ provides for three different development assessment processes:

1. Development on land to which the Policy and an approved koala plan of management applies (clause 10);
2. Development on land to which the Policy applies, has an area of at least 1 hectare and to which no approved koala plan of management applies (clause 11);
3. Other land to which no approved koala plan of management applies and where the council is satisfied that the land is not core koala habitat (clause 12).

7.2 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to the minimum lot size of land at Villiers Road and Hill Road Moss Vale



ATTACHMENT 1 Planning Proposal for Gateway Determination



Koala Plans of Management approved under any previous Koala SEPP are taken to be an approved Koala Plan of Management under the Koala SEPP 2021.

Assessment – Consistent - This SEPP does not apply to the Planning Proposal.

SEPP (Mining, Petroleum Production & Extractive Industries) 2007

The aims of this Policy are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries -

- (a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and
- (b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and
- (b1) to promote the development of significant mineral resources, and
- (c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and
- (d) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development -
 - (i) to recognise the importance of agricultural resources, and
 - (ii) to ensure protection of strategic agricultural land and water resources, and
 - (iii) to ensure a balanced use of land by potentially competing industries, and
 - (iv) to provide for the sustainable growth of mining, petroleum and agricultural industries.

Assessment – Consistent – This SEPP does not apply to the Planning Proposal.

SEPP No 21 – Caravan Parks

The aim of this Policy is to encourage -

- (a) the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and
- (b) the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and
- (c) the provision of community facilities for land so used, and
- (d) the protection of the environment of, and in the vicinity of, land so used.

Assessment – Consistent – This SEPP does not apply to the Planning Proposal.

SEPP No 33 - Hazardous & Offensive Development

This Policy aims—

- (a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and
- (b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the

7.2 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to the minimum lot size of land at Villiers Road and Hill Road Moss Vale



ATTACHMENT 1 Planning Proposal for Gateway Determination



- facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy, and
- (c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and
 - (d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and
 - (e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and
 - (f) to require the advertising of applications to carry out any such development.

Assessment – Consistent – This SEPP does not apply to the Planning Proposal.

SEPP No 36 – Manufactured Home Estates

- (1) The aims of this Policy are—
- (a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and
 - (b) to provide immediate development opportunities for manufactured home estates on the commencement of this Policy, and
 - (c) to encourage the provision of affordable housing in well designed estates, and
 - (d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and
 - (e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and
 - (f) to protect the environment surrounding manufactured home estates, and
 - (g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.

Assessment – Consistent - The SEPP does not apply to land within a water catchment (as prescribed by Schedule 2). The subject land is within the Sydney Drinking Water Catchment Area and therefore the SEPP does not apply.

SEPP No 50 – Canal Estate Development

This Policy aims to prohibit canal estate development as described in this Policy in order to ensure that the environment is not adversely affected by the creation of new developments of this kind.

Assessment – Consistent – This SEPP does not apply to the Planning Proposal.

SEPP No 55 - Remediation of Land

The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land. In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—

7.2 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to the minimum lot size of land at Villiers Road and Hill Road Moss Vale



ATTACHMENT 1 Planning Proposal for Gateway Determination



(a) by specifying when consent is required, and when it is not required, for a remediation work, and

(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and

(c) by requiring that a remediation work meet certain standards and notification requirements.

Assessment – Consistent – No remediation of land is expected as a result of any prior use of the land or the proposed amendments.

SEPP No 64 – Advertising & Signage

This Policy aims -

(a) to ensure that signage (including advertising):

- (i) is compatible with the desired amenity and visual character of an area, and
- (ii) provides effective communication in suitable locations, and
- (iii) is of high quality design and finish, and

(b) to regulate signage (but not content) under Part 4 of the Act, and

(c) to provide time-limited consents for the display of certain advertisements, and

(d) to regulate the display of advertisements in transport corridors, and

(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

Assessment – Consistent – This SEPP does not apply to the Planning Proposal.

SEPP No 65 – Design Quality of Residential Apartment Development

This Policy aims to improve the design quality of residential apartment development in the State. The Policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. Improving the design quality of residential apartment development aims:

(a) to ensure that it contributes to the sustainable development of New South Wales:

- (i) by providing sustainable housing in social and environmental terms, and
- (ii) by being a long-term asset to its neighbourhood, and
- (iii) by achieving the urban planning policies for its regional and local contexts, and

(b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and

(c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and

(d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and

(e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and

(f) to contribute to the provision of a variety of dwelling types to meet population growth, and

(g) to support housing affordability, and

7.2 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to the minimum lot size of land at Villiers Road and Hill Road Moss Vale



ATTACHMENT 1 Planning Proposal for Gateway Determination



(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.
 The Policy also aims to provide:
 (a) consistency of policy and mechanisms across the State, and
 (b) a framework for local and regional planning to achieve identified outcomes for specific places.

Assessment – Consistent – This SEPP does not apply to the Planning Proposal.

SEPP – Primary Production & Rural Development (2019)
 The aims of this Policy are as follows—
 (a) to facilitate the orderly economic use and development of lands for primary production,
 (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,
 (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
 (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,
 (e) to encourage sustainable agriculture, including sustainable aquaculture,
 (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,
 (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

Assessment – Consistent – This SEPP does not apply to the Planning Proposal.

SEPP (State & Regional Development) 2011
 The aims of this Policy are as follows—
 (a) to identify development that is State significant development,
 (b) to identify development that is State significant infrastructure and critical State significant infrastructure,
 (c) to identify development that is regionally significant development.

Assessment – Consistent – This SEPP does not apply to the Planning Proposal.

SEPP (Sydney Drinking Water Catchments) 2011
 The aims of this Policy are -
 (a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and
 (b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and
 (c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

7.2 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to the minimum lot size of land at Villiers Road and Hill Road Moss Vale



ATTACHMENT 1 Planning Proposal for Gateway Determination



Assessment – Consistent – Most of Wingecarribee Shire is within the area covered by the Policy. Should a Gateway Determination be received, referral to WaterNSW would occur as required under this Policy and Ministerial Direction 5.2 (Sydney Drinking Water Catchments). Should the Planning Proposal proceed to public exhibition, the WaterNSW response would be included and this Assessment updated accordingly.

SEPP (Urban Renewal) 2010

The aims of this Policy are -

- (a) to establish the process for assessing and identifying sites as urban renewal precincts,
- (b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,
- (c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

Assessment – Consistent – This SEPP does not apply to the Planning Proposal.

SEPP (Vegetation in Non-Rural Areas) 2017

The aims of this Policy are -

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

Assessment – Consistent – This SEPP does not apply to the Planning Proposal.

6. Is the Planning Proposal consistent with applicable Local Planning Directions (S.9.1(2) of EP&A Act)?

1. Employment & Resources

1.1 Business & Industrial Zones

This Direction applies when a planning proposal affects land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). The objectives of this Direction are:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified centres.

Assessment – Consistent – It is not considered that the provisions would adversely impact this Direction.

1.2 Rural Zones

This Direction applies when a planning proposal affects land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). The objective of this Direction is to protect the agricultural production value of rural land. This Direction applies when a



Planning Proposal will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

Assessment – Consistent – It is not considered that the provisions would adversely impact this Direction.

1.3 Mining, Petroleum Production & Extractive Industries

This direction applies when a planning proposal would have the effect of:

- (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or
- (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

The objective of this Direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

Assessment – Consistent – It is not considered that the provisions would adversely impact this Direction.

1.4 Oyster Aquaculture

Assessment – Consistent – This Direction does not apply to Wingecarribee Shire.

1.5 Rural Lands

This Direction applies when a planning proposal:

- (a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or
- (b) changes the existing minimum lot size on land within a rural or environment protection zone.

Note: Reference to a rural or environment protection zone means any of the following zones: RU1, RU2, RU3, RU4, RU6, C1, C2, C3, C4.

The objectives of this Direction are to:

- (a) protect the agricultural production value of rural land,
- (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,
- (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,
- (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land
- (f) support the delivery of the actions outlined in the New South Wales Right to Farm Policy.

Assessment – Consistent – It is not considered that the provisions would adversely impact this Direction.



2. Environment & Heritage
2.1 Environmental Protection Zones
<p>The objective of this Direction is to protect and conserve environmentally sensitive areas. This Direction requires that:</p> <ul style="list-style-type: none"> a) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas, and b) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".
<p>Assessment – Consistent – It is not considered that the provisions would adversely impact this Direction.</p>

2.2 Coastal Management
<p>Assessment – Consistent – This Direction does not apply to Wingecarribee Shire.</p>

2.3 Heritage Conservation
<p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Under this Direction a planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.
<p>Assessment – Consistent – The subject land situated at Hill Road and Villiers Road Moss Vale is not identified as being within a Heritage Conservation Area, nor is it recognised as a listed item of heritage within Schedule 5 of the WLEP 2010.</p>

2.4 Recreation Vehicle Areas
<p>The objective of this Direction is to protect sensitive land or land with significant conservation values from adverse impacts of recreation vehicles. Under this Direction a planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):</p> <ul style="list-style-type: none"> (a) where the land is within an environmental protection zone, (b) where the land comprises a beach or a dune adjacent to or adjoining a beach, (c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless

7.2 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to the minimum lot size of land at Villiers Road and Hill Road Moss Vale



ATTACHMENT 1 Planning Proposal for Gateway Determination



the relevant planning authority has taken into consideration:

- (i) the provisions of the guidelines entitled *Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985*, and
- (ii) the provisions of the guidelines entitled *Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985*.

Assessment – Consistent – It is not considered that the provisions would adversely impact this Direction.

2.5 Application of E2 & E3 Zones and Environmental Overlays in Far North Coast LEPs.
Assessment – Consistent – This Direction does not apply to Wingecarribee Shire.

2.6 Remediation of Contaminated Land

The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. This direction applies to:

- (a) land that is within an investigation area within the meaning of the *Contaminated Land Management Act 1997*,
- (b) land on which development for a purpose referred to in Table 1 (refer to Direction itself) to the contaminated land planning guidelines is being, or is known to have been, carried out,
- (c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Assessment – Consistent – It is not considered that the provisions would adversely impact this Direction.

3. Housing, Infrastructure and Urban Development

3.1 Residential Zones

The objectives of this Direction are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) to minimise the impact of residential development on the environment and resource lands.

This direction applies when a planning proposal affects land within:

- (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),



(b) any other zone in which significant residential development is permitted or proposed to be permitted.

Assessment – Consistent - The amendment of the current minimum lot size provisions of the subject land is proposed to encourage a modest increase in housing, and a more logical lot size pattern that is consistent with the adjoining Chelsea Gardens Coomungie URA.

3.2 Caravan Parks & Manufactured Home Estates

The objectives of this Direction are:

- (a) to provide for a variety of housing types, and
- (b) to provide opportunities for caravan parks and manufactured home estates.

Assessment – Consistent – It is not considered that the provisions would adversely impact this Direction.

3.3 Home Occupations – Revoked 9 November 2020

3.4 Integrating Land Use & Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

This Direction applies when a planning proposal creates, alters or removes a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

Assessment – Consistent – It is not considered that the provisions would adversely impact this Direction.

3.5 Development Near Regulated Airports and Defence Airfields

The objectives of this Direction are:

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

Assessment – Consistent – It is not considered that the provisions would adversely impact this Direction.



<p>3.6 Shooting Ranges</p> <p>This Direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range. The objectives are:</p> <ul style="list-style-type: none"> (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. <p>Assessment – Consistent – It is not considered that the provisions would adversely impact this Direction.</p>
--

<p>3.7 Reduction in non-hosted short term rental accommodation period</p> <p>Assessment – Consistent – This Direction does not apply to Wingecarribee Shire.</p>
--

<p>4. Hazard & Risk</p> <p>4.1 Acid Sulphate Soils</p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.</p> <p>Assessment – Consistent – There currently appears to be no mapped acid sulphate soils within Wingecarribee Shire.</p>
--

<p>4.2 Mine Subsidence and Unstable Land</p> <p>The objective of this Direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p> <p>NB1: When a planning proposal would permit development on land that is within a Mine Subsidence District a relevant planning authority must:</p> <ul style="list-style-type: none"> (a) consult the Mine Subsidence Board to ascertain: <ul style="list-style-type: none"> (i) if the Mine Subsidence Board has any objection to the draft Local Environmental Plan, and the reason for such an objection, and (ii) the scale, density and type of development that is appropriate for the potential level of subsidence, and (b) incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under (4)(a)(ii), and (c) include a copy of any information received from the Mine Subsidence Board with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act. <p>NB2: A planning proposal must not permit development on land that has been identified as unstable in a study, strategy or other assessment undertaken:</p> <ul style="list-style-type: none"> by or on behalf of the relevant planning authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority.



Assessment – Consistent – It is not considered that the provisions would adversely impact this Direction.

4.3 Flood Prone Land

The objectives of this Direction are:

- (a) to ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) to ensure that the provisions of a local environmental plan that apply to flood prone land are commensurate with flood behaviour and include consideration of the potential flood impacts on and off the subject land.

If this Direction applies, the provisions of this Direction are quite detailed and should be addressed appropriately.

Assessment – Consistent – The subject land situated at Hill Road and Villiers Road Moss Vale is not identified as being located between the flood planning area or within a probable maximum flood zone.

4.4 Planning for Bushfire Protection

This Direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. The objectives of this Direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) to encourage sound management of bush fire prone areas.

Assessment – Consistent – 41 Villiers Road Moss Vale (Lot 5 DP 844943) is not recognised as being located in bushfire prone land. 37 & 39 Villiers Road Moss Vale (Lot 8 DP 875224 & Lot 9 DP 875224) and 8 & 10 Hill Road Moss Vale (Lot 4 DP 844943 & Lot 3 DP 844943) are partially constrained by bushfire prone land.

NB: Referral to NSW Rural Fire Service would occur in accordance with any such Gateway Determination and this assessment will be updated to reflect RFS response prior to exhibition.

5. Regional Planning

5.1 Implementation of Regional Strategies – Revoked 17 October 2017

5.2 Sydney Drinking Water Catchment

The objective of this Direction is to give effect to protect water quality in the Sydney Drinking Water Catchment. A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected.

Assessment – Consistent – The proposed change of minimum lot size would not impact upon the requirements of the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. Referral to WaterNSW would occur in accordance with any Gateway Determination.

7.2 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to the minimum lot size of land at Villiers Road and Hill Road Moss Vale



ATTACHMENT 1 Planning Proposal for Gateway Determination



5.3 Farmland of State and Regional Significance on the NSW Far North Coast
 5.4 Commercial and Retail Development along the Pacific Highway, North Coast
 5.5 Development in the Cessnock LGA
 5.6 Sydney to Canberra Corridor
 5.7 Central Coast
 5.8 Second Sydney Airport – Badgerys Creek
 5.9 North West Rail Link Corridor Strategy

Assessment – Consistent – The above Directions have either been revoked or do not apply in Wingecarribee Shire.

5.10 Implementation of Regional Plans
 The objective of this Direction is to give legal effect to vision, land use strategy, goals, directions and actions contained in Regional Plans. The Planning Proposal must demonstrate consistency with the SE & Tablelands Regional Plan.

Assessment – Consistent – It is not considered that the provisions would adversely impact this Direction.

5.11 Development of Land Council Land
 The objective of this direction is to provide for the consideration of development delivery plans prepared under State Environmental Planning Policy (Aboriginal Land) 2019 when planning proposals are prepared by a planning proposal authority.

Assessment – Consistent – Currently this Direction does not apply to Wingecarribee Shire.

6. Local Plan Making
6.1 Approval & Referral Requirements
 The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

Assessment – Consistent – The Planning Proposal is seeking to amend the current minimum lot size provisions for the subject land at Villiers Road and Hill Road Moss Vale. Therefore, the Planning Proposal is identified as being consistent with the Direction.

6.2 Reserving Land for Public Purposes
 The objectives of this Direction are:

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

Assessment – Consistent – It is not considered that the provisions would adversely impact this Direction.



6.3 Site Specific Provisions
The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.
Assessment – Consistent – The Planning Proposal would see the amendment of the current minimum lot size provisions to 2000m ² at the subject land situated at Villiers Road and Hill Road Moss Vale. Therefore, it is considered that the provisions of the Planning Proposal are consistent with the Direction.

7. Metropolitan Planning
7.1 -7.10
Assessment – Consistent – These Directions do not apply to Wingecarribee Shire.

Section C – Environmental, Social & Economic Impacts

6. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?

The subject land is intended to remain zoned R5 Large Lot Residential, and the proposed change in lot size would allow for a modest increase in housing, and a more logical lot size pattern. It is not considered that these provisions would adversely impact this critical habitat or threatened species, populations or ecological communities, or their habitats.

7. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The Planning Proposal will see the amendment of the current minimum lot size provisions from 8000m² to 2000m², thus it is considered that there would be no adverse impact to any environmentally sensitive areas.

8. Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal has adequately addressed the social and economic effects in regards to the amendment of the minimum lot size provisions of the subject land at Villiers Road and Hill Road Moss Vale. Further, it is considered that the Planning Proposal is reflective of the objectives of both the regional and local strategic planning frameworks.

Section D – State and Commonwealth Interests

9. Is there adequate public infrastructure for the Planning Proposal?

It is thought that the Planning Proposal would not generate any public infrastructure impacts, however, if an additional infrastructure analysis was considered necessary then this could be a condition of a Gateway approval, to be carried out prior to any formal change to the WLEP 2010.



Part 4: Mapping

The following WLEP 2010 maps are required to be amended as indicated below.

Location	Maps to be Amended	Detail of Amendment
a) 37 Villiers Road, Moss Vale (Lot 8 DP 875224)	Lot Size Map – LSZ_007H	Amend the current minimum lot size provisions applied to the subject land from 8000m2 to 2000 m2.
b) 39 Villiers Road, Moss Vale (Lot 9 DP 875224)		
c) 41 Villiers Road, Moss Vale (Lot 5 DP 844943)		
d) 8 Hill Road, Moss Vale (Lot 4 DP 844943)		
e) 10 Hill Road, Moss Vale (Lot 3 DP 844943)		

Part 5: Consultation – Agency Referrals

Council will conduct Agency referrals as required under legislation should a Gateway Determination be obtained. Responses will be reviewed and the Planning Proposal updated to reflect those responses. The responses themselves will be included in the exhibition material. Agency referrals will include at least referral to Water NSW and NSW Rural Fire Service.

Part 5: Consultation - Community

All land owners were previously consulted as part of the Wingecarribee Local Housing Strategy 2020 and Council will undertake further community consultation in accordance with the Gateway Determination. It is noted that Council provides at least 28 days of public exhibition that includes, as relevant, notification by letter/email to adjoining property owners and weekly advertising on Council’s website for the duration of the exhibition period.

The principal place of public exhibition will be Council’s website, www.wsc.nsw.gov.au with copies of all documentation also available at the Customer Service Counter at the Civic Centre, 68 Elizabeth Street, Moss Vale, NSW 2577 unless current health restrictions prevent this.



Part 6: Timeline – to be completed by Council if supported

MILESTONE	INDICATIVE /ACTUAL DATE
Gateway Determination	February 2022
Agency Consultation	March 2022
Public Exhibition	April 2022
Report to Council on exhibition of Planning Proposal.	May 2022
S.3.36 Documents to DP&E & PCO.	June 2022
Approximate completion date	June 2022

Delegation – to be completed by Council if supported.

A Delegation Request Form would be prepared should Council support the Planning Proposal.

END OF PLANNING PROPOSAL

7.3 **Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones**

Report Author: Manager Strategic Land Use Planning
Authoriser: General Manager

PURPOSE

The purpose of this report is to seek Council endorsement of a Planning Proposal to amend Clause 7.2 of the Wingecarribee Local Environmental Plan 2010 to remove an inconsistency between *Clause 7.2 Requirements for subdividing dual occupancies in Zones R2 and B1* and *Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones*.

THIS ITEM WAS REFERRED FROM LOCAL PLANNING PANEL MEETING ON 2 FEBRUARY 2022.

RECOMMENDATION

THAT the Planning Proposal be submitted to the Department of Planning Industry and Environment for Gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979.

PANEL ADVICE

This matter was considered at the Local Planning Panel meeting of 2 February 2022 and the Panel supported the staff recommendation.

REPORT

BACKGROUND

Clause 7.2 was introduced into the Wingecarribee Local Environmental Plan (WLEP) 2010 to enable the subdivision of dual occupancies in certain circumstances, where subdivision was not otherwise permissible under the minimum lot size provisions. A copy of Clause 7.2 is provided below (**bold** added for emphasis):

7.2 Requirements for subdividing dual occupancies in Zones R2 and B1

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

- (a) *to provide opportunities for housing on smaller lots in suitable locations on land in Zone R2 Low Density Residential and Zone B1 Neighbourhood Centre,*



(b) to protect the heritage significance of the historic village of Berrima.

*(2) **Despite any other provision of this Plan**, development consent may be granted for the subdivision of a lawfully erected dual occupancy in Zone R2 Low Density Residential, **only if** the development—*

(a) is on a corner allotment of not less than 1,000 square metres, and

(b) has access to a reticulated town water supply and sewerage system.

(3) Despite subclause (2), development consent must not be granted for the subdivision of a lawfully erected dual occupancy on land in Zone R2 Low Density Residential or Zone B1 Neighbourhood Centre if the land is located within the Berrima Conservation Area as shown on the Heritage Map.

On 1 July 2020, amendments to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) came into effect in the Wingecarribee Shire, which enabled the erection and subdivision of dual occupancies as complying development under the SEPP.

In response to the changes to the Codes SEPP, Council introduced two (2) new clauses into WLEP 2010, to ensure that dual occupancy developments were consistent with the established lot sizes and character of our towns and villages. The recently introduced Clauses 4.2E and 4.2F are provided below.

4.2E Minimum lot size for dual occupancies

(1) The objective of this clause is to ensure that dual occupancy development is compatible with the character of existing development within the surrounding area.

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

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential.

(3) Development consent must not be granted for development for the purposes of a dual occupancy on a lot in a zone to which this clause applies unless the area of the lot is at least 1,000 square metres.

4.2F Minimum subdivision lot sizes for dual occupancies in certain zones

(1) The objective of this clause is to ensure that dual occupancy development is compatible with the character of existing development within the surrounding area.

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

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential.

(3) Despite clause 4.1, development consent may be granted for the subdivision of land to which this clause applies if the consent authority is satisfied that—

AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL

Wednesday 16 February 2022

REPORT GENERAL MANAGER



- (a) there is an existing dual occupancy on the land that was lawfully erected under an environmental planning instrument, or*
 - (b) the application for development consent also provides for the erection of a dual occupancy on the land.*
- (4) In addition to the matters listed in subclause (3), the consent authority must be satisfied that—*
- (a) the lot size of each resulting lot will be 50% of the minimum lot size shown on the Lot Size Map in relation to the land, and*
 - (b) the lot size of each resulting lot will be at least 600 square metres, and*
 - (c) there will be no more than 1 dwelling on each resulting lot.*
- (5) If an application is made to which subclause (3)(b) applies, the subdivision must not occur before an occupation certificate has been issued for each dwelling forming part of the dual occupancy.*

It is noted that Berrima was excluded from the operation of the clause due to its high heritage status.

The original intent of the wording '*despite any other provision of this plan*' was to overcome the minimum lot size provisions otherwise applicable to the site and which would thereby prevent such development.

Although the provisions of the Codes SEPP enable the subdivision of dual occupancies as complying development in accordance with Clause 4.2F, as explained above, the current wording of clause 7.2 creates an inconsistency between the two approval pathways thereby encouraging applicants to utilise the complying development option.

Council are seeking to amend Clause 7.2 to ensure that the wording of that clause enables an approval pathway for the subdivision of dual occupancies additional to Clause 4.2F, rather than conflicting with and overriding Clause 4.2F.

Council are also seeking to amend Clause 7.2 to apply to both the R2 Low Density and R3 Medium Density zones, but not to the B1 Neighbourhood Centre zone. It is considered appropriate to include the R3 zone within the clause, but it is noted that the Department of Planning Industry and Environment is currently undertaking a transition of all B (Business) zones across to E (Employment) zones and the removal of the references to the current B1 zone avoids further confusion and potential conflict.

The proposed Clause 7.2, with changes shown in red, is provided below.

7.2 Requirements for subdividing dual occupancies in Zones R2 and ~~B1~~ R3

- (1) The objectives of this clause are as follows –
- (a) to provide opportunities for housing on smaller lots in suitable locations on land in Zone R2 Low Density Residential and Zone ~~B1-Neighbourhood Centre~~ R3 Medium Density Residential,
 - (b) to protect the heritage significance of the historic village of Berrima.



- (2) Despite any other provision of this Plan, development consent may be granted for the subdivision of a lawfully erected dual occupancy in Zone R2 Low Density Residential and **Zone R3 Medium Density Residential, only if where the development –**
- (a) is on a corner allotment of not less than 1,000 square metres, and
 - (b) has access to a reticulated town water supply and sewerage system.

(3) Despite subclause (2), development consent must not be granted for the subdivision of a lawfully erected dual occupancy **on land in Zone R2 Low Density Residential or Zone B1 Neighbourhood Centre** if the land is located within the Berrima Conservation Area as shown on the Heritage Map.

The proposed changes to Clause 7.2 will:

- Remove the overlap of clauses in WLEP 2010
- Allow the subdivision of dual occupancy development in accordance with Clause 4.2F **and** Clause 7.2
- Provide consistency across approval pathways
- Provide for infill development in accordance with the Planning Priorities outlined in the Wingecarribee Local Housing Strategy.

COMMUNICATION AND CONSULTATION

Community Engagement

Community engagement would occur as required under the Gateway determination would the Planning Proposal proceed. This would normally be for a period of at least 28 days and include notification to adjacent and near neighbours.

Internal Communication and Consultation

No further consultation would occur should the Planning Proposal not proceed.

External Communication and Consultation

No further consultation would occur should the Planning Proposal not proceed.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL

Wednesday 16 February 2022

REPORT GENERAL MANAGER



- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications in relation to this report. The preparation of the Planning Proposal will be undertaken with existing staff resources.

RELATED COUNCIL POLICY

Not Applicable

CONCLUSION

The advice of the Wingecarribee Local Planning Panel from the meeting held on 3rd November 2021 included the recommendation:

THAT the Planning Proposal be reported back to the Local Planning Panel for advice prior to being sent to the Department of Planning Industry and Environment for Gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979.

The purpose of this report is therefore to report the Planning Proposal back to the Local Planning Panel for consideration in regards to the amendment of Clause 7.2 of the Wingecarribee Local Environmental Plan 2010 to remove an inconsistency between **Clause 7.2 Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones.**

ATTACHMENTS

1. Planning Proposal - Gateway Determination

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination

Planning Proposal

to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones.

Version 1 for Gateway Determination
Prepared by Wingecarribee Shire Council

February 2022

Working with you

WSC.NSW.GOV.AU



7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination

Attachments which form part of this Planning Proposal

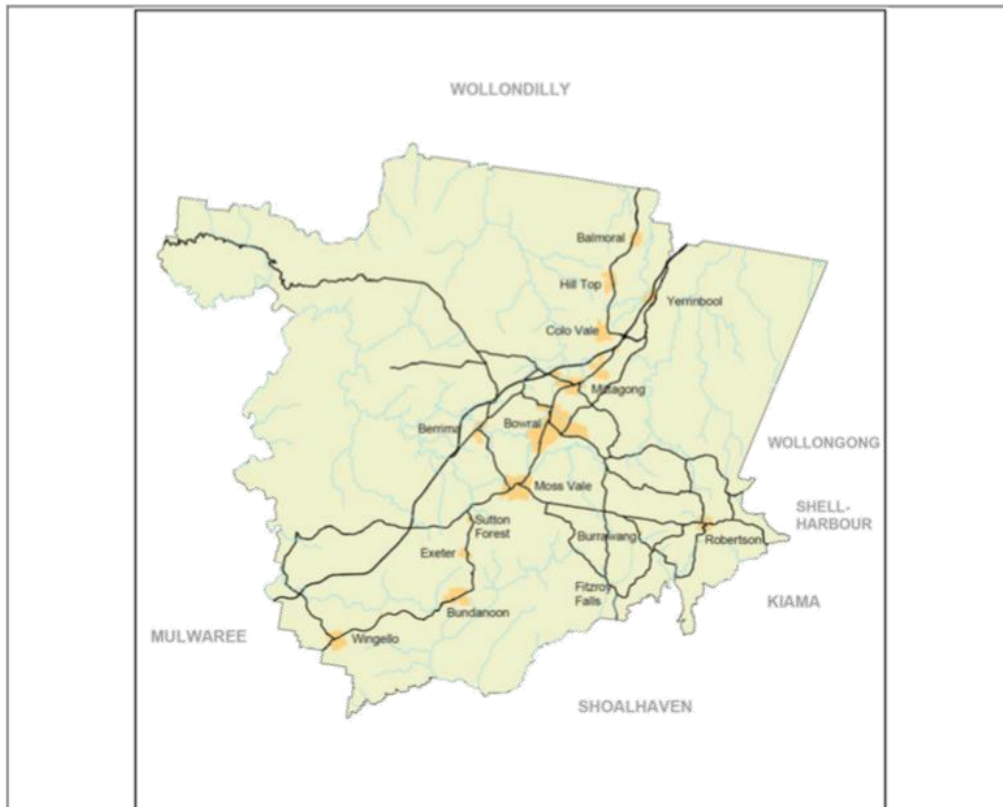
1	Agenda for the Wingecarribee Local Planning Panel Meeting
2	Minutes of the Wingecarribee Local Planning Panel Meeting
3	Delegation Request Form

Address of the Land

Legal Description	N/A
Property Address	N/A

Wingecarribee Shire

The purpose of the Planning Proposal is to amend Clause 7.2 of the Wingecarribee Local Environmental Plan 2010 to remove an inconsistency between **Clause 7.2 Requirements for subdividing dual occupancies in Zones R2 and B1** and **Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones**.



7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination

Site Location & Description

Clause 7.2 was introduced into the Wingecarribee Local Environmental Plan (WLEP) 2010 to enable the subdivision of dual occupancies in certain circumstances, where subdivision was not otherwise permissible under the minimum lot size provisions. A copy of Clause 7.2 is provided below (**bold** added for emphasis):

7.2 Requirements for subdividing dual occupancies in Zones R2 and B1

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

- (a) *to provide opportunities for housing on smaller lots in suitable locations on land in Zone R2 Low Density Residential and Zone B1 Neighbourhood Centre,*
- (b) *to protect the heritage significance of the historic village of Berrima.*

(2) **Despite any other provision of this Plan, development consent may be granted for the subdivision of a lawfully erected dual occupancy in Zone R2 Low Density Residential, *only if* the development—**

- (a) *is on a corner allotment of not less than 1,000 square metres, and*
- (b) *has access to a reticulated town water supply and sewerage system.*

(3) *Despite subclause (2), development consent must not be granted for the subdivision of a lawfully erected dual occupancy on land in Zone R2 Low Density Residential or Zone B1 Neighbourhood Centre if the land is located within the Berrima Conservation Area as shown on the Heritage Map.*

On 1 July 2020, amendments to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) came into effect in the Wingecarribee Shire, which enabled the erection and subdivision of dual occupancies as complying development under the SEPP.

In response to the changes to the Codes SEPP, Council introduced two (2) new clauses into WLEP 2010, to ensure that dual occupancy developments were consistent with the established lot sizes and character of our towns and villages. The recently introduced Clauses 4.2E and 4.2F are provided below.

4.2E Minimum lot size for dual occupancies

(1) *The objective of this clause is to ensure that dual occupancy development is compatible with the character of existing development within the surrounding area.*

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

- (a) *Zone R2 Low Density Residential,*
- (b) *Zone R3 Medium Density Residential.*

(3) *Development consent must not be granted for development for the purposes of a dual occupancy on a lot in a zone to which this clause applies unless the area of the lot is at least 1,000 square metres.*

4.2F Minimum subdivision lot sizes for dual occupancies in certain zones

(1) *The objective of this clause is to ensure that dual occupancy development is compatible with the character of existing development within the surrounding area.*

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

- (a) *Zone R2 Low Density Residential,*
- (b) *Zone R3 Medium Density Residential.*

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination

(3) Despite clause 4.1, development consent may be granted for the subdivision of land to which this clause applies if the consent authority is satisfied that—

- (a) there is an existing dual occupancy on the land that was lawfully erected under an environmental planning instrument, or*
- (b) the application for development consent also provides for the erection of a dual occupancy on the land.*

(4) In addition to the matters listed in subclause (3), the consent authority must be satisfied that—

- (a) the lot size of each resulting lot will be 50% of the minimum lot size shown on the Lot Size Map in relation to the land, and*
- (b) the lot size of each resulting lot will be at least 600 square metres, and*
- (c) there will be no more than 1 dwelling on each resulting lot.*

(5) If an application is made to which subclause (3)(b) applies, the subdivision must not occur before an occupation certificate has been issued for each dwelling forming part of the dual occupancy.

It is noted that Berrima was excluded from the operation of the clause due to its high heritage status.

The original intent of the wording ‘*despite any other provision of this plan*’ was to overcome the minimum lot size provisions otherwise applicable to the site and which would thereby prevent such development.

Although the provisions of the Codes SEPP enable the subdivision of dual occupancies as complying development in accordance with Clause 4.2F, as explained above, the current wording of clause 7.2 creates an inconsistency between the two approval pathways thereby encouraging applicants to utilise the complying development option.

Council are seeking to amend Clause 7.2 to ensure that the wording of that clause enables an approval pathway for the subdivision of dual occupancies additional to Clause 4.2F, rather than conflicting with and overriding Clause 4.2F.

Council are also seeking to amend Clause 7.2 to apply to both the R2 Low Density and R3 Medium Density zones, but not to the B1 Neighbourhood Centre zone. It is considered appropriate to include the R3 zone within the clause, but it is noted that the Department of Planning Industry and Environment is currently undertaking a transition of all B (Business) zones across to E (Employment) zones and the removal of the references to the current B1 zone avoids further confusion and potential conflict.

The proposed Clause 7.2, with changes shown in red, is provided below.

7.2 Requirements for subdividing dual occupancies in Zones R2 and ~~B1~~ R3

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

- (a) to provide opportunities for housing on smaller lots in suitable locations on land in Zone R2 Low Density Residential and Zone ~~B1 Neighbourhood Centre~~ **R3 Medium Density Residential**,
- (b) to protect the heritage significance of the historic village of Berrima.

(2) Despite any other provision of this Plan, development consent may be granted for the subdivision of a lawfully erected dual occupancy in Zone R2 Low Density Residential and **Zone R3 Medium Density Residential**, ~~only if where the development –~~

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination

- (a) is on a corner allotment of not less than 1,000 square metres, and
- (b) has access to a reticulated town water supply and sewerage system.

(3) Despite subclause (2), development consent must not be granted for the subdivision of a lawfully erected dual occupancy ~~on land in Zone R2 Low Density Residential or Zone B1 Neighbourhood Centre~~ if the land is located within the Berrima Conservation Area as shown on the Heritage Map.

The proposed changes to Clause 7.2 will:

- Remove the overlap of clauses in WLEP 2010
- Allow the subdivision of dual occupancy development in accordance with Clause 4.2F and Clause 7.2
- Provide consistency across approval pathways
- Provide for infill development in accordance with the Planning Priorities outlined in the Wingecarribee Local Housing Strategy.

Part 1: Objectives or Intended Outcomes

The intended outcome of this Planning Proposal is to amend Clause 7.2 of the Wingecarribee Local Environmental Plan 2010 to remove an inconsistency between **Clause 7.2 Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones.**

Part 2: Explanation of the Provisions

- To achieve the intended outcomes of the Planning Proposal the following amendments to the WLEP 2010 instrument will be required (changes shown in red):

7.2 Requirements for subdividing dual occupancies in Zones R2 and ~~B1~~ R3

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

- (a) to provide opportunities for housing on smaller lots in suitable locations on land in Zone R2 Low Density Residential and Zone ~~B1-Neighbourhood-Centre~~ **R3 Medium Density Residential**,
- (b) to protect the heritage significance of the historic village of Berrima.

(2) Despite any other provision of this Plan, development consent may be granted for the subdivision of a lawfully erected dual occupancy in Zone R2 Low Density Residential and **Zone R3 Medium Density Residential, only if where the development –**

- (a) is on a corner allotment of not less than 1,000 square metres, and
- (b) has access to a reticulated town water supply and sewerage system.

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination



(3) Despite subclause (2), development consent must not be granted for the subdivision of a lawfully erected dual occupancy ~~on land in Zone R2 Low Density Residential or Zone B1 Neighbourhood Centre~~ if the land is located within the Berrima Conservation Area as shown on the Heritage Map.

- No amendment to the WLEP 2010 maps is required.

Part 3: Justification of Objectives, Outcomes & Process

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is the result of several amendments to the Standard Instrument and the introduction of the Low Rise Housing Diversity Code which have resulted in anomalies and potential confusion with regard to the operation of the subject Clause.

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

A Planning Proposal is the only means of achieving the objectives and intended outcomes.

Section B – Relationship to the Strategic Planning Framework

3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?

Goal 4: Environmentally sustainable housing choices – The Planning Proposal aligns with Direction 24, which references the importance of ensuring the delivery of greater housing supply and choice. The Planning Proposal is considered to be consistent with the South East and Tablelands Regional Plan 2036, as the amendment of Clause 7.2 of the WLEP 2010 is proposed to:

- Remove the overlap of clauses in WLEP
- Allow the subdivision of dual occupancy development in accordance with Clause 4.2F and Clause 7.2
- Provide consistency across approval pathways
- Provide for infill development in accordance with the Planning Priorities outlined in the Wingecarribee Local Housing Strategy.

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination



Is the Planning Proposal consistent with a council’s local strategy or other local strategic plan?

The Planning Proposal is recognised as being consistent with the Wingecarribee Local Housing Strategy 2020. The proposed amendment to Clause 7.2 will provide for infill development in accordance with the Planning Priorities outlined in the strategy:

Planning Priority 1 – Promote infill development and increased densities in appropriate locations, and facilitate a greater mix of housing types to ensure our housing stock is reflective of the needs of our community (p.21).

4. Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

SEPP (Affordable Rental Housing) SEPP
<p>The aims of this Policy are as follows—</p> <ul style="list-style-type: none"> (a) to provide a consistent planning regime for the provision of affordable rental housing, (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, (c) to facilitate the retention and mitigate the loss of existing affordable rental housing, (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing, (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing, (f) to support local business centres by providing affordable rental housing for workers close to places of work, (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.
<p>Assessment – Consistent - This SEPP does not apply to the Planning Proposal.</p>

SEPP (Building Sustainability Index : BASIX) 2004
<ul style="list-style-type: none"> (1) Regulations under the Act have established a scheme to encourage sustainable residential development (the BASIX scheme) under which: <ul style="list-style-type: none"> (a) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and (b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled. (2) The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State. (3) This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination

Assessment – Consistent - The provisions of this SEPP would apply at any subsequent Development Application stage.

SEPP (Educational Establishments & Child Care Facilities) 2017

The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—

- (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and
- (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and
- (c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and
- (d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and
- (e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and
- (g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and
- (h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.

Assessment – Consistent - This SEPP does not apply to the Planning Proposal.

SEPP (Exempt & Complying Development Codes) 2008

This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by—

- (a) providing exempt and complying development codes that have State-wide application, and
- (b) identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and
- (c) identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and
- (d) enabling the progressive extension of the types of development in this Policy, and
- (e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.

Assessment – Consistent - The provisions of the SEPP would apply to any subsequent development proposal in the normal manner and could be utilised if relevant.

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination



SEPP (Infrastructure) 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by—

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and
- (b) providing greater flexibility in the location of infrastructure and service facilities, and
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (g) providing opportunities for infrastructure to demonstrate good design outcomes.

Assessment – Consistent - This Planning Proposal is consistent with the SEPP as will not prevent the provision of State required infrastructure.

SEPP (Koala Habitat Protection) 2020 & 2021

The SEPP (Koala Habitat Protection) 2020 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline—

- (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and
- (b) by encouraging the identification of areas of core koala habitat, and
- (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.

The Policy applies to land within Wingecarribee Shire zoned RU1 Primary Production, RU2 Rural Landscape and RU3 Forestry.

The SEPP (Koala Habitat Protection) 2021 aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

‘Koala SEPP 2021’ provides for three different development assessment processes:

1. Development on land to which the Policy and an approved koala plan of management applies (clause 10);
2. Development on land to which the Policy applies, has an area of at least 1 hectare and to which no approved koala plan of management applies (clause 11);
3. Other land to which no approved koala plan of management applies and where the council is satisfied that the land is not core koala habitat (clause 12).

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination

Koala Plans of Management approved under any previous Koala SEPP are taken to be an approved Koala Plan of Management under the Koala SEPP 2021.

Assessment – Consistent - This SEPP does not apply to the Planning Proposal.

SEPP (Mining, Petroleum Production & Extractive Industries) 2007

The aims of this Policy are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries -

- (a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and
- (b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and
- (b1) to promote the development of significant mineral resources, and
- (c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and
- (d) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development -
 - (i) to recognise the importance of agricultural resources, and
 - (ii) to ensure protection of strategic agricultural land and water resources, and
 - (iii) to ensure a balanced use of land by potentially competing industries, and
 - (iv) to provide for the sustainable growth of mining, petroleum and agricultural industries.

Assessment – Consistent - This SEPP does not apply to the Planning Proposal.

SEPP No 21 – Caravan Parks

The aim of this Policy is to encourage -

- (a) the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and
- (b) the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and
- (c) the provision of community facilities for land so used, and
- (d) the protection of the environment of, and in the vicinity of, land so used.

Assessment – Consistent - This SEPP does not apply to the Planning Proposal.

SEPP No 33 - Hazardous & Offensive Development

This Policy aims—

- (a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and
- (b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination



facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy, and

- (c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and
- (d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and
- (e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and
- (f) to require the advertising of applications to carry out any such development.

Assessment – Consistent - This SEPP does not apply to the Planning Proposal.

SEPP No 36 – Manufactured Home Estates

(1) The aims of this Policy are—

- (a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and
- (b) to provide immediate development opportunities for manufactured home estates on the commencement of this Policy, and
- (c) to encourage the provision of affordable housing in well designed estates, and
- (d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and
- (e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and
- (f) to protect the environment surrounding manufactured home estates, and
- (g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.

Assessment – Consistent - The SEPP does not apply to land within a water catchment (as prescribed by Schedule 2). The subject land is within the Sydney Drinking Water Catchment Area and therefore the SEPP does not apply.

SEPP No 50 – Canal Estate Development

This Policy aims to prohibit canal estate development as described in this Policy in order to ensure that the environment is not adversely affected by the creation of new developments of this kind.

Assessment – Consistent - This SEPP does not apply to the Planning Proposal.

SEPP No 55 - Remediation of Land

The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land. In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination

- (a) by specifying when consent is required, and when it is not required, for a remediation work, and
- (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- (c) by requiring that a remediation work meet certain standards and notification requirements.

Assessment – Consistent - No remediation of land is expected as a result of any prior use of the land or the proposed amendments.

SEPP No 64 – Advertising & Signage

This Policy aims -

- (a) to ensure that signage (including advertising):
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and
- (c) to provide time-limited consents for the display of certain advertisements, and
- (d) to regulate the display of advertisements in transport corridors, and
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

Assessment – Consistent - This SEPP does not apply to the Planning Proposal.

SEPP No 65 – Design Quality of Residential Apartment Development

This Policy aims to improve the design quality of residential apartment development in the State. The Policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. Improving the design quality of residential apartment development aims:

- (a) to ensure that it contributes to the sustainable development of New South Wales:
 - (i) by providing sustainable housing in social and environmental terms, and
 - (ii) by being a long-term asset to its neighbourhood, and
 - (iii) by achieving the urban planning policies for its regional and local contexts, and
- (b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and
- (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and
- (d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and
- (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and
- (f) to contribute to the provision of a variety of dwelling types to meet population growth, and
- (g) to support housing affordability, and

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination



(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.
 The Policy also aims to provide:
 (a) consistency of policy and mechanisms across the State, and
 (b) a framework for local and regional planning to achieve identified outcomes for specific places.

Assessment – Consistent - This SEPP does not apply to the Planning Proposal.

SEPP – Primary Production & Rural Development (2019)

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

Assessment – Consistent - This SEPP does not apply to the Planning Proposal.

SEPP (State & Regional Development) 2011

The aims of this Policy are as follows—
 (a) to identify development that is State significant development,
 (b) to identify development that is State significant infrastructure and critical State significant infrastructure,
 (c) to identify development that is regionally significant development.

Assessment – Consistent - This SEPP does not apply to the Planning Proposal.

SEPP (Sydney Drinking Water Catchments) 2011

The aims of this Policy are -
 (a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and
 (b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and
 (c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination

Assessment – Consistent - Most of Wingecarribee Shire is within the area covered by the Policy. Should a Gateway Determination be received, referral to WaterNSW would occur as required under this Policy and Ministerial Direction 5.2 (Sydney Drinking Water Catchments). Should the Planning Proposal proceed to public exhibition, the WaterNSW response would be included and this Assessment updated accordingly.

SEPP (Urban Renewal) 2010

The aims of this Policy are -

- (a) to establish the process for assessing and identifying sites as urban renewal precincts,
- (b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,
- (c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

Assessment – Consistent - This SEPP does not apply to the Planning Proposal.

SEPP (Vegetation in Non-Rural Areas) 2017

The aims of this Policy are -

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

Assessment – Consistent - This SEPP does not apply to the Planning Proposal.

6. Is the Planning Proposal consistent with applicable Local Planning Directions (S.9.1(2) of EP&A Act)?

1. Employment & Resources

1.1 Business & Industrial Zones

This Direction applies when a planning proposal affects land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). The objectives of this Direction are:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified centres.

Assessment – Consistent - It is not considered that the provisions would adversely impact this Direction.

1.2 Rural Zones

This Direction applies when a planning proposal affects land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). The objective of this Direction is to protect the agricultural production value of rural land. This Direction applies when a

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination



Planning Proposal will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

Assessment – Consistent - It is not considered that the provisions would adversely impact this Direction.

1.3 Mining, Petroleum Production & Extractive Industries

This direction applies when a planning proposal would have the effect of:

- (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or
- (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

The objective of this Direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

Assessment – Consistent - It is not considered that the provisions would adversely impact this Direction.

1.4 Oyster Aquaculture

Assessment – Consistent – This Direction does not apply to Wingecarribee Shire.

1.5 Rural Lands

This Direction applies when a planning proposal:

- (a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or
- (b) changes the existing minimum lot size on land within a rural or environment protection zone.

Note: Reference to a rural or environment protection zone means any of the following zones: RU1, RU2, RU3, RU4, RU6, C1, C2, C3, C4.

The objectives of this Direction are to:

- (a) protect the agricultural production value of rural land,
- (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,
- (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,
- (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land
- (f) support the delivery of the actions outlined in the New South Wales Right to Farm Policy.

Assessment – Consistent - It is not considered that the provisions would adversely impact this Direction.

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination



<p>2. Environment & Heritage</p>
<p>2.1 Environmental Protection Zones</p>
<p>The objective of this Direction is to protect and conserve environmentally sensitive areas. This Direction requires that:</p> <ul style="list-style-type: none"> a) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas, and b) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying the development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".
<p>Assessment – Consistent - It is not considered that the provisions would adversely impact this Direction.</p>
<p>2.2 Coastal Management</p>
<p>Assessment – Consistent – This Direction does not apply to Wingecarribee Shire.</p>
<p>2.3 Heritage Conservation</p>
<p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Under this Direction a planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.
<p>Assessment – Consistent - It is not considered that the provisions would adversely impact this Direction. The provisions of the draft clause would still exclude the Berrima Heritage Conservation Area.</p>
<p>2.4 Recreation Vehicle Areas</p>
<p>The objective of this Direction is to protect sensitive land or land with significant conservation values from adverse impacts of recreation vehicles. Under this Direction a planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):</p> <ul style="list-style-type: none"> (a) where the land is within an environmental protection zone, (b) where the land comprises a beach or a dune adjacent to or adjoining a beach,

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination



(c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration:

- (i) the provisions of the guidelines entitled *Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985*, and
- (ii) the provisions of the guidelines entitled *Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985*.

Assessment – Consistent - It is not considered that the provisions would adversely impact this Direction.

2.5 Application of E2 & E3 Zones and Environmental Overlays in Far North Coast LEPs.
Assessment – Consistent – This Direction does not apply to Wingecarribee Shire.

2.6 Remediation of Contaminated Land

The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. This direction applies to:

- (a) land that is within an investigation area within the meaning of the *Contaminated Land Management Act 1997*,
- (b) land on which development for a purpose referred to in Table 1 (refer to Direction itself) to the contaminated land planning guidelines is being, or is known to have been, carried out,
- (c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Assessment – Consistent - It is not considered that the provisions would adversely impact this Direction.

3. Housing, Infrastructure and Urban Development

3.1 Residential Zones

The objectives of this Direction are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) to minimise the impact of residential development on the environment and resource lands.

This direction applies when a planning proposal affects land within:

- (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination



(b) any other zone in which significant residential development is permitted or proposed to be permitted.

Assessment – Consistent – The Planning Proposal is recognised to be consistent with the Planning Priorities outlined in the Wingecarribee Local Housing Strategy. Further, the proposed amendment to Clause 7.2 will remove the overlap of clauses in the WLEP and provide consistency across approval pathways, therefore, it is not considered that the provisions would adversely impact this Direction.

3.2 Caravan Parks & Manufactured Home Estates

The objectives of this Direction are:

- (a) to provide for a variety of housing types, and
- (b) to provide opportunities for caravan parks and manufactured home estates.

Assessment – Consistent - It is not considered that the provisions would adversely impact this Direction.

3.3 Home Occupations – Revoked 9 November 2020

3.4 Integrating Land Use & Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

This Direction applies when a planning proposal creates, alters or removes a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

Assessment – Consistent - It is not considered that the provisions would adversely impact this Direction.

3.5 Development Near Regulated Airports and Defence Airfields

The objectives of this Direction are:

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

Assessment – Consistent - It is not considered that the provisions would adversely impact this Direction.

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination



3.6 Shooting Ranges
<p>This Direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range. The objectives are:</p> <ul style="list-style-type: none"> (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.
<p>Assessment – Consistent - It is not considered that the provisions would adversely impact this Direction.</p>
3.7 Reduction in non-hosted short term rental accommodation period
<p>Assessment – Consistent – This Direction does not apply to Wingecarribee Shire.</p>
4. Hazard & Risk
4.1 Acid Sulphate Soils
<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.</p>
<p>Assessment – Consistent – There currently appear to be no mapped acid sulphate soils within Wingecarribee Shire.</p>
4.2 Mine Subsidence and Unstable Land
<p>The objective of this Direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p> <p>NB1: When a planning proposal would permit development on land that is within a Mine Subsidence District a relevant planning authority must:</p> <ul style="list-style-type: none"> (a) consult the Mine Subsidence Board to ascertain: <ul style="list-style-type: none"> (i) if the Mine Subsidence Board has any objection to the draft Local Environmental Plan, and the reason for such an objection, and (ii) the scale, density and type of development that is appropriate for the potential level of subsidence, and (b) incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under (4)(a)(ii), and (c) include a copy of any information received from the Mine Subsidence Board with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act. <p>NB2: A planning proposal must not permit development on land that has been identified as unstable in a study, strategy or other assessment undertaken:</p> <ul style="list-style-type: none"> by or on behalf of the relevant planning authority, or

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination



(ii) by or on behalf of a public authority and provided to the relevant planning authority.

Assessment – Consistent - It is not considered that the provisions would adversely impact this Direction.

4.3 Flood Prone Land

The objectives of this Direction are:

- (a) to ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) to ensure that the provisions of a local environmental plan that apply to flood prone land are commensurate with flood behaviour and include consideration of the potential flood impacts on and off the subject land.

If this Direction applies, the provisions of this Direction are quite detailed and should be addressed appropriately.

Assessment – Consistent - It is not considered that the provisions would adversely impact this Direction.

4.4 Planning for Bushfire Protection

This Direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. The objectives of this Direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) to encourage sound management of bush fire prone areas.

Assessment – Consistent - It is not considered that the provisions would adversely impact this Direction.

5. Regional Planning
5.1 Implementation of Regional Strategies – Revoked 17 October 2017

5.2 Sydney Drinking Water Catchment

The objective of this Direction is to give effect to protect water quality in the Sydney Drinking Water Catchment. A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected.

Assessment – Consistent - It is not considered that the provisions would adversely impact this Direction. This assessment will be updated to reflect WaterNSW response.

- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast
- 5.4 Commercial and Retail Development along the Pacific Highway, North Coast
- 5.5 Development in the Cessnock LGA
- 5.6 Sydney to Canberra Corridor
- 5.7 Central Coast

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination



<p>5.8 Second Sydney Airport – Badgerys Creek</p> <p>5.9 North West Rail Link Corridor Strategy</p> <p>Assessment – Consistent – The above Directions have either been revoked or do not apply in Wingecarribee Shire.</p>
<p>5.10 Implementation of Regional Plans</p> <p>The objective of this Direction is to give legal effect to vision, land use strategy, goals, directions and actions contained in Regional Plans. The Planning Proposal must demonstrate consistency with the SE & Tablelands Regional Plan.</p> <p>Assessment – Consistent - It is not considered that the provisions would adversely impact this Direction.</p>
<p>5.11 Development of Land Council Land</p> <p>The objective of this direction is to provide for the consideration of development delivery plans prepared under State Environmental Planning Policy (Aboriginal Land) 2019 when planning proposals are prepared by a planning proposal authority.</p> <p>Assessment – Consistent – Currently this Direction does not apply to Wingecarribee Shire.</p>
<p>6. Local Plan Making</p> <p>6.1 Approval & Referral Requirements</p> <p>The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Assessment – Consistent - It is not considered that the provisions would adversely impact this Direction.</p>
<p>6.2 Reserving Land for Public Purposes</p> <p>The objectives of this Direction are:</p> <ul style="list-style-type: none"> (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. <p>Assessment – Consistent - It is not considered that the provisions would adversely impact this Direction.</p>
<p>6.3 Site Specific Provisions</p> <p>The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>Assessment – Consistent - It is not considered that the provisions would adversely impact this Direction.</p>

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination

7. Metropolitan Planning
7.1 - 7.10
Assessment – Consistent – These Directions do not apply to Wingecarribee Shire.

Section C – Environmental, Social & Economic Impacts

- 6. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?

It is not considered that these provisions would adversely impact this critical habitat or threatened species, populations or ecological communities, or their habitats.

- 7. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The proposed amendment of Clause 7.2 of the WLEP 2010 to address an inconsistency between Clause 7.2 and Clause 4.2F is not considered to adversely impact any environmentally sensitive areas.

- 8. Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal has adequately addressed the social and economic effects in regards to the amendment of Clause 7.2 of the WLEP 2010 to remove an inconsistency between Clause 7.2 Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones. Further, it is considered that the Planning Proposal is reflective of the objectives of both the regional and local strategic planning frameworks.

Section D – State and Commonwealth Interests

- 9. Is there adequate public infrastructure for the Planning Proposal?

It is thought that the Planning Proposal would not generate any public infrastructure impacts, however, if an additional infrastructure analysis was considered necessary then this could be a condition of a Gateway approval.

Part 4: Mapping

No maps are affected by this Planning Proposal.

7.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones



ATTACHMENT 1 Planning Proposal - Gateway Determination

Part 5: Consultation – Agency Referrals

Council will conduct Agency referrals as required under legislation should a Gateway Determination be obtained. Agency referrals will include at least referral to Water NSW and NSW Rural Fire Service. Responses will be reviewed and the Planning Proposal updated to reflect those responses. The responses themselves will be included in the exhibition material.

Part 5: Consultation - Community

Council will undertake community consultation in accordance with the Gateway Determination. It is noted that Council provides at least 28 days of public exhibition that includes, as relevant, notification by letter/email to adjoining property owners and weekly advertising on Council’s website for the duration of the exhibition period.

The principal place of public exhibition will be Council’s website, www.wsc.nsw.gov.au with copies of all documentation also available at the Customer Service Counter at the Civic Centre, 68 Elizabeth Street, Moss Vale, NSW 2577 unless current health restrictions prevent this.

Part 6: Timeline – to be completed by Council if supported

MILESTONE	INDICATIVE /ACTUAL DATE
Gateway Determination	February 2022
Agency Consultation	March 2022
Public Exhibition	April 2022
Report to Council on exhibition of Planning Proposal.	May 2022
S.3.36 Documents to DP&E & PCO.	June 2022
Approximate completion date	June 2022

Delegation – to be completed by Council if supported.

A Delegation Request Form would be prepared should Council support the Planning Proposal.

END OF PLANNING PROPOSAL

7.4 Local Housing Strategy - Infrastructure Planning and Rezoning Process

Report Author: Manager Strategic Land Use Planning
Authoriser: General Manager

PURPOSE

To provide Council and the community with an overview of the infrastructure planning and rezoning process outlined in the Local Housing Strategy, to ensure that the economic benefits associated with any rezoning are leveraged to deliver broader public benefits and essential community infrastructure.

RECOMMENDATION

THAT Council continue to work with landowners and the local community to identify the infrastructure needed to support our growing community and ensure that the economic benefits associated with any rezoning are leveraged to deliver broader public benefits and essential community infrastructure.

REPORT

BACKGROUND

The Wingecarribee Local Housing Strategy was initially adopted by Council on 24 June 2020 and provides a long-term plan for housing in the Shire, to ensure that our housing stock continues to meet the needs of the community both now and into the future.

The Local Housing Strategy was developed through an objective and evidence-based analysis to determine how and where the Shire will grow. The Strategy aims to provide greater certainty to the community, development industry and Council in the location of new development areas, to facilitate informed investment decisions, and build confidence in the decision-making processes of Council.

Following extensive consultation with the local community, minor amendments to the Local Housing Strategy were adopted by Council on 14 July 2021.

Council is committed to addressing the housing needs in the area and will continue to encourage and facilitate new infill development in appropriate locations close to transport, services and employment.

However, an appropriate balance between infill development and new greenfield residential living areas is required to meet our long-term housing needs.

The Strategy identifies six (6) new residential living areas, including the recently rezoned Chelsea Gardens Coomungie urban release area, to meet the long-term housing needs of the community. It is estimated that the new residential living areas have capacity for approximately 4,000 additional dwellings, which will be staged over a 20+ year period.

Planning a highly liveable Shire relies on the coordination of public and private infrastructure, and it is important for Council to plan for essential infrastructure to support our growing communities. This presents a significant challenge in the Wingecarribee Shire



given the dispersed nature of our towns and villages and the significant limitations within our existing infrastructure networks.

This report provides an overview of the infrastructure planning and rezoning process outlined in the Local Housing Strategy, to ensure that the economic benefits associated with any rezoning are leveraged to deliver broader public benefits and essential community infrastructure.

REPORT

The Local Housing Strategy commits Council to better planning for infrastructure as part of the strategic planning process, prior to land being rezoned, to ensure that infrastructure is planned for, delivered and funded in the most efficient way possible, and so that as our communities continue to grow, so too does the capacity of our infrastructure networks.

The identification and location of New Living Areas considered the capacity of existing infrastructure networks, as well as Council's ability to plan for and fund new infrastructure to support new development. Where possible, the location of new living areas will utilise excess capacity in our existing infrastructure, to ensure infrastructure is used efficiently and to reduce the cost of new land release.

Planning for infrastructure as part of the strategic planning process will allow Council to stage the delivery of infrastructure and control the staging of greenfield development areas in accordance with a long-term staging plan for new living areas in the Shire. It will also provide certainty to the community and the development industry in the provision of infrastructure to support our growing communities, and the likely cost of servicing new greenfield development areas.

The Local Housing Strategy will also provide certainty to Council, the State Government and service providers in the location of new development and will allow for better planning for infrastructure and services to continue to meet the needs of the local community.

PLANNING FOR INFRASTRUCTURE

Council has recently commenced work on a Community and Recreation Facilities Strategy for the Shire, that will identify the community and recreation infrastructure needed to support our growing communities over the next 20 years.

Community and recreational facilities provide a vital service to the public, enabling the community to engage in a broad range of social, recreational, learning and cultural activities. The facilities help inform a sense of place, build more resilient communities and give identity to neighbourhoods, districts and the entire Wingecarribee Shire.

The Community and Recreational Facilities Strategy will consider population growth and the location of New Living Areas to identify infrastructure needs across the Shire and provide a framework for the development, management and funding of community and recreational facilities over the next 20 years.

Council will also be commencing work on an Integrated Transport Strategy which will identify and plan for transport infrastructure across the Shire, bring into context such projects as the Moss Vale By-Pass and provide a framework to deliver improved transport infrastructure within the identified New Living Areas.

These Strategies are part of Council's commitment to better infrastructure planning, to support the delivery of essential infrastructure and services to meet the needs of the community both now and into the future.



SITE SPECIFIC INFRASTRUCTURE PLANS AND SERVICING STRATEGIES

In addition to the broader infrastructure strategic planning that is occurring, the Local Housing Strategy commits Council to undertaking a number of key planning processes prior to any land being rezoned, to ensure that new development areas are well planned and designed and supported by essential infrastructure.

Specifically, the Strategy commits Council to developing an Infrastructure Plan and Servicing Strategy for each of the New Living Areas to identify the infrastructure requirements and ensure that infrastructure is delivered in a well-planned and efficient way.

Further, the Strategy requires Master Plans to be prepared for each of the New Living Areas prior to rezoning, to deliver positive design outcomes and provide greater certainty to the community, industry and Council.

The Master Plans will form the basis of site specific Development Control Plan provisions, to ensure that new development is managed in a way that is in keeping with the community's expectations.

INFRASTRUCTURE FUNDING

New Living Areas identified through the Local Housing Strategy will deliver significant economic benefits and value increases associated with the rezoning of land.

The Local Housing Strategy seeks to ensure that the economic benefits associated with any rezoning are leveraged to deliver broader public benefits and essential community infrastructure.

Undertaking the infrastructure planning up-front as part of the strategic planning process provides certainty to the community and the development industry in the provision of infrastructure, as well as clearly signals the cost of servicing new greenfield development areas.

By identifying the infrastructure needs and costs prior to rezoning, the development industry can factor the infrastructure costs into the englobed land value (the value a developer is willing to pay for undeveloped and unserviced land).

The Local Housing Strategy proposes to lock in the infrastructure requirements and funding mechanism prior to the rezoning process, to ensure that the benefit of rezoning is more broadly than individual land owners and is used to fund the infrastructure that is required to support new development.

A 'value capture' system associated with the rezoning of new living areas will provide for the equitable cost sharing of new and augmented infrastructure and ensure that rate payers are not left with the burden of funding infrastructure required to support development.

Capturing the value of a zoning change to fund infrastructure is considered the most equitable and sustainable means of funding new infrastructure, as those who benefit the most from (and generate the demand for) new infrastructure, contribute to the cost of delivering that infrastructure.

The 'value capture' will occur through either a Contributions Plan or Voluntary Planning Agreement (VPA) to be entered into at the rezoning stage for new living areas identified through the Strategy.

The proposed infrastructure planning and rezoning process for New Living Areas is outlined in Figure 1 below:

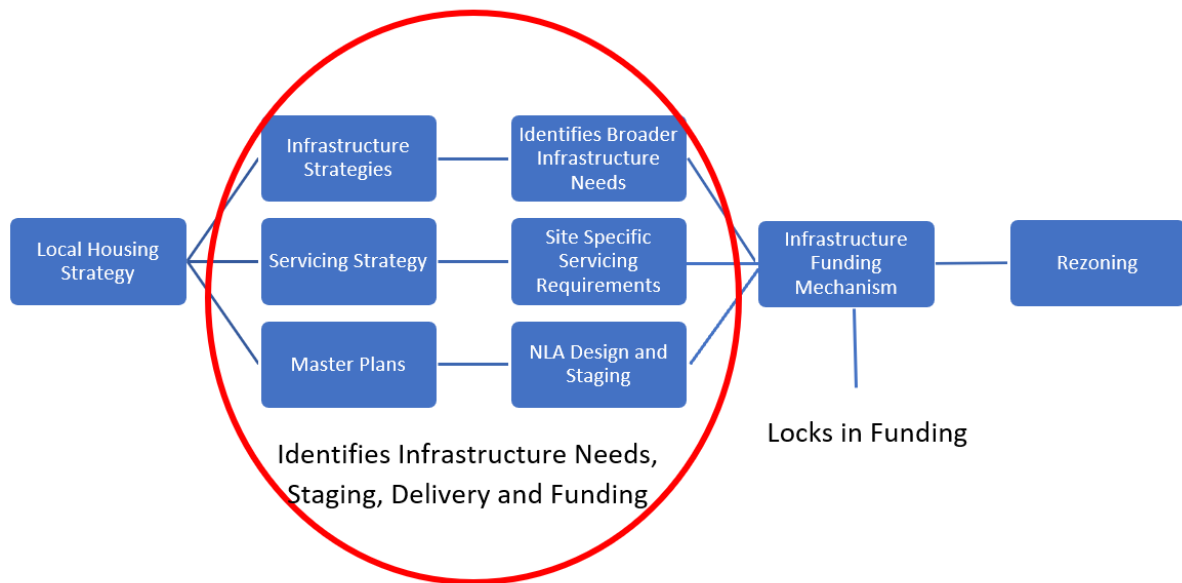


Figure 1 - Infrastructure Planning and Rezoning Process

The proposed model for planning and funding infrastructure outlined above provides a long-term, sustainable funding system for infrastructure, and will ensure that the economic benefits associated with any rezoning are leveraged to deliver broader public benefits and essential community infrastructure.

COMMUNICATION AND CONSULTATION

Community Engagement

The Local Housing Strategy was developed through extensive consultation with the local community. Similarly, the infrastructure planning and site-specific master plans will include detailed consultation with local communities.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

The proposed model for planning and funding infrastructure outlined above provides a long-term, sustainable funding system for infrastructure, and will allow Council to deliver essential community infrastructure to support our growing communities.

- **Culture**

There are no cultural issues in relation to this report.



- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The Community Infrastructure Strategies are being funded from Councils existing budget.

Council will work with land owners within the New Living Areas to develop the site-specific servicing strategies for these areas over the coming years.

RELATED COUNCIL POLICY

Not applicable.

CONCLUSION

Planning a highly liveable Shire relies on the coordination of public and private infrastructure, and it is important for Council to plan for essential infrastructure to support out growing communities. This report provides an overview of the infrastructure planning and rezoning process outlined in the Local Housing Strategy, to ensure that the economic benefits associated with any rezoning are leveraged to deliver broader public benefits and essential community infrastructure.

The proposed model for planning and funding infrastructure outlined in this report provides a long-term, sustainable funding system for infrastructure, and will support Council to deliver essential community infrastructure to support our growing communities.

ATTACHMENTS

There are no attachments to this report.

8 CORPORATE STRATEGY AND RESOURCING

8.1 2021/22 Budget - Budget Review to 31 December 2021

Report Author: Management Accountant
Authoriser: Acting Chief Financial Officer

PURPOSE

The purpose of this report is to inform Council of the results of the budget review undertaken for the period ending 31 December 2021 and to seek approval to make the necessary adjustments to the 2021/22 Budget.

The Quarterly Review of the Budget is reported to Council at the end of each quarter in accordance with Section 203 of the *Local Government (General) Regulation 2005*.

RECOMMENDATION

THAT:

1. Council approve the budget variations reported at the December Quarterly Review as outlined in Attachment 1 to the report.
2. Council note the projected budget position for the 2021/22 Financial Year remains a balanced budget.

REPORT

BACKGROUND

At its meeting of 23 June 2021 Council adopted the 2021/22 Operational Plan, Budget and Revenue Policy (MN 174/21). The 2021/22 Original Budget was adopted by Council as a balanced budget.

This report presents the recommended adjustments which have been submitted by Council Officers for the second quarter of the 2021/22 financial year. As per the recommendations of the Finch Report, the results have been reported on an individual fund basis, that is General Fund, Water Fund and Sewer Fund.

REPORT

Taking into consideration all adjustments requested as part of the December Quarterly Review, the projected budget result for the 2021/22 financial year remains a balanced budget.

PROPOSED BUDGET VARIATIONS

Proposed major budget variations (greater than \$15,000) which have been submitted as part of the December Quarterly Review are set out below:

December Review - Proposed Variations	2021/22
2021/22 September Budget Review	Balanced
Income Adjustments	
Development Services income – increase in income. <i>Almost two-thirds of full year's budget achieved in half the year because of increased development activity.</i>	\$968,468
Transfer from GF Waste Reserve (to fund workers compensation at the Resource Recovery Centre) – increase in income	\$450,000
S94 Administration income to part fund Integrated Transport Strategy – increase in income	\$140,000
Tourism Membership income – decrease in income	(\$82,016)
Parking Fines – decrease in income	(\$80,000)
Property Rental income – increase in income	\$61,125
Rural numbering income – increase in income	\$15,500
Other minor income – increase in income	\$23,130
Total Budget Variations – Income	\$1,496,207
Expenditure Adjustments	
Development Services Contractors – increase <i>There has been an expense resulting from high development activity, removing backlog and offsetting reduced staff resources.</i>	\$1,200,000
Employment savings organisation wide – decrease in expense	(\$1,153,253)
Workers Compensation Premium – increase <i>There is an increase due to the claims experience over last 3 years that is now reflecting in this years premium.</i>	\$585,000
Integrated Transport Strategy – increase <i>This relates to the preparation of an integrated transport strategy that includes the various modes including public transport (buses and trains), community transport, taxis, walking and cycling and private vehicles. The integrated transport plan will provide a strategic</i>	\$280,000

<i>framework for transport-related decision-making and advocacy by council in order to improve the Shire's transport planning and service provision which will be developed through a process of extensive research and consultation with community, internal and external stakeholders and the development of evidence-based plans. This strategy will also put major projects such as the Moss Vale By-Pass within a strategy context.</i>	
Bowral Town Centre Master Plan – increase. <i>This is funding to implement the Council resolution in relation to the preparation for the Bowral Town Centre Master Plan and supporting strategies.</i>	\$200,000
Development Services legal expenses – increase in expense	\$141,947
Access lease to telecommunications equipment on Australian Rail track Corporate (ARTC) – increase in expense	\$140,000
Rangers contractors– increase in expense	\$100,000
Strategic Planning contractors – decrease in expense	(\$76,239)
People and Culture operating expenses – increase in expense	\$69,786
Parks Assets contractors – increase in expense	\$57,000
Work Health Safety operating expenses – decrease in expense	(\$35,276)
Risk management operating expenses – decrease in expense	(\$32,377)
Transfer to Domestic Waste Management Reserve (reduction in workers compensation in Domestic Waste Management) – increase in expense	\$21,424
Other minor expenses less than \$15,000 – decrease in expense	(\$1,805)
Total Budget Variations – Expenditure	\$1,496,207
Projected 2021/22 Budget result as at 31 December 2021	Balanced

A thorough analysis of Council's employment costs across the organisation has been undertaken and has resulted in a reduction of \$1,153,253, which has been brought to account at this review. The reduction in employment costs is due to higher than usual staff vacancies and when these vacancies are filled, these reductions will not be available for future budget reviews.

Further commentary on variations to the budget is provided in **Attachment 1**.

There are several proposed adjustments to Council's adopted Capital Works Program reported as part of this review.

These adjustments have been included in Council's Quarterly Budget Review Statement (**Attachment 1**) and comments have been provided.

PROPOSED EXPENDITURE REVOTES

As part of the December Review of the 2021/22 Budget, Management have identified projects which will not be completed (or will not commence) by 30 June 2022. This is to ensure Council can frame a realistic budget based on the phasing of projects and associated cash flow requirements (that is projects which will be designed in the 2021/22 financial year and the delivered in the 2022/23 financial year); availability of resourcing and capacity to deliver works.

The table below sets out proposed expenditure revotes as part of the December Review:

Proposed Expenditure Revotes	2021/22
Bowral Memorial Hall	\$1,200,000
Bowral STP upgrade	\$400,595
SPS-BU8 Penola Street containment upgrade	\$400,000
Mittagong STP upgrade	\$322,991
Design Werai Balance Tank & Pump Station Review	\$75,000
Moss Vale STP upgrade	\$51,800
Total Proposed Expenditure Revotes	\$2,450,386

COMMUNICATION AND CONSULTATION

Community Engagement

There was no Community Engagement undertaken.

Internal Communication and Consultation

Council's Executive and Managers

External Communication and Consultation

There was no External Consultation undertaken.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

Council is required to approve the Quarterly Review of the budget within eight weeks of the end of the quarter in accordance with section 203 of the Local Government (General) Regulation 2005.

COUNCIL BUDGET IMPLICATIONS

The budget adjustments listed in **Attachment 1** presents a balanced budget for the December Quarterly Review.

RELATED COUNCIL POLICY

2021/22 Operational Plan and Budget

CONCLUSION

The December Review of the 2021/22 Budget has recognised significant increases in Development Services Contractors, Workers Compensation Premiums, and the funding of Strategies and Master Plans to refocus the organisation on the future and move from reactive to a proactive and strategic approach.

These substantial increases have in part been able to be funded from employment savings across the organisation. This funding mechanism is a one off and cannot be repeated in future budget reviews.

There have also been significant adjustments made to Council's Capital Works Program to match resourcing and capacity to deliver works. Six major projects have had part of their funds revoted to the 2022/23 financial year. Council's total proposed capital works program is now \$79 million for 2021/22.

After all adjustments have been considered, Council's projected budget result for the 2021/22 financial year remains a balanced budget.

ATTACHMENTS

1. Quarterly Budget Review Statement 2021/22 - *circulated under separate cover*

8.2 Investment Report - January 2022

Report Author: Accounting Officer (Banking and Investments)
Authoriser: Acting Chief Financial Officer

PURPOSE

The purpose of this report is to present Council's Investment Portfolio held at 31 January 2022.

RECOMMENDATION

THAT the information on Council's Investments as at 31 January 2022 be received and noted.

REPORT

In accordance with section 212 of the *Local Government (General) Regulation 2005*, the Responsible Accounting Officer must provide Council with a written report setting out details of all money that Council has invested under section 625 of the *Local Government Act 1993*.

This report provides details of Council's Investment Portfolio as at 31 January 2022.

Attachment 1 to this report provides Council's Investment Portfolio, detailing investments held and a summary of the portfolio by the institution invested with and their credit rating.

In accordance with section 212(1)(b) of the *Local Government (General) Regulation 2005*, the investments listed in **Attachment 1** have been made in accordance with:

- The *Local Government Act 1993*
- The *Local Government (General) Regulation 2005*,
- The Ministerial Investment Order 2011, and
- Council's Investment Policy.

Interest earned from investments totalled \$543,813.66 for seven (7) months to 31 January 2022. Interest earned is under budget by \$156,186.34 to 31 January due to consistent low interest rates. The interest is attributable to each fund as listed in the table below.

Fund	YTD budget	YTD actual	Variance
General fund	273,000.00	212,425.84	(60,574.16)
Water Fund	238,000.00	178,051.45	(59,948.55)
Sewer Fund	189,000.00	153,336.37	(35,663.63)
Total	700,000.00	543,813.66	(156,186.34)

ATTACHMENTS

1. Investment Report Summary as at 31 January 2022



Wingecarribee Shire Council Investment Report Summary

For the period ending 31 January 2022

List of Investments

Council's investment portfolio as at 31 January 2022 consists of the following investments:

INVESTMENT PORTFOLIO AS AT 31 January 2022						
Institution	Type	Amount	Interest Rate	Investment Term - Days	Maturity Date	% Investment Portfolio
CBA	Term Deposit	4,000,000	0.34%	157	4/02/2022	2.03%
CBA	Term Deposit	2,000,000	0.40%	330	11/02/2022	1.02%
CBA	Term Deposit	2,000,000	0.41%	364	18/02/2022	1.02%
CBA	Term Deposit	5,000,000	0.42%	365	23/02/2022	2.54%
ME	Term Deposit	4,000,000	0.45%	330	3/03/2022	2.03%
ME	Term Deposit	3,000,000	0.45%	365	18/03/2022	1.52%
BOQ	Term Deposit	5,000,000	0.33%	210	25/03/2022	2.54%
Macquarie	Term Deposit	1,000,000	0.40%	210	25/03/2022	0.51%
CBA	Term Deposit	3,000,000	0.43%	365	31/03/2022	1.52%
ME	Term Deposit	2,000,000	0.45%	365	31/03/2022	1.02%
CBA	Term Deposit	5,000,000	0.38%	304	7/04/2022	2.54%
Macquarie	Term Deposit	1,000,000	0.40%	350	14/04/2022	0.51%
BOQ	Term Deposit	5,000,000	0.40%	271	26/04/2022	2.54%
ME	Term Deposit	3,000,000	0.45%	365	29/04/2022	1.52%
ME	Term Deposit	4,000,000	0.50%	365	5/05/2022	2.03%
CBA	Term Deposit	5,000,000	0.43%	330	11/05/2022	2.54%
BDCU	Term Deposit	5,000,000	0.50%	364	20/05/2022	2.54%
BDCU	Term Deposit	5,000,000	0.50%	364	27/05/2022	2.54%
ME	Term Deposit	2,000,000	0.41%	276	6/06/2022	1.02%
CBA	Term Deposit	3,000,000	0.38%	302	15/06/2022	1.52%
CBA	Term Deposit	10,000,000	0.42%	365	23/06/2022	5.08%
Macquarie	Term Deposit	1,000,000	0.40%	302	29/06/2022	0.51%
CBA	Term Deposit	10,000,000	0.43%	364	1/07/2022	5.08%
Macquarie	Term Deposit	1,000,000	0.40%	329	1/07/2022	0.51%
ME	Term Deposit	5,000,000	0.50%	365	12/07/2022	2.54%
MyState	Term Deposit	2,500,000	0.40%	293	20/07/2022	1.27%
NAB	Term Deposit	5,000,000	0.37%	365	29/07/2022	2.54%
BOQ	Term Deposit	3,000,000	0.40%	364	5/08/2022	1.52%
Macquarie	Term Deposit	1,000,000	0.40%	364	5/08/2022	0.51%
MyState	Term Deposit	5,000,000	0.45%	322	16/08/2022	2.54%
CBA	Term Deposit	5,000,000	0.41%	365	26/08/2022	2.54%
BOQ	Term Deposit	5,000,000	0.38%	364	2/09/2022	2.54%
CBA	Term Deposit	3,000,000	0.39%	364	2/09/2022	1.52%
Macquarie	Term Deposit	1,000,000	0.40%	365	16/09/2022	0.51%
NAB	Term Deposit	5,000,000	0.35%	365	21/09/2022	2.54%
CBA	Term Deposit	5,000,000	0.39%	365	27/09/2022	2.54%
MyState	Term Deposit	3,000,000	0.45%	365	28/09/2022	1.52%
AMP	Term Deposit	2,500,000	1.00%	335	4/10/2022	1.27%
AMP	Term Deposit	2,500,000	0.80%	365	19/10/2022	1.27%
BOQ	Term Deposit	5,000,000	0.70%	273	31/10/2022	2.54%
AMP	Term Deposit	2,500,000	1.00%	365	15/11/2022	1.27%
Auswide	Term Deposit	3,000,000	0.78%	365	30/11/2022	1.52%
AMP	Term Deposit	2,500,000	1.10%	365	16/12/2022	1.27%
Judo	Term Deposit	3,000,000	1.10%	365	21/12/2022	1.52%
Judo	Term Deposit	5,000,000	1.10%	365	7/01/2023	2.54%
Judo	Term Deposit	5,000,000	0.99%	365	27/01/2023	2.54%
NAB	Term Deposit	5,000,000	0.60%	729	25/08/2023	2.54%
NAB	Term Deposit	5,000,000	0.60%	731	28/08/2023	2.54%
NAB	Call Account	3,006,200	0.00%	NA	NA	1.53%
BDCU	Call Account	3,304,894	0.15%	NA	NA	1.68%
AMP	Call Account	10,000,000	0.55%	NA	NA	5.08%
Total Investments		\$196,811,094				100.00%

Institution Legend

AMP = AMP Limited
 ANZ = Australia & New Zealand Banking Group
 Auswide = Auswide Bank
 BOQ = Bank of Queensland
 BDCU = Berrima District Credit Union
 Bendigo = Bendigo & Adelaide Bank

CBA = Commonwealth Bank of Australia
 CUA = Credit Union Australia
 IMB = IMB Bank
 ING = ING Direct
 Judo = Judo Bank
 Macquarie = Macquarie Bank

ME = Members Equity Bank
 MyState = MyState Bank
 NAB = National Australia Bank
 Newcastle = Newcastle Permanent
 St George = St George Bank
 WBC = Westpac Banking Corporation



Wingecarribee Shire Council Investment Report Summary

For the period ending 31 January 2022

Policy Compliance

Council's Investment Policy provides clear direction for the diversification of Council's investment portfolio. This ensures credit and diversification risk is managed in accordance with the adopted risk management framework, as outlined in Council's Policy.

Individual Institution Limits

A summary of investments placed by institution is as follows:

Institution	S&P Short Term Rating	Maximum %	Actual %	Invested \$	Supports Fossil Fuels	Policy Compliance
NAB	A1+	40%	11.69%	23,006,200	YES	YES
CBA	A1+	40%	31.50%	62,000,000	YES	YES
Macquarie	A1	25%	3.05%	6,000,000	YES	YES
AMP	A2	15%	10.16%	20,000,000	YES	YES
BOQ	A2	15%	11.69%	23,000,000	YES	YES
ME	A2	15%	11.69%	23,000,000	YES	YES
BDCU	A2	15%	6.76%	13,304,894	NO	YES
MyState	A2	15%	5.34%	10,500,000	NO	YES
Auswide	A2	15%	1.51%	3,000,000	NO	YES
Judo	A3	10%	6.61%	13,000,000	NO	YES
Total			100.00%	196,811,094		

Portfolio Credit Limits

A summary of investments placed by credit limit is as follows:

S&P Short Term Rating	Maximum %	Actual %	Invested \$	Policy Compliance
A1+	100%	43.19%	85,006,200	YES
A1	80%	3.05%	6,000,000	YES
A2	60%	47.15%	92,804,894	YES
A3	20%	6.61%	13,000,000	YES
Govt	25%	0.00%	0	YES
Total		100.00%	196,811,094	



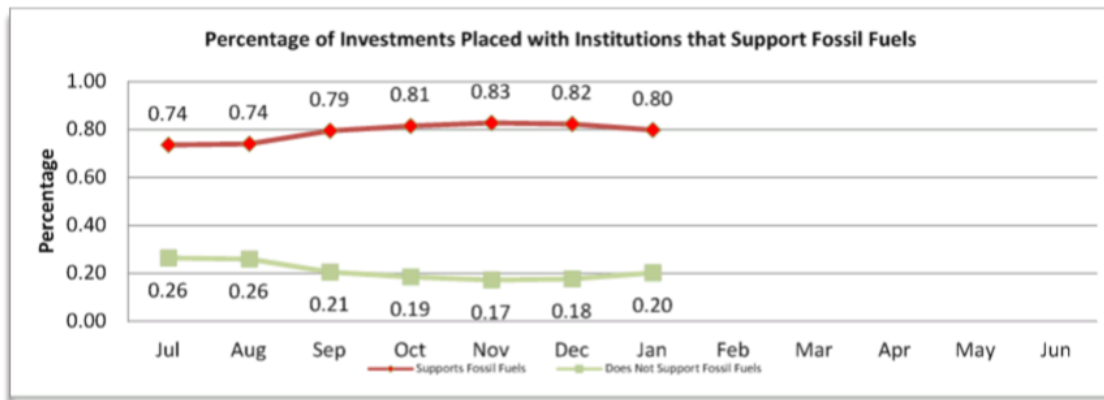
Wingecarribee Shire Council Investment Report Summary

For the period ending 31 January 2022

Non-Fossil Fuel Investment Preferecing

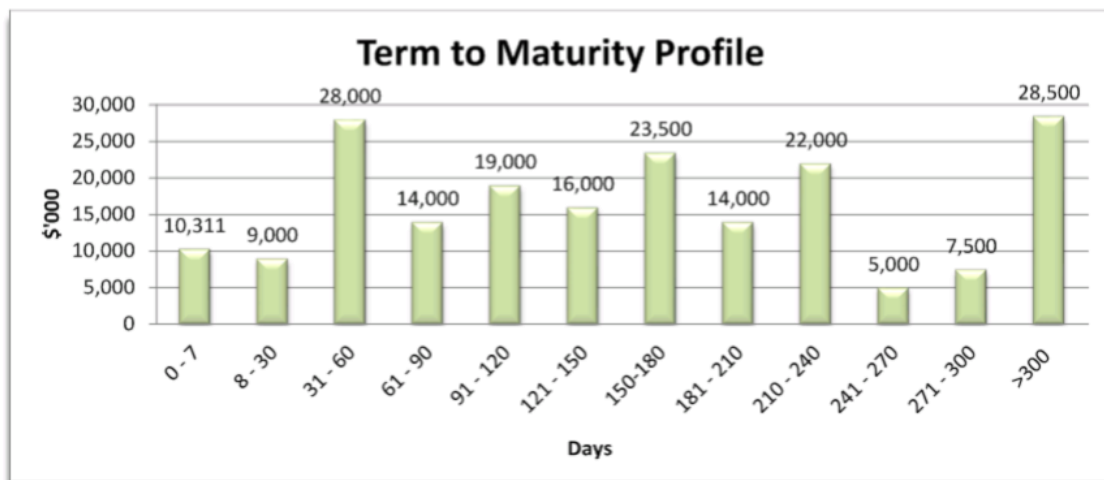
Council’s adopted Investment Policy states a preference for placing funds with institutions that do not support the fossil fuel industry. The chart below identifies Council’s percentage of investments placed with institutions that do not support the fossil fuel industry.

As investments mature Council will actively seek investments with institutions that do not support the fossil fuel industry, on the basis that they offer equivalent returns and are compliant with legislation and the objectives and parameters of the Investment Policy.



Term to Maturity

Investments have been placed giving due consideration to Council’s liquidity requirements. Sufficient Working Capital is available to ensure Council continues to meet its ongoing cash flow requirements for operational and capital expenditure.





Wingecarribee Shire Council Investment Report Summary

For the period ending 31 January 2022

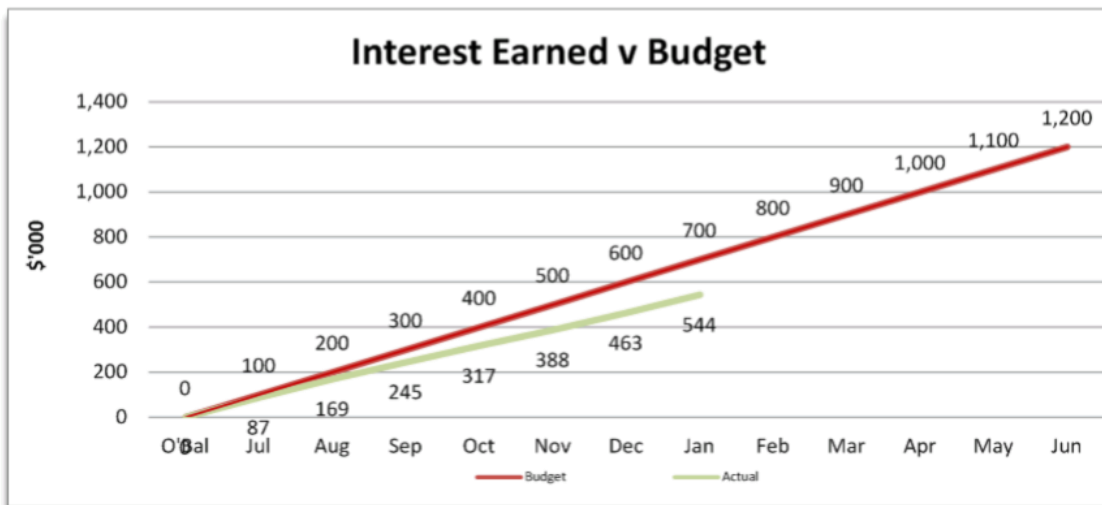
Portfolio Performance

Council's investment balance at the end of January 2022 was \$196.811 million. This has decreased by \$1.452 million since the end of December 2021.



Interest Revenue

Due to interest rates being offered by financial institutions in this protracted low interest rate environment, Council's rate of return on investments is low. Council continues to seek the best available returns while managing the investment portfolio in accordance with Council's investment policy.





Wingecarribee Shire Council Investment Report Summary

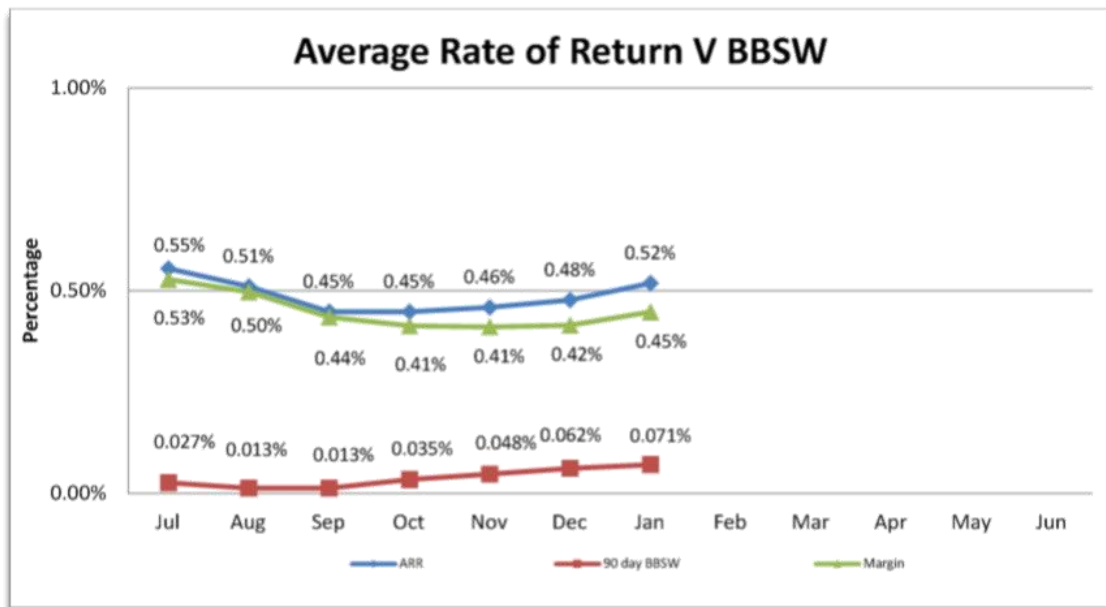
For the period ending 31 January 2022

Performance against Benchmark

Council's investment portfolio is benchmarked against the 90 day Bank Bill Swap Rate (BBSW).

The average rate of return (ARR) achieved for January 2022 was 0.52% which is an increase of 0.04% from December 2021. The BBSW increased to 0.071%.

The margin above BBSW was 0.45% for January 2022 which shows Council continues to secure favourable interest rates on term deposits.



8.3 Extension of Formal Contract Agreement - Plant and Equipment Hire

Report Author: Fleet and Procurement Officer
Authoriser: Acting Chief Financial Officer

PURPOSE

The purpose of this report is to obtain approval to extend Council's Contract 6330/19.30 Plant and Equipment Hire by inviting the awarded contractors into an extension for a further one (1) year period.

An additional one (1) year extension option was considered by Council under the original tender process to be exercised at Council's discretion and will be based on the performance of the Contract.

RECOMMENDATION

THAT

1. Council extend the current Contract for plant and equipment hire for the one (1) year extension period option that was considered and moved by Council Resolution (MN 13/20) on 12 February 2020.
2. That a schedule of expenditure by contractor under this contract be presented to the next Council meeting.

REPORT

BACKGROUND

In late 2019, Council conducted an open tender process for establishing a panel arrangement contract for the provision of plant and equipment hire. The purpose of the plant and equipment hire contract enables staff to engage contractors on an ad hoc basis in accordance with their schedule of rates under the following tendered categories:

1. Wet Hire (Plant with an Operator)
2. Dry Hire (Plant without an Operator)
3. Haulage for Material Cartage
4. Haulage for Plant Floatage

On 12 February 2020, a report on the outcome of this tender was approved by Council Resolution (Closed Council) (MN 13/20):

1. **THAT** in relation to the report concerning the Tender for Plant and Equipment Hire – Council adopts the recommendations contained within the Closed Council Report – item 22.1.
2. **THAT** Council accept tender 6330/19.30 Plant and Equipment Hire and all the below associated categories and listed tenderers to form a panel arrangement for the period of two (2) years for the option to extend for a further one (1) year.

Category: Wet Hire (34 Contractors)

Company Name
A & D Tree Services Pty Ltd
City Coast Plumbing Services Pty Ltd
Clarke Lee Investments Pty Ltd (Ab-Wil Excavations)
Coopers Earthmoving & Haulage Pty Ltd
Crossgrove Pty Ltd
DA Worner Pty Ltd
Daryl Turner's Transport
Dyson Earthmoving Pty Ltd
Earth Civil Contracting Pty Ltd
Excel Earthworks Pty Ltd
First Choice Earthworks Pty Ltd
G R Backhoe Hire Pty Ltd
Highland Landscapes & Earthworks Pty Ltd (The Trustee of Wells Creek Holdings Trust)
Highlands Sand & Soil
JAW Bulk Pty Ltd (JA Wellington Bulk Haulage and Rural Contracting)
John Roman Earthmoving Pty Ltd
Leroy Excavations Pty Ltd
Liloch Pty Ltd
Mark Kracht Earthmoving & Rural Contracting
N Gubbins Pty Ltd (Mulreadys)
Oldfields Earthmoving and Landscaping Pty Ltd
Pipe Management Australia Pty Ltd
PMK Services Pty Ltd
Rollers Australia Pty Ltd
Southern Highlands Water & Earth
Southern Plant & Auto
Stefanutti Construction Pty Ltd
Swaye Civil Pty Ltd
TDK Vac Truck Services Pty Ltd
Total Vegetation Management Pty Ltd
Turner's Backhoe Hire
VAC Group Operations Pty Ltd (VAC Group / Earth Radar Utilities)
Welby Bulk Haulage Pty Ltd
Zivil Earthmoving (ZEM)

Category: Dry Hire (14 Contractors)

Company Name
Action Hire Pty Ltd
Camden Hire
Coates Hire Operations Pty Ltd
Conplant Pty Ltd
Earth Civil Contracting Pty Ltd
Highlands Sand & Soil
Kennards Hire Pty Ltd
M.V. Hire Pty Ltd
N Gubbins Pty Ltd (Mulreadys)
PremiAir Services Pty Ltd
Rollers Australia Pty Ltd
Sherrin Rentals Pty Ltd
Sitex Rentals & Sales Pty Ltd
Stefanutti Construction Pty Ltd

Category: Haulage for Material Cartage (8 Contractors)

Company Name
City Coast Plumbing Services Pty Ltd
Coopers Earthmoving & Haulage Pty Ltd
Earth Civil Contracting Pty Ltd
Highlands Sand & Soil
JAW Bulk Pty Ltd (JA Wellington Bulk Haulage and Rural Contracting)
Liloch Pty Ltd
N Gubbins Pty Ltd (Mulreadys)
Swaye Civil Pty Ltd

Category: Haulage for Plant Floatage (9 Contractors)

Company Name
Action Hire Pty Ltd
Coopers Earthmoving & Haulage Pty Ltd
Dyson Earthmoving Pty Ltd
Earth Civil Contracting Pty Ltd
First Choice Earthworks Pty Ltd
Highlands Sand & Soil
Sherrin Rentals Pty Ltd
Stefanutti Construction Pty Ltd
Welby Bulk Haulage Pty Ltd

The initial two (2) year contract period is scheduled to expire on 28 February 2022, however the contract still has a one (1) year extension option available to be exercised at Councils discretion and based on the performance of the contract.

REPORT

Council's Plant and Equipment Hire Contract is a panel arrangement contract consisting of 43 contractors to be engaged on an ad hoc basis in accordance with their schedule of rates under the following categories:

1. Wet Hire (Plant with an Operator) – 34 Contractors
2. Dry Hire (Plant without an Operator) – 14 Contractors
3. Haulage for Material Cartage – 8 Contractors
4. Haulage for Plant Floatage – 9 Contractors

There is an ongoing operational need for Council staff to be able to engage plant and equipment hire contractors to support the delivery of Council's capital works projects and maintenance programs to the community. An estimated total combined spend on plant and equipment hire would easily exceed \$5 million annually. A schedule of expenditure by contractor, specific to this contract for the past two years, is being compiled and will be presented to the next Council meeting.

Council's plant and equipment hire panel arrangement allows Council the flexibility to access to a diverse list of plant and equipment hire contractors with an extensive list of available plant and equipment on offer.

From an operational perspective, Procurement recognise that arrangements for plant and equipment hire, would be difficult to plan for due to the unknown length of time an item would need to be hired to complete scheduled works. This makes it difficult to request quotes that adhere with Council's general purchasing limits. Based on these observations, a tendered contract where a contractor can be engaged by their tendered schedule of rates is the only option that provides staff with flexibility and allowing them to comply with Council's procurement guidelines.

EXERCISING THE ONE (1) YEAR EXTENSION OPTION

It is Procurement's recommendation that Council take up the option to extent Council's Plant and Equipment Hire Contract and invite Council's awarded Contractors into a contract extension for the following reasons:

- A tender process for a panel contract for plant and equipment hire is a very complex process to undertake due to the number of tender categories and extensive number of different plant and equipment items that Contractors are able to be tendered for. An extended timeframe and resources would need to be allocated to ensure that a new tender process is run effectively.
- Procurement had only received one report of poor performance related to this contract since it commenced (documented on Council's Contractor Performance Register) out of a panel of 43 awarded contractors. This demonstrates that the panel is meeting Council's operational needs.
- Plant and Equipment Hire has been tendered for continuously that the likelihood of reaching a different outcome from conducting a new tender process when there is an extension option available would be very unexpected.

On the approval to invite Council's Plant and Equipment Hire contractors into an extension of contract, any allowances on rate increases or decreases will be set by Council at the time of invitation to extend the Formal Contract Agreement as outlined in the Conditions of Contract. Procurement have previously set a rate variation allowance of 2.5 percent for similar contracts when entering into a contract extension.

COMMUNICATION AND CONSULTATION

Community Engagement

A media release at the time of tender in 2019 was conducted to promote the tender process and encourage local contractor participation at the time.

Internal Communication and Consultation

Internal Consultation has occurred between staff from Procurement and Infrastructure Services.

External Communication and Consultation

No external communication and consultation had occurred.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

Council has undertaken a range of initiatives as part of this tender process to encourage submissions from locally qualified contractors.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

This tender has been conducted in accordance with Part 7 of the *Local Government (General) Regulation 2005*.

COUNCIL BUDGET IMPLICATIONS

The 2021/2022 Adopted Budget includes funding for maintenance activities undertaken by Council's operational areas. Ongoing expenditure relating to plant and equipment hire will be monitored and reviewed in line with adopted budget estimates and as part of future Quarterly Reviews of the Budget.

RELATED COUNCIL POLICY

Council's Procurement Guidelines have been used to inform the tender process.

OPTIONS

The options available to Council are:

Option 1

To extent Council's current Contract 6330/19.30 Plant and Equipment Hire for the further one (1) period as it was considered and moved by Council Resolution (MN 13/20) on 12 February 2020.

Option 2

Terminate Contract 6330/19.30 Plant and Equipment Hire and invite new tenders.

Option 1 is the recommended option to this report.

CONCLUSION

There will always be an operational need for Council to hire plant and equipment from time to time to supports it capital works projects and maintenance programs. Due to the timeframes required to successfully conduct a new tender process, Council need to consider the extension option available under Council's current contract fist.

As long as Council's current contract is performing well and meeting Council's operational needs, then it is in Council's best interest to extend contract 6330/19.30 Plant and Equipment Hire before calling new tenders.

ATTACHMENTS

There are no attachments to this report.

8.4 Berrima District Historical & Family History Society Inc - part Mittagong Memorial Hall, 114-116 Main Street, Mittagong, Lease - Post Exhibition Report

Report Author: Coordinator Property Services
Authoriser: Director, Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to inform Council of a submission received during the period of public exhibition of the intention to issue a 21 year Lease to Berrima District Historical and Family History Society Incorporated ("The Historical Society") for the occupation of part of the Council owned property known as the Mittagong Memorial Hall located at 114-116 Main Street, Mittagong.

RECOMMENDATION

THAT:

1. Council enter into a twenty one (21) year Lease (terminating in 2043) with Berrima District Historical & Family History Society Inc for the revised leased space as shown in Attachment 1 to this report.
2. The General Manager and Mayor/Interim Administrator be delegated authority to execute the twenty one (21) year Lease referred to in Resolution 1 above and to affix the Common Seal of the Council to the Lease and any supporting documents.
3. The person who made a submission in respect of the proposed Lease be notified in writing of Councils Resolution.

REPORT

BACKGROUND

Council is the owner of the whole of the land comprised in Lot 1 Section 5 Deposited Plan 1289 being the Memorial Hall (also known as the old Council Chambers) located at 114-116 Main Street, Mittagong. The subject Council property is classified as Operational land.

The property is occupied in part by the Historical Society (registered Lease) and in part by various local theatre groups and production companies within the Highlands (via a booking system).

The Historical Society has had tenure within the building for over 20 years and is a not-for-profit organisation that uses part of the Memorial Hall for the purpose of archiving, storage, display and administration matters relating to the activities and operations of the organisation.

At its meeting held on 13 March 2019 Council resolved (M/N 88/19):

1. *THAT Council enter in to a twenty one (21) year Lease with Berrima District Historical and Family History Society Inc.*

AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL

Wednesday 16 February 2022

REPORT DIRECTOR, CORPORATE STRATEGY AND RESOURCING



2. *THAT the General Manager and Mayor be delegated authority to execute the twenty one year (21) Lease referred to in Resolution 1 above and to affix the Common Seal of the Council to the Lease and any supporting documents.*
3. *THAT the persons who made a submission in respect of the proposed lease be notified in writing of Resolution 1 above.*
4. *THAT the General Manager continue to seek any suitable alternative accommodation for the Berrima District Historical and Family History Society Inc.*

Following the above resolution, a Notice of Rescission of Motion was tabled at the Council meeting on Wednesday 27 March 2019. While that rescission motion was lost, Council further resolved (MN 136/19):

1. *THAT Council acknowledge the Berrima District Historical & Family History Society and the highlands theatre groups that either singly or together require increased space and additional facilities to meet their future needs currently provided at the shared site of Memorial Hall 114 Main Street, Mittagong.*
2. *THAT Council confer with all parties to identify their needs and options.*
3. *THAT Council prepare a report on several options (such as building upgrade, alternative locations et cetera) that meet the future needs of both organisations for the five year period of 2020 – 2025.*
4. *THAT the said report be presented to Council for consideration no later than November 2019.*
5. *THAT following the report detailed in 3. above, an information session be held for councillors with representatives of both the Berrima District Historical & Family History Society and the highlands theatre groups and the President of the Mittagong Playhouse 355 Management Committee.*
6. *THAT as soon as possible Council undertake an inspection of the facilities.*

Following the resolution of Council of 13 March 2019, a Lease was entered into with the Historical Society which commenced in June 2019. The Lease has been registered on title and is due to terminate in June 2040.

Due to a serious structural fault on the western side of the building, the Memorial Hall/Playhouse was closed in late 2019, however the Historical Society have remained in possession of their leased premises.

The project to restore the Mittagong Memorial Hall's structural integrity includes design and construction works required to make safe, meet compliance and renew the facility for future generations.

As part of the refurbishment, negotiations have been undertaken with the Historical Society for a revised Leased space. The new Lease space proposal was presented to Council on Wednesday 28 July 2021 at which time it was resolved (MN 217/21):

THAT:

- 1. The General Manager be delegated authority to negotiate with Berrima District Historical & Family History Society Inc for a revised leased space within Memorial Hall, 114-116 Main Street Mittagong for a maximum twenty one (21) years, on the same terms and conditions to the current agreement, but varying the space occupied.*
- 2. Council give public notice of its intention to enter into a twenty one (21) year Lease for the revised leased area referred to in Resolution 1 above.*
- 3. If there are no objections received by Council during the period of public notice, the General Manager and Mayor/Interim Administrator be delegated authority to execute the revised twenty one (21) year Lease referred to in Resolution 1 above and to affix the Common Seal of the Council to the Lease and any supporting documents.*
- 4. If there are any objections received by Council during the period of public notice a further report will be forwarded to a future Ordinary Meeting of Council.*

Following the above resolution, further changes were negotiated with the Historical Society in relation to the leased space to be occupied. These negotiations were undertaken to achieve the best resolution for allocation of space for all users of the building.

An additional report was presented to Council on 10 November 2021 at which time it was resolved as follows (MN 315/21):

THAT:

- 1. Council endorse the negotiated lease space for Berrima District Historical and Family Society Inc as outlined in Attachment 1 to this report and thank the Society for their cooperation.*
- 2. Authority be delegated to the General Manager to negotiate the terms and conditions of a Licence Agreement for use of the ground floor meeting room at 114-116 Main Street, Mittagong by Berrima District Historical and Family Society Inc.*
- 3. The Interim Administrator/Mayor and General Manager be delegated authority to execute on behalf of Council documentation associated with the licence agreement.*
- 4. Council note the current status of the Mittagong Memorial Hall project and acknowledge the positive stakeholder negotiation outcomes.*
- 5. Council continue to seek funding opportunities for the refurbishment of the Mittagong Memorial Hall and obtain support from the Local Member.*

REPORT

Following the resolution of Council, the proposed Lease was placed on public exhibition from 1 December 2021 to close of business 14 January 2022 (a period exceeding the necessary 28 day notice period to take into account the Christmas shutdown period). **Attachment 1** to this report is a plan of the proposed revised leased space.

During the period of public exhibition one (1) submission was received. Details of the submission are summarised below:

Submission	Issue raised	Response
Submission 1	<p>Reason for submission is due to the extensive work needed on the Play House and supporting beams which have been in place for over 12 months. Work could be held up by the Lessee if access to the premises they want to take the lease out on is not available.</p> <p>Work on the Memorial Hall has reduced the number of parking spaces in the public parking area where large support beams are installed.</p> <p>Council should seriously consider leasing any of its buildings to tenants for long periods of time especially on peppercorn rents.</p> <p>The Historical Society does wonderful work and needs premises but does not need to be in a prominent position or have control over a long-time property that the Council owns.</p>	<p>As a result of the extensive consultation that has been undertaken with the impacted users of the building, the project critical path has been impacted. Accordingly, the overall project timeline has been delayed however Council believes the positive outcome achieved for the users of the building outweighs the delays.</p> <p>In consultation with the affected users of the property, alternative space will be sought to accommodate the users whilst refurbishment takes place.</p> <p>Whilst the loss of car spaces in the public carpark due to the installation of support beams is unfortunate, the beams are required to secure the buildings structural integrity whilst works to renew and secure the facility for future generations continues.</p> <p>The Historical Society has had tenure within the building for in excess of 20 years and is a not-for-profit organisation that uses part of the Memorial Hall relating to the activities and operations of the organisation.</p> <p>There are currently no suitable alternative Council properties available for use by the Society.</p>

Attachment 2 to this report is the submission received during the period of public consultation.

The Council property is classified as *Operational Land*, which does not require the Lease to be referred to the Minister for consent.

As a submission was made during the period of public exhibition, the matter is now referred for consideration in accordance Council resolution.

COMMUNICATION AND CONSULTATION

Community Engagement

The Council property is classified as Operational land, therefore there is no legislative requirement relating to public exhibition. However, in the interest of transparency and good governance, public notice of the Lease was exhibited for the period from 1 December 2021 to the close of business on 14 January 2022.

Internal Communication and Consultation

Assets

External Communication and Consultation

Berrima District Historical & Family History Society Inc

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

As the premise is classified as Operational Land under the *Local Government Act, 1993*, Council is able to determine the Lease without the need to refer the matter to the Minister for Local Government.

COUNCIL BUDGET IMPLICATIONS

There are no budgetary implications arising from this report.

RELATED COUNCIL POLICY

Lease or Licence of Council Property – Not for Profit Organisations.

OPTIONS

The options available to Council are:

Option 1

Approve the 21 year Lease to Berrima District Historical & Family History Society Inc for the revised leased space.

Option 2

Decline the new 21 year Lease of the revised leased space, leaving the existing Lease registered Lease in place for the original term and space.

Option 1 is the recommended option.

CONCLUSION

This report recommends that Council enter into a new Lease with Berrima District Historical and Family History Society Inc for the revised leased space within the Memorial Hall, 114-116 Main Street Mittagong.

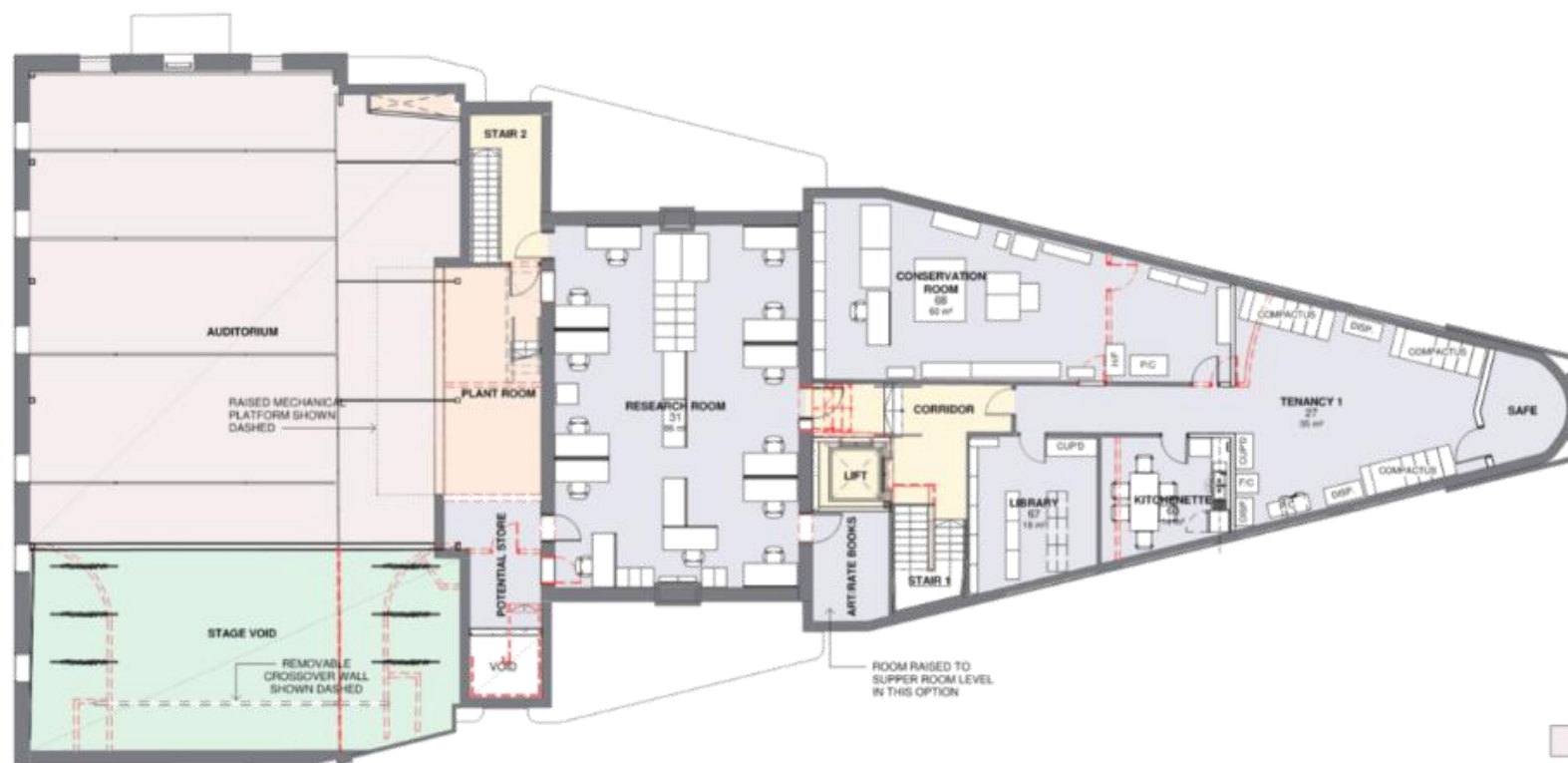
ATTACHMENTS

1. Attachment 1 - plan of leased area
2. Attachment 2 - submission



NBRSEARCHITECTURE.

PRELIMINARY



- AUDITORIUM
- FOH
- SERVICES
- STAGE
- TENANCY

THEATRE CONSULTANT
 Schuler Shook Theatre Planners
 Richard Shook
 Level 1, 170 Swan Street
 Richmond, Vic 3121
 0412 884 726
 richshook@bigpond.com

BCA & ACCESS CONSULTANT
 MBC Group
 5th Floor
 Suite 3/ 155 Sydney Road, Murrumbidgee NSW 2580
 (02) 9939 1000
 info@mbc-group.com.au

ACOUSTIC ENGINEERING
 Acoustic Studio
 6th Floor
 27-33-43 Bridge Rd, Stanmore NSW 2048
 (02) 9557 5425
 mail@acousticstudio.com.au

STRUCTURE
 JE Engineering Consultants
 Alan Houston
 118-121 Faversham St, Wollongong NSW 2516
 (02) 4328 6570
 houston@je.com.au

Issue No.	Date	Description	CHKD
1	25.08.2021	STAKEHOLDER COMMENTS	NC
2	13.10.2021	Revised Concept Design	NC
3	26.10.2021	APPROVED CONCEPT DESIGN	NC

Architect
NBRSEARCHITECTURE.

Sydney
 61 2 9922 2344 nbrsarchitecture.com
 Any form of replication of this drawing in full or in part without the written permission of NBRSEARCHITECTURE Pty Ltd constitutes an infringement of the copyright.
 Nominated Architect:
 Andrew Duffin - NSW 5922 © 2020
 NBRSEARCHITECTURE Pty Ltd (VIC 011197) ABN 16 008 267 363

Project
 Mittagong Playhouse

at
 114/116 Main St, Mittagong NSW 2575

for
 Wingecarribee Shire Council

Drawing Title
 Level 1 Plan

Date 26/10/2021 12:26:03 PM
 Scale 1 : 100 @ A1

Drawing Reference 20318-NBRS-DR-A-002B Revision 3

1 LEVEL 1 Option B
 1 : 100

8.4 Berrima District Historical & Family History Society Inc - part Mittagong Memorial Hall, 114-116 Main Street, Mittagong, Lease - Post Exhibition Report

ATTACHMENT 2 Attachment 2 - submission



From: [REDACTED]
Sent: Thu, 23 Dec 2021 12:06:44 +1100
To: "Wingecarribee Shire Council" <mail@wsc.nsw.gov.au>
Subject: Council Reference PN698900 Mittagong ex Council Chambers.

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear General Manager.

I wish to make objections to the 21 year lease proposed to the Berrima District Historical Society of Office 1 Second Floor Part Mittagong Memorial Hall, 1140116 Main Street, Mittagong, NSW, 2575.

Reason is that extensive work is needed on the Play House and supporting beams have been in place for over 12 months. Work could be held up by the leasees if access to the premises they want to take the lease out on is not available.

The work on the Memorial Hall has reduced the number of parking spaces in the public parking area where large supporting beams are in sight. I was told early last year that work was scheduled and that Council regretted the loss of parking spaces. [REDACTED] shops in the immediate area and know how important car parking is and how expensive the contributions to them are when building.

Council should seriously consider leasing any of its buildings to tenants for long periods of time especially on Pepper Corn Rents.

The Berrima District Historical Society does wonderful work and needs premises but does not need to be in a prominent position or have control over a long time property that the Council owns.

Kindest Regards
[REDACTED]

8.5 Penrose Hall Funding

Report Author: EA Director Corporate Corporate Strategy and Resourcing
Authoriser: Director, Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to seek approval from Council to provide a \$400,000 contribution towards the construction of the new Penrose Village Hall.

RECOMMENDATION

THAT

1. Council include \$400,000 as a contribution to the Penrose Hall construction project for consideration in its draft 2022/23 Operational Plan and Budget, with the proposed funding source to be the Land Rental Charge Reserve.
2. Council continued to seek external grant funding for the project including a further \$205,000 shortfall that has been identified by the Quantity Surveyor.
3. Council engages with the community to investigate an appropriate adaptive reuse of the existing Penrose Village Hall.

REPORT

BACKGROUND

The Penrose Community Association was awarded a NSW Government Bushfire Local Economic Recovery Fund grant of \$1.697million (ex GST) on 30 June 2021 to construct a new Village Hall. The grant application was prepared in association with the Penrose Hall Management Committee (PHMC), an instrument of Wingecarribee Shire Council (WSC) under section 355 of the *Local Government (General) Regulation 2021*.

REPORT

A new hall is to be built on a central location in the Penrose Recreation Area that is now to be called Penrose Village Park, on the traditional land of the Gundungurra people. The Development Application plans prepared in consultation with the PHMC represent the following features in relation to the current hall.

- Expanded meeting hall capacity (about 60% increase to about 95 persons table seated or 125 row-seated)
- Larger stage
- Green room
- In-building chair and table storage
- Lockable internal secondary store
- Sheltered entry area
- Excellent acoustic performance
- Fully accessible (Disability Discrimination Act compliant)
- Internal toilets
- Bushfire compliant 2

- Energy efficient
- Integrated audio-visual capability
- On-site parking for 39 vehicles (including Disability Discrimination Act compliant)
- Building integrated external storage (for play equipment etc)
- Bushfire compliant (to BAL 29)
- Compliant with all current construction standards for health, amenity and energy efficiency

The facility comprises a single building of about 400m², with appropriate parking, landscaping, as well as access and service roads and is wholly located on Community Land on various Council owned allotments. A new Plan of Management for the land has been prepared and endorsed by Council to allow the proposed uses to occur on the land and Council will be consolidating the allotments and is currently in the process of having a new plan drawn up by a surveyor.

HALL HIRE

Regular users of the hall have been identified as:

- Pilates Group
- Table tennis club
- Penrose Public School
- Penrose Community Association
- Playgroup
- Choir

Additionally, the new hall will be utilised as an Emergency Evacuation Centre.

The existing community hall was built in 1954 and it is proposed to work with the community to identify appropriate adaptive resources for the facility.

BUDGET REVIEW

As part of a recent budget review undertaken by the Penrose Community Association and a Quantity Surveyor's report it has been identified there is an increase in construction costs equating to \$605,000. This has been primarily due to:

1. Design changes resulting from Council and Community consultation (External store, larger chair store, a little more back stage area, larger timber deck, more north windows and a stone entry wall).
2. Design changes resulting from consultant advice (stormwater and pollution control).
3. Extraordinary cost increases (~20%) in the building industry generally especially in steel and timber.
4. Increase of escalation allowance from 5% to 10%.
5. Increase of contingency to 20%. (in line with WSC procedure for projects over \$1million).
6. Provision of an independent Project Manager.

COMMUNICATION AND CONSULTATION

Community Engagement

Council's Executive have met with representatives of the Penrose Community Association (PCA) and a Project Control Group comprising Council staff and representatives of the PCA has been established.

Internal Communication and Consultation

Executive

Financial Services

Assets and Project Delivery

External Communication and Consultation

Penrose Community Association

Penrose Hall Management Committee

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

The Penrose Village Hall will provide the Penrose community with a contemporary building available for a multitude of community uses.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

It is proposed to commit \$400,000 to assist with the shortfall and as well as continue to investigate other grant options/avenues.

Funding of the proposed \$400,000 to contribute to this project is not included in the 2021/22 budget, however, the actual expenditure is not anticipated until 2022/23.

Should Council agree to make the contribution, the Land Rental Charge Reserve is an appropriate source. It receives its income from the rental of general fund owned land on which Council's water and sewerage network assets are situated and uses this income to fund various Council projects. The reserve is expected to have a balance of \$4.3 million at

AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL

Wednesday 16 February 2022

REPORT DIRECTOR, CORPORATE STRATEGY AND RESOURCING



30 June 2022 but will be considered for a contribution to the implementation of Council's resolution to establish \$5.0M of unrestricted funds in 2021/22. Known 2022/23 commitments from the reserve are \$1.9M at this stage.

It is recommended that a \$400,000 contribution be provided in the draft 2022/23 budget, with the proposed funding source to be the Land Rental Charge Reserve.

A funding agreement will be executed with the Penrose Hall Committee as part of overall agreed governance arrangements. It is expected the contribution, up to \$400,000, will be paid after all grant BLERF funds are exhausted.

The ongoing operating costs are the responsibility of WSC however energy costs, utilities and gardens will be met by the Hall Management Committee. Operational costs include:

- Insurance (but insurance for hired events need to be borne by each hirer)
- Cleaning
- Air conditioning and electrical preventative maintenance
- Water filters, pumps and septic maintenance
- Gardens / landscape Energy and utilities are a Hall Management Committee cost funded by hiring's and fundraising if needed

RELATED COUNCIL POLICY

This report has no impacts on any Council Policies.

CONCLUSION

It is recommended that Wingecarribee Shire Council provides \$400,000 contribution to the construction of the Penrose Village Community Hall.

ATTACHMENTS

There are no attachments to this report.

8.6 Child Care Gap Fee Waiver

Report Author: Childrens Services Co-ordinator
Authoriser: Group Manager Corporate and Community

PURPOSE

The purpose of this report is to inform Council of the Department of Education, Skills and Employments (DESE) provisions for waiving gap fees for families using the Out of School Hours Service (OOSH) and for Council to determine whether to apply these provisions to families impacted by COVID using Council's OOSH Service.

RECOMMENDATION

THAT

1. Council waive the "gap fee", for a total of five days per child in the Wingecarribee Out of School Service, where the child must isolate because they or a member of their immediate household, is a close contact or tested positive to COVID -19, as per Government requirements until 30 June 2022 or as per Department of Education Skills and Employment guidelines.
2. Council undertake a 28-day public notification period in relation to waiving the gap fee for children not attending the Out of School Hours Service (OOSH) where they are directly impacted by COVID, in accordance with Section 356 of *Local Government Act 1993*.
3. Council notes DESE has made provisions for services to claim the Child Care Subsidy (CCS) component of a family's fees, whilst waiving the gap fee for families, if the Service needs to close all or part of their Service due to COVID-1 effective as of 27 January 2022.

REPORT

BACKGROUND

The "gap fee" is the contribution a parent makes towards their child care fees. It is the gap between the service fee and the family's Child Care Subsidy (CCS) entitlement, this is a condition of being eligible for CCS. Each families' gap fee will differ based on the family's income assessment provided to the Family Assistance Office.

In September 2021, Department of Education, Skills and Employment (DESE) advised that Children's Services in Commonwealth declared COVID – 19 hotspots can waive gap fees for families who kept their children at home. Following a 28-day public exhibition period, in October 2021 Council resolved as follows:

Council waive the child care gap fee, backdated to 23 August 2021 until the lockdown ceases or otherwise advised by the Department of Education, Skills and Employment (DESE), for children not attending Wingecarribee Out of School Hours Service (WOOSH), under the conditions outlined by DESE

REPORT

COVID-19 is having a detrimental effect on the early childhood sector, including OOSH, and families who use these Services. With vaccinations for children only recently being introduced in the primary school age group and the inability for children to socially distance there is an increased risk of children becoming exposed to COVID-19 and needing to isolate as per the Governments guidelines.

DESE has recently made provisions for services to waive gap fees until 30 June 2022 and continue to receive CCS if a child is unable to attend care for a number of reasons. These include:

1. They or a member of their immediate household, must isolate due to COVID -19. This includes if they are a close contact or are awaiting results. This applies from 21 November 2021
2. The child is at higher risk of severe disease from COVID- 19. This includes Children with a disability, chronic health condition (with documentation from a Medical Practitioner) or Aboriginal and Torres Strait Islander. This applies from 27 January 2022

In addition, DESE has made provisions for services to claim the CCS component of a family's fees, whilst waiving the gap fee for families, if the service needs to close all or part of their Service due to COVID-19. Effective as of 27 January 2022. Despite these provisions there is no obligation for OOSH services to waive gap fees.

To support to families this report recommends Council waive the 'gap fee', for a total of five days per child, where the child must isolate because they or a member of their immediate household, is a close contact or tested positive to COVID -19, up to 30 June 2022 or until DESE changes its position on gap fee waivers.

When Council waived the "gap fee" late last year government assistance was provided to counteract the loss of income for waiving of gap fees. However, Council has been advised that there are no additional government financial for waiving fees as a part of this initiative.

COMMUNICATION AND CONSULTATION

Community Engagement

Internal Communication and Consultation

Corporate Strategy and Resourcing - Carmel Foster

Strategic Governance Executive

External Communication and Consultation

If Council adopts the recommendation a 28-day public notification period will be undertaken in relation to waiving the gap fee for children not attending the Out of School Hours Service, in accordance with Section 356 of *Local Government Act 1993*.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

Waiving the gap fee for families directly impacted by COVID is aimed to support the families who maybe financial disadvantaged by the impacts of having to isolate due to a positive family case.

- **Broader Economic Implications**

The support measures outlined in this report are aimed to potentially assist enrolled families directly affected by COVID -19 by reducing fees for children not attending care who are in isolation as per government requirements.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

If adopted a 28-day public notification period will be undertaken in relation to waiving the “gap fee” for children not attending the Out of School Hours Service, in accordance with Section 356 of *Local Government Act 1993*.

COUNCIL BUDGET IMPLICATIONS

There are number of uncertain factors (number of children, hours, subsidy level etc) which impact on the ability to financially forecast when proposing to adopt waiving the gap fee for affected families. With best estimation, by waiving gap fee by \$5000 to \$10000 in total, OOSH will be still in a good financial position at the financial year end.

RELATED COUNCIL POLICY

Nil

CONCLUSION

This report recommends Council to waive gap fees for children where the child must isolate because they or a member of their immediate household, is a close contact or tested positive to COVID -19, as per Government requirements.

The report identifies ways to support families facing financial duress from the impacts of COVID, implement DESE guidelines whilst maintaining financial stability and viability for the OOSH Service.

ATTACHMENTS

There are no attachments to this report.

8.7 Hire of Council Facilities for Christmas in the Villages - Proposal to Waive Fees and Charges: Post Exhibition Report

Report Author: Group Manager Corporate and Community
Authoriser: Director, Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to inform Council of the outcome of the public exhibition of the proposal to waive fees and charges for Christmas celebrations in the Wingecarribee Shire villages for events being delivered through the Christmas Celebrations grants.

RECOMMENDATION

THAT Council waive fees and charges for Christmas celebrations in the Wingecarribee Shire villages for events being delivered through the Christmas Celebrations grants.

REPORT

BACKGROUND

At its meeting on 24 November 2021, Council considered a report to waive fees and charges for the hire of Council facilities for Christmas Celebrations in the Wingecarribee Shire villages for events being delivered through the Christmas Celebrations Grants. Council resolved as follows (MN 21/334):

“THAT Council undertake a 28-day public notification period to waive the fees for the hire of Council facilities for Christmas Celebrations in the Wingecarribee Shire villages for events being delivered through the Christmas Celebrations Grants, in accordance with Section 356 of Local Government Act 1993.”

REPORT

The proposal to waive fee and charges for the hire of Council facilities for Christmas Celebrations in the Wingecarribee Shire villages for events being delivered through the Christmas Celebrations Grants was placed on public exhibition from 29 November to 3 January 2022. Your Say Wingecarribee provided the consultation platform for community to respond to the proposal. During the period of public exhibition, three (3) submissions were received, all submissions were in support of the proposal. No objections were received. Submissions are included in **Attachment 1** to this report.

COMMUNICATION AND CONSULTATION

Community Engagement

Public notice of the proposal to waive fees and charges was placed on public exhibition from 29 November 2021 to 3 January 2022. The public exhibition was promoted through a project page on 'Your say Wingecarribee' and Council's Community Update.

Internal Communication and Consultation

Nil.

External Communication and Consultation

Nil

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

Council has undertaken a 28-day public consultation in relation to waiving fees and charges for the hire of Council facilities for Christmas Celebrations in the Wingecarribee Shire villages for events being delivered through the Christmas Celebrations Grants, in accordance with *Section 356 of Local Government Act 1993*.

COUNCIL BUDGET IMPLICATIONS

There are no significant budget implications as a result of this report, the funding is available within the existing budget.

RELATED COUNCIL POLICY

Nil

CONCLUSION

This report outlines the outcome of the public exhibition of the proposal waiving fees and charges for the hire of Council facilities for Christmas Celebrations in the Wingecarribee Shire villages for events being delivered through the Christmas Celebrations Grants, as required under *Section 356 of Local Government Act 1993*. The response to the public exhibition confirms the community support for this proposal.

ATTACHMENTS

1. Submissions for Proposal to Waive Fees and Charges for Hire of Community Facilities

8.7 Hire of Council Facilities for Christmas in the Villages - Proposal to Waive Fees and Charges: Post Exhibition Report

ATTACHMENT 1 Submissions for Proposal to Waive Fees and Charges for Hire of Community Facilities



Submissions for Proposal to Waive Fees and Charges for the Hire of Council Facilities for Christmas in the Villages

Submission	Staff Comment
<p>I support this initiative to uplift community spirit. I think this is what working in partnership with Council and Community is all about.</p> <p>(Penrose Resident)</p>	<p>Noted</p>
<p>I agree to the waiving of fees and charges for the hire of Council facilities for Christmas celebrations in the Shire villages</p> <p>(Bowral Resident)</p>	<p>Noted</p>
<p>Definitely refund the village groups for the hall hire fee - it was a community event for the village residents not a small fund-raising exercise for the council halls. Spread the Christmas Cheer a little further</p> <p>(Yerrinbool Resident)</p>	<p>Noted</p>

8.8 Code of Meeting Practice - Post Exhibition Report

Report Author: Group Manager Corporate and Community
Authoriser: Director, Corporate Strategy and Resourcing

PURPOSE

This report provides the outcomes from the public exhibition of Council's Code of Meeting Practice and seeks a Council resolution for the frequency, time, date and place of its Ordinary Meetings.

RECOMMENDATION

THAT

1. Council adopt the Code of Meeting Practice as placed on public exhibition
2. Council resolves that Ordinary Meetings of Council will be held on the third Wednesday of the month, except for December when the Ordinary Meeting will be held on the second Wednesday and no meeting held in January with meetings commencing at 3.30pm and held the Council Chamber at the Civic Centre, 68 Elizabeth Street Moss Vale **AND THAT** for 2022 Ordinary Meetings of Council will be as follows:
 - 16 March 2022
 - 20 April 2022
 - 18 May 2022
 - 15 June 2022
 - 20 July 2022
 - 17 August 2022
 - 21 September 2022
 - 19 October 2022
 - 16 November 2022
 - 14 December 2022

REPORT

BACKGROUND

Council's Meeting Code was initially adopted on 12 June 2019. It was developed based on the Model Code of Meeting Practice for Local Councils in NSW ('Model Meeting Code'), prescribed under section 360(1) of the *Local Government Act 1993* ('the Act') and clause 232 of the *Local Government (General) Regulation 2005*.

The Model Meeting Code sets out mandatory provisions that a council must include in its code of meeting practice, as well as several non-mandatory provisions that a council may, but is not required to, include. The non-mandatory provisions reflect what the Office of Local

Government sees as being best practice for the relevant aspect of Council meetings. Councils can also include supplementary provisions in their codes of meeting practice, so long as those provisions are not inconsistent with the mandatory provisions provided by the Model Meeting Code.

At the meeting held on 24 November 2021, Council endorsed the revised Code of Meeting Practice (COMP) for public exhibition. The COMP was revised to:

- Amend clause 3.1 which states '*the Ordinary Meeting of Council from the second Wednesday of the month to the third Wednesday of the month, except for December when the Ordinary Meeting will be held on the second Wednesday and no meeting held in January*' to the following '*The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.*'
- include the changes based on the Office of Local Government's Model Code of Meeting Practice released in October 2021.

REPORT

Public Exhibition Outcomes

The draft COMP was placed on public exhibition for 48 days, which exceeds the requirements of section 361 of the *Local Government Act 1993* which specifies that the COMP must be on public exhibition for a period of not less than 28 days and that submissions accepted for not less than 42 days after the date the COMP is placed in public exhibition.

The public exhibition commenced on the 29 November 2021 and concluded on 16 January 2022.

No submissions were received in response to the public exhibition.

Timing of Ordinary Council Meetings

Clause 3.1 of the draft COMP placed on public exhibition requires '*The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.*' As such it is recommended that Council resolves that the Ordinary Meeting of Council be held on the third Wednesday of the month, except for December when the Ordinary Meeting will be held on the second Wednesday and no meeting held in January with meetings commencing at 3.30pm and held the Council Chamber at the Civic Centre, 68 Elizabeth Street Moss Vale.

COMMUNICATION AND CONSULTATION

Community Engagement

The draft COMP was placed on public exhibition from 29 November 2021 until 16 January 2022. Opportunities to provide feedback were promoted on Council's website, a project page was set up on www.yoursaywingecarribee.com.au, a media release was issued and notifications were placed in Council's Community Update.

Internal Communication and Consultation

Council's Executive team were consulted.

External Communication and Consultation

Office of Local Government

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

Council must ensure that its Meeting Code complies with the Act and the Regulation by incorporating the mandatory provisions of the Model Meeting Code. The Draft Meeting Code at **Attachment 1** includes all the mandatory provisions of the Model Meeting Code. Further, when adopting or proposing to amend its Meeting Code, Council must comply with Part 2 Division 1 of the Act, including certain obligations in relation to a period of public exhibition. The report is consistent with these obligations.

COUNCIL BUDGET IMPLICATIONS

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

RELATED COUNCIL POLICY

Code of Conduct

Procedures for the Administration of the Code of Conduct

CONCLUSION

The draft Code of Meeting Practice was placed on public exhibition for 48 days, no submissions were received. It is recommended that the Code of Meeting Practice be adopted as placed on public exhibition and that Council resolves the frequency, time, date and place of its Ordinary Meetings.

ATTACHMENTS

1. Draft Code of Meeting Practice



Draft Code of Meeting Practice

Leadership

1.1 Our Council has the trust of the community and well informed decisions are made to ensure long term sustainability of our Shire

Document Type	Council Code
Document Reference No.	2021/004
Version No.	1.4
Adoption Date	28 July 2021
Resolution Number	224/21
Document Owner	Group Manager Corporate and Community
Responsible Branch	Corporate and Community
Responsible Business Unit	Corporate Strategy and Governance
Review Schedule	Within 12 months of the next ordinary election of Councillors
Review Date	28 July 2022





Table of Contents

Table of Contents	2
1. Introduction	3
2. Meeting Principles	3
3. Before the Meeting	3
4. Public Forums	8
5. Coming Together	10
6. The Chairperson	15
7. Modes of Address.....	16
8. Order of Business for Ordinary Council Meetings	16
9. Consideration of Business at Council Meetings.....	17
10. Rules of Debate	19
11. Voting.....	22
12. Committee of the Whole	23
13. Dealing with Items by Exception	23
14. Closure of Council Meetings to the Public	24
15. Keeping Order at Meetings.....	28
16. Conflicts of Interest.....	31
17. Decisions of the Council.....	31
18. Time Limits on Council Meetings.....	33
19. After the Meeting.....	34
20. Council Committees	35
21. Council Workshops.....	38
22. Irregularities.....	38
23. Definitions.....	38
Document Control.....	40



1. Introduction

This Code of Meeting Practice (Code) for Wingecarribee Shire Council is based on the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) and is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Code applies to all meetings of councils and committees of councils of which all the members are councillors in accordance with clause 20.2 of this Code (committees of council). Council committees whose members include persons other than councillors must conduct meetings in accordance with Council's adopted Committee Manual.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with this Code of Meeting Practice.

2. Meeting Principles

2.1 Council and committee meetings should be:

- Transparent:** Decisions are made in a way that is open and accountable.
- Informed:** Decisions are made based on relevant, quality information.
- Inclusive:** Decisions respect the diverse needs and interests of the local community.
- Principled:** Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:** The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
- Respectful:** Councillors, staff and meeting attendees treat each other with respect.
- Effective:** Meetings are well organised, effectively run and skilfully chaired.
- Orderly:** Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3. Before the Meeting

Timing of Ordinary Council Meetings

3.1 ~~Ordinary meetings of the Council will be held on the second Wednesday of each month between February and December. No meetings shall be held in January. Meetings will commence at 3.30 pm.~~

3.1 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Extraordinary Meetings

3.2 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.



Note: Clause 3.2 reflects section 366 of the Act.

- 3.3 The mayor, in consultation with the general manager, or the general manager, in consultation with the mayor, may call an extraordinary meeting without the need to obtain the signature of two (2) councillors to consider urgent business.

For the purpose of clause 3.3, urgent business is any matter that, in the opinion of the mayor or the general manager, requires a decision by the council before the next scheduled ordinary meeting of the council.

Notice to the Public of Council Meetings

- 3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of the council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to Councillors of Ordinary Council Meetings

- 3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.7 reflects section 367(1) of the Act.

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form. Where all councillors are provided with secure facilities to access material electronically, the notice, agenda and business papers will only be given to councillors in electronic form.

Note: The first sentence of clause 3.8 reflects section 367(3) of the Act.

Notice to Councillors of Extraordinary Meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.9 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted prior to the close of business at 4.30pm, seven (7) business days before the meeting is to be held.



- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a response in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council’s current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
 - (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
 - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with Notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and Business Papers for Ordinary Meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
 - (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.



- 3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
 - (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.21 reflects section 9(2A)(a) of the Act.
- 3.22 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Statement of ethical obligations

- 3.23 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council’s code of conduct to disclose and appropriately manage conflicts of interest.

Availability of the Agenda and Business Papers to the Public

- 3.24 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council’s website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.24 reflects section 9(2) and (4) of the Act.
- 3.25 Clause 3.23~~4~~ does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.25 reflects section 9(2A)(b) of the Act.
- 3.26 For the purposes of clause 3.23~~4~~, copies of agendas and business papers must be published on the council’s website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.26 reflects section 9(3) of the Act.



3.27 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

Note: Clause 3.27 reflects section 9(5) of the Act.

Agenda and Business Papers for Extraordinary Meetings

3.28 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

3.29 Despite clause 3.278, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:

- (a) a motion is passed to have the business considered at the meeting, and
- (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

3.30 A motion moved under clause 3.289(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

3.31 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.3029(a) can speak to the motion before it is put.

3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.289(b) on whether a matter is of great urgency.

Pre-meeting Briefing Sessions

3.33 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.

3.34 Pre-meeting briefing sessions will only be closed to the public if they meet the relevant provisions of the *Local Government Act 1993* (as set out at Part 14 of this code) and any guidelines issued by the Office of Local Government.

3.35 Pre-meeting briefing sessions may be held by audio-visual link.

3.36 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.

3.37 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.

3.38 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.



4. Public Forums

Holding a Public Forum

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums may be held by audio-visual link.
- 4.3 Public forums are to be chaired by the mayor or their nominee.

Speakers

- 4.4 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by close of business (4.30pm) two (2) business days before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.5 A person may apply to speak on no more than one (1) item of business on the agenda of the council meeting.
- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.8 No more than one (1) speaker 'for' and one (1) speaker 'against' are permitted for each item of business on the agenda for the council meeting.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the person who is to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.11 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no less than two (2) business days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.12 The general manager or their delegate is to determine the order of speakers at the public forum.



- 4.13 Each speaker will be allowed five (5) minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.14 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker to each question are to be limited to one (1) minute.
- 4.17 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.18 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to two (2) minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.22 Clause 4.20~~1~~ does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.19~~20~~, the general manager or their delegate may refuse further applications from that person to speak at public for such a period as the general manager or their delegate considers appropriate.

Publication of Written, Visual or Audio Material

~~Subject to copyright, any written, visual or audio material presented at the public forum will be published on the council's website.~~

Conflicts of Interest

- 4.24 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.



5. Coming Together

Attendance by Councillors at Meetings

5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, **unless permitted to attend the meeting by audio-visual link under this code.**

5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.

5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.6 reflects section 234(1)(d) of the Act.

5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The Quorum for a Meeting

5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.8 reflects section 368(1) of the Act.

5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.9 reflects section 368(2) of the Act.



- 5.10 A meeting of the council must be adjourned if a quorum is not present:
- At the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - Within half an hour after the time designated for the holding of the meeting, or
 - At any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- By the chairperson, or
 - In the chairperson's absence, by the majority of the councillors present, or
 - Failing that, by the general manager.
- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety and or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire) or a public health emergency or other threat to safety the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clauses 3.3.

Meetings held by audio-visual link

- 5.15 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.
- 5.16 Where the mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the general manager must:
- give written notice to all councillors that the meeting is to be held by audio-visual link, and
 - take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
 - cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.



- 5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by councillors at meetings by audio-visual link

- 5.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.19 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.20 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.21 The council must comply with the Health Privacy Principles prescribed under the Health Records and Information Privacy Act 2002 when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.22 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.23 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
- (a) the meetings the resolution applies to, and
 - (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.24 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.25 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
- 5.26 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.



- 5.27 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.28 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor’s camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.29 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the Public to Attend Council Meetings

- 5.30 Everyone is entitled to attend a meeting of the council and committees of the council (i.e. those established by Council in accordance with clause 20.2 of this Code). The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 5.1530 reflects section 10(1) of the Act.

- 5.31 Clause 5.1530 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.32 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
 - (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.1732 reflects section 10(2) of the Act.

Webcasting of Meetings

- 5.33 ~~Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device. All meetings of the council and committees of the council are to be webcast on the council’s website:~~
 - ~~(a) the meeting is being recorded and made publicly available on the council’s website, and~~
 - ~~(b) persons attending the meeting should refrain from making any defamatory statements.~~
 - ~~(a) audio visual recordings of the open Council Meeting and committees of the council will be live streamed through Council’s website.~~

~~Clause 5.18 does not apply to parts of a meeting that hav been closed to the public under section 10A of the Act.~~

~~At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.~~



~~A recording of each meeting of the council and committee of the council is to be retained on the council's website for 12 months. Recordings of meetings may be disposed of in accordance with the State Records Act 1998.~~

- 5.34 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
 - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.35 The recording of a meeting is to be made publicly available on the council's website:
- (a) at the same time as the meeting is taking place, or
 - (b) as soon as practicable after the meeting.
- 5.36 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.37 Clauses 5.36 and 5.37 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.
- Note: Clauses 5.34 – 5.37 reflect section 236 of the Regulation.**
- 5.38 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the General Manager and Other Staff at Meetings

- 5.39 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.
- Note: Clause 5.2239 reflects section 376(1) of the Act.**
- 5.40 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.
- Note: Clause 5.2340 reflects section 376(2) of the Act.**
- 5.41 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.
- Note: Clause 5.2441 reflects section 376(3) of the Act.**
- 5.42 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.
- 5.43 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.



6. The Chairperson

The Chairperson at Meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 6.1 reflects section 369(1) of the Act.

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the Chairperson in the Absence of the Mayor and Deputy Mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

- 6.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

- 6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have Precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:

- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
- (b) every councillor present must be silent to enable the chairperson to be heard without interruption.



7. Modes of Address

- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chair' or 'Madam Chair'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

8. Order of Business for Ordinary Council Meetings

- 8.1 The general order of business for an ordinary meeting of the council shall be:
 1. Opening meeting
 2. Acknowledgement of country
 3. Prayer
 4. Apologies and applications for a leave of absence [or attendance by audio-visual link](#) by councillors
 5. Confirmation of minutes
 6. Disclosures of interests
 7. Mayoral minute(s)
 8. Reports to council
 9. Reports of committees
 10. Notices of motions
 11. Questions with notice
 12. Confidential matters
 13. Conclusion of the meeting
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.



9. Consideration of Business at Council Meetings

Business that can be dealt with at a Council Meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) Is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral Minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.



- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

Staff Reports

- 9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of Committees of Council

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the council by a councillor unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10. Rules of Debate

Motions to be Seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of Motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's Duties with Respect to Motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions Requiring the Expenditure of Funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/ or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

Amendments to Motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.



- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed Motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the Number and Duration of Speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than three (3) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than three (3) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.



- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.



11. Voting

Voting Entitlements of Councillors

11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at Council Meetings

11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

11.5 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

11.6 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.

11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

11.8 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.

11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

Voting on Planning Decisions

11.10 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.

11.11 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.

11.12 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

11.13 Clauses 11.10–11.12 apply also to meetings that are closed to the public.

Note: Clauses 11.10–11.13 reflect section 375A of the Act. The requirements of clause 11.10 may be satisfied by maintaining a register of the minutes of each planning decision.



12. Committee of the Whole

- 12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 12.1 reflects section 373 of the Act.

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13. Dealing with Items by Exception

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.



14. Closure of Council Meetings to the Public

Grounds on which Meetings can be Closed to the Public

14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be Considered when Closing Meetings to the Public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the council or committee is involved, and



- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the [Departmental](#) Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by Members of the Public

14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.



- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by close of business (4.30pm) two (2) business days prior to the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than two (2) speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. In accordance with clause 14.13 the chairperson is to permit no more than two (2) speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed one (1) minute to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of Non-Councillors from Meetings Closed to the Public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.



Obligations of councillors attending meetings by audio-visual link

- 14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

- 14.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.201 reflects section 10D of the Act.

Resolutions Passed at Closed Meetings to be Made Public

- 14.22 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.23 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.



15. Keeping Order at Meetings

Points of Order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of Order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of Dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of Disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act or ~~any the regulation in force under the Act~~ or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or



- (d) insults ~~or makes personal reflections~~ unfavourable personal remarks about ~~or~~ or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Note: Clause 15.11 reflects section 182 of the Regulation

15.12 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 16.11(a) ~~or~~ (b), or (e) or
- (b) to withdraw a motion or an amendment referred to in clause 16.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation any statement that constitutes for an act of disorder referred to in clauses 15.11(d) and (e).

Note: Clause 15.12 reflects section 233 of the Regulation.

How Disorder at a Meeting may be dealt with

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

Expulsion from Meetings

15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

15.15 Clause 15.14 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

Note: Clause 15.17 reflects section 233(2) of the Regulation.

15.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the



councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

How disorder by councillors attending meetings by audio-visual link may be dealt with

- 15.20 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.
- 15.21 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of Mobile Phones and the Unauthorised Recording of Meetings

- 15.22 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.23 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.24 Without limiting clause 15.17, a contravention of clause 15.23 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 15.24, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.25 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.



16. Conflicts of Interest

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council, committees of the council and pre-meeting briefings (as described in clause 3.32) in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

17. Decisions of the Council

Council Decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.
- Note: Clause 17.1 reflects section 371 of the Act.**
- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or Altering Council Decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.
- Note: Clause 17.3 reflects section 372(1) of the Act.**
- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- Note: Clause 17.4 reflects section 372(2) of the Act.**
- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.
- Note: Clause 17.5 reflects section 372(3) of the Act.**
- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.
- Note: Clause 17.6 reflects section 372(4) of the Act.**



17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than **4.30 pm the following business day** after the meeting at which the resolution was adopted.

17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.11 reflects section 372(6) of the Act.

17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three (3) councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting Resolutions to Correct an Error

17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) to correct any error, ambiguity or imprecision in the council’s resolution, or
- (b) to confirm the voting on the resolution.

17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.



- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18. Time Limits on Council Meetings

- 18.1 Meetings of the council are to conclude no later than **7.30pm**.
- 18.2 If the business of the meeting is unfinished at **7.30pm**, the council may, by resolution, extend the time of the meeting. Where an extension of time is approved the meeting must conclude no later than 8.00pm.
- 18.3 If the business of the meeting is unfinished at **7.30pm**, and the council does not resolve to extend the meeting, the chairperson must either:
 - (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
 - (a) notify all councillors of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.



19. After the Meeting

Minutes of Meetings

19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 19.1 reflects section 375(1) of the Act.

19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link
- (b) details of each motion moved at a council meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 19.3 reflects section 375(2) of the Act.

19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to Correspondence and Reports Laid on the Table at, or Submitted to, a Meeting

19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.



19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of Decisions of the Council

19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.

20. Council Committees

Application of this Part

20.1 This Part only applies to committees of the council whose members are all councillors.

Council Committees whose Members are all Councillors

20.2 The council may, by resolution, establish such committees as it considers necessary.

20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

20.4 The quorum for a meeting of a committee of the council is to be:

- (a) such number of members as the council decides, or
- (b) if the council has not decided a number – a majority of the members of the committee.

Functions of Committees

20.5 The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of Committee Meetings

20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

- (a) the time, date and place of the meeting, and
- (b) the business proposed to be considered at the meeting.

20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.



Attendance at Committee Meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members Entitled to Attend Committee Meetings

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the council must be:
- (a) the mayor, or
 - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
 - (c) If the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in Committee Meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee



determines otherwise in accordance with clause 20.15.

- 20.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of Committee Meetings to the Public

- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is webcast.

Disorder in Committee Meetings

- 20.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of Council Committee Meetings

- 20.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and
 - (d) such other matters specifically required under this code.
- 20.23 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.24 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.25 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.26 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.27 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.



21. Council Workshops

Council may hold workshops for the purpose of conducting in-depth discussions on certain topics. A workshop may involve councillors, council staff and invited participants. Workshops provide an opportunity to:

- explore more important or complex issues in detail
- develop a commitment to working together
- provide an opportunity for professional development

Formal decisions are not made at workshops. Workshops should not be used for detailed or advanced discussions where agreement is reached, and/or a de-facto decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision should be left to the open forum of a formal council or committee meeting.

22. Irregularities

22.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any councillor or committee member, or
- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council’s code of conduct, or
- (e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.

23. Definitions

Definitions	
the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales



Definitions	
chairperson	<p>in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and</p> <p>in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code</p>
this code	means the council’s adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting



Definitions	
the Regulation	means the <i>Local Government (General) Regulation 2005</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

Document Control

Version	Adoption Date	Notes
1.0	12 June 2019	Initial adoption
1.1	27 November 2019	Clause 5.5 amended in accordance with Council resolution MN 550/19 to reflect that the speakers on a Visitor Item are allowed five minutes to speak.
1.2	24 March 2021	Clause 3.1 amended in accordance with Council resolution MN 98/21 to amend the meeting frequency from two meetings each month to one a month on the second Wednesday of the month, excluding January.
1.3	28 July 2021	Adoption following public exhibition period MN 224/21. Amendments to clause 4.1 to hold Public Forums outside of the Council meeting and section 21 on Workshops to clarify they are not decision-making forums and open to the public unless the General Manager is satisfied that grounds exist to exclude members of the public.

Approved by:

WINGECARRIBEE SHIRE COUNCIL

Insert Date

8.9 Council Resolutions - Status Update

Report Author: Group Manager Corporate and Community
Authoriser: Director, Corporate Strategy and Resourcing

PURPOSE

This report provides Council with an update on the status of Council resolutions as at February 2022.

RECOMMENDATION

THAT

1. The report be received and noted.
2. The following resolution from the Council meeting on 22 May 2019 be rescinded:

MN 236/19

1. *Council give in-principle support for the inclusion of site-specific provisions into the Mittagong Town Plan Development Control Plan to facilitate an affordable housing development proposal in the location bound by Rainbow Road, Brewster Street, Old Hume Highway and Mineral Springs Reserve, subject to more detailed design controls being prepared.*
2. *Council support bonus floor space provisions for affordable housing to be incorporated into the 'precinct' controls on a sliding scale; with bonus floor space to be proportionate to the percentage of affordable housing to be provided.*
3. *Following the preparation of more detailed design controls, a draft Amendment to the Mittagong Development Control Plan be reported to Council to be endorsed for public exhibition.*

REPORT

BACKGROUND

Council passed 382 resolutions during the 2021 calendar year.

REPORT

Attachment 1 to this report outlines all outstanding Council resolutions as at 7 February 2022. A total of 23 Council resolutions are still in progress, further details on the status of these resolutions are outlined **Attachment 1**.

It is recommended that the following Council resolution in relation to the Mittagong Development Control Plan - Site Specific Provisions for Affordable Housing Proposal be rescinded.

MN 236/19

4. *Council give in-principle support for the inclusion of site-specific provisions into the Mittagong Town Plan Development Control Plan to facilitate an affordable housing development proposal in the location bound by Rainbow Road, Brewster*

Street, Old Hume Highway and Mineral Springs Reserve, subject to more detailed design controls being prepared.

5. *Council support bonus floor space provisions for affordable housing to be incorporated into the 'precinct' controls on a sliding scale; with bonus floor space to be proportionate to the percentage of affordable housing to be provided.*
6. *Following the preparation of more detailed design controls, a draft Amendment to the Mittagong Development Control Plan be reported to Council to be endorsed for public exhibition.*

The proponent was unable to secure the subject land and has not progressed the site-specific development controls to be included in the Development Control Plan (DCP). It is recommended that the resolution be rescinded, and the matter be considered as part of the comprehensive review of the Wingecarribee Local Environmental Plan and DCP that is underway.

COMMUNICATION AND CONSULTATION

Community Engagement

Nil

Internal Communication and Consultation

Council report writers, Managers and Executive.

External Communication and Consultation

Nil

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

Section 335(b) provides that the role of the General Manager is '*to implement, without undue delay, lawful decisions of the council*'

COUNCIL BUDGET IMPLICATIONS

There are budget implications as a result of this report.

RELATED COUNCIL POLICY

Nil

CONCLUSION

This report provides an update on the status of Council resolutions.

ATTACHMENTS

1. Status of Council Resolutions



Status of Council Resolutions – February 2022

Meeting Date	Report Title	Resolution No	Resolution	Action Required/Comments	Responsible Officer
22/05/2019	Mittagong Development Control Plan - Site Specific Provisions for Affordable Housing Proposal	MN 236/19	<ol style="list-style-type: none"> 1. Council give in-principle support for the inclusion of site-specific provisions into the Mittagong Town Plan Development Control Plan to facilitate an affordable housing development proposal in the location bound by Rainbow Road, Brewster Street, Old Hume Highway and Mineral Springs Reserve, subject to more detailed design controls being prepared. 2. Council support bonus floor space provisions for affordable housing to be incorporated into the 'precinct' controls on a sliding scale; with bonus floor space to be proportionate to the percentage of affordable housing to be provided. 3. following the preparation of more detailed design controls, a draft Amendment to the Mittagong Development Control Plan be reported to Council to be endorsed for public exhibition. 	The proponent was unable to secure the subject land and has not progressed the site-specific development controls to be included in the DCP. It is recommended that the resolution be rescinded, and the matter be considered as part of the comprehensive review of the Wingecarribee LEP and DCP that is underway.	Manager Strategic Land Use Planning
13/05/2020	Notice of Motion 12/2020 2019 Deferred Heritage Items	MN 146/20	A report on the proposed heritage items that were deferred in 2012 be brought back to Council for a resolution to progress these heritage items.	A comprehensive review of the deferred items as well as identification of potential new heritage items and heritage conservation areas is nearing completion. It is intended that the review will be reported to the Local Planning Panel and thereafter to Council by May 2022.	Strategic Land Use Planner (Heritage)



Meeting Date	Report Title	Resolution No	Resolution	Action Required/Comments	Responsible Officer
9/06/2021	Proposal for Water Supply Provision - Northern and Southern Villages	MN 161/21	<ol style="list-style-type: none"> 1. Council endorses the proposed community consultation program regarding the provision of potable water supply to the northern and southern villages, specifically to the Balmoral, Penrose and Wingello villages, with the community consultation program commencing in October 2021. 2. A further report be brought back to Council outlining the results of the community consultation and providing formal recommendations with respect to the provision of potable water supply to the northern and southern villages, specifically to the Balmoral, Penrose and Wingello villages. 	No progress has been made on the community consultation program due to the impact of several key staff vacancies. With these roles being filled early 2022, it is anticipated that the community consultation program will be progressed over the next 6 months.	Manager Assets
28/07/2021	Public Toilets - Options Assessment Report	MN 213/21	<ol style="list-style-type: none"> 1. The Lions Park Bowral Public Toilet renewal project proceed as indicated in the Capital Works Program. 2. Provision of additional public toilets at Yerrinbool be considered upon review of the Public Toilet Strategy in 2022/23. 3. Renewal of the Sutton Forest public toilets be considered for inclusion in the Capital Works Program for design in 2023/24 and construction in 2024/25. 4. A further report be provided on the funds allocated for the next five years in Council's forward Financial Plan and Proposed Works under the Public Toilet Strategy. 5. Council continue to monitor grant opportunities for the provision of accessible public toilets in the Shire villages and localities. 	Resolution 1 and 5 - Complete Resolution 2 – For completion in 2022/23 Resolution 3 - To be considered in the 4-year capital works program to be developed in the 2021/22 financial year.	Manager Assets



Meeting Date	Report Title	Resolution No	Resolution	Action Required/Comments	Responsible Officer
8/09/2021	Smart Water Meters	MN 251/21	A further report be brought to Council following completion of the smart metering proof of concept trial outlining the findings of the trial and including recommendations for the future rollout of the smart metering program.	The smart metering proof of concept trial is still in progress. It is intended that the trial will be completed by end of 2021. Staff to prepare a report outlining the recommendations for future rollout and present this to the executive and Council in first quarter 2022.	Manager Assets
8/09/2021	Southern Highlands Innovation Park - Infrastructure Planning and Delivery	MN 262/21	<ol style="list-style-type: none"> 1. Council note the update report on the Southern Highlands Innovation Park, the Moss Vale Bypass and the Berrima Road Deviation project. 2. Council develop a priority infrastructure program that aligns with the strategic priorities of Council and the community. 3. Council progress the detailed design of priority infrastructure works inclusive of the Moss Vale Bypass to ensure key projects are 'investment ready'. 4. Council proactively work with State and Federal Governments to plan, fund and deliver key enabling infrastructure and essential services to meet the needs of our growing communities. 5. Council continues to develop and implement best practice Project Management Frameworks to ensure that lessons learnt are captured and identified opportunities for improvement are implemented continually. 	<p>Council recently went out to tender for a community infrastructure strategic plan, which will identify the infrastructure needed to support our growing communities. Following the completions of the infrastructure strategic plan, Council will develop an investment ready priority infrastructure program as outlined in the report.</p> <p>The draft community infrastructure strategic plan is anticipated to be completed in September 2022.</p>	Manager Strategic Land Use Planning



Meeting Date	Report Title	Resolution No	Resolution	Action Required/Comments	Responsible Officer
13/10/2021	IPART Rate Pegging and Contributions System Review	MN 297/21	<ol style="list-style-type: none"> 1. Council continue to monitor and review the rollout of the proposed changes to the NSW Infrastructure Contributions System to understand and assess the implications for the Wingecarribee Shire 2. Council continue to advocate the State Government on behalf of the Wingecarribee community, to ensure that the infrastructure contributions system facilitates the efficient delivery of essential infrastructure to support growing communities throughout the Shire. 3. The report be brought to the attention of Members for Wollondilly and Goulburn 	<p>Council staff continue to work with the State Government on the proposed reforms, to ensure that the infrastructure contributions system facilitates the efficient delivery of essential infrastructure to support growing communities throughout the Shire.</p> <p>The Department of Planning and Environment are currently reviewing the reform information, and feedback received from stakeholders, and additional information is expected to be available by mid-2022.</p>	Manager Strategic Land Use Planning



Meeting Date	Report Title	Resolution No	Resolution	Action Required/Comments	Responsible Officer
10/11/2021	Emergency Operations Centre	MN 308/21	<ol style="list-style-type: none"> 1. Council formally resolve to locate an Emergency Operations Centre in the Civic Centre redevelopment to meet needs in the short to medium term. 2. Council write to and meet with Resilience NSW to progress a priority application for \$300k to undertake this work as an outcome of the independent Bushfire Response and Recovery Review. 3. Council commence the investigation and planning for development of an emergency services hub in the Wingecarribee in the medium to long term and include this in its draft Delivery Program and Operational Plan for 2022/23. 4. Council acknowledge the needs of key emergency agencies to establish an operational arm of an Emergency Operations Centre linked to the Incident Management Teams in the early stages of major incidents with links to the proposed Civic Centre Emergency Operations Centre also being established. 5. The emergency service agencies, LEOCON and REMO be thanked for their assistance in moving this item forward. 	<ol style="list-style-type: none"> 1. Complete. 2. A letter was sent to Resilience NSW 26 November 2021 seeking funding support for the EOC. This will be followed up. A meeting is also scheduled with Regional NSW late February 2022 to explore funding opportunities. 3. Will be included in the 2022/23 Operational Plan. 4. Noted. 5. Services and agencies have been thanked for their input and provided with an update through the various emergency management forums. 	General Manager



Meeting Date	Report Title	Resolution No	Resolution	Action Required/Comments	Responsible Officer
24/11/2021	Loans to Not for Profit Organisations - Current Status and proposed governance framework	MN 329/21	<ol style="list-style-type: none"> 1. A draft program for the provision of Financial Assistance through loans is developed to ensure equity and transparency in the adoption of future loans to community organisations through the use of clear criteria and accountable process. 2. A review is undertaken of the 2014 Policy for Leases and Licences of Council Property (Not for Profit Organisations) and the 2021 updates to ensure it provides contemporary standard conditions and outlines the extent of available rental subsidies 	Work has commenced, anticipated completion date 31/3/2022	Director Corporate Strategy and Resourcing
24/11/2021	Planning Proposal - LEP Housekeeping Amendment	MN 329/21	<ol style="list-style-type: none"> 1. Planning Proposal be prepared under section 3.33 of the Environmental Planning and Assessment Act 1979 to: <ol style="list-style-type: none"> a) amend Clause 7.2 of Wingecarribee Local Environmental Plan 2010 to remove an inconsistency between Clause 7.2 Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones. b) amend the minimum lot size provisions for land at Hill Road (Lot 3 & 4 DP 844943) and Villiers Road (Lot 8 & 9 DP 875224 and Lot 5 DP 844943) in Moss Vale from 8000m2 to 2000m2. 2. Council consult with the landowners of Hill Road (Lot 3 & 4 DP 844943) and Villiers Road (Lot 8 & 9 DP 875224 and Lot 5 DP 844943) in Moss Vale, prior to progressing a Planning Proposal to Gateway determination. 3. the Planning Proposal be reported back to the Local Planning Panel for advice prior to 	Staff are currently implementing the resolution, with the Planning Proposal to be reported back to the Local Planning Panel in early 2022	Manager Strategic Land Use Planning



Meeting Date	Report Title	Resolution No	Resolution	Action Required/Comments	Responsible Officer
			being sent to the Department of Planning Industry and Environment for Gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979.		
24/11/2021	Review of Financial Reserves	MN 330/21	The update on the status of the review of Council's Financial Reserves be noted.	A Draft Financial Reserves Policy was included on the agenda of the Audit, Risk Improvement Committee at the meeting held on 15 December 2021. It was resolved to defer this item to the first meeting in 2022.	Deputy Chief Financial Officer
8/12/2021	Bushfire Response and Recovery Review 2021: Council Response	MN 341/21	<ol style="list-style-type: none"> 1. The report and completed actions be noted. 2. The attached Response and Action Plan be adopted for implementation by relevant Council Officers, referral to other appropriate agencies for action and advocacy. 3. The key Council actions be referred to in the development of the Council's Resourcing Strategy, Delivery Program and Operational Plan as part of the Integrated Planning and Reporting Framework. 4. The Response and Action Plan form part of a series of place-based community sessions as part Council's Integrated Planning and Reporting community session in early 2022 to allow input from key communities in the Shire into the future development of Council response and recovery activities. 5. Council nominate a Council Officer to participate in the Local Emergency 	Work has commenced, anticipated completion date 31/3/2022	Director Corporate Strategy and Resourcing



Meeting Date	Report Title	Resolution No	Resolution	Action Required/Comments	Responsible Officer
			<p>Management Committee representing the Council's Recovery responsibilities.</p> <p>6. Council express its appreciation to both Council Officers and Officers from external agencies for their contribution and commitment with the preparation of the Response and Action Plan.</p> <p>7. A copy of Council's Bushfire Response and Recovery Review 2021 and associated reviews dated November 2021 be forwarded to the Commissioner, Wingecarribee Shire Council Public Inquiry.</p> <p>8. A community briefing be held in the new year for interested residents on the Council's response and action plan.</p>		
8/12/2021	Southern Highlands Bridge Club - Request for Financial Assistance	MN 342/21	<ol style="list-style-type: none"> Council decline the request from the Southern Highlands Bridge Club for a loan of \$470,000. Council assist the Southern Highlands Bridge Club to identify existing facilities with capacity for shared use On the basis of the Council negotiating the termination of the lease with the club of public land at the David Woods playing fields, the General Manager be delegated authority to reimburse to the club, agreed costs associated with the proposal including development costs and associated fees. 	Work has commenced, anticipated completion date 31/3/2022	Director Corporate Strategy and Resourcing
8/12/2021	Wingecarribee Adult Day Care - request for an existing loan to be transitioned to a grant	MN 343/21	Council agree in principal with the Officer's Recommendation AND THAT the matter be deferred to ascertain the annual rental payable by the centre for the occupation of its other two locations.	Work has commenced, anticipated completion date 31/3/2022	Director Corporate Strategy and Resourcing



Meeting Date	Report Title	Resolution No	Resolution	Action Required/Comments	Responsible Officer
8/12/2021	Civic Centre Refurbishment Project Review - presentation of final report	MN 346/21	<p>1. The report on the Civic Centre Refurbishment Project is noted and the following recommendations be adopted for implementation:</p> <p>a. An appropriate project governance model structure with representatives from business units be applied to ensure compliance with Legislation and Guidelines;</p> <p>b. A formal Committee structure for capital projects be established comprising the Group Manager Capital Projects, the CFO/Management Accountant and the Compliance Manager;</p> <p>c. Capital Project reporting be implemented with minutes recorded of decisions made and recommendations to the Director Service and Project Delivery;</p> <p>d. The Management Accountant to review the Project Costs with the Group Manager Capital Works and that these be certified by the Group Manager Capital Projects and the Chief Financial Officer;</p> <p>e. Council undertake the refurbishment to the rear area of the Civic Centre including, replacing windows, carpet, painting the interior and review the office design layout. Review the budgetary and funding impact and include it within the Capital Works Programme.</p> <p>2. The following amended recommendations be adopted for implementation:</p> <p>a. Detailed Business cases as stated in the OLG Guidelines for proposed capital expenditure</p>	<p>1b – d: these are being progressed and will be implemented by June 2022;</p> <p>e. will be implemented post restructure and staff relocation plans;</p> <p>2a-c; will be implement for applicable projects as per the guidelines.</p>	<p>1 & 2 Director Service & Project Delivery</p> <p>3-5 General Manager</p>



Meeting Date	Report Title	Resolution No	Resolution	Action Required/Comments	Responsible Officer
			<p>above the threshold determined by the guidelines are prepared</p> <p>b. Council adhere to the Local Government Act, OLG Guidelines for Council related capital expenditure, with this to be reviewed by the Compliance Manager with recommendations to the General Manager for submission to the OLG prior to commencing the project;</p> <p>c. A detailed business case process and framework be adopted and that this be completed for all capital projects</p> <p>3. The General Manager review the detail of the report and any additional documentation as required, to determine if further action is warranted on any of the findings and that the appropriate action be taken.</p> <p>4. A copy of the Civic Centre Refurbishment Project Review be forwarded to the Commissioner, Wingecarribee Shire Council Public Inquiry</p> <p>5. The General Manager thoroughly review the decision to refocus the Council's decision of 9 December 2020 to alter the scope of works as outlined in its Submission for the capital expenditure Review to the Office of Local Government of December 2019 from a staff occupational health and safety perspective, to using a void detailed as further office space and meeting rooms to a Civic Wing, including internal emails and file notes, business case, loan application and approvals from Office of Local Government,</p>	<p>Point 3: noted and actioned.</p> <p>Point 4: The Civic Centre Refurbishment Project Review report was provided to the Public Inquiry on Friday 10 December 2021.</p> <p>Point 5: This documentation has been reviewed and considered as part of the independent review undertaken. Other information that comes to light will be provided to the Public Inquiry as appropriate.</p>	



Meeting Date	Report Title	Resolution No	Resolution	Action Required/Comments	Responsible Officer
			Councillor workshops and briefing minutes and associated material as the General Manager might discover.		
8/12/2021	Moss Vale Plastics Recycling Facility - State Significant Development	MN 348/21	<ol style="list-style-type: none"> 1. The report on the proposed Moss Vale Plastics Recycling Facility be received for information. 2. Council encourage the proponent to undertake a Social Impact Assessment in addition to the required Environmental Impact Statement. 3. Council undertake a comprehensive review of the Environmental Impact Statement when released 4. A further report be provided to the Council's Local Planning Panel and Council ahead of providing its formal submission on the proposed development to the NSW Department of Planning, Industry and Environment, as the assessing authority. 5. All submissions received by Council on the Moss Vale Plastics Recycling Facility be collated and attached to Council's submission on the proposed development. 	<p>Council formally wrote to the proponent, to encourage them to undertake a Social Impact Assessment in accordance with the resolution.</p> <p>The Environmental Impact Assessment has now been lodged with the Department, and it is anticipated that it will soon be made available to Council for review.</p>	Manager Strategic Land Use Planning
8/12/2021	Request to Transfer Land at 2 Funston Street Bowral	MN 355/21	<ol style="list-style-type: none"> 1. A Traffic and Transport Study be commissioned as soon as possible to assess future road requirements and options for traffic management within the Bowral CBD. 2. A report be provided to Council following the completion of the Traffic and Transport Study. 3. The outcomes of the Traffic and Transport Study be incorporated into the Bowral CBD 	<p>An updated traffic and parking study is being commissioned and the matter is to be reported back to Council following receipt of that study. Estimated completion date 30 April 2022</p>	Coordinator Property Services



Meeting Date	Report Title	Resolution No	Resolution	Action Required/Comments	Responsible Officer
			Master Planning process which will commence in early 2022.		
8/12/2021	Tulip Time Review	MN 358/21	<ol style="list-style-type: none"> 1. Council note Tulip Time as a tourism attractor to the area and its contribution to the local visitor economy. 2. Council note in-depth feasibility studies and further community consultation in the new year will be undertaken to determine the long-term sustainability of Tulip Time and a report be brought to Council in the second quarter 2022 with options. 3. Council approve the short-term reinvigoration of Tulip Time through capped daily ticketed sessions, a reduction in the number of market stalls, and a review of ticket prices to cover any impact on income. 4. Council note that the Regional Event Acceleration Fund Grant obtained in 2021 to implement Tulips After Dark has been extended to cover Tulips After Dark 2022. 5. Council approve the dates for Tulip Time 2022 – Friday 16 September to Monday 3 October 2022 	All actions completed except for point 2. Feasibility Study for Tulip Time to be undertaken in May/June and a report presented to Council August 2022.	Tulip Time Officer
8/12/2021	Funding: NSW State Government (EPA) Bushfire Generated Greenwaste Grant	MN 368/21	<ol style="list-style-type: none"> 1. Council accepts Grant Funding of \$4,592,054.00 from the NSW State Government Environmental Protection Authority (EPA) Bushfire-Generated Green Waste Clean-Up and Processing Program Stream B: Clean-up and processing project. 2. Council acknowledge the support and assistance of the Member for Goulburn, Mrs Wendy Tuckerman MP and the Member for Wollondilly, Mr Nathaniel Smith MP. 	Council has established the works program as detailing in the NSW State Government Environmental Protection Authority Green Waste funding agreement and currently executing works as planned.	Acting Group Manager Infrastructure Services



Meeting Date	Report Title	Resolution No	Resolution	Action Required/Comments	Responsible Officer
8/12/2021	Tender for Kirkham Street Water & Sewer Main Renewal	MN 370/21	<ol style="list-style-type: none"> 1. Council accepts the tender from Killard Infrastructure Pty Ltd at a lump sum of \$1,254,220.41 (incl GST). 2. Council note the tenders received ranged from \$974,624.95 (LOWEST) to \$1,675,267.00 (HIGHEST). 3. Council allocates funding of \$421,906.65 towards the water main renewal and \$832,313.76 for the sewer main renewal to fund the project. 	<p>Contract awarded December 2021 to Killards. Pre-construction activities commenced on site in January 2022. Construction of the water main to commence Mid-February for 6 weeks duration. Construction of the sewer main has been delayed due to constructability issues with the design in the private land of Coles car park area. The PM is working with the council Property team to negotiate a redesign within the constraints of the private and Crown lands in order to progress towards a successful outcome.</p>	Sewer Headworks Engineer
8/12/2021	Road Classification Review and Regional Road Transfer Program	MN 372/21	<ol style="list-style-type: none"> 1. Council endorse the submission of the following roads to the Road Classification Review and Regional Road Transfer Program: <ol style="list-style-type: none"> a. Old Hume Highway Berrima b. Old South Road Mittagong and Eridge Park Road Burradoo c. Berrima Road Moss Vale, Taylor Avenue New Berrima & Medway Road Medway d. Church Avenue Colo Vale, and Wilson Drive Hill Top 	Submission to be made by end of February 2022 in accordance with the program deadline.	Manager Assets



Meeting Date	Report Title	Resolution No	Resolution	Action Required/Comments	Responsible Officer
			<ul style="list-style-type: none"> e. Exeter Road Exeter, Bundanoon Road Bundanoon, Penrose Road Penrose & Highland Way Wingello f. Wombeyan Caves Road. 		
19/01/2022	Endeavour Energy Streetlighting - LED Replacement Project and Proposed Local Government (LGNSW) Notice of Motion	MN 4/22	<ol style="list-style-type: none"> 1. Council partner with Endeavor Energy in the proposed LED streetlighting replacement project which aims to upgrade the remaining non-LED luminaires across the streetlighting network. 2. Council allocate \$90,000 from the Revolving Energy Fund (REFund) to fund the project, with projected savings from the project (from both the Energy Saving Certificates and electricity consumption) reimbursed back into the REFund. 3. Local Government NSW (LGNSW) lead, and resource advocacy for better outcomes in streetlighting for member Councils, in particular to assist smaller Regional Council's to share information and more effectively manage arrangements with Distributed Network Supply Providers. 	<p>Notice of Motion, outlining the issue in point number 3, has been submitted with LGNSW for the 28 February Special Conference.</p> <p>Service agreement being completed with Endeavour Energy to complete point number 1.</p> <p>Allocation from the Revolving Energy fund will occur in the next Budget Quarterly Review.</p>	Manager Environment and Sustainability

9 COMMUNITIES AND PLACE

9.1 NSW Rural Fire Fighting Fund - Acceptance of Grant Funding

Report Author: Manager Environment and Sustainability
Authoriser: General Manager

PURPOSE

The purpose of this report is to formally advise Council of its successful application for funding under the NSW Rural Fire Fighting Fund program.

RECOMMENDATION

THAT

1. Council accept funding of \$97,900 from the NSW Rural Fire Fighting Fund program for hazard reduction works.
2. Council note that this funding was already included in the 2021/2022 Operational Plan and Annual Budget.

REPORT

BACKGROUND

The NSW Rural Fire Service (RFS) deliver the NSW Rural Fire Fighting Fund (RFFF) program on an annual basis to assist in managing the risk from bush fires in local communities. Council typically makes an application annually for assistance to carry out hazard reduction works on Council managed land. The grant funds a large proportion of the annual program of work.

REPORT

Council has made a successful application for the NSW Rural Fire Fighting Fund, securing \$97,900 to undertake targeted hazard reduction treatment works on Council managed land at 60 different sites.

These funds will facilitate the carrying out of priority works identified in Council's bushfire management plans.

The works will be delivered during the 2021/22 Financial year.

COMMUNICATION AND CONSULTATION

Community Engagement

No specific community engagement relating to this grant was undertaken, although there has been considerable consultation on broader bushfire mitigation actions relating to the Bush Fire Risk Management Plan (developed in partnership with the RFS).

Internal Communication and Consultation

Consultation took place between Environment and Sustainability and Finance.

External Communication and Consultation

External communications with the RFS and the Bush Fire Management Committee (BFMC) took place relating to the delivery of the RFFF and Bush Fire Risk Mitigation and Resilience Grant program.

SUSTAINABILITY ASSESSMENT

- **Environment**

Environmental impact from hazard reduction works are reduced as a proper environmental assessment is undertaken as part of the Hazard Reduction Certificate process.

- **Social**

The carrying out of identified hazard reduction works are in accordance with the Bush Fire Risk Management Plan, designed to manage the risk of bush fires in our community.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The funding provided by the NSW RFS and the associated expenditure has been factored into the approved 2021/22 Operational Plan and Annual Budget for bush fire management.

RELATED COUNCIL POLICY

Not applicable.

CONCLUSION

Council has been successful in securing \$97,900 grant funding from the NSW Rural Fire Fighting Fund program for targeted hazard reduction works. It is recommended that Council formally accept these funds.

ATTACHMENTS

There are no attachments to this report.

10 SERVICE AND PROJECT DELIVERY

10.1 Sewage Treatment Plant Upgrades - Funding Strategy

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

PURPOSE

The purpose of this report is to provide Council with an update on the forecast costings of the Bowral, Moss Vale and Mittagong Sewage Treatment Plant upgrades and to seek endorsement of the revised funding strategy.

RECOMMENDATION

THAT

1. Council endorse the following project budgets and makes the associated adjustments to the 21/22, 22/23, 23/24, 24/25 Financial Year budgets and the Long-Term Financial Plan:
 - i. Bowral Sewage Treatment Plant Upgrade – \$36,550,000;
 - ii. Moss Vale Sewage Treatment Plant Upgrade (Stage 1) – \$36,150,000; and
 - iii. Mittagong Sewage Treatment Plant Upgrade – \$32,100,000.
2. Council resolves to proceed to tender for the Bowral Sewage Treatment Plant construction at the same time as the funding adjustments are being implemented and finalised.

REPORT

BACKGROUND

As a local water utility, Wingecarribee Shire Council is required to prepare a 30-year strategy for the provision of appropriate, affordable, cost-effective and sustainable urban water services that meet community needs and protect public health and the environment.

In 2018 Council therefore adopted an *Integrated Water Cycle Management (IWCM)* strategy to comply with the NSW Government's Best-Practice Management of the Water Supply and Sewage Framework.

The IWCM identified that in order to accommodate the growing population of the Wingecarribee Shire local government area, the sewage treatment plants (STPs) of Bowral, Mittagong and Moss Vale each require significant capital investment to increase their respective treatment capacities.

REPORT

Focussed planning for the STP upgrade projects commenced in 2018 with Council engaging Public Works Advisory (PWA) to undertake investigations and prepare a *Concept Design Report* for each of the proposed upgrades. These concept design reports aim to develop an initial concept for the STP upgrades to meet growth projections and prepare indicative preliminary pre-design cost estimates.

The Sewer Fund (SF) Financial Model and Long-Term Financial Plan (LTFP) were updated based on these preliminary PWA cost-estimates.

The detailed design and construction phase for each STP upgrade is undertaken in a staged program.

Hunter H2O (HH2O) was engaged in 2020 for the delivery of the detailed design phases for each of the projects.

As the design process has progressed it has become apparent that the STP upgrade cost estimates currently included within the SF Financial Model and LTFP require revision.

There are two fundamental drivers for the revision of the STP upgrade budgets:

- Inflation and Cost Escalation; and
- Detailed Design Refinement.

Inflation and Cost Escalation

No inflation or cost escalation were applied to the 2018 cost estimates when these were included within the Sewer Fund Financial Model and LTFP for the period between preparation of the PWA Concept Design Report and implementation of construction.

Through review of the Producer Price Index (PPI) published by the Australian Bureau of Statistics (ABS) this cost escalation can be estimated and are summarised in Table 1 below.

Financial Year	PPI Increase		Project Completion
2018/19	3.0%	Published by ABS	
2019/20	1.5%		
2020/21	2.4%		
2021/22	5.2%	First half published at 3.7%. Total estimated at 5.2%	
2022/23	3.0%	Forecast (average of PPI increases since 2018/19)	
2023/24	3.0%		Bowral STP Upgrade
2024/25	3.0%		Moss Vale STP Upgrade
2025/26	3.0%		Mittagong STP Upgrade

Table 1 - Publish and Forecast PPI Increase

It has also been recognised that the PWA estimates omitted the application of a regional construction factor as is recommended by Rawlinson's Construction Handbook.

Detailed Design Refinement

The treatment process and component design are refined through the detailed design phase.

These design refinements are necessary to ensure the STP upgrade delivers on the fundamental objectives of increased treatment capacity and compliance with latest EPA requirements.

Table 2 below provides a summary and comparison of the broad total project cost estimates from 2018 to current. The variance in cost escalation across the STP upgrade projects is an outcome from the staged delivery of the projects.

Project	2018			Current
	Original Estimate	Cost Escalation	Revised Estimate	
Bowral STP	\$26,063,025	19%	\$31,015,000	\$36,563,000
Moss Vale STP (Stage 1)	\$30,056,330	22%	\$36,668,723	\$36,151,000
Mittagong STP	\$25,669,975	25%	\$32,087,469	To be developed

Table 2 - Comparison of Cost Estimates

It is acknowledged that even when inflation and cost escalation are considered, the Bowral STP Upgrade is still subject to a significant cost estimate increase. This is largely the result of several design adjustments that were detailed within Council Report 'Bowral Sewage Treatment Plant Upgrade - Project Update' (Ordinary Council Meeting 13 October 2021).

The primary components contributing to this are summarised below:

- Inlet treatment works were undersized in original concept. Revising the design to appropriately sized pipes and screening accounts for a \$500K increase.
- Odour control allowance was underestimated in concept estimate. Accurate pricing has been obtained from mechanical suppliers for bio-filters/scrubbers which accounts for almost a \$1M increase.
- Revision of treatment process from an 'intermittent process' to a 'continuous process' to ensure compliance with stringent EPA requirements. This impacts the design in several ways, primarily being the need for two clarifiers for the secondary treatment. Resulting in an approximate \$2M increase.
- Tertiary treatment revised to installation of dual media filters (including phosphorus removal) which has operational benefits and lower lifecycle cost – but higher initial capital investment resulting in a \$1M increase.
- Secondary discharge pipework from the storm detention pond to prevent risk of inflow during large rain events resulting in a \$500K increase.

These adjustments have been made through a complex and thorough design phase.

The budget adjustment is deemed essential for Council to accommodate the demand generated by the growing population and meet the tightened EPA requirements.

Best practice would have seen this budget adjustment for Bowral STP upgrade being considered by Council much earlier in the detailed design phase however this did not occur.

Council has the opportunity to undertake the correction of the total project budgets before tendering the Bowral STP project and whilst the Moss Vale STP and Mittagong STP upgrades are still early in the design phase.

It is therefore recommended that the total project budgets for the STP projects are increased to account for the impact of inflation and detailed design refinement.

The proposed adjustments are detailed in Table 3 below:

Project	Current Budget	Proposed total project budget	
		Adjustment	Total
Bowral STP	\$25,500,000	\$11,050,000	\$36,550,000
Moss Vale STP (Stage 1)	\$29,239,000	\$6,911,000	\$36,150,000
Mittagong STP	\$25,270,000	\$6,830,000	\$32,100,000
<i>Total</i>	<i>\$80,009,000</i>	<i>\$24,791,000</i>	<i>\$104,800,000</i>

Table 3 - Proposed Budget Adjustment

COMMUNICATION AND CONSULTATION

Community Engagement

NA

Internal Communication and Consultation

The STP upgrade projects have been developed over a number of years with input from Council's Assets, Project Delivery, Water and Sewer Services and Finance teams as well as the Executive.

External Communication and Consultation

Council has liaised with EPA, Water NSW and DPIE – Water, in planning, investigation and design phases of this project.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

The STP upgrade projects will deliver robust and reliable sewage treatment facilities that will protect public health and the environment.

The upgraded facilities will provide a capability to meet future growth scenarios, support sustainability and ensure high quality services for the community

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL

Wednesday 16 February 2022

REPORT DIRECTOR, SERVICE AND PROJECT DELIVERY



- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

A total of \$24.8M in additional funding is anticipated to be required for the delivery of the three Sewer Treatment Plant (STP) upgrade projects to ensure they meet the fundamental objectives of accommodating future demand and complying with EPA requirements.

The below funding strategy has been determined including sufficient project contingencies.

The funding breakdown of the revised project budgets is provided in Tables 4, 5 & 6.

64170 - Bowral STP	Budget	Sewer Fund	S64	Grants
2019/20	\$0.06M	\$0.06M		
2020/21	\$0.76M	\$0.76M		
2021/22	\$0.70M	\$0.70M		
2022/23	\$14.09M	\$7.49M		\$6.60M
2023/24	\$20.50M	\$17.24M	\$3.26M	
2024/25	\$0.44M		\$0.44M	
<i>Total</i>	<i>\$36.55M</i>	<i>\$26.25M</i>	<i>\$3.70M</i>	<i>\$6.60M</i>

Table 4 - Bowral STP Upgrade Funding Strategy

64180 – Moss Vale STP	Budget	Sewer Fund	S64	Loan
2019/20	\$0.01M	\$0.01M		
2020/21	\$0.20M	\$0.20M		
2021/22	\$0.70M		\$0.70M	
2022/23	\$5.24M	\$5.24M		
2023/24	\$17.00M	\$12.00M		\$5.00M
2024/25	\$13.00M	\$0.08M	\$2.92M	\$10.00M
<i>Total</i>	<i>\$36.15M</i>	<i>\$17.53M</i>	<i>\$3.62M</i>	<i>\$15.00M</i>

Table 5 - Moss Vale STP Upgrade Funding Strategy

64200 – Mittagong STP	Budget	Sewer Fund	S64	Loan
2020/21	\$0.03M	\$0.03M		
2021/22	\$0.53M		\$0.53M	
2022/23	\$0.30M	\$0.30M		
2023/24	\$2.45M	\$2.45M		
2024/25	\$15.29M	\$2.61M	\$2.68M	\$10.00M

AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL

Wednesday 16 February 2022

REPORT DIRECTOR, SERVICE AND PROJECT DELIVERY



2025/26	\$13.50M	\$5.50M		\$8.00M
<i>Total</i>	<i>\$32.10M</i>	<i>\$10.89M</i>	<i>\$3.21M</i>	<i>\$18.00M</i>

Table 6 - Mittagong STP Upgrade Funding Strategy

It is noted that \$33M of the STP upgrade projects is required to be serviced by a loan. The loan is proposed to be over a 20-year period with interest and loan repayments to be from the Sewer Augmentation Reserve (Sewer Fund). Financial modelling has demonstrated that the repayments and interest payments can be accommodated within the Sewer Fund without requiring a revision of sewer access charges above the standard annual CPI increase.

Grant funding opportunities for the delivery of the STP projects will continue to be pursued as funding opportunities become available.

Council has been successful in securing \$6.6M for the Bowral STP Upgrade project through the Safe and Secure Water Program administered by the Department of Planning, Industry & Environment (DPIE). Upon the detailed design phase reaching sufficient maturity, Moss Vale STP Upgrade and Mittagong STP Upgrade will be submitted to DPIE for their consideration in future funding programs.

RELATED COUNCIL POLICY

Through the adoption of the recommendations including in this report, it will be ensured that Council can successfully deliver on the commitments of the Wingecarribee Integrated Water Cycle Management Strategy – namely that the Sewage Treatment Plants of Bowral, Mittagong and Moss Vale will be upgraded to accommodate their growing population.

CONCLUSION

This report provides Council with an update on the forecast costings of the Bowral, Moss Vale and Mittagong Sewage Treatment Plant upgrades and seeks endorsement of the subsequently revised funding strategy so that the Bowral STP can progress to the tendering stage.

ATTACHMENTS

There are no attachments to this report.

10.2 Road Asset Management Update

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

PURPOSE

The purpose of this report is to provide Council with an update on the management of the local and regional road network and the proposed action plan for the remediation and management of the road network.

RECOMMENDATION

THAT

1. Council receive and note this report;
2. Council notes the inclusion of significant road rehabilitation projects in the draft 2022/23 budget; and
3. Council consider the inclusion of an additional crew to undertake maintenance including the patching of potholes management in the draft 2022/23 budget.

REPORT

BACKGROUND

Wingecarribee Shire Council (WSC) is responsible for the ownership and management of a vast network of transport infrastructure. The satisfactory asset management of an infrastructure network requires as a minimum the collection of two primary sets of data – inventory and condition.

INVENTORY

The Shire's infrastructure network has a total replacement value of almost \$1B, of which approximately 80% is being made up by the local and regional road network.

The table below provides an inventory summary of the asset categories that make up the transport asset class.

Asset category	Dimension	Replacement Value
Bridges (Local, Regional)	50	\$39.8M
Carparks	42	\$8.2M
Shared Paths (Paths, Bridges)	34 km	\$15.2M
Footpaths (Paths, Kerb Ramps, Bridges)	111 km	\$29.4M
Road Drainage (Kerb & Gutter, Road Culverts)	483 km	\$69.2M
Sealed Roads (Local, Regional)	917 km	\$667.7M
Unsealed Roads (Local, Regional)	320 km	\$113.1M
Traffic Facilities (Local, Regional)	1,742 items	\$16.5M
Signs (Local, Regional)	10,000 items	\$3.3M

AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL

Wednesday 16 February 2022

REPORT DIRECTOR, SERVICE AND PROJECT DELIVERY



Road Drainage Earthworks (Table Drains)	1,546 km	\$5.9M
TOTAL		\$968.2M

Table 1 - Inventory of Transport Asset Class

CONDITION

The collection of condition data for an asset class is generally undertaken across the entire network at a standard interval through the engagement of a specialist contractor. Between these rounds of network inspections, the condition data is updated in response to capital works completed or reactive condition inspections undertaken.

At WSC the network condition inspections are completed in alignment with the re-valuation schedule of the asset class which is every five years.

To enable comparison of condition across all asset classes, a standard condition scale of 1 (good) to 5 (poor) is adopted for all assets. Although this is a simple scale, the accurate representation of the condition of a large or complex asset (i.e. a 1 km segment of road) with a 1 to 5 rating can be a difficult undertaking and therefore there are multiple methodologies available for the determination of an overall condition score from technical defect data.

Council last completed the road network inspection through the engagement of Talis Consultants in 2019. Talis conducted the network inspection through the use of a survey unit attached to a motor vehicle to digitally scan, profile and film the entire width of the road. This data was manually reviewed and scores provided for various defect types.

For sealed roads, Talis provided two options for the determination of an overall condition score from the defect data – one being that recommended in the Institute of Public Works Engineers Australia (IPWEA) Roads Assessment Practice Note 9 and the other being a methodology developed by Talis. The Talis Methodology is similar to that devised by the Australian Road Research Board (ARRB) for the Western Australian Local Government Association (WALGA). Neighbouring councils have also adopted a variety of methodologies – some relying solely on visual assessment by experienced council asset inspectors and others using the methodologies of specialist inspectors like ARRB or Infrastructure Management Group (IMG). It is acknowledged that uniform adoption across all councils of a single condition determination methodology would allow for the reliable benchmarking of asset condition across local government areas. This is an aspiration that will be investigated through review of the Roads Asset Management Plan describe further in this report.

The outputs of both methodologies were reviewed and the Talis Methodology was adopted as it provided a more conservative outcome - as demonstrated in Tables 2 and 3 below.

Condition	IPWEA Practice Note 9	Talis Methodology
1	76.1%	66.6%
2	16.3%	15.7%
3	7.0%	8.5%
4	0.4%	2.9%
5	0.3%	6.3%

Table 2 - Talis 2019 Condition Inspection Results – % road wearing surface length

Condition	IPWEA Practice Note 9	Talis Methodology
1	10.0%	10.0%



Condition	IPWEA Practice Note 9	Talis Methodology
2	81.8%	62.6%
3	7.7%	21.9%
4	0.5%	3.9%
5	0.1%	1.7%

Table 3 - Talis 2019 Condition Inspection Results – % sealed road pavement length

As for unsealed roads, the Talis advised methodology was the only available option, with IPWEA Practice Note 9 only applying to sealed roads.

Condition	Talis Methodology
1	4.81%
2	68.46%
3	24.49%
4	2.21%
5	0.04%

Table 4 – Talis 2019 Condition Inspection Results – % unsealed road pavement length

The Conquest asset management system (Conquest) was subsequently updated with these condition scores and has formed the basis for all asset and financial reporting to date.

REVIEW OF CONDITION DETERMINATION METHODOLOGY

The defect data from the 2019 Talis inspection was used to update the SMEC Pavement Management System (PMS). The PMS is a program used by the Assets Team to calculate a Pavement Condition Index (PCI) for every sealed road segment based upon a complex formula that considers defect data, road material and traffic counts. The PCI provides a basis for the prioritisation of renewal works for sealed roads across the Shire.

Upon review of PCI scores and Conquest condition rating, it was concluded that PCI provides a more accurate reflection of condition rating for the pavement component of a sealed road than the Talis methodology.

Table 5 below provides a summary of the PCI scores across the network, as well as the equivalent condition rating as recommend by the system.

PCI Range	Condition	Sealed Road Network %
>8.99	1	38.0%
6 to 8.99	2	47.5%
3 to 5.99	3	7.3%
0 to 2.99	4	3.0%
<0	5	4.2%

Table 5 - PCI scores (% sealed road pavement length)

The condition of road pavement assets within the Conquest asset management system will be revised to that determined by their corresponding PCI. In order to maintain consistency of reporting throughout the current financial year, this review of approach will be implemented for the financial year commencing 1 July 2022.

Doing so will ensure better synergy with the revision of the Roads Asset Management Plan and revaluation also planned for 2022/23.

The impact of this is that an additional 20 km of road pavement is deemed to be of condition requiring capital renewal. It is acknowledged that there is no perfect system for the quantification of road condition and therefore the programming of all renewal works will be subject to the outcome of onsite inspections.

ROADS ACTION PLAN

The inventory and condition data, sets the foundation for successful management of the local and regional network into the future. This successful management is described through the following general categories of Asset Management, Capital Works and Maintenance.

1. Asset Management

In accordance with the Integrated Planning & Reporting (IP&R) Framework, which all NSW Local Governments are subject to, Council is required to prepare a suite of strategic documents – one being the Resourcing Strategy.

It is through the Resourcing Strategy that the Asset Management Framework of Council is defined and endorsed.

The Asset Management Framework has three primary components:

- *Asset Management (AM) Policy*: defines Council's Asset Management objectives.
- *Strategic Asset Management Plan (SAMP)*: shows how Council will achieve the objectives of the AM Policy. It is a road map for the delivery of these asset management objectives in accordance with the principles set in the AM Policy. It is to be continually monitored and regularly reviewed, in alignment with the formulation of the Long Term Financial Plan (LTFP) and the Delivery Program (4 years) and Operational Plans (12 months) adopted annually by Council.
- *Portfolio Asset Management Plans (AMP)*: further explores the high-level summary contained in the SAMP with a detailed analysis of inventory, risk, levels of service and sustainability undertaken. AMPs are developed for all major infrastructure asset classes, grouped by the type of function the assets serve – i.e. community assets or a specific business unit.

Both the AM Policy and SAMP are included within the current 2017 – 2027 Resourcing Strategy available on the Council website (<https://www.wsc.nsw.gov.au/Council/Strategies-Plans/Resourcing-Strategy-2017-2027>).

Both documents are now five years old and therefore require an update to ensure they reflect the asset base growth and funding changes that have occurred over the past five years. It is therefore a priority that this update of both the AM Policy and SAMP is completed by 30 June 2022.

To date, AMPs have been developed for all asset classes through use of the IPWEA National Asset Management System (NAMS+) templates. Although these templates do offer a quick and simple solution for the development of AMPs, experience has shown that they do not deliver a document which can operate as a decision-making tool and nor do they offer the required rigour around levels of service, asset base growth and financial sustainability. It will therefore be a priority of the 2022/23 financial year for a thorough revision of all community asset AMPs.

In keeping with this Council's commitment for increased transparency and accountability Council's website will provide easy access to this suite of Asset Management Framework documents.



A variety of asset management related data will also be provided, inclusive of an online map displaying the latest condition data for the Shire's road network.

2. Capital Works

Review of PCI determined condition ratings shows that 7%, or approximately 60km, of the local and regional road pavement network is of condition requiring capital renewal.

Council is committed to the provision of a safe and serviceable road network and over \$50M is to be invested in the local and regional road network over 2021/22 and 2022/23.

These projects range from bushfire and flood remediation works, road safety upgrades and pavement reconstructions.

Highlights of this capital investment are:

- Old South Road Pavement Reconstruction & Safety Upgrades - \$14.7M
- Wombeyan Caves Road Upgrade - \$5.4M
- Station Street Bowral Pavement, Drainage & Carpark Upgrade - \$3.3M
- Eridge Park Road Safety Upgrades - \$3.2M
- Range Road Renewal - \$2.5M
- Throsby Street Moss Vale Renewal - \$1.8M
- Old Hume Highway Berrima Safety Upgrades - \$1.8M
- Kirkham Street Moss Vale Rehabilitation - \$1.7M
- Exeter Road Sutton Forest Upgrade - \$1.4M
- Mount Broughton Road Werai Renewal - \$1M
- Colo Street & Range Road Upgrade - \$750k
- Old Hume Highway New Berrima Renewal - \$500k

Successful delivery of these road renewal and upgrade projects will have a positive impact for the local community. Council will continue to renew road wearing surfaces through the re-sealing and re-sheeting programs for category 3 roads to ensure that their life is extended and do not deteriorate to a category 4 or 5. The re-sealing and re-sheeting program will target roads on a priority basis; considering both pavement condition and vehicle usage data.

In response to the identification of the backlog of poor condition road pavements, a pavement rehabilitation program is proposed to commence in 2022/23 which will look to develop a rolling program of cost-effective pavement stabilisation treatments.

In 2022/23 the pavement rehabilitation of the above-mentioned projects will be undertaken. In addition, it is proposed that the 2022/23 program will largely focus on the geotechnical and utility survey investigations required for future projects. There may also be several relatively easy projects that can be identified for construction in 2022/23. This will be subject to detailed investigation of road segments with poor PCI scores.

These renewal programs contribute over \$10M of the capital investment in road renewals 2021/22 and 2022/23:

- Resealing Program - \$6M
- Gravel Re-sheeting Program - \$1.9M
- Asphalt Resurfacing Program - \$1M
- Heavy Patching Program - \$900k
- Pavement Rehabilitation Program - \$800k

3. Maintenance

Council expended \$7.3M on the maintenance of the local and regional road network in 2020/21. Maintenance works are conducted on both a scheduled and reactive basis. The intent is for maintenance works to become scheduled rather than reactive, however the volume of customer requests, enquiries and/or complaints in relation to the road network result in reactive works largely dominating.

Throughout 2020/21 over 3,200 road related customer requests were received. The majority of these maintenance related requests are managed by the Infrastructure Team at the Moss Vale Depot.

The proposed organisational restructure in this area focusses on enhancing the customer focus and moving to a scheduled approach of maintenance rather than reactive. The Customer Requests related to traffic management or of a capital project nature are managed by the Roads and Traffic Assets Team. Due to staff shortages within the Assets Team the satisfactory management of these customer requests has lacked in the past. Through adjusting resources and priorities within the Assets Team and the filling of vacancies a higher level of service in the actioning and responsiveness of customer requests can now be achieved. This will result in greater transparency and accountability of Council's management of the road network and assist in rebuilding trust with the local community.

Much of the reactive maintenance is generated by customer requests and is actioned through the patching of potholes. It is envisaged that the successful delivery of capital works planned for 2021/22 and 2022/23 will result in the magnitude of required pothole maintenance seeing a slight downward trend and eventually return to a level that is manageable. This downward trend will not be experienced until at best December 2023 when the large projects will be completed.

Based on the feedback from the community regarding the driveability of Council's road network and the need to fill potholes. It is proposed that until such time the large capital projects have been completed an additional pothole maintenance crew is established for the 2022/23 financial year.

The most cost-effective option is for Council to employ an additional crew. The cost of this additional crew, the equipment and materials required is in the order of \$1M. This additional crew is currently unfunded. It is proposed that the inclusion of the additional pothole maintenance crew will be submitted for consideration in the development of the 2022/23 Operational Budget.

COMMUNICATION AND CONSULTATION

Community Engagement

No community consultation has been undertaken in relation to this report. From Customer Service requests and resident feedback it is known that the community would welcome an improvement of the Council's road network.

Internal Communication and Consultation

Roads and Traffic Assets Team

Infrastructure Maintenance Team

Project Delivery Team

Finance

External Communication and Consultation

NA

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The local and regional road network depreciates at \$11.4M annually. In order to keep up with the annual deterioration of the asset class, Council must continue to annually invest this level of capital renewal into the road network. Through the Special Rate Variation (SRV), Council is able to sustainably meet this financial requirement. The SRV is the primary contributor of renewal funds. In addition, an annual allocation of General Fund and recurring grant programs of Regional Road Block Grant and Roads to Recovery provide valued contributions. As a result of these funding allocations Council will be able to successfully mitigate further deterioration of the local and regional road network.

It is acknowledged that there is currently a backlog of road pavements in need of renewal. Through successful delivery of the 2021/22 and 2022/23 capital works program, it is envisaged that there will be a reduction in this backlog of road works. The backlog is proposed to be progressively eliminated through the subsequent development and delivery of capital works programs that target category 4 and 5 road segments.

Council will continue to seek grant funding opportunities to further bolster the financial investment of this effort, as has been achieved in the 2021/22 and 2022/23 financial years.

RELATED COUNCIL POLICY

Asset Management Framework as contained within the Resourcing Strategy.

CONCLUSION

This report provides an update on the management of the local and regional road network and the proposed action plan for the remediation and management of the road network.



ATTACHMENTS

There are no attachments to this report.

Lisa Miscamble
General Manager

Friday 11 February 2022