

12 January 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 19 January 2022** commencing at **3.30pm**.

Yours faithfully

Lisa Miscamble  
**General Manager**

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## **Business**

- 1. OPENING OF THE MEETING**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. PRAYER**
- 4. APOLOGIES**  
Nil
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- 9. CLOSED COUNCIL**
  
- 10. 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.**



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## **ACKNOWLEDGEMENT OF COUNTRY**

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“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.”

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## **APOLOGIES**

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Nil at time of print.

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## **DECLARATIONS OF INTEREST**

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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.

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## 6 CORPORATE STRATEGY AND RESOURCING

### 6.1 Proposed Licence to Pump Water across Council property being Lot 3 in Deposited Plan 258454, Moss Vale Road, Burradoo

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

#### **PURPOSE**

This report seeks Council approval to place on public exhibition a further proposed licence agreement over Council property being part Lot 3 Deposited Plan 258454 Moss Vale Road, Burradoo.

The purpose of the licence is to continue to allow the licensee to maintain pipes under the surface of the ground in accordance with Water Supply Works and Water Approval Number 10CA103129 to enable water to be pumped from the Wingecarribee River to the licensee's adjoining property at 584 Moss Vale Road, Burradoo in accordance with the terms of Water Access Licence (WAL) 25518.

#### **RECOMMENDATION**

##### **THAT:**

1. Authority be delegated to the General Manager to negotiate the terms and conditions of a further Licence Agreement to the holders of Water Access Licence (WAL) 25518 (being the owners of 584 Moss Vale Road Burradoo) over Council land being part Lot 3 DP258454 at Burradoo.
2. Council place on public exhibition for a minimum twenty eight (28) days the proposal to enter into a further five (5) year Licence Agreement referred to in resolution 1 above.
3. If there are no objections received during the period of public exhibition, the General Manager and Interim Administrator/Mayor be delegated authority to execute the Licence Agreement referred to in resolution 1 above **AND THAT** if any objections are received, a further report be forwarded to a future meeting of Council.

#### **REPORT**

##### **BACKGROUND**

On 8 February 2017 Council resolved (MN 10/17):

1. *THAT Council approve in principle a Licence Agreement to pump water across Council land, Lot 3 DP258454 at Burradoo, to the holders of a Water Access Licence, being the owners of 584 Moss Vale Road Burradoo AND THAT it is noted that the Licence Agreement is for a five (5) year term.*

## AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL

Wednesday 19 January 2022

### REPORT DIRECTOR, CORPORATE STRATEGY AND RESOURCING



2. *THAT Council give a minimum twenty eight (28) days public notice of its intention to enter into the Licence Agreement referred to in resolution 1 above.*
3. *THAT if there are no objections to the licence agreement received during the period of public notice, the General Manager and Mayor be delegated authority to execute the licence agreement referred to in resolution 1 above under the Common Seal of the Council if required AND THAT if any objections are received, a further report will be forwarded to a future Ordinary Meeting of Council.*

The Council owned land being Lot 3 DP258454 adjoins the Wingecarribee River and is classified as Community Land. The owners of 584 Moss Vale Road Burradoo hold a Water Access Licence (WAL) 25518 to extract water from the Wingecarribee River.

The Council property is situated between the river and the property at 584 Moss Vale Road, Moss Vale and, accordingly, the pipes required to extract water from the Wingecarribee River traverse the Council land (under the surface of the ground). **Attachment 1** to this report is an aerial map showing the location of the subject Council property.

WAL 25518 is a continuing licence issued by Water NSW who are responsible for accepting and assessing applications for water access.

Above is the most recent resolution of Council however it is noted that Council originally granted consent to pump water across the Council land in 2002. That consent was renewed for three consecutive five (5) year terms in 2007, 2012 and 2017.

### **REPORT**

The current licence agreement between Council and the property owners of 584 Moss Vale Road, Burradoo expires on 22 January 2022 and the licensee has requested that Council renew the agreement to allow continued extraction of water from the Wingecarribee River by the licensee in accordance with their WAL.

Section 46 (1) (a1) of the *Local Government, 1919* states that a lease, licence or other estate in respect of community land may be granted for the purpose of providing pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining community land to a facility of the council or other public utility provider. Section 47A of the *Local Government Act 1993* requires that, if Council proposes to grant a licence agreement (or lease or other estate) in respect of Community Land, the proposal must be notified and exhibited.

It is recommended that authority be delegated to the General Manager to negotiate the terms and conditions of the Licence Agreement. Council will then exhibit the draft licence agreement for a minimum 28 days. If any objections are received during the period of public exhibition a further report will be forwarded to a future meeting of Council for consideration.

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### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

The proposed licence agreement will be placed on public exhibition for a minimum 28 days.

### **Internal Communication and Consultation**

Relevant Council Officers

### **External Communication and Consultation**

Water NSW

Adjoining owner

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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report. The Water Access Licence is issued and monitored under the *Water Management Act 2000* by Water NSW.

- **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.

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## **COUNCIL BUDGET IMPLICATIONS**

The licensee will be responsible for all costs associated with issue of the licence and any licence fees payable to Council.

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## **RELATED COUNCIL POLICY**

None identified.

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## **CONCLUSION**

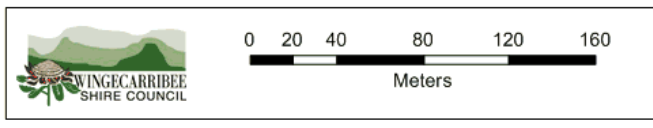
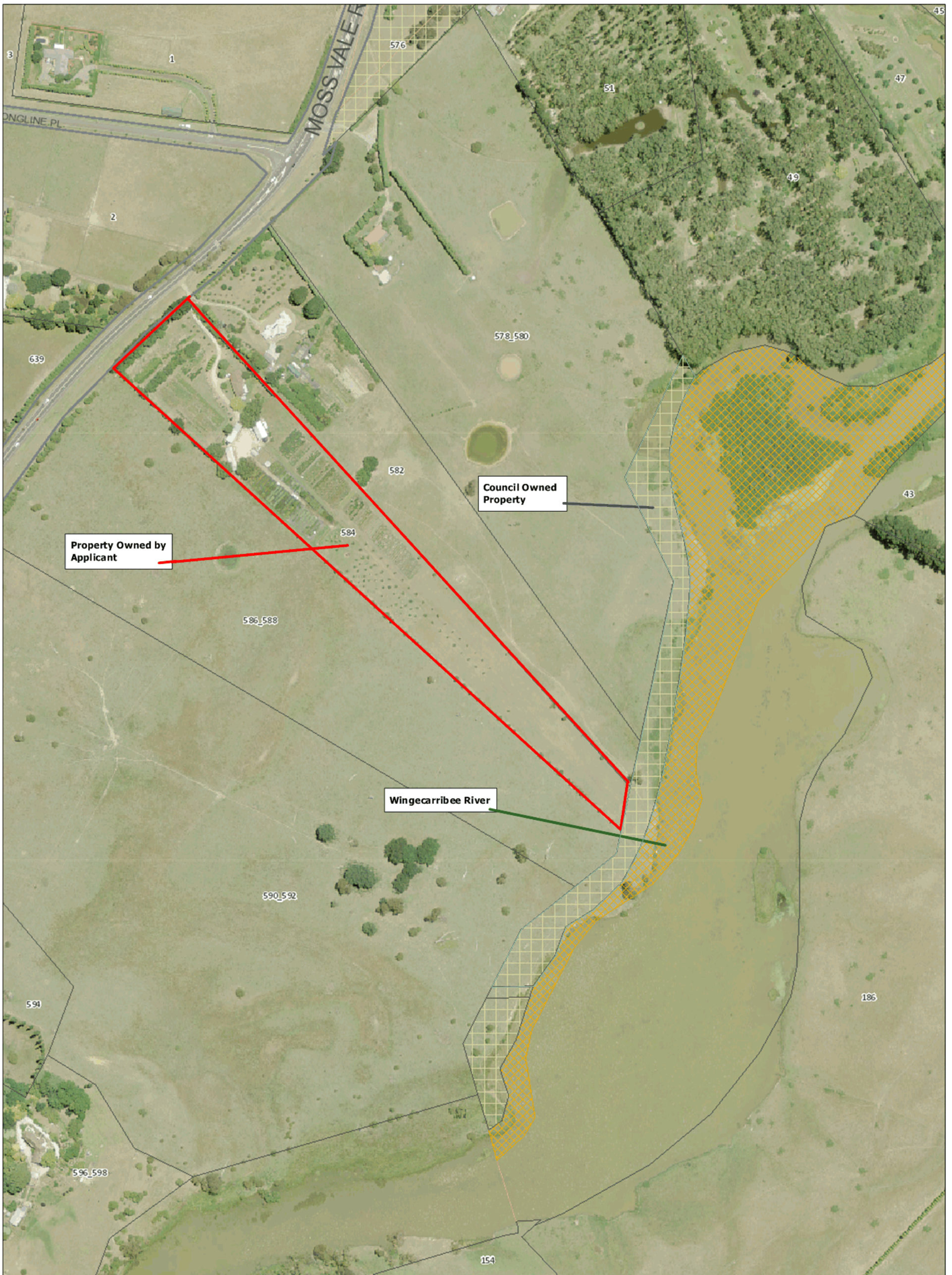
This report seeks Council approval to place on public exhibition a further proposed licence agreement over Council property being part Lot 3 Deposited Plan 258454 Moss Vale Road, Burradoo for continued maintenance of pipes under the surface of the ground to enable water to be pumped from the Wingecarribee River to the licensee's adjoining property at 584 Moss Vale Road, Burradoo in accordance with the terms of Water Access Licence (WAL) 25518.

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## **ATTACHMENTS**

1. Aerial Map





Wingecarribee Shire Council

Any information (numerical or otherwise), representation, statement, opinion or advice expressed or implied in this publication is made in good faith but on the basis that the council of the shire of Wingecarribee, its agents and its employees are not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in respect of any information, representation, statement, or advice referred to above.

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## 6.2 Investment Report - December 2021

**Report Author:** Acting Chief Financial Officer  
**Authoriser:** Director, Corporate Strategy and Resourcing

### PURPOSE

This report presents Council's Investment Portfolio held at 31 December 2021.

### RECOMMENDATION

**THAT** the information on Council's Investments as at 31 December 2021 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 December 2021.

**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 \$463,482.96 for six (6) months to 31 December 2021. Interest earned is under budget by \$136,517.04 to 31 December. There are some positive signs in the fixed interest market with interest rates received on 2 new term deposits placed in December, both being at 1.10%. The interest is attributable to each fund as listed in the table below.

Fund	YTD budget	YTD actual	Variance
General fund	234,000.00	180,702.87	(53,297.13)
Water Fund	204,000.00	152,053.50	(51,946.50)
Sewer Fund	162,000.00	130,726.59	(31,273.41)
<b>Total</b>	<b>600,000.00</b>	<b>463,482.96</b>	<b>(136,517.04)</b>

### ATTACHMENTS

1. Investment Report Summary as at 31 December 2021



## Wingecarribee Shire Council Investment Report Summary

For the period ending 31 December 2021

### List of Investments

Council's investment portfolio as at 31 December 2021 consists of the following investments:

INVESTMENT PORTFOLIO AS AT 31 December 2021						
Institution	Type	Amount	Interest Rate	Investment Term - Days	Maturity Date	% Investment Portfolio
Auswide	Term Deposit	5,000,000	0.50%	364	7/01/2022	2.52%
CBA	Term Deposit	5,000,000	0.34%	240	21/01/2022	2.52%
ME	Term Deposit	5,000,000	0.45%	329	28/01/2022	2.52%
CBA	Term Deposit	4,000,000	0.34%	157	4/02/2022	2.02%
CBA	Term Deposit	2,000,000	0.40%	330	11/02/2022	1.01%
CBA	Term Deposit	2,000,000	0.41%	364	18/02/2022	1.01%
CBA	Term Deposit	5,000,000	0.42%	365	23/02/2022	2.52%
ME	Term Deposit	4,000,000	0.45%	330	3/03/2022	2.02%
ME	Term Deposit	3,000,000	0.45%	365	18/03/2022	1.51%
BOQ	Term Deposit	5,000,000	0.33%	210	25/03/2022	2.52%
Macquarie	Term Deposit	1,000,000	0.40%	210	25/03/2022	0.50%
CBA	Term Deposit	3,000,000	0.43%	365	31/03/2022	1.51%
ME	Term Deposit	2,000,000	0.45%	365	31/03/2022	1.01%
CBA	Term Deposit	5,000,000	0.38%	304	7/04/2022	2.52%
Macquarie	Term Deposit	1,000,000	0.40%	350	14/04/2022	0.50%
BOQ	Term Deposit	5,000,000	0.40%	271	26/04/2022	2.52%
ME	Term Deposit	3,000,000	0.45%	365	29/04/2022	1.51%
ME	Term Deposit	4,000,000	0.50%	365	5/05/2022	2.02%
CBA	Term Deposit	5,000,000	0.43%	330	11/05/2022	2.52%
BDCU	Term Deposit	5,000,000	0.50%	364	20/05/2022	2.52%
BDCU	Term Deposit	5,000,000	0.50%	364	27/05/2022	2.52%
ME	Term Deposit	2,000,000	0.41%	276	6/06/2022	1.01%
CBA	Term Deposit	3,000,000	0.38%	302	15/06/2022	1.51%
CBA	Term Deposit	10,000,000	0.42%	365	23/06/2022	5.04%
Macquarie	Term Deposit	1,000,000	0.40%	302	29/06/2022	0.50%
CBA	Term Deposit	10,000,000	0.43%	364	1/07/2022	5.04%
Macquarie	Term Deposit	1,000,000	0.40%	329	1/07/2022	0.50%
ME	Term Deposit	5,000,000	0.50%	365	12/07/2022	2.52%
MyState	Term Deposit	2,500,000	0.40%	293	20/07/2022	1.26%
NAB	Term Deposit	5,000,000	0.37%	365	29/07/2022	2.52%
BOQ	Term Deposit	3,000,000	0.40%	364	5/08/2022	1.51%
Macquarie	Term Deposit	1,000,000	0.40%	364	5/08/2022	0.50%
MyState	Term Deposit	5,000,000	0.45%	322	16/08/2022	2.52%
CBA	Term Deposit	5,000,000	0.41%	365	26/08/2022	2.52%
BOQ	Term Deposit	5,000,000	0.38%	364	2/09/2022	2.52%
CBA	Term Deposit	3,000,000	0.39%	364	2/09/2022	1.51%
Macquarie	Term Deposit	1,000,000	0.40%	365	16/09/2022	0.50%
NAB	Term Deposit	5,000,000	0.35%	365	21/09/2022	2.52%
CBA	Term Deposit	5,000,000	0.39%	365	27/09/2022	2.52%
MyState	Term Deposit	3,000,000	0.45%	365	28/09/2022	1.51%
AMP	Term Deposit	2,500,000	1.00%	335	4/10/2022	1.26%
AMP	Term Deposit	2,500,000	0.80%	365	19/10/2022	1.26%
AMP	Term Deposit	2,500,000	1.00%	365	15/11/2022	1.26%
Auswide	Term Deposit	3,000,000	0.78%	365	30/11/2022	1.51%
AMP	Term Deposit	2,500,000	1.10%	365	16/12/2022	1.26%
Judo	Term Deposit	3,000,000	1.10%	365	21/12/2022	1.51%
NAB	Term Deposit	5,000,000	0.60%	729	25/08/2023	2.52%
NAB	Term Deposit	5,000,000	0.60%	731	28/08/2023	2.52%
NAB	Call Account	1,758,300	0.00%	NA	NA	0.89%
BDCU	Call Account	6,004,349	0.15%	NA	NA	3.03%
AMP	Call Account	10,000,000	0.55%	NA	NA	5.04%
<b>Total Investments</b>		<b>\$198,262,649</b>				<b>100.00%</b>

**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  
 ME = Members Equity Bank  
 MyState = MyState Bank

NAB = National Australia Bank  
 Newcastle = Newcastle Permanent  
 St George = St George Bank  
 WBC = Westpac Banking Corporation  
 Rural = Rural Bank  
 Judo = Judo Bank



## Wingecarribee Shire Council Investment Report Summary

For the period ending 31 December 2021

### 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%	10.97%	21,758,300	YES	YES
CBA	A1+	40%	33.79%	67,000,000	YES	YES
Macquarie	A1	25%	3.03%	6,000,000	YES	YES
AMP	A2	15%	10.09%	20,000,000	YES	YES
BOQ	A2	15%	9.08%	18,000,000	NO	YES
BDCU	A2	15%	8.07%	16,004,349	NO	YES
ME	A2	15%	14.12%	28,000,000	NO	YES
MyState	A2	15%	5.30%	10,500,000	NO	YES
Auswide	A2	15%	4.04%	8,000,000	NO	YES
Judo	A3	10%	1.51%	3,000,000	NO	YES
<b>Total</b>			<b>100.00%</b>	<b>198,262,649</b>		

### 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%	44.77%	88,758,300	YES
A1	80%	3.03%	6,000,000	YES
A2	60%	50.69%	100,504,349	YES
A3	20%	1.51%	3,000,000	YES
Govt	25%	0.00%	0	YES
<b>Total</b>		<b>100.00%</b>	<b>198,262,649</b>	



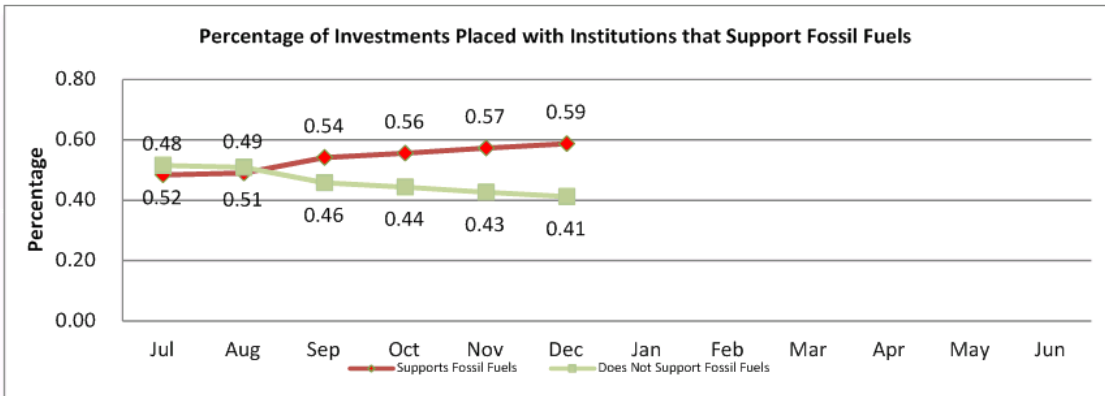
## Wingecarribee Shire Council Investment Report Summary

For the period ending 31 December 2021

### Non-Fossil Fuel Investment Preferencing

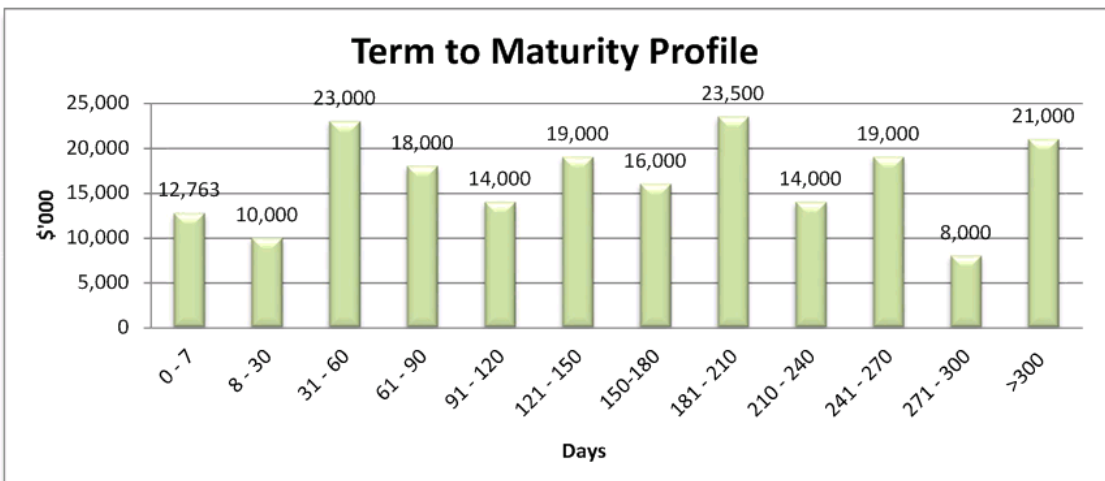
Council's adopted Investment Policy states a preference for placing funds with institutions that do not support the fossil fuel industry. The chart below identifies Council's percentage of investments placed with institutions that do not support the fossil fuel industry.

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.



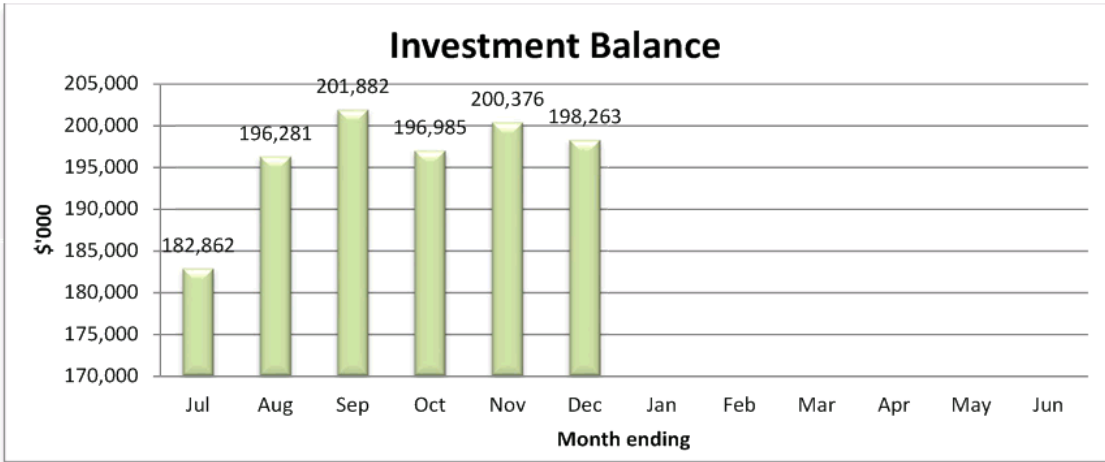


## Wingecarribee Shire Council Investment Report Summary

For the period ending 31 December 2021

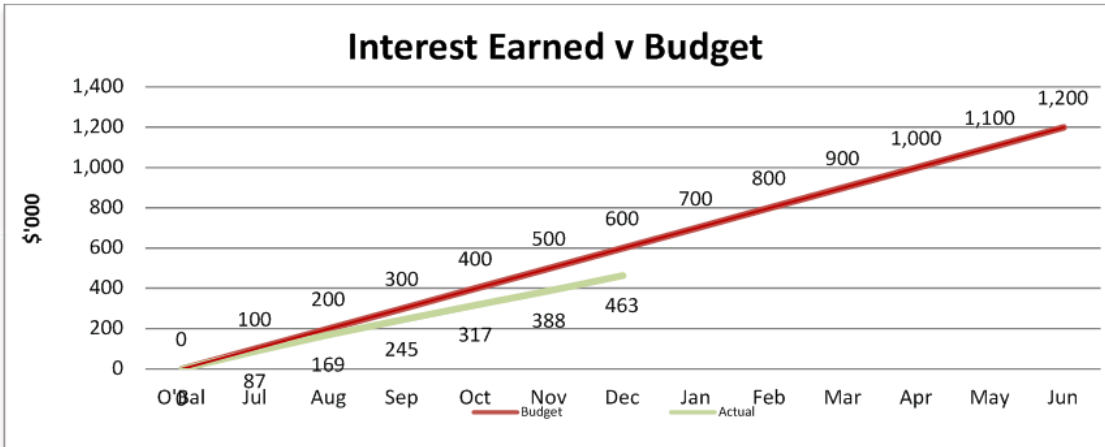
### Portfolio Performance

Council’s investment balance at the end of December 2021 was \$198.263 million. This has decreased by \$2.113 million since the end of November 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

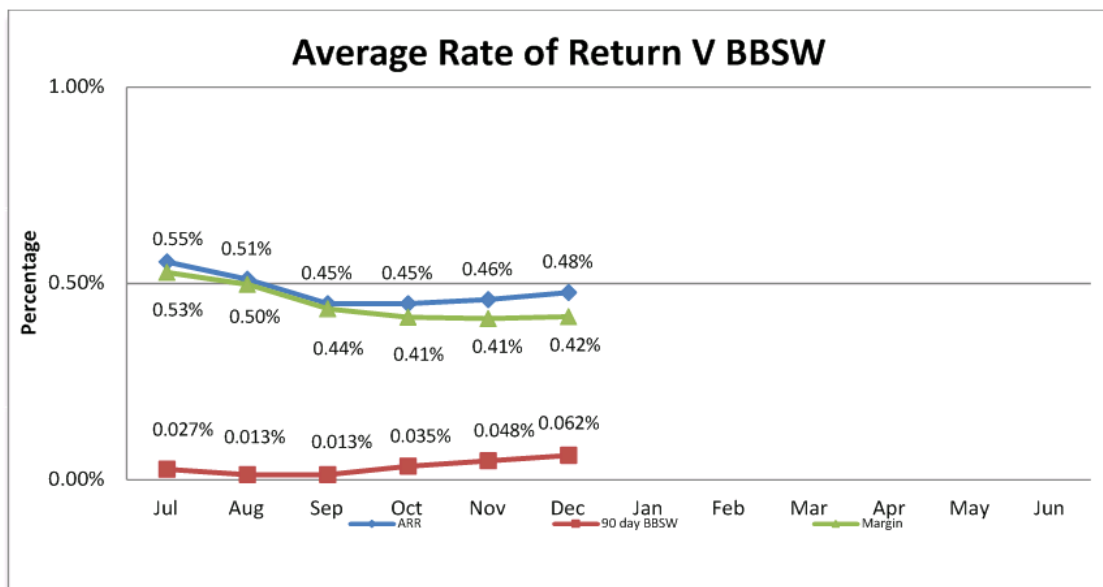
For the period ending 31 December 2021

### 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 December 2021 was 0.48% which is an increase of 0.02% from November 2021. The BBSW increased to 0.062%.

The margin above BBSW was 0.42% for December 2021 which shows Council continues to secure favourable interest rates on term deposits.





## 7 COMMUNITIES AND PLACE

### 7.1 Endeavour Energy Streetlighting - LED Replacement Project and Proposed Local Government (LGNSW) Notice of Motion

**Report Author:** Manager Environment and Sustainability  
**Authoriser:** Director, Communities and Place

#### **PURPOSE**

The purpose of this report is to seek approval to participate in an LED Streetlighting replacement project with Endeavour Energy and to allocate an appropriate budget for this project.

This report also proposes the submission of a Notice of Motion to the Local Government NSW (LGNSW) Special Conference.

#### **RECOMMENDATION**

##### **THAT**

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.

#### **REPORT**

##### **BACKGROUND**

Streetlighting in the Wingecarribee Shire is owned by Endeavour Energy who are the Distributed Network Supply Provider (DNSP's) for this region. Council pays for the streetlighting service through a tariff system, which covers maintenance and operational costs, as well as paying for electricity consumption costs.

There are approximately 4,812 streetlights across the Shire. The type of luminaire is supplied by Endeavour Energy and is dependent on the lighting category and approved standard equipment as outlined in their Public Lighting Management Plan. Approximately 67% of luminaires in the Shire were upgraded to energy efficient LED luminaires in a joint bulk replacement program in 2018, which covered the available technology at that time.

Some of the advantages of LED luminaires include high quality lighting, energy efficiency gains, reduced electricity consumption costs, and reduced greenhouse gas emissions.

## **AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL**

Wednesday 19 January 2022

### **REPORT DIRECTOR, COMMUNITIES AND PLACE**



Council has benefited from the 2018 bulk upgrade in terms of both reduced electricity consumption costs and reduced greenhouse gas emissions.

Approximately 1,566 non-LED luminaires remain across the Shire. After recent standard equipment reviews undertaken by Endeavour Energy, LED replacement options are now available for most of the remaining luminaires.

### **REPORT**

#### **LED Replacement Project**

Council staff have been in discussion with Endeavour Energy on a proposed LED bulk replacement project for the remaining non-LED luminaires in the network. Endeavour Energy have provided a costed proposal and a business case tailored for Council. The proposal has been reviewed and there are strong reasons for Council to proceed with the project.

The proposal would result in an ongoing financial benefit to Council. Although the LED luminaires attract a slightly higher tariff charge, this will be greatly offset by ongoing electricity savings to Council. An annual net benefit to Council of approximately \$50,000 is anticipated.

There would be an initial cost to Council of approximately \$90,000 to replace the lamps which includes costs associated with Endeavour Energy and engaging an Energy Saving Certificates (ESC) provider. However, this cost would be offset if Council claims the Energy Saving Certificates for the lighting replacement, which could return over \$150,000 (dependent on the price of the ESC certificates at the time of redeeming). Council would need to engage a recognized ESC provider to prepare and redeem the certificates for Council.

Council's Revolving Energy Fund (REFund) is proposed as the budget source for this project. Council's REFund scheme is designed to fund energy efficiency projects with strong business cases, such as this, and for the costs of the project to be reimbursed from the resultant savings from the project. In this case, savings from the redeemed ESC certificates and/or the electricity savings would reimburse the REFund.

This project would provide ongoing greenhouse gas savings which aligns with goals in Council's adopted Delivery Program and Operational Plan. Council anticipates that emissions of more than 400 tonnes of CO<sub>2</sub> per annum would be saved from this project.

To proceed with the joint LED replacement project Council will need to sign a service agreement with Endeavour Energy.

#### **Notice of Motion to Local Government NSW Special Conference**

The ownership of streetlights in NSW are shared between three Distributed Network Supply Provider (DNSP's) - Essential Energy, Endeavour Energy and Ausgrid. The maintenance & operational costs of the streetlight network are funded by local Councils, with the relevant DNSP invoicing Council according to the unit rates managed through the Australian Energy Regulator (AER). Although Wingecarribee Shire Council enjoys a collaborative relationship with our DNSP Endeavour Energy, it is understood that this is not necessarily the case for our neighboring rural councils.

The Canberra Region Joint Organisation (CRJO) has therefore identified that local councils could benefit if Local Government NSW (LGNSW) was to lead and resource advocacy for the seeking of better outcomes in streetlighting for member Councils.

This benefit would be realized through:

- A strengthened submission from local councils when the AER is reviewing the pricing framework for DNSP charges
- Comprehensive review of the NSW Public Lighting Code – which sets the performance standard for DNSPs.
- Heightened quality assurance in the billing from DNSPs.

It is therefore recommended that Council resolves to submit the following notice of motion to the LGNSW Special Conference -

*That 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.*

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## **COMMUNICATION AND CONSULTATION**

### **Community Engagement**

Nil

### **Internal Communication and Consultation**

Internal consultation has taken place with representatives from Environment and Sustainability, Assets, Strategic Planning, and Information Services.

### **External Communication and Consultation**

External consultation has taken place with Endeavour Energy, representatives from Western Sydney Region of Councils (WSROC), and an Energy Saving Certificates (ESC) provider. Consultation has also taken place with Canberra Region Joint Organisation (CRJO) in relation to the LGNSW notice of motion.

---

## **SUSTAINABILITY ASSESSMENT**

### **• Environment**

This project would result in positive environmental outcomes. Some of the advantages of LED luminaires include energy efficiency gains, reduced electricity consumption costs, and reduced greenhouse gas emissions

### **• 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.

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**COUNCIL BUDGET IMPLICATIONS**

Overall the project would provide ongoing annual savings because of reduced electricity consumption costs. Once the upgrades have taken place, an annual net benefit to Council of approximately \$50,000 is anticipated. There will be an initial cost to Council in the order of \$90,000. However, this cost would be offset if Council claims the Energy Saving Certificates for the lighting replacement, which could return over \$150,000 (dependent on the price of the ESC certificates at the time of redeeming). It is proposed for Council's REFund to fund this project.

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**RELATED COUNCIL POLICY**

The positive environmental outcomes from this project align with Council's *Council Operations Environment Policy*.

---

**CONCLUSION**

The proposed LED Streetlighting project with Endeavour Energy would deliver both positive environmental and economic benefits to Council while still providing quality lighting from Endeavour Energy's standard equipment list.

The notice of motion for the LGNSW Special Conference seeks to gain better advocacy on streetlighting matters for local government across NSW.

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**ATTACHMENTS**

There are no attachments to this report.

## 7.2 Regulatory Issues - East Parade, Buxton

**Report Author:** Director, Communities and Place

**Authoriser:** General Manager

### **PURPOSE**

This report responds to a number of submissions from the community expressing concerns regarding works on East Parade and at 161 East Parade Buxton and the request from the Interim Administrator that a report be provided to Council detailing the status of past and current actions.

### **RECOMMENDATION**

#### **THAT**

1. Council engineering officers ensure the conditioned roadwork is appropriately completed.
2. Council officers continue existing compliance action on the unauthorised fill on Lot 37 DP 751271.
3. Council approach NSW Crown Lands to raise the matter of effective management of illegal dumping on Crown Land within the vicinity.
4. Council write to the Minister for Lands and Water requesting the Department consider works on to restrict unauthorised vehicle access to Crown Lands in this location.
5. NSW Police be requested to continue with periodic enforcement actions including the trail bike unit and Highway Patrol

### **REPORT**

#### **BACKGROUND**

There is considerable history relating to the site and Council decisions relating to both the 4 Lot rural subdivision of (including roadworks on East Parade) Lot 37 DP 751271, which was approved under delegated authority by Council on 12 March 2015 and the construction certificate and s138 (Roads Act) approval which was granted on 3 June 2015.

#### **REPORT**

The issues relating to the development approval of the road improvements and subdivision date back to early 2015.

These should be considered separately to the regulatory actions that relate to activities within the land, which largely commenced in / around 2018.

Finally, the report provides a summary of unapproved activities that have been impacting on the location and regulatory activities that have been undertaken to manage this.

This report deals with the issue in three (related) items and discusses existing action and future recommended actions.



## **1. Subdivision Approval and roadworks.**

The site (Lot 37 DP 751271) benefits from a development consent DA 14/1069 approved in 2015 for a four (4) lot subdivision, which created 4 lots of a minimum 4 hectares (**Attachment A**).

The development consent for the subdivision contained a condition that the existing road be upgraded to Council standards. These works were undertaken via a Construction Certificate (Subdivision) and an approval under s138 of the Roads Act (NSW) (**Attachment B**). This requires that all work or activities undertaken within road reserves must have the Road Authorities consent (in this case Council) prior to the work being undertaken.

The subdivision approval (LUA 14/1069) required the developer to upgrade East Parade from the intersection of East Parade and Wilson Drive to the proposed driveway access to Lot 374 (the furthest lot) including provision of a turning head, being approximately 575m on the alignment of East Parade (**Attachment C**).

Roadwork commenced in approximately 2016. The balance of the work was undertaken over time, nearing completion mid-2020.

In late 2018, Council's engineers raised concerns that mandatory hold point inspections had not been scheduled and Council officers attended the site.

It was agreed that evidence was needed to be provided of the materials, construction techniques and other road works had been carried out to industry standards before the road could be sealed and the condition of the subdivision approval could be assessed as being met.

A site visit in early 2021 was attended by the developer's representatives, landowner and the then Acting General Manager, Mr Les McMahon, followed by a letter from the applicant (28/04/21) setting out a proposed testing regime. A series of information requests were sent from Council's development engineering officers followed by ten different testing reports, sampling numerous locations (21 in most cases). These covered a range of factors including: pavement materials, compaction efforts, contamination and pavement deflection across the sub-grade, sub-base and basecourse.

These reports (and further information requested and provided), and inspections by Council's engineers indicate that the roadworks meet Council's current design and specifications.

Once sealed to Council requirements, this aspect of the 2015 DA conditions will be adequately met, and it is considered that this issue will have been appropriately resolved.

## **2. Activities on Lot 37 DP 751271 (primarily fill and site clearing)**

Aerial photography indicates that fill has been placed on site on several occasions between 2015 and 2021 (**Attachment D**).

Significant truck movements and filling on the site was reported to Council by a complainant on 26 January 2018 (after hours). This led to Council's on-call Ranger responding to the complaint and attending the location on 26 January 2018, making notes and referring the matter to Council's Development Compliance Officers for investigation. This resulted in a Stop Work direction being issued on 27 and 30 January 2018 to cease any further earthworks.

The origin of the fill has not been conclusively established, however Council officer discussions during inspections indicated that at least some of the material may have been excavated material from the Sydney M5 tunnel extension.

## AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL

Wednesday 19 January 2022

### REPORT DIRECTOR, COMMUNITIES AND PLACE



Council does not hold any copies of any EPA approvals for transport of this material, however, communication with EPA officers has established that they were aware of the fill material being transported, advising Council that the property owner is responsible for obtaining approval for the placement of the soil from Council. No documents have been provided by the EPA.

After a site inspection and assessment, an Order under the Environmental Planning and Assessment Act was issued on the property owner for the unauthorised placement of landfill material (soil) on the site dated 6 February 2018. The landowner was directed to immediately cease earthworks and the unauthorised placement of fill on the site. It should be noted that the property owner has the right to pursue the feasibility of lodging a Development Approval seeking to legitimise the fill material placed on site.

Further compliance action was instigated in the form of Notice to take Clean-up Action under the Protection of the Environment Operations act, dated 20 June 2019, referring to the fill material deposited on the land. The Clean-up Notice required the engagement of an appropriate qualified and practicing occupational hygienist to test the fill material and supervise its removal to a suitable waste facility. Council also issued on 20 June 2018 a Notice of Intention to Serve an Order under the Environmental Planning and Assessment Act requiring compliance with consent conditions 1,2,4,5,22 and 27 for the four-lot subdivision and road.

Three development applications were submitted by the landowner between 2019 and 2021. These applied for approval of the fill placed on the site, presenting this activity as fill/earthworks on the future dwelling envelopes of the 4 lots.

DA 20/0048 (submitted 12/07/2019) for approval of a change of use and placed fill was refused on 12 July 2019 (the same date) based on inadequate planning information being provided.

DA 20/0226 (for carrying out earthworks) was received 27 August 2019, and refused on 10 January 2020, primarily due to the application not satisfying Council that the impacts of the proposal were in keeping with the environmental requirements of the LEP, the character of the zone and the State Environmental Planning Policy dealing with the remediation of land.

DA 21/0072 was received 14 July 2020, requesting approval for earthworks. The application was rejected on the 21 July 2020 as having inadequate and out of date information. It was suggested that an updated application with additional information may be accepted, but no further information was provided, and no further applications have been received.

In August 2021, State Government Agencies also investigated native vegetation removal on the site (under the Local Land Services Act 2013). A Penalty Infringement Notice was issued. Council assisted with the investigation of this issue. Council has been advised that this investigation is complete, and this matter has now been closed.

Council (due to the time that has lapsed and the unsuccessful Development Applications) has again instigated enforcement action by re-issuing a Notice of Intention to serve an Order under the Environmental Planning and Assessment Act 1993 dated 17 December 2021 for the unauthorised placement of landfill material (soil) on the land. The terms of the Notice include a requirement to act prior to 17 January 2022. After this date, Council Compliance officers will inspect the property again. If the owner has not complied with the Notice, the matter will be escalated to an Order, potentially followed by Court action.

### **3. Access and illegal dumping**

Illegal dumping, motorbike access and disruption of the local amenity has been the source of several complaints. Residents have been impacted by the unauthorised use of the property, with people trespassing onto the land and creating noise and dust, dumping of further land fill and rubbish and burning of stolen vehicles.

Residents have asked on a number of occasions for this area to be secured to prevent unauthorised access and use of the land, however attempts to prevent access have been unsuccessful to date due to vandalism and removal of barriers obstructing access. No further contact has been made with the property owner to adequately secure the development.

The issue is compounded by the large areas of Crown Land in the area which is also difficult to effectively secure. Council's Regional Illegal Dumping (RID) officer has been negotiating with officers from Crown Lands to address this issue in response to a public complaint (16/12/21) about domestic waste dumping on site.

Police undertook an operation (involving Highway Patrol and the Trail Bike unit) late December 2021 with National Parks and Wildlife Service in the area.

While some of these issues will be able to be managed by State Agencies and Council enforcement, the extent of the land boundaries, remoteness of the sites and opportunistic nature of some of the illegal activities will make it difficult to entirely address.

Finalisation of the subdivision and appropriate, approved development of the four vacant lots may assist to some extent.

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## **COMMUNICATION AND CONSULTATION**

This report was prepared in relation to community concerns raised in a range of forums. Council's Development Engineering and Compliance officers were consulted and contributed information. Some State Government agencies were consulted to understand most recent actions.

### **Community Engagement**

This issue has been raised on a number of occasions with senior management and most recently with the Interim Administrator at the Open Community meeting at the School of Arts Community Hall, 23 West Parade, Buxton on the 7 December 2021.

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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no specific environmental issues in relation to this report, however it should be noted that there has been environmental investigation and penalties issued for actions on site that have damaged the environment.

- **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.

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### **COUNCIL BUDGET IMPLICATIONS**

There are no current budget implications of this report or the recommended actions.

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### **CONCLUSION**

While the subdivision works have taken a long period of time to complete, the consent appears lawful and the road works should be completed to Council's requirements. Compliance action relating to unauthorised fill and access, now re-issued should be supported to a conclusion.

A number of actions to address illegal access and activities will require the cooperation of State Government agencies such as Land and Water, NSW Police, and the EPA.

While there are a number of potential future actions, the following are recommended to address the three major issues – the roadworks, the unauthorised fill on the site and illegal activities on the site and surrounds:

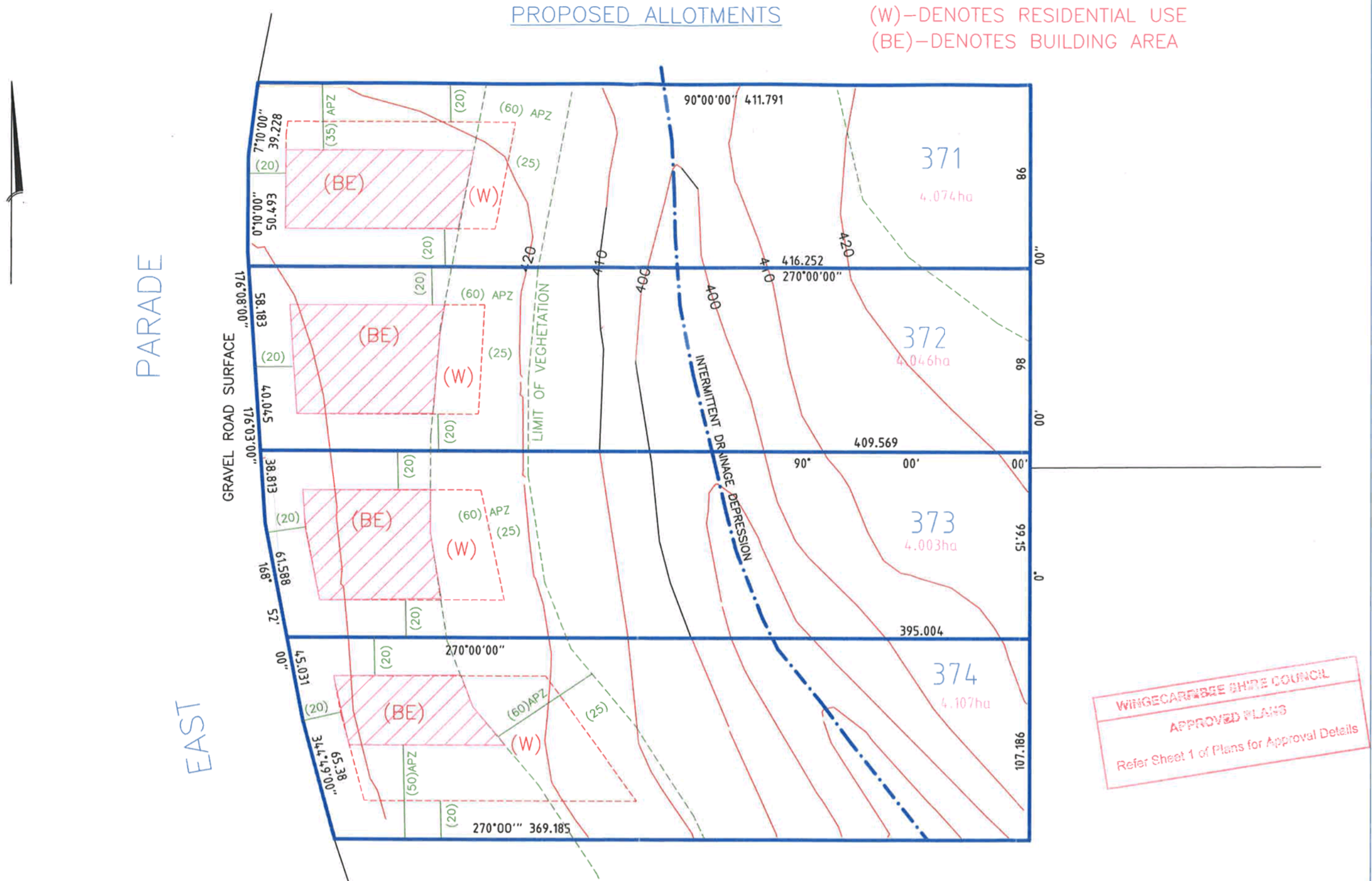
- Council engineering officers complete the assessment of the roadworks and ensure the work is undertaken appropriately (including adequate soil erosion controls on site) to enable the road to be sealed and to enable the conditions of the 2015 subdivision consent relating to the roadworks to be adequately addressed.
- Council officers continue existing compliance actions on the unauthorised fill on Lot 37 DP 751271, and to secure the site.
- Council's RID officer approach Crown Lands around coordinated actions to manage illegal dumping in the area on the road, private land and Crown Land.
- The Interim Administrator write to the Minister for Lands and Water the Hon. Kevin Anderson MP requesting the Department consider works on the Crown Land at East Parade Buxton to restrict unauthorised vehicle access to Crown Lands in this location.
- Police be requested to continue with periodic enforcement actions including the trail bike unit and Highway Patrol.

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### **ATTACHMENTS**

1. Attachment A - Plan of Subdivision
2. Attachment B - Section 138 Roadworks Approval
3. Attachment C - Roadwork Extent
4. Attachment D - Aerial Photos





WINGECARRIBEE SHIRE COUNCIL  
 APPROVED PLANS  
 Refer Sheet 1 of Plans for Approval Details

NOTES  
 1. ALL AREAS ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY  
 2. LEVELS ARE ON AHD AND OBTAINED FROM SIX MAPS

© REIN WARRY & CO. P/L

<b>REIN WARRY AND CO.</b> CONSULTING SURVEYORS 3/67 MENANGLE ST PICTON NSW 2571 PH: (02) 46773144 FAX: (02) 46773155		CAD DRAWING N° 7282DA-SH2.DWG PLAN FOR THE APPROVAL TO THE SUBDIVISION AND DEVELOPMENT OF LOT 37 DP 751271 NO. 129 EAST PARADE		DESIGN: DRW DRAWN: DRW SHEET 2 OF 3	FILE N° <b>7282</b> DA
SHIRE OF WINGECARRIBEE	LOC: BUXTON	RED.RATIO 1:2000	*A3*	DATE: 19TH AUGUST, 2014	





**Form 4 – Environmental Planning and Assessment Act, 1979  
CONSTRUCTION CERTIFICATE (SUBDIVISION)**

TO: [REDACTED]

03 June 2015

being the applicant in respect of Construction Certificate Application No 14/1069.01 and Development Application No DA14/1069.

A Construction Certificate is hereby granted pursuant to Section 81A (4) (a), (b) and (c) of the *Environmental Planning & Assessment Act 1979* for the Subdivision Application relating to the land described as follows:-

<b>PROPERTY:</b>	Lot 37 DP 751271 - 129 EAST PARADE BUXTON NSW 2571
<b>OWNER:</b>	<span style="background-color: black; color: black;">[REDACTED]</span>

This Certificate enables the commencement of civil works as required by the consent conditions and as detailed in the approved engineering plans:

Civil Engineering Plans prepared by Total Surveying Solutions for East Parade Buxton – Subdivision:

Sheet	Drawing Title	Job no.	Plan no.	Date
Cover Sheet	Cover Sheet	15138	00	12/05/2015
1	General Arrangement – Key Plan	15138	01	12/05/2015
2	General Arrangement - Layout Plan	15138	02	12/05/2015
3	Detail Plan	15138	03	12/05/2015
4	Detail Plan	15138	04	12/05/2015
5	Detail Plan	15138	05	12/05/2015
6	Erosion/Sediment Control Plan	15138	06	12/05/2015
7	Road Long Section Plan	15138	07	12/05/2015
8	Road Cross Section Plan	15138	08	12/05/2015
9	Road Cross Section Plan	15138	09	12/05/2015



10	Pavement Plan	15138	10	12/05/2015
11	Pavement Plan	15138	11	12/05/2015
12	Pavement Plan	15138	12	12/05/2015
13	Cul-de-sac Detail Plan	15138	13	12/05/2015
14	Typical Detail Plan	15138	14	12/05/2015

Please note changes made in 'red' ink.

Signed:   
 -----  
 Development Engineer



This Certificate issued as part of **14/1069.01 - Lot 37 DP 751271 - 129 EAST PARADE BUXTON NSW 2571** also gives approval for WORKS WITHIN ROAD RESERVE upon compliance with the following

**SECTION 138 APPROVAL - ROADS ACT 1993**

1. Working within Road Reserve

Works must not be undertaken within the road reserve unless under a Traffic Control Plan (TCP). Works within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, construct a driveway, install drainage, remove or interfere with a structure, or any other activities as defined with the *Roads Act 1993*.

Prior to commencing works, a site specific Traffic Control Plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation. The principle contractor is responsible to ensure that signage is erected by a qualified traffic controller in accordance with the Traffic Control Plan and that works are carried out in accordance with the following conditions:

- a) Traffic Control Plan (TCP) is to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "*Traffic Control at Work Sites*". Warning and protective devices shall comply with the provisions of AS1742.3 – 2002 *Traffic Control Devices for Works on Roads*.
- b) A copy of the certified plan is to be held onsite at all times.
- c) All traffic control including the placement and removal of barricades and / or regulations of traffic is to be carried out by Traffic Controllers accredited by the Roads and Traffic Authority under Australian Standard AS1742.3.
- d) The contractor must meet all obligations under the *Occupational Health and Safety Act 2000* and relevant WorkCover requirements.
- e) Provision is made for service vehicles, resident's etc to gain access to properties at all times.
- f) Public Liability Insurance in an amount of \$20 million is maintained for the construction period. Council may ask to sight evidence of a current policy.
- g) The disturbed area is restored to at least its original condition to the satisfaction of Council's Development Engineer at applicant's cost. Any existing damage to the road or drainage system is to be brought to the notice of Council's Development engineer prior to undertaking works.
- h) Any damage caused by the works must be repaired at the cost of the contractor / developer.
- i) All residents affected by the works are notified at least two days in advance of the work, the period of the work and a company contact name and telephone number.
- j) The contractor will be responsible for the removal of any excess material from the site.
- k) The work is to be subject to full time supervision by a qualified person.

Signed:

  
 -----  
**Development Engineer**



**SUMMARY OF INSPECTIONS, TESTS AND DOCUMENTATION FOR SUBDIVISIONS IN WINGECARRIBEE SHIRE COUNCIL.**

Please note that this is a summary of hold points and inspections required by Council and have been tabled as a guide only. Other inspections and tests may be required from time to time, as required by DCP41 and as required on the approved plans and notes.

For inspections for Water & Sewerage works please contact Councils Water & Sewerage Branch

For all other inspections please contact the Development Control Engineer for the applicable district.

**Note:** This Construction Certificate includes approval for works in the Road reserve under Section 138 of the *Roads Act 1993*. This approval is subject to the condition that a traffic control plan (TCP) is submitted to Council. The TCP shall be in accordance with AS1742.3 and RTA 'Traffic control at work sites' Guide. In urban areas, pedestrian traffic must also be considered. The plan must be prepared and certified by a person holding the appropriate RTA accreditation, a copy of which is to be submitted with the plan.

ACTIVITY	NOTICE REQUIRED	DCP 41 CLAUSE	INSPECTION BY
<u>Traffic Control</u>			
Traffic Control Plan	Minimum one (1) week	C201.03	
Regulatory Traffic Control Signs	Minimum Five (5) weeks	C201.03	
Sighting of Traffic Controllers' Certificates		C201.05	
Proposed Temporary Roadways and Detours		C201.09	
Full details of temporary signposting, traffic control devices and traffic control methods for construction under traffic	Five (5) working days	C201.19	
Consultation between the Developer and the Council's Development Engineer when opening completed work	Two (2) working days	C201.20	
Out of hours contact details for Developer		C201.22	
Use of regulatory traffic control signs and devices	Minimum Five (5) weeks	C201.24	
Use of temporary Fixed Traffic Signals	Minimum Five (5) weeks	C201.36	
<u>Earthworks &amp; Roadworks</u>			
<b>Deflection Monitoring of Roadworks</b>			
Subgrade	48 hours	C213.34	D. C. Engineer
Sub base	48 hours	C242.16	D. C. Engineer
Approval of Materials	Prior to work commencing	C242.06	
Deflection Monitoring Basecourse	7 days	C242.19	D. C. Engineer
<b>Compaction Testing of Roadworks</b>			
Subgrade	Density Test Results submitted to Council for approval prior to sealing	C213.32	Qualified Geotechnical Inspector
Sub-base		C242.19	
Base		C242.19	
<b>Surfacing of Roadworks</b>			
Work records for bituminous surfacing	Prior to subdivision certificate	C244.18	





Work records for asphaltic surfacing	Prior to subdivision certificate	C245.06 C245.15	
Notification to commence sealing – bituminous sealing	Two days prior to surfacing	C244.09	
Notification to commence sealing – asphaltic sealing	Two days prior to surfacing unless road is open to public	C245.04	
Inspection of pavement prior to approval to seal	Prior to sealing	C245.21	D. C. Engineer
Testing of asphaltic concrete properties	Prior to subdivision certificate	C245.31	D. C. Engineer
<u>Concrete Works</u>			
<u>Concrete Works</u>			
Formwork Design	Prior to commencement	C271.08	
Approval of formwork	Prior to concrete pour	C271.11	D. C. Engineer
Proof of Quality of Materials	Prior to Subdivision Certificate	C271.17	
Approval of Reinforcement	Prior to concrete pour	C271.36	D. C. Engineer
<u>Sprayed Concrete</u>			
Proof of quality	14 days prior to application	C271.39	
Concrete cores	Prior to further works commencing	C271.39	
<u>Proof of Quality for Landscaping &amp; Ancillary Works</u>			
Signposts – Proof of Quality	Prior to Subdivision Certificate	C262.04	
Boundary Fencing – Proof of Quality	Prior to Subdivision Certificate	C265.03	
<u>Stormwater Drainage</u>			
Proof of Quality	Prior to Construction	C221.03	
Inspection of Pipes	Prior to Backfilling	Section J Introduction of DCP41 Design Volume	D. C. Engineer
Certification of Interallotment Drainage	To be undertaken by private Surveyor or Engineer at time of construction prior to backfilling. Certification to be received prior to application Subdivision Certificate	D5.23	Private Surveyor or Engineer
<u>Subsurface Drainage</u>			
Work-as-executed plans	Prior to Subdivision Certificate	C230.14	
<u>Water Reticulation</u>			
Prior to Commencement of Work	48 hours	Standard Notes	
Inspection of Pipelines prior to backfilling	48 hours	C401.28, C401.30 & Standard Notes	Council W&S Officer
Pressure testing of pipelines	As soon as practical and at least 7 days after last concrete thrust or anchor block in section has been cast	C401.28	NATA registered company
Disinfection	48 hours	C401.29	Council W&S Officer
Final inspection	On receipt of Application for subdivision certificate		Council W&S Officer



<u>Water Pump Stations</u>			
<i>**Check with Water and Sewerage Branch for other inspections / requirements prior to commencing work.</i>			
Proof of Compliance (Electrical)	On request or Prior to Subdivision Certificate	C401.34	Refer to W&S Branch
Factory Tests	7 days notice	C401.35	Refer W&S
Commissioning	48 hours	C401.37	Council W&S Officer
<u>Sewerage System</u>			
Safe Work Method Statement	14 Days prior to connection to live sewer	C402.12	
Traffic Control	Prior to commencing work - Refer C201	C402.12	
Maintenance Hole location	Prior to construction	C402.19	Refer W&S
Visual inspection of sewers including bedding, trench stops, bulkheads etc.	Prior to backfilling	C402.33 and Standard Notes	Council W&S Officer
Visual inspection of rising mains	Prior to backfilling	C402.18 and standard notes	Council W&S Officer
Air and Vacuum testing	Prior to connection to live main	C402.35	NATA registered company
Tests for Infiltration (if required)	Prior to connection to live main	C402.39	Council W&S Officer
Final inspection	On receipt of Application for subdivision certificate		Council W&S Officer
<u>Sewage Pumping Stations</u>			
<i>**Check with Water and Sewerage Branch for other inspections / requirements prior to commencing work.</i>			
Foundation	**		Council W&S Officer
Backfill	**		Council W&S Officer
Testing & Commissioning of Pump Station	Prior to connection and Subdivision Certificate	C402.47	Council W&S Officer
Pressure Testing of Rising Mains	As soon as practical and at least 7 days after last concrete thrust or anchor block in section has been cast Prior to commissioning of pumping station	C402.40	NATA registered company in presence of W & S inspector
Completion of Pumping Station	Prior to connection or Subdivision Certificate	C402.48	Council W&S Officer





June 2015



May 2017



July 2021

## 8 SERVICE AND PROJECT DELIVERY

### 8.1 Plan of Management - Penrose Park

**Report Author:** Recreation Planner  
**Authoriser:** Manager Assets

#### **PURPOSE**

The purpose of this report is to seek endorsement of the amended *Penrose Village Park Plan of Management* dated December 2021 (**Attachment 1**), which has been developed following a community consultation process.

#### **RECOMMENDATION**

##### **THAT**

1. Council adopt the amended Penrose Village Park Plan of Management dated December 2021.
2. Council receive the Report prepared by CGM Planning Pty Ltd on the outcome of the public hearing into the proposed recategorisation of Penrose Village Park.

#### **REPORT**

##### **BACKGROUND**

Penrose Village Park is a village precinct with a community hall, tennis courts, children's playground, and small playing field on Council owned land located at 300 Kareela Road, Penrose. It is Council land made up of 14 separate lots zoned RE 1 – Public Recreation. The land was vested in Council by the Crown on 28 May 1976.

Up to now, Penrose Village Park had been managed under the *Children's Services and Community Halls Plan of Management* adopted in 2010. Under this Plan, the southern portion of the site was categorised for General Community Use and the remainder categorised as a Sportsground.

The Penrose Community Association has received funding from the Bushfire Local Economic Recovery Fund to fund the construction of a new Penrose Hall, as the existing hall is insufficient for the community's needs. The proposed new site of the community hall falls within land currently categorised as a Sportsground. Land where community halls or other similar developments are located should be categorised as General Community Use, not Sportsground.

Council engaged consultants CGM Planning Pty Ltd to draft a specific Plan of Management for the site to recategorise the land to allow the development of the new community hall. Community consultation has revealed that the open space / sportsground portion of the site is being primarily used by local children as an open space for informal play but is not used regularly for organised sporting events as it is too small.

The *Penrose Village Park Plan of Management* has been drafted in accordance with the *Local Government Act 1993* (the Act), in consultation with the local community and Council staff. It reflects the needs and desires of the community for the use of the site.



The Plan recategorises the land as follows:

- partly for General Community Use, to allow for the existing hall and the new hall;
- partly as a Sportsground, to allow for the existing tennis courts; and
- partly as a Park, to allow for the open spaces that the community has indicated it values.

The *Draft Penrose Village Park Plan of Management* was presented to Council at its meeting of 11 August 2021 and Council resolved THAT:

- 1. The draft Penrose Village Park Plan of Management provided in Attachment 1 be placed on public exhibition from 16 August 2021 to 12 September 2021.*
- 2. Submissions on the draft Penrose Village Park Plan of Management be accepted until 26 September 2021.*
- 3. The draft Penrose Village Park Plan of Management incorporating community submissions be submitted to Council for adoption following the public exhibition.*

## **REPORT**

Council appointed CGM Planning Pty Ltd in July 2021 to prepare a new Plan of Management and liaise with the local community, stakeholders and the wider community to prepare the new plan.

A focus group meeting was held on 1 July 2021 by video conferencing, with representatives invited from the Penrose P & C, Playgroup, Hall Committee, Community Association, Tennis Club and Rural Fire Service. This meeting included an open discussion under the headings - Values, Issues / Challenges and Opportunities and the feedback was used to develop the draft Plan.

The draft Plan of Management was referred to Council at its meeting of 11 August 2021 to be endorsed for public exhibition.

Following that meeting, the draft Plan of Management was placed on public exhibition for 28 days from 16 August 2021 to 12 September 2021 and submissions were received from the public for a further 14 days until 26 September 2021, consistent with the requirements of the Act.

The community was notified about the exhibition of the draft Plan through various tools outlined below under the Community Engagement section provided below.

A public hearing was held on Tuesday 24 August 2021 online due to the Covid-19 restrictions on public gatherings. The hearing was chaired by Carl Malmberg, director of CGM Planning. Eight (8) community members attended the public hearing. A summary of the comments received at the public hearing are included in the Public Hearing Report (**Attachment 2**).

The Public Hearing Report “recommends Council adoption of proposed categorisation, subject to consideration of submissions from the draft PoM public exhibition. Any further amendments to, or application of community land categories in the draft PoM will require an additional Public Hearing under Section 40A of the LG Act.”

There were four (4) written submissions received in response to the public exhibition.

## AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL

Wednesday 19 January 2022

### REPORT DIRECTOR, SERVICE AND PROJECT DELIVERY



Submission	Response
<p>Community is seeking a balance between better usage of the Oval site, as its underutilised currently, without inviting unbridled commercialism. The balance is met, with a piece meal approach, instead of the blanket zoning being addressed. The Penrose community is blessed with a cohesive and brilliant cohort. Improving and expanding the area is vital for the future. Eventually creating a space with a fun children's park and picnic/bbq area is for many people the ideal. Exercise area around the ovals perimeter and integrating the new Hall into the site are all what we are striving for. Thanks for listening to the community.</p>	<p>Comments noted</p>
<p>Penrose Park facilities also contain in DP75259 an area for marshalling horses (I think). People utilise this facility when riding in the forest. The sportsground category to include the old asphalt tennis court. If this has a different categorisation then it could possibly be removed. It is a great place to learn to ride a bike (as there are no footpaths in Penrose); train for netball; shoot hoops; and play handball. Also, not sure the General Community Use for the new hall is in the right place.</p>	<p>The Plan of Management applies only to the community land.</p> <p>The use of the asphalt tennis court for informal sport is included in the consolidated permissible uses listed in Table 3 on page 21 of the Plan.</p> <p>Area categorised as General Community Use reflects the footprint of the proposed new community hall.</p>
<p>Penrose Rural Fire Brigade (RFB) would like the ability/intend to use the Penrose Recreational Park for the following RFS purposes: Brigade Training activities Brigade specific training (i.e. usually on a weekday night or weekend day) - training usually involves the Penrose RFB conducting crew training drills on the oval and surrounding area, including use of brigade vehicles on the park area. Larger Group training exercises (occasionally on a weekday night or weekend day) - larger group training usually involves, multiple village brigades conducting crew training drills on the oval and surrounding area, including use of brigade vehicles on the park area. RFS Crew Staging Area potential RFS Crew staging area for Bushfire incidents (i.e. large and/or declared section44 incidents). The RFS IMT, for a particular incident, could choose to use these Penrose park facilities as a staging area for crews and vehicles. i.e. Due to the close proximity to the Penrose RFB station, the Park location would offer a convenient position to be able to coordinate multiple RFS crews. Use of current Park water bore facility for RFS</p>	<p>Amendments made to various sections of the Plan to allow for RFS use of the park. See:</p> <p><i>Table 3 Purpose / Use and Development to Facilitate Uses</i> on pages 21 and 22 of the Plan, and</p> <p><i>Table 7 Express Authorisation for Leases, Licences and Other Estates</i> on pages 27 and 28 of the Plan.</p>

## AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL

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### REPORT DIRECTOR, SERVICE AND PROJECT DELIVERY



<p>purposes Ability to use the Park water bore facility to replenish RFS firefighting tankers during times of bushfire activity. provision made for an additional water supply tank (i.e. static water supply) on Park ground, to be used specifically in conjunction with the existing Park bore, to replenish RFS firefighting tankers during times of bushfire activity</p> <p>Helicopter Landing Area Ability to use the Park/Oval area for RFS Aviation use during Bushfire incidents. (NB: the Park 'oval' is already identified as a general emergency helicopter landing spot.)</p>	
<p>Many thanks for putting this PoM together. On behalf of the Penrose Community Association we support the draft PoM while at the same time acknowledging that there has been reference made (during the PoM process) to being able to potentially put a small historical shed and possible cricket nets on the land proposed to be 'Park'. We understand that those 'potential' additions to the land would have to be addressed when a Masterplan of the whole area is conducted and would still have to fit under the proposed Park PoM for that area.</p>	<p>Potential shed and cricket nets in Park category can be considered in future master plan.</p>

There are several minor amendments made to the relevant parts of the draft Plan of Management to address the concerns of the Penrose RFB.

These changes are not substantial, are in the public interest for fire safety reasons, as well as ensuring that the Park's use and quality of landscape and grounds are well-maintained and conflict with other users minimised and managed.

These changes also enable Council to issue a license to RFB to use and make good the grounds and for Council to manage the use of the land with other users. A similar license should be sought from the timber mill for carparking on the land.

## COMMUNICATION AND CONSULTATION

### Community Engagement

A project page was established on Council's Your Say Wingecarribee website ([yoursaywingecarribee.com.au](http://yoursaywingecarribee.com.au)). Residents had the opportunity complete an online form on the Your Say Wingecarribee project page, or to make a submission by way of email or letter.

Public notice of the exhibition period was provided by the following means from 16 August 2021:

- Notification to all registered members of Your Say Wingecarribee;
- Notification to community contacts;
- Weekly Community Update published on Council's website;
- ENewsletter distributed to registered subscribers;



## AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL

Wednesday 19 January 2022

### REPORT DIRECTOR, SERVICE AND PROJECT DELIVERY



- Media release; and
- Notices installed at Penrose Village café and Penrose Post Office.

Hard copies were made available at Council's libraries and at the Penrose Village café and Penrose Post Office.

However, due to the Covid-19 lockdown, only the Post office copy was accessible. Hard copies were available to community members on request.

Four (4) submissions were received. See above.

#### **Internal Communication and Consultation**

Internal staff consulted in the finalisation of the Plan include Asset Management and Property Services.

#### **External Communication and Consultation**

Comments from RFS Brigade member included above.

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### **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

The Plan of Management seeks to better reflect the community's needs and desires for the use of the community land, thereby increasing community wellbeing.

- **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.

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### **COUNCIL BUDGET IMPLICATIONS**

There are no Budget implications in relation to this report.

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### **RELATED COUNCIL POLICY**

There is no Council policy related to this report.



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## **CONCLUSION**

The *Penrose Village Park Plan of Management* dated December 2021 has been finalised following the public exhibition period of the draft Plan, to incorporate community feedback considered within the broader strategic context.

The recommendations of the Public Hearing report into the proposed recategorisation of Penrose Village Park support the recategorisation as set out in the Plan of Management.

The Plan of Management will guide Council in managing Penrose Village Park for both the current and future local community. The *Penrose Village Park Plan of Management* is now ready for adoption.

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## **ATTACHMENTS**

1. Penrose Village Park Plan of Management 8 Dec 2021
2. Public Hearing Report Penrose Village Park Plan of Management



**PLAN OF MANAGEMENT 2021  
PENROSE VILLAGE PARK, PENROSE**



## REVISIONS

VERSION	DATE	DESCRIPTION	BY
1	28/07/2021	PRELIMINARY DRAFT FOR COUNCIL REVIEW	CGM PLANNING
2	08/12/2021	FINAL DRAFT FOR COUNCIL ADOPTION	WSC

#### ACKNOWLEDGEMENT OF COUNTRY

Wingecarribee Shire Council acknowledges and honours the Gundungurra and Tharawal people as the traditional custodians of this place we now call the Wingecarribee Shire.

The Wingecarribee Shire acknowledges the Traditional Custodians of this land and we pay our respects to Elders both past and present. We would also like to acknowledge our young leaders who are the Elders of today, tomorrow and our future.





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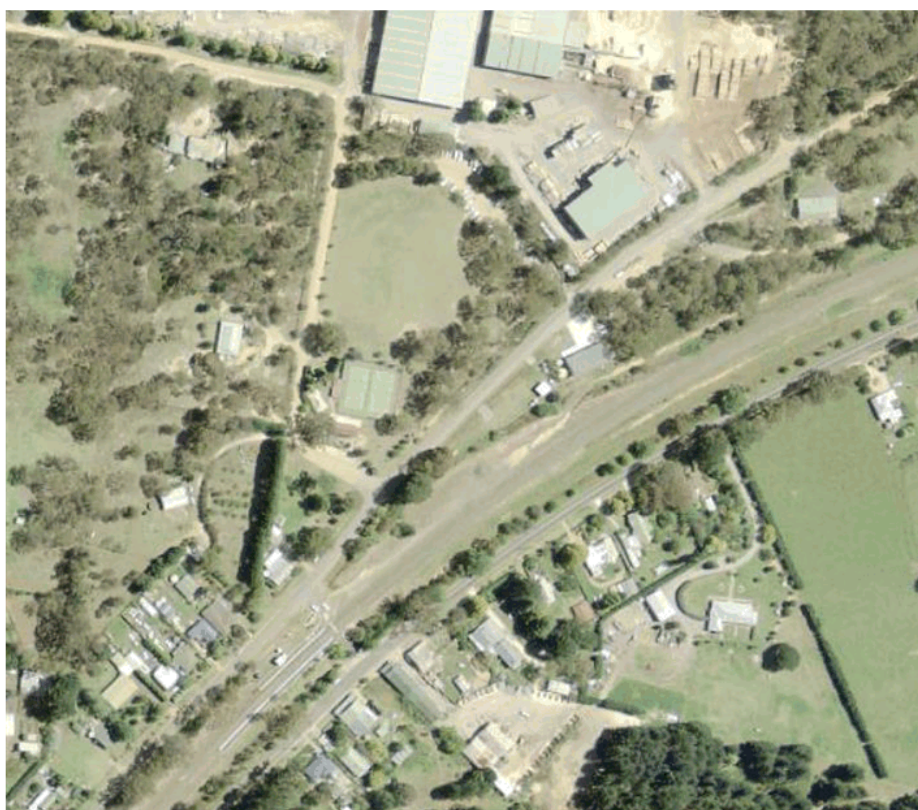
## 1. KEY INFORMATION

This Plan of Management (PoM) has been prepared by Wingecarribee Shire Council and provides direction as to the use and management of Penrose Village Park, which is council-owned community land in the village of Penrose, NSW. The PoM is required in accordance with Section 36 of the *Local Government Act 1993*.

The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

This PoM is a specific document covering all of the community land and open space within the Penrose Village Park categorised as Park, Sportsground, and General Community Use.

The PoM was adopted by Wingecarribee Shire Council on [XX Month 202x] in accordance with Section 40 of the *Local Government Act 1993*.





## 2. INTRODUCTION

The Wingecarribee Shire is located within the Sydney – Canberra – Melbourne transport corridor on the Southern railway line and Hume Highway within close proximity to the major metropolitan and regional centres of Sydney, Canberra and Wollongong. The Shire is predominantly rural in character with agricultural land separating our towns and villages characterised by unique landscape and aesthetic appeal.

The Southern Highlands has a rich history which began with the traditional owners of the land, the Gundungurra and Tharawal people, and later European settlers who first explored the area in 1798. The region is today recognised for its impressive 19th and 20th century buildings and streetscapes as well as for its natural and farming landscapes.

European settlement commenced in the area around 1820. The first settlement, Bong Bong settlement, located on the Moss Vale Road between Moss Vale and Burradoo adjoining the Wingecarribee River.

The urban structure and historic settlement pattern of the Shire was heavily influenced by the arrival of the Main Southern Railway Line, which resulted in the rapid development of Mittagong, Bowral and Moss Vale in the 1860's. Today, the Main Southern Railway acts as a spine running north-south through the Shire, with towns and villages dispersed along the railway line.

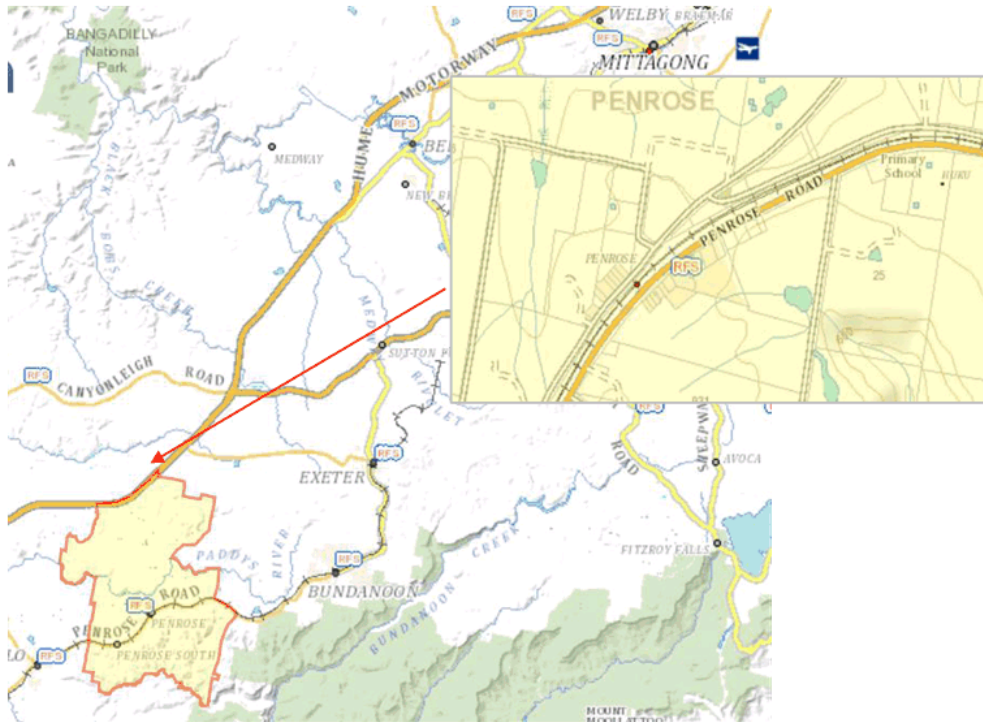
Over 103,000 hectares of land within the Wingecarribee comprises either National Parks and Nature Reserves or is otherwise owned by a public authority – some 38% of the Shire. With over 7,200km of waterways, the Shire is also an important water catchment region for local uses and the Sydney Drinking Water Catchment for environment and drinking water supplies.

A significant portion of the Wingecarribee Shire is bush fire prone land, and/or subject to flood inundation, including many existing residential areas within towns and villages.

Penrose Village is one such small village situated with Wingello, Exeter and Sutton Forest in a collection of villages near Bundanoon and built upon the railway line and the adjacent Penrose State Forest and forestry products and services.







## 2.1 PURPOSE OF THE PLAN OF MANAGEMENT

The Local Government Act 1993 (LG Act) requires a plan of management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The purpose of this PoM is to:

- contribute to the council's broader strategic goals and visions as set out in Council's Local Strategic Planning Statement, Community Strategic Plan, Recreational Walking Tracks Strategy, Open Space Long Term Strategy, and Parks Strategy;
- ensure compliance with the *Local Government Act 1993*;
- provide clarity in the future development, use and management of the community land; and
- ensure consistent management that supports a unified approach to meeting the varied needs of the community.

Further information about the legislative context of Local Government Act community land plans of management can be found in **Appendix 1** of this document.

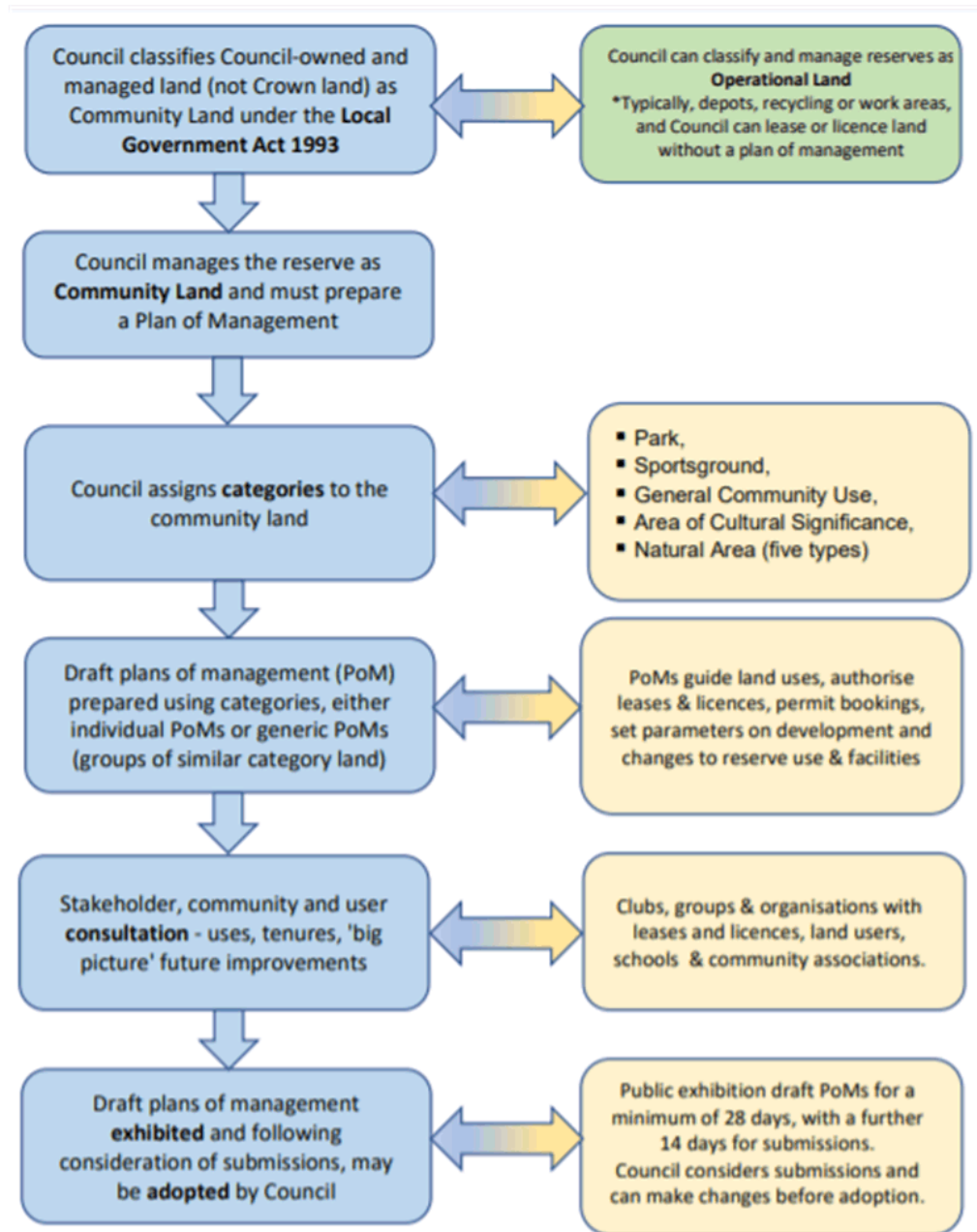
## 2.2 PROCESS OF PREPARING THIS PLAN OF MANAGEMENT

Council commenced the preparation of this PoM in response to the Penrose community's requests to revitalise the Penrose Village Park, and to renew the existing and outdated provisions for Penrose Village Park within the Council adopted 2010 Children's Services and Public Halls PoM.



Council resolved to prepare an individual PoM to meet the community's expressed needs for a revitalised Penrose Village Park that enabled new and updated community facilities and a greater range of recreation, leisure, environmental and community service delivery opportunities. **Figure 1** illustrates the general process undertaken by Council in preparing this PoM.

**Figure 1:** Process steps in preparing a plan of management for council-owned community land



### 2.3 CHANGE AND REVIEW OF PLAN OF MANAGEMENT

This PoM will require regular review in order to align with community values and changing community needs, and to reflect changes in council priorities. Council has determined that it will review the PoM within 10 years of its adoption. However, the performance of this PoM will be reviewed on an annual basis to ensure that the Reserve is being managed in accordance with the PoM, is well maintained and provides a safe environment for public enjoyment.

The community will have an opportunity to participate in reviews of this PoM.

### 2.4 COMMUNITY CONSULTATION

Council consulted with the Penrose Village community through a community workshop, held on-line (via video conferencing) due to COVID19 public safety conditions on 13 July 2021.

Attendees represented a wider range of groups and multiple roles: Penrose Community Association, Rural Fire Services, Penrose Playgroup, Penrose Tennis Club, Penrose Hall Committee, the Penrose Public School, and the Penrose Village Park LG Act Section 355 Management Committee. A list of the attendees is in **Appendix 2**.

The community consultation clearly identified the values and important uses of the Penrose Village Park, management and land use issues, and opportunities for revitalising and planning for the Penrose Village Park.

These values, issues and opportunities form the basis for management of the PoM and the foundation for the future of Penrose Village Park.

### 2.5 PUBLIC EXHIBITION

This PoM was placed on public exhibition from 16 August 2021 to 12 September 2021, in accordance with the requirements of section 38 of the *Local Government Act 1993*. A total of 4 submissions were received until 26 September 2021.

Council considered the submissions received and resolved to adopt the PoM with minor amendments to authorise the ongoing use of the park for specified RFS purposes.

### 2.6 PUBLIC HEARING

A public hearing was held in relation to this PoM on Tuesday 24 September 2021, conducted online due to Covid-19 shutdown, in accordance with the requirements of Sections 40(A) and 47(G) of the LG Act, as the PoM changes the categories on the community land assigned in the previous POM.



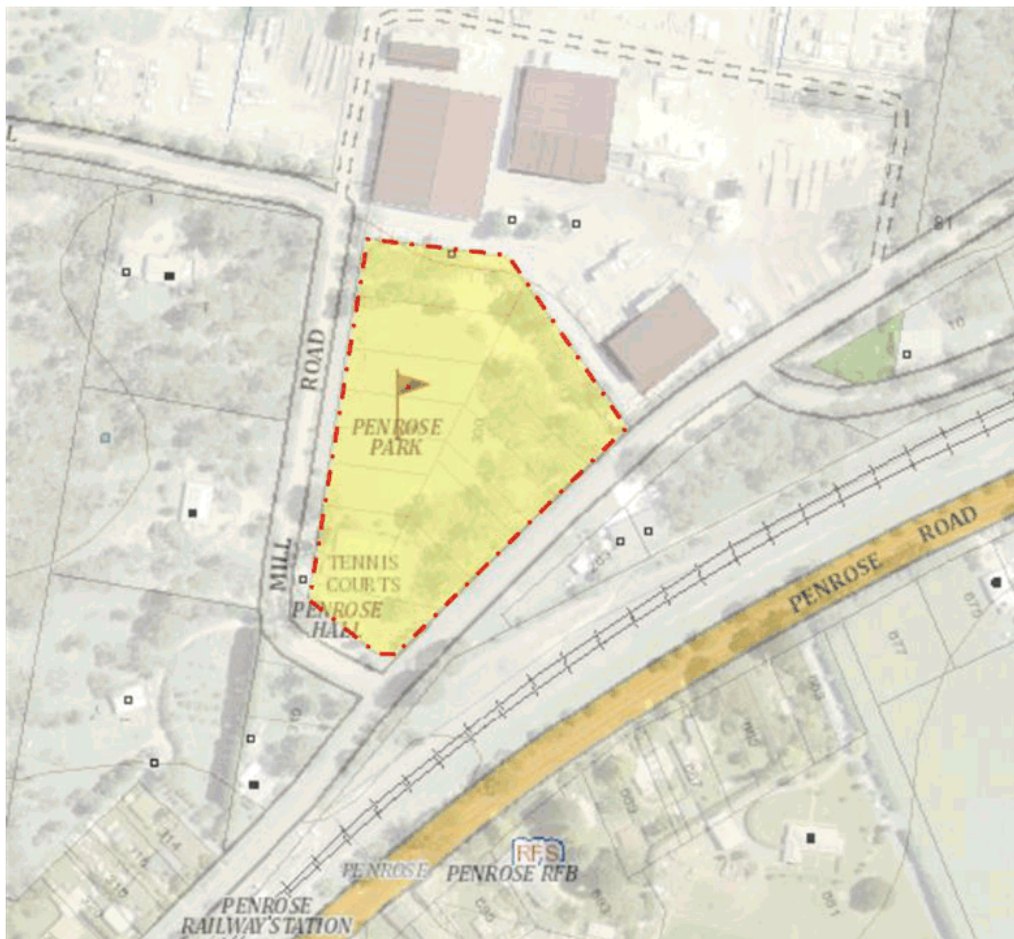


### 3. LAND DESCRIPTION

Penrose Village Park is located in the Village of Penrose, NSW in the Southern Highlands, within the local government area of Wingecarribee. The Reserve is bounded to the West and South by Mill Road, to the East by Kareela Road, and immediately South of the Penrose Pine Products timber mill. The Reserve is West of the Southern Rail line and North of the Penrose rail station. See **Figure 2** Location Map.

**Figure 2:** Penrose Village Park Location Map.

Source: NSW SixMaps



The land is 1.99 ha of public reserve open space and is community land owned by Wingecarribee Shire Council, and comprises:

- lots 145-152, and lots 155-157 and lot 163 in Deposited Plan 751259;
- lot 1 in Deposited Plan 327438; and
- lot 154 in Deposited Plan 1144429;
- in the Parish of Bundanoon, County of Camden.

The land was formerly Crown land vested to Council on 28 May 1976. Refer to **Appendix 3** for gazette notices and summary of land ownership. **Figure 3** below provides the original allotment plan.

Figure 3: Penrose Village Park Lots and Deposited Plans

Source: NSW SixMaps



The Penrose Village Park facilities include:

- Penrose Village Hall;
- children's play area;
- public toilets;
- picnic area & tables;
- old sports oval;
- two hardcourt tennis courts and one asphalt mixed-use court;
- tennis shelter/shed;
- landscaping open space, grass and trees; and
- water bore.

#### 4. BASIS OF MANAGEMENT

Wingecarribee Shire Council intends to manage its community land to meet:

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land
- the council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.

##### 4.1 CATEGORISATION OF THE LAND

All community land is required to be categorised as one or more of the following categories. The LG Act defines five categories of community land:

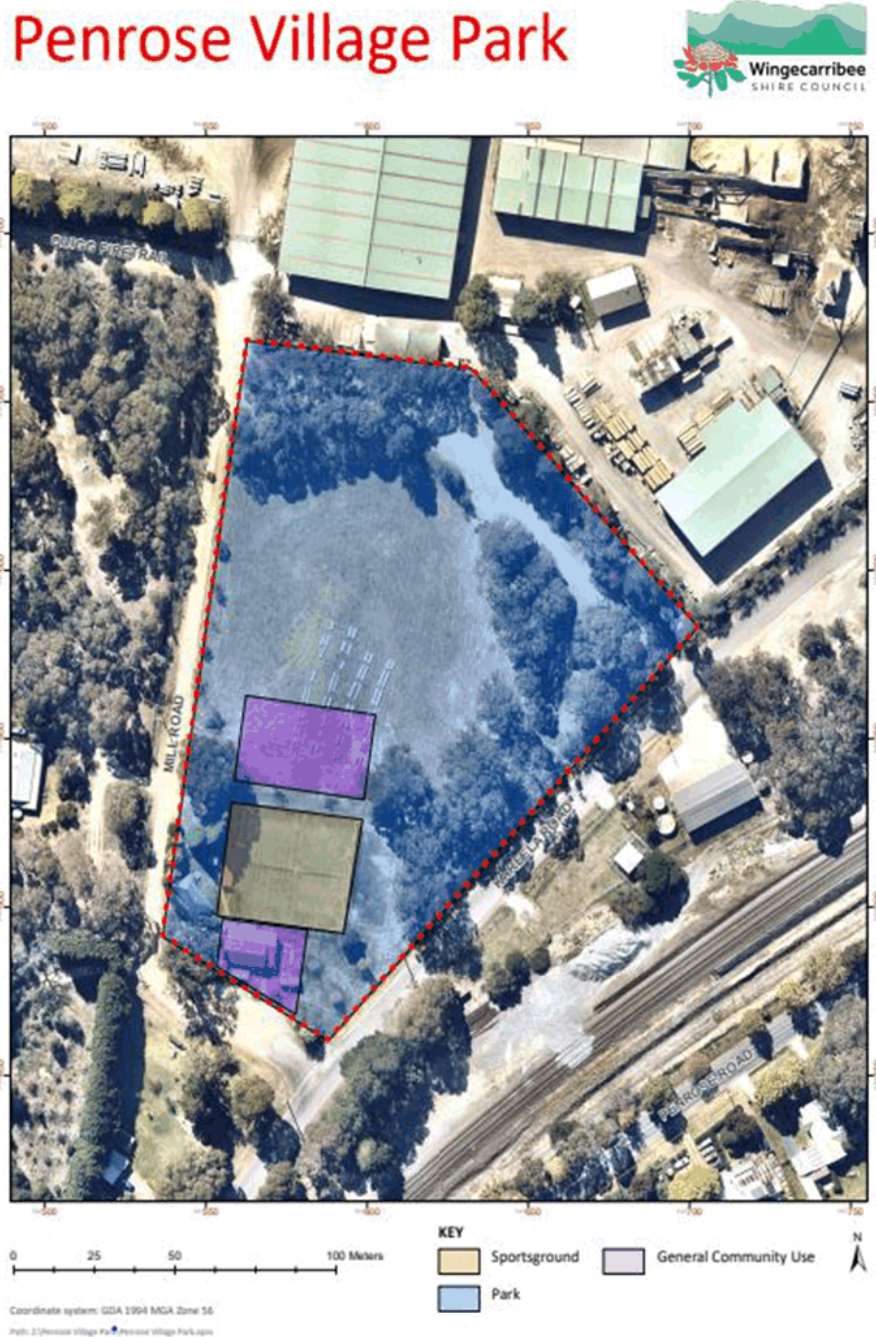
- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further subdivided into bushland, escarpment, foreshore, watercourse and wetland categories.

The land in Penrose Village Park is categorised as Park, General Community Use and Sportsground, as shown in Figure 4: Categorisation Map.





Figure 4: Penrose Village Park Categorisation Map





#### 4.2 GUIDELINES AND CORE OBJECTIVES FOR MANAGEMENT OF COMMUNITY LAND

The management of community land is governed by the categorisation of the land and the core objectives of the relevant categories of community land that are assigned to the land. Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The core objectives for each category give a broad strategic direction for management of this land, which is the same for all community land of the same category across NSW.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2005. The core objectives for each category are set out in the LG Act. The guidelines and core objectives for the Park, General Community Use and Sportsground categories are set out in the following sections of this plan of management.

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Wingecarribee Shire area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function. Wingecarribee Shire Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate.

All community land must be assigned to one or more LG Act community land 'categories' which define how Council will manage each parcel of land. Each category has set guidelines for assigning categories and core objectives providing guidance to the management of community land.

#### 4.3 GUIDELINES AND CORE OBJECTIVES

The categories of Park, Sportsground and General Community Use are defined by the LG (General) Regulation.

Table 1 outlines the core objectives of the Park, Sportsground and General Community Use categories (as outlined in the LG Act) and the Guidelines for categorisation from the Local Government (General) Regulation 2005 (LG Regulation). These are to be used in categorising the land.







Table 1: Categories, Core Objectives and Guidelines for Categorisation

CATEGORY	CORE OBJECTIVES
<b>PARK</b>	
<p><u>LG Regulation Clause 102</u> Land which is improved by landscaping, gardens or the provision of non-sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that do not intrude on the peaceful enjoyment of the land by others.</p>	<p><u>LG Act Section 36G</u> Encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities Provide for passive recreational activities or pastimes and for the casual playing of games Improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.</p>
<b>SPORTSGROUND</b>	
<p><u>LG Regulation Clause 103</u> Land used primarily for active recreation involving organised sports or playing outdoor games.</p>	<p><u>LG Act Section 36F</u> Encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games Ensure that such activities are managed having regard to any adverse impact on nearby residences.</p>
<b>GENERAL COMMUNITY USE</b>	
<p><u>LG Regulation Clause 106</u> Land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance.</p>	<p><u>LG Act Section 36I</u> Promote, encourage and provide for the use of the land Provide facilities on the land, to meet the current and future needs of the local community and of the wider public:</p> <ul style="list-style-type: none"> <li>• in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and</li> <li>• in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).</li> </ul>



#### 4.4 COUNCIL'S STRATEGIC OBJECTIVES AND PRIORITIES

Wingecarribee Shire Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by this PoM.

##### WINGECARRIBEE COMMUNITY STRATEGIC PLAN 2031

Council adopted the Wingecarribee Community Strategic Plan (CSP) in June 2017 as a long term plan for where the Wingecarribee community wants to be in the future.

The community vision for 2031 is:

*A healthy and productive community, learning and living in harmony, proud of our heritage and nurturing our environment*

Wingecarribee 2031 is structured around the themes of leadership, people, places, environment and economy. No one theme is more important than another and all are equally important in achieving the aspirations of the Wingecarribee community.

The CSP was developed through extensive engagement with our community over a number of years. This engagement process identified key issues and challenges which have been integrated into the Local Strategic Planning Statement (LSPS) and are covered in this section below.

Detailed strategies and actions of relevance to this PoM and which dovetail with the aspirations of the local Penrose community have been collated and are included in **Appendix 1**.

Council's role in delivering the CSP and in preparing and implementing a PoM for community land includes being a:

- Leader to plan and provide direction through policy and practices
- Provider of physical infrastructure and essential services
- Regulator of development, community health and safety, and the environment
- Partner with community, private and government organisations
- Supporter to support and advocate for the community it represents
- Promoter of the Wingecarribee Shire as a place to live, visit and invest

##### WINGECARRIBEE 2040 LOCAL STRATEGIC PLANNING STATEMENT

The Wingecarribee Local Strategic Planning Statement (LSPS) sets out the 20-year land use vision for our Shire and provides a long-term planning framework to meet the economic, housing, social and environmental needs of our community.

The LSPS outlines six (6) key land use themes including our environment and sustainability, our rural lands, our economy, our housing, our infrastructure and our place. Each land use theme includes a set of planning priorities and actions to achieve the communities' vision for the Wingecarribee Shire.

Broad planning priorities and actions have been identified for implementation across the Shire. Several of these can be implemented by this PoM, the most relevant are listed in **Table 2** with a corresponding response on how the PoM can contribute to their achievement.



**Table 2:** Local Strategic Planning Statement Priorities and Actions for Penrose Village Park

PLANNING PRIORITY & ACTIONS	How the PoM can contribute to achieving the priorities and associated actions
Planning Priority 1.1 Reduce carbon emissions and increase energy, water and waste efficiencies	
i. Ensure that new developments and alterations and additions to existing developments demonstrate improved building standards with high efficiency in energy, water and waste (H)	Ensure any new facilities demonstrate improved building standards with high efficiency in energy, water and waste
ii. Increase the uptake of rainwater tanks and dual reticulation of recycled water in new developments and alterations and additions to existing developments (M)	Use rainwater tanks and dual reticulation of recycled water wherever possible
iii. Reduce potable water used for non-potable uses (NL)	Reduce potable water used for non-potable uses across the land
iv. Create walking and cycling friendly communities and encourage the use of public transport (M)	Create walking and cycling opportunities in, to and around Penrose Village Park
v. Facilitate the use of electric vehicles in the Shire (L)	Where possible consider electric vehicle charging station with new or improved infrastructure/buildings on the land
Planning Priority 1.2 As a Council and as a community, we seek to mitigate, adapt and build resilience to climate change and natural disasters	Plan for bushfire protection of the hall/s by using engineered solutions in their building and design, location of open space, car parking and landscaping.
Planning Priority 1.3 To improve biodiversity corridor connectivity and reduce fragmentation	Retain existing mature trees and support with appropriate understory species
Planning priority 6.1 Maintain the unique character of our towns and villages, separated by rich natural areas and rural landscapes	A place-based approach is taken to planning to ensure the rural open character of Penrose is preserved and Penrose Village Park has a similar aspect/look and feel
Planning priority 6.2 Identify, protect and promote our cultural and built heritage	The existing infrastructure and facilities are repurposed, and Indigenous and European heritage is celebrated on the grounds



PLANNING PRIORITY & ACTIONS	How the PoM can contribute to achieving the priorities and associated actions
Planning Priority 6.3 Enhance the liveability of our towns and villages, with facilities and services to support a healthy, culturally rich and socially connected Wingecarribee community	
i. Engage with local communities and business owners to understand their priorities for each town and village (NL)	Proactive Penrose Community Association and section 355 Management Committee continue to identify community needs and partner with Council in maintaining sustainable buildings, grounds and open space
ii. Improve our network of safe, accessible and interconnected shared pathways to encourage people to be active, and build social connections within our community (L)	Improve the network of paths to, around and within Penrose Village Park
iii. Facilitate and provide opportunities for the delivery of integrated, inclusive and accessible services and programs that contribute to community wellbeing (NL)	The buildings/structures are constructed to facilitate inclusive and accessible events, activities and programs
iv. Continue to plan for and deliver community infrastructure to meet the changing needs of our community (M)	New PoM prepared for the grounds

Penrose village is identified within the Bundanoon and Southern Villages Precinct Plan of the LSPS.

Penrose is located in the southern portion of the Shire between the service centre of Bundanoon and the rural village of Wingello to the south. These villages have little retail capacity beyond essential services. Penrose and Wingello are highly valued for their rural ambiance, also containing items of heritage.<sup>1</sup>

**WINGECARRIBEE PARKS STRATEGY 2016**

In the 2016 Parks Strategy, Penrose Oval comprising 1.2762ha was identified as a Sports Park. Sports Parks are designed and used for both organised sport and informal recreation, and are often multi use, providing for a range of community activities and facilities, particularly in smaller townships.<sup>2</sup>

Development requirements for Sports Parks are primarily driven by the needs of the particular sport and recreation activities planned for the park, together with enhancing the amenity of the area through tree planting and allowing for casual use. In this regard, Penrose Oval was assigned a level of service of 3. The Park Strategy states that every small township over 600 residents shall have access to at least one multipurpose park.

<sup>1</sup> Wingecarribee 2040 Local Strategic Planning Statement

<sup>2</sup> WSC Parks Strategy 2016



Penrose in 2016 recorded a population of 247 people, and has a small school, however the oval has not been used for organized or formal sporting events for some time.

The median age of people in Penrose (State Suburbs) in 2016 was 52 years. Children aged 0 - 14 years made up 15.7% of the population and people aged 65 years and over made up 25.6% of the population. Another 5.9% are in the 15-19 age cohort.

Currently the tennis courts and hall are actively used while the former oval is used for spillover events, informal play, walking, exercise, RFS training and an occasional helicopter landing area.

The current community has expressed a strong desire and sought funding for a new hall and upgraded open space. This will require a rethink of the definition of Penrose Village Park, Penrose within the open space hierarchy of the Parks Strategy.

WINGECARRIBEE LOCAL PLANNING STRATEGY 2015-2031

The Wingecarribee Local Planning Strategy has been largely overtaken by the more recent Local Strategic Planning Statement, it however provides a precinct plan for Penrose and identifies issues, opportunities, strengths and weaknesses gained from workshops in 2010 and 2011.

The following description taken from this planning strategy defines Penrose as:

“a small rural village characterised by ‘ribbon’ style housing development along two roads that run parallel to, and each side of the railway line. Whilst there is convenient level crossing pedestrian access across the railway at the station, vehicles wishing to cross the line must use an overhead bridge located approximately 1 kilometre south of the station.

The village has an informal semi-open/rural landscape character, particularly as approached from the north. Remnant stands of eucalypts and pines pervade throughout. Penrose is flanked to the north by the Penrose Pine Forest (which from some locations offers a strong landscape background), and to the south by bushland gullies running through to Morton National Park, and Wingello State Forest.

There is some degree of physical cohesiveness about the place despite the railway line. Buildings are typically modest in scale and simple in character. Most development is focused in an area around the railway station, including the village general store, rural supplies outlet, community hall and tennis courts/oval.”<sup>3</sup>



<sup>3</sup> Wingecarribee Local Planning Strategy 2015-2031 – Part Two (Precinct Plans)



## 5 DEVELOPMENT AND USE

### 5.1 COMMUNITY LAND DEVELOPMENT – GENERALLY

The development of community land is authorised by Council adoption of a PoM. The nature and use of community land must not be changed until the adoption of a PoM.

Council may not delegate the consent to development of community land under Section 47E of the LG Act, generally for the erection, rebuilding or replacement of a building, the extensions to an existing building that would occupy more than 10 per cent of its existing area (main structural outline), or intensification by more than 10 per cent of the use of the land or any building on the land.

Council does, however, have exemption to delegate consent to build:

- toilet facilities;
- small refreshment kiosks;
- shelters for persons from the sun and weather;
- picnic facilities;
- structures (other than accommodations for spectators) required for the playing of games or sports;
- playground structures;
- work sheds or storage sheds.

However, while the PoM sets out the permitted uses under the LG Act for public land development of the land is still governed by the *Environmental Planning & Assessment Act 1979*.

### 5.2 WINGECARRIBEE LOCAL ENVIRONMENTAL PLAN 2010

Penrose Village Park, Penrose is zoned RE1 Public Recreation under the Wingecarribee Local Environmental Plan (LEP) 2010 and shown as green in **Figure 4**.

The zone objectives and permissible uses (with development consent) are set out below:

#### **Zone RE1 Public Recreation**

##### **1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To enable ancillary development that will encourage the enjoyment of land zoned for open space.

##### **2 Permitted without consent**

Environmental protection works

##### **3 Permitted with consent**

Aquaculture; Camping grounds; Caravan parks; Centre-based childcare facilities; Community facilities; Entertainment facilities; Environmental facilities; Function centres; Kiosks; Markets; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day-care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Water storage facilities

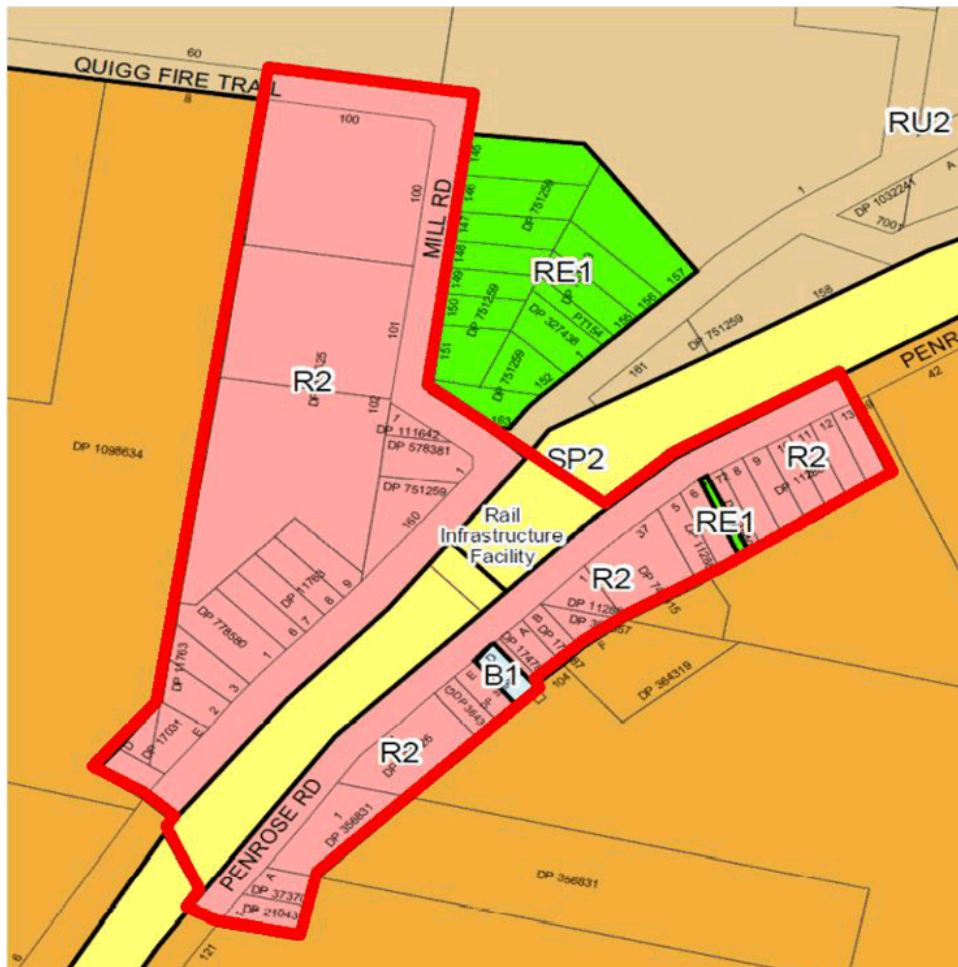


**4 Prohibited**

Any development not specified in item 2 or 3

Council must assess development of the land in accordance with State policies, the Wingecarribee LEP and the Penrose and Wingello Villages DCP.

*Figure 4: Penrose village boundary and land use zones under Wingecarribee LEP 2010*



**5.3 CURRENT USE OF THE LAND**

Penrose Hall, oval and tennis courts can be described as the heart of the Penrose Village precinct. The facilities are extensively used for a range of individual, group and community activities, including recreation and leisure, sporting and community care and development.

The current Penrose Hall auditorium is an approved place of public entertainment under Section 68 of the LG Act with a maximum capacity of 70 persons and is available to the community for hire.

The Penrose Village Park, Hall, tennis courts and the open and landscaped land is a place highly valued by the Penrose community and visitors from surrounding villages. The park and hall are a



meeting and gathering place for the community where many social, school and public events are held.

The Penrose Primary School regularly uses the hall for presentations, theatre, drama, musical concerts as they have a covered outdoor learning area which is limited in the winter months, but no hall.

The Penrose Playgroup use the hall and grounds at different times for various activities from scooter riding, informal play, and child care.

The hall is well loved in the community and is important for fund raising events, such as movie nights and holds special memories for many. The hall is used for theatre, music and choral performances, health and exercise (yoga, pilates), table tennis activities, community dinners, morning teas and other catered functions, and private functions for community members including weddings and birthday parties, funerals and wakes. The hall is also used for Council information days/sessions, election day booth and voting use, and Community Association and Hall Committee meetings

Penrose has a small village centre so the hall and park are especially important for surrounding rural residential properties to be able to come together, with the Hall rebuilt by the community with Council help after a bushfire.

The tennis club and hall provide opportunity for social and physical activities for a dispersed local community and for the school, and Penrose Village Park is the only available space for informal sports in Penrose.

The open space area is used by the community for flying kites, bike riding, dog walking and exercise, informal ball games, netball and football, Halloween gatherings, as an evacuation area for bushfire relief and, when needed, as a helicopter landing area.

The Rural Fire Service uses the open space for occasional training such as fire-hose drills and the community appreciates the Service and its training to protect their community.

The perimeter trees around the park, in particular the eastern-side copses are important for shade, bird habitat and education.

#### 5.4 CONDITION OF THE LAND, BUILDINGS AND INFRASTRUCTURE

A condition description of the buildings, structures and grounds has been prepared based on council documents and the business case summary that formed part of an application to the Bushfire Local Economic Recovery Fund, detailed below and is in **Appendix 4**.

The Penrose Community Association made application to the NSW Government Bushfire Local Economic Recovery Fund outlining the constraints and restriction of the current hall, which are summarised below.

“The Hall was built in 1954 and is ageing with substandard design, fittings and fixtures. The hall is small and already either at capacity or not used due to its size. There is a lack of storage space, the kitchen is small and not effective, and the toilets are remote, cold and poorly lit between hall and amenities.

There are few power outlets old switchboard, poor lighting and the only fresh-air ventilation comes from opening windows which is too cold in winters. There is a small stage that is not always viewable, with no backstage and the stage has no equitable access.

The hall has poor equitable accessibility, users are exposed to weather as people enter and leave, and there are poor sightlines in the immediate curtilage and to the more expansive open spaces, playground or tennis shed.”





“The hall is poorly equipped for disabled access. Paths to the only accessible toilet are narrow and tight turning. There is no marked accessible parking space. Some paths are stepped and one of the fire exits requires use of a steep (non-compliant) exit ramp. External lighting is poor.

A shipping container is used outside to store tables and chairs, which are difficult to bring in and take out of the hall.

The hall car park is limited in size, not marked and without equitable accessibility.

The hall is in a bushfire prone area yet has none of the features that new buildings are required to have to survive radiant heat or ember attack or provide safe emergency occupation.

The hall is at capacity for use and is expected to effectively serve the coming generations, future visitors and any increase to Village population.



The community is in favour of considering a new site which is better integrated between open space and the Park surrounds, creating opportunities for a more central, less constrained facility that will increase its utility and provide long term benefit to the community.

The new hall is proposed to be located on a grassed area immediately north of the tennis courts in a more central location of the park helping to activate the entire park area. It can have internal toilets, green room and stage left and right entrances. The entrance can be weather protected and there can be adequate in-building storage.

The new hall design will be designed to resist bushfire attack, energy efficient with assistance for the hearing impaired and compliant with all disability access requirements. The ventilation will meet all fresh air requirements of AS1668 and air-conditioning can use inverter heat pumps and air-to-air heat exchangers for maximum efficiency. Rooftop photo-voltaic array may assist in offsetting energy costs.

See **Appendix 5** for excerpt from Penrose Community Association 2021 'Bushfire Local Economic Recovery Fund' Application for a new Penrose Community Hall Business Case Gap Analysis: F 02 Need Gap Analysis - BLERF-0042



## 5.5 PERMISSIBLE USES / FUTURE USES

Section 36(3A) (b) requires that a site-specific PoM must:

- specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used
- specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise
- describe the scale and intensity of any such permitted use or development.

Section 68, Part D, of the LG Act requires council to issue approvals for certain activities on community land. Authorised permissible uses and permitted developments are required to be consistent with the Crown reserve purposes and the core objectives of the categories assigned to the land.

The use and development of community land therefore should be compatible with the legislated purpose of the land and the wider community context.

Community land is valued for its important role in the social, intellectual, cultural, spiritual and physical enrichment of residents, workers, and visitors to the Wingecarribee Shire and the Penrose Village.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

The general types of uses which may occur on community land categorised as Park, Sportsground, and General Community Use, and the forms of development generally associated with those uses, are set out in the following tables.

The scale and intensity of these permissible uses and developments will be determined in context with this PoM, Council assessment and development approvals, leasing and licensing that are consistent with the reserve purposes, category core objectives and any identified carrying capacity of the proposed site or locations.

**Tables 3, 4, 5 and 6** set out the permissible uses and development of community land, by category, for this PoM.



*Table 3: Permissible use and development of community land categorised as Sportsground, Park and GCU*

CONSOLIDATED PERMISSIBLE USE AND DEVELOPMENT OF COMMUNITY LAND THAT IS COMMON TO LAND CATEGORISED AS SPORTSGROUND, PARK AND GENERAL COMMUNITY USE (GCU).	
PURPOSE / USE	DEVELOPMENT TO FACILITATE USES
<ul style="list-style-type: none"> <li>Organised and unstructured recreation activities</li> <li>Community events and gatherings</li> <li>Active and passive recreation including children’s play and cycling</li> <li>Group recreational use, such as picnics and private celebrations</li> <li>Eating and drinking in a relaxed setting</li> <li>Publicly accessible ancillary areas, such as toilets</li> <li>Festivals, parades, markets, fairs and similar</li> <li>Concerts, including all musical genres</li> <li>Performances (including film and stage)</li> <li>Exhibitions</li> <li>Events and gatherings</li> <li>Workshops</li> <li>Leisure or training classes</li> <li>Filming and photographic projects</li> <li>Busking</li> <li>Public address (speeches)</li> <li>Memorials and formal gardens</li> <li>Rural Fire Service activities including training, incident crew staging, use of water bore and helicopter landing site</li> <li>Emergency services</li> </ul>	<ul style="list-style-type: none"> <li>Development for the purposes of improving access, amenity and the visual character of the reserve and its uses, for example paths, public art, pergolas</li> <li>Development for the purposes of active recreation such as play equipment, exercise equipment, bike racks, half-court basketball courts, bocce courts</li> <li>Amenities to facilitate the safe use and enjoyment of the reserve, for example picnic tables, BBQs, sheltered seating areas</li> <li>Landscaping and finishes, improving access, amenity and the visual character of the reserve</li> <li>Café or refreshment areas (kiosks/restaurants) including external seating</li> <li>Lighting, seating, toilet facilities, courts, paved areas</li> <li>Hard and soft landscaped areas</li> <li>Storage sheds</li> <li>Car parking and loading areas</li> <li>Commercial development that is sympathetic to and supports use in the area, for example hire of recreation equipment</li> <li>Ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas)</li> <li>Toilet/shower facilities</li> <li>Shade structures</li> <li>Storage ancillary to recreational uses, community events or gatherings, and public meetings</li> <li>Temporary structures, parking and incidental marking and exclusion for safety reasons during RFS or emergency activities/services</li> <li>Locational, directional and regulatory signage</li> <li>Heritage and cultural interpretation, e.g. signs</li> <li>Equipment sales/hire areas ancillary to the reserve purposes and the approved uses</li> <li>Advertising structures and signage (such as A-frames and banners) that:</li> </ul>



CONSOLIDATED PERMISSIBLE USE AND DEVELOPMENT OF COMMUNITY LAND THAT IS COMMON TO LAND CATEGORISED AS SPORTSGROUND, PARK AND GENERAL COMMUNITY USE (GCU).	
PURPOSE / USE	DEVELOPMENT TO FACILITATE USES
<ul style="list-style-type: none"> <li>Emergency helicopter landing site</li> </ul>	<ul style="list-style-type: none"> <li>relate to approved uses/activities</li> <li>are discreet and temporary</li> <li>are approved by the council</li> <li>Water-saving initiatives such as stormwater harvesting, rain gardens and swales</li> <li>Energy-saving initiatives such as solar lights and solar panels</li> <li>Bio-banking and carbon sequestration initiatives</li> </ul>

*Table 4: Permissible use and development of community land specific to land categorised as Sportsground*

PERMISSIBLE USE AND DEVELOPMENT OF COMMUNITY LAND THAT IS SPECIFIC TO LAND CATEGORISED AS SPORTSGROUND.	
PURPOSE/USE	DEVELOPMENT TO FACILITATE USES
<ul style="list-style-type: none"> <li>Active and passive recreational and sporting activities compatible with the nature of the particular land and any relevant facilities</li> </ul>	<ul style="list-style-type: none"> <li>Development for the purpose of conducting and facilitating organised sport (both amateur and professional), for example:                             <ul style="list-style-type: none"> <li>Sports field (cricket, football, track and field athletics, baseball, softball)</li> <li>Marked court (basketball, volleyball, badminton, tennis, hockey, netball etc.)</li> <li>Professional rooms for hire</li> <li>Facilities for sports training eg tennis walls</li> <li>Provision of amenities to facilitate use and enjoyment of the community land including seating, change rooms, toilets, storage, first aid areas</li> <li>Meeting rooms/staff areas</li> <li>Water infrastructure required to manage the grounds</li> </ul> </li> </ul>

*Table 5: Permissible use and development of community land specific to land categorised as Park*

PERMISSIBLE USE AND DEVELOPMENT OF COMMUNITY LAND THAT IS SPECIFIC TO LAND CATEGORISED AS PARK.	
PURPOSE/USE	DEVELOPMENT TO FACILITATE USES



<ul style="list-style-type: none"> <li>• Low-intensity commercial activities (for example recreational equipment hire)</li> <li>• Community gardening</li> <li>• Camping where approved by Council</li> </ul>	<ul style="list-style-type: none"> <li>• Community gardens</li> <li>• Camping where approved by Council</li> </ul>
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**Table 6:** Permissible use and development of community land specific to land categorised as General Community Use

PERMISSIBLE USE AND DEVELOPMENT OF COMMUNITY LAND THAT IS SPECIFIC TO LAND CATEGORISED AS GENERAL COMMUNITY USE.	
PURPOSE/USE	DEVELOPMENT TO FACILITATE USES
<ul style="list-style-type: none"> <li>• Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.</li> <li>• Providing multi-purpose buildings (for example, community halls and centres) with specialised community uses such as:                             <ul style="list-style-type: none"> <li>• casual or informal recreation meetings (including for social, recreational, educational or cultural purposes)</li> <li>• functions</li> <li>• child care (for example, before and after school care, vacation care)</li> <li>• designated group use (e.g. scout and girl guide use)</li> <li>• educational centres, including libraries, information and resource centres</li> <li>• entertainment facilities</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Development for the purposes of social, community, cultural and recreational activities, such as libraries, childcare centres, youth services, aged services, men’s sheds, health services, sports.</li> <li>• Development includes:                             <ul style="list-style-type: none"> <li>• provision of buildings or other amenity areas to facilitate use and enjoyment by the community</li> <li>• development (particularly within buildings) for the purposes of addressing the needs of a particular group (for example, a stage)</li> <li>• car parking and loading areas</li> </ul> </li> </ul>





## 5.6 EXPRESS AUTHORISATION OF LEASES AND LICENCES AND ESTATES

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

## 5.7 LEASES AND LICENCES AUTHORISED BY THE PLAN OF MANAGEMENT

This PoM **expressly authorises** the issue of leases, licences and other estates over the land covered by the plan of management, in accordance with section 46(1)(b) and section 36(3A) of the LG Act, provided that:

- the activity is consistent with this PoM
- the agreement is consistent with the core objectives for the categories of Park, Sportsground, General Community Use
- the lease, licence or other estate is for a purpose listed in **Table 7**
- the lease, licence or other estate is granted and notified in accordance with the provisions of Sections 45 – 47D of the Local Government Act 1993, or the Local Government (General) Regulation 2005
- the issue of the lease, licence or other estate will not materially harm the use of the land.

The grant of any tenures, e.g: tenure terms and limits, tendering, and notification and approvals, will be subject to the provisions of Part 2, Division 2 of the LG Act. The maximum period for any lease or licence is 30 years (including any option) and Minister's consent is required if the Lease/Licence exceeds 21 years (Sect 47 (5) (b)).

Unless exempt by the regulations, all such leases, licences or grant of other estate must be advertised and the community notified in accordance with the provisions of sections 47 and 47A of the LG Act.

## 5.8 SHORT-TERM LICENCES

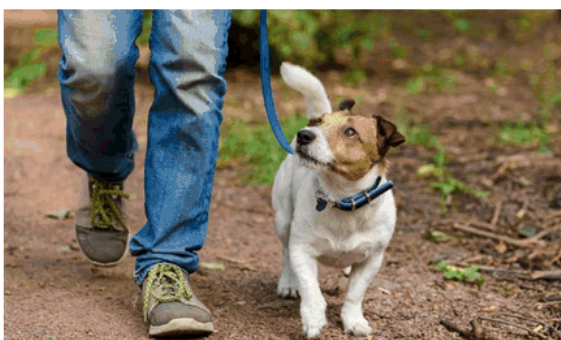
Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use.

Short-term licences are authorised for the purpose of:

- a public performance, such as theatrical, musical or other entertainment for public amusement;
- the playing of a musical instrument, or singing, for fee or reward;
- engaging in a trade or business;
- the playing of a lawful game or sport;

- the delivery of a public address;
- commercial photographic sessions;
- picnics and private celebrations such as weddings and family gatherings;
- filming sessions; or
- the agistment of stock.

Fees for short-term casual bookings will be charged in accordance with Council's adopted fees and charges at the time and may be subject to regulated periods of time and frequency.







*Table 7: Express authorisation of leases, licenses and other estates and permitted purposes for Sportsground, Park and General Community Use*

<b>EXPRESS AUTHORISATION OF LEASES, LICENCES, AND OTHER ESTATES, AND PERMITTED PURPOSES FOR WHICH THEY MAY BE GRANTED FOR COMMUNITY LAND CATEGORISED AS SPORTSGROUND, PARK AND GENERAL COMMUNITY USE</b>			
<b>TYPE OF TENURE ARRANGEMENT</b>	<b>PURPOSE FOR WHICH TENURE MAY BE GRANTED</b>		
	<b>SPORTSGROUND</b>	<b>PARK</b>	<b>GENERAL COMMUNITY USE</b>
Lease	<ul style="list-style-type: none"> <li>• Use and management of field, course, court facilities and buildings and fixtures that provide for sports uses</li> <li>• Food and beverage outlets, such as kiosk areas</li> <li>• Hire or sale of sports or recreational equipment</li> <li>• Childcare facilities that provide for sports ground users</li> <li>• Health and fitness goods and services for sports grounds users and visitors</li> <li>• Rural Fire Service activities including training, incident crew staging, use of water bore</li> </ul>	<ul style="list-style-type: none"> <li>• Kiosk areas</li> <li>• Management of park areas and facilities</li> <li>• Hire or sale of recreational equipment</li> <li>• Rural Fire Service and/or emergency helicopter landing site</li> </ul>	<ul style="list-style-type: none"> <li>• Child care or vacation care</li> <li>• Health or medical practitioners associated with the relevant facility (for example, nutrition, physiotherapy)</li> <li>• Educational purposes, including libraries, education classes, workshops</li> <li>• Cultural purposes, including concerts, dramatic productions and galleries</li> <li>• Recreational purposes, including fitness classes, dance classes and games</li> <li>• Kiosk and refreshment purposes</li> </ul>
Licence	<ul style="list-style-type: none"> <li>• Use and management of field, course, court facilities and buildings and fixtures that provide for sports uses</li> <li>• Kiosk seating and tables</li> <li>• Hire or sale of sports or recreational equipment</li> <li>• Health and fitness goods and services for sports grounds users and visitors</li> </ul>	<ul style="list-style-type: none"> <li>• Kiosk seating and tables</li> <li>• Management of court or similar facilities</li> <li>• Hire or sale of recreational equipment</li> <li>• Rural Fire Service activities including training, incident crew staging, use of water bore and helicopter landing site</li> <li>• Emergency helicopter landing site</li> </ul>	<ul style="list-style-type: none"> <li>• Social purposes (including child care, vacation care)</li> <li>• Educational purposes, including libraries, education classes, workshops</li> <li>• Recreational purposes, including fitness classes, dance classes</li> <li>• Kiosk areas</li> </ul>



EXPRESS AUTHORISATION OF LEASES, LICENCES, AND OTHER ESTATES, AND PERMITTED PURPOSES FOR WHICH THEY MAY BE GRANTED FOR COMMUNITY LAND CATEGORISED AS SPORTSGROUND, PARK AND GENERAL COMMUNITY USE			
TYPE OF TENURE ARRANGEMENT	PURPOSE FOR WHICH TENURE MAY BE GRANTED		
	SPORTSGROUND	PARK	GENERAL COMMUNITY USE
	<ul style="list-style-type: none"> <li>Rural Fire Service activities including training, incident crew staging, use of water bore and helicopter landing site</li> <li>Emergency helicopter landing site</li> <li>Emergency services</li> </ul>	<ul style="list-style-type: none"> <li>Emergency services</li> </ul>	<ul style="list-style-type: none"> <li>Emergency services</li> <li>Rural Fire Service activities including training, incident crew staging</li> </ul>
Short-term or casual licences issued with Council application process, permissions and/or approvals: LG Act S.46, LG Regulation Cl.117.			
Short-term licence Subject to issue with Council formal application process, permissions and/or approvals (LG Act S.46, LG Regulation Cl.117)	<ul style="list-style-type: none"> <li>A public performance, such as theatrical, musical or other entertainment for public amusement</li> <li>Community events and festivals, fairs, markets, auctions and similar activities such as displays, exhibitions, fashion parades and shows</li> <li>Concerts and other performances, including both live performances and film (cinema and tv)</li> <li>The playing of a musical instrument, or singing, for fee or reward</li> <li>Engaging in a trade or business</li> <li>The playing of a lawful game or sport</li> <li>The delivery of a public address, including speeches, meetings, seminars and presentations, including educational programs</li> <li>Broadcasts associated with any event, concert, or public speech</li> <li>Commercial photographic sessions</li> <li>Picnics and private celebrations such as weddings and family gatherings</li> <li>Filming sessions</li> <li>The agistment of stock</li> <li>Emergency services</li> <li>RFS activities, use of water bore and helicopter landing site</li> <li>Emergency helicopter landing site</li> </ul>		



EXPRESS AUTHORISATION OF LEASES, LICENCES, AND OTHER ESTATES, AND PERMITTED PURPOSES FOR WHICH THEY MAY BE GRANTED FOR COMMUNITY LAND CATEGORISED AS SPORTSGROUND, PARK AND GENERAL COMMUNITY USE		
TYPE OF TENURE ARRANGEMENT	PURPOSE FOR WHICH TENURE MAY BE GRANTED	
	SPORTSGROUND	PARK
Other estates	<p>This PoM allows the council to grant ‘an estate’ over community land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the LG Act.</p> <p>Estates may also be granted across community land for the provision of pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider that is situated on community land.</p>	



## 6 MANAGEMENT OF LAND

### 6.1 KEY ISSUES

#### CONSTRUCTION OF A NEW PUBLIC HALL

The existing Penrose community hall is regarded by the community as being fundamental community infrastructure providing a central meeting place for the village. The hall has limited space and facilities such as storage or wet area, toilets and versatility of use.

The hall's current site south of the tennis courts is also disassociated and blocked from the majority of the park open space limiting the opportunities to have multi-use and integrated activities hall users have the availability of connecting open space.

Council and the Penrose Community Association have agreed to construct a new community hall north of the tennis courts. The hall will provide increased space and opportunity for greater uses and a better integration with the open space.

#### REVITALISATION OF THE PARK'S OPEN SPACE

The open space comprises approximately 60% of Penrose Village Park. It had a previous use as a small village sports field but this use ceased, with the exception of occasional informal sports use, many years prior to the agreement to construct a new hall.

The open space is therefore largely un-landscaped and the soil is relatively compacted and dry with poor grass coverage. There are copses of trees surrounding the open space along the western side of the park, and on the edges of the northern car park. These trees and other plantings provide environmental benefits of shade, habitat and aesthetics.

The proposed location of the new hall north of the tennis courts and at the south end of the open space has initiated the opportunity to revitalise the large area of open space through a combination of future landscaping, development of a village green, and community use of the hall and park open space in tandem.

#### OPTIMISING COMMUNITY USE

Penrose Village Park receives substantial current use by the Penrose community including a range of community events, yoga classes, playgroups, meetings, social and celebratory occasions. Community use of the hall is however limited by hall size and capacity, service facilities and amenities.

A new hall, continued and sustainable use of the current hall, and the revitalisation and integration of the open space with the Park facilities and structures will provide increased and more varied community use. It is important that the community land and structures are accessible and optimally used to meet the needs of the community. Management and use need to be responsive and flexible to the community, under-pinned by the resources, governance and transparency that is provided by the Wingecarribee Shire Council.

#### COMMUNITY MANAGEMENT

The Park land, buildings, structures and fixtures are owned and managed by Council with substantial use management and administration by the LG Act Section 355 Penrose Hall Management Committee and the Penrose Community Association.



The Management Committee and Association are best placed to be responsible for day-to-day use, management and administration of the current and future halls and this partnership between community and Council provides the basis for community management. Planning and development of the land is the role of Council, but there is substantial contribution from the Management Committee and Association which should continue.

#### PLANNING AND DESIGN

- Landscape Character
- Public access and multiple use
- Relationship to surrounding land uses
- Culture and heritage

#### MANAGEMENT FRAMEWORK

- Community involvement in management
- Environmental management and sustainability
- Safe maintenance and upgrade of land, structures and facilities
- Booking systems, fees and charges/conditions of hire
- Amenity Provision
- Fencing and lighting
- Sports facility maintenance
- Safety and risk management

#### DEVELOPMENT AND USE

- Future development and use
- Buildings, facilities and infrastructure
- Dogs in public places
- Personal trainers, and small event bookings
- Event or casual bookings
- Signage and advertising
- Traffic, vehicular access and parking;
- Permitted and prohibited e.g: alcohol free areas

### 6.2 ACTION PLAN

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land;
- the means by which the council proposes to achieve these objectives and performance targets; and
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets

**Table 8** sets out these requirements as an action plan.



Table 8 Management actions with accountable means and assessment for Penrose Village Park

NO.	MANAGEMENT CONSIDERATIONS	OBJECTIVES AND PERFORMANCE TARGETS	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT OF PERFORMANCE
<b>1 PLANNING AND DESIGN</b>				
<b>1.1 LANDSCAPE CHARACTER</b>	<ul style="list-style-type: none"> <li>Integrated and site-appropriate landscape development to balance settings with competing interests</li> </ul>	<ul style="list-style-type: none"> <li>Preparation of a landscape plan to accompany the development of any new facilities</li> </ul>	<ul style="list-style-type: none"> <li>Landscape plan approved by Council.</li> </ul>	
	<ul style="list-style-type: none"> <li>Develop the land categorised as Park for a multi-use village green with areas of natural or endemic plantings to retain a natural bush setting and atmosphere</li> </ul>	<ul style="list-style-type: none"> <li>Landscape planting to provide a village green setting and atmosphere</li> </ul>	<ul style="list-style-type: none"> <li>Landscape activity is demonstrated as being consistent as part of project planning</li> </ul>	
	<ul style="list-style-type: none"> <li>Landscape plan to consider locations and suitability of expressed community settings and features, including:                             <ul style="list-style-type: none"> <li>Cenotaph or remembrance memorial</li> <li>First Nations / Indigenous recognition</li> <li>Food sources and habitat for endangered birds in region</li> <li>walking tracks</li> <li>mixed age cycleways</li> <li>bush tucker, market/community and/or sensory garden</li> <li>native gardens</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Consultation with community on features and siting / location</li> </ul>	<ul style="list-style-type: none"> <li>Consultations held</li> <li>Landscape plan prepared setting out broad uses, location of structures, gardens, fencing, carparking etc</li> </ul>	
	<ul style="list-style-type: none"> <li>Support of the exiting native trees and planting</li> </ul>	<ul style="list-style-type: none"> <li>Retain existing trees and companion under storey/planting where possible.</li> </ul>	<ul style="list-style-type: none"> <li>Retention of existing native vegetation subject to approved development consents.</li> </ul>	



NO.	MANAGEMENT CONSIDERATIONS	OBJECTIVES AND PERFORMANCE TARGETS	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT OF PERFORMANCE
			<ul style="list-style-type: none"> <li>Plant or regenerate endemic plant species to complement and support existing</li> </ul>	<ul style="list-style-type: none"> <li>Growth in extent and quality of native vegetation cover</li> </ul>
		<ul style="list-style-type: none"> <li>Trees and shrubs health maintained, and public risk managed</li> </ul>	<ul style="list-style-type: none"> <li>Implement a simple vegetation management plan for environmental benefits such as wind reduction, water conservation and increased habitat and biodiversity, community health benefits such as shade and aesthetic landscape benefits</li> <li>Regular program of tree and shrub maintenance to ensure healthy and safe vegetation</li> </ul>	<ul style="list-style-type: none"> <li>Council consider report on a vegetation management plan, retention and improvement of existing vegetation</li> <li>Relevant Council Director approves maintenance program and is accountable for reporting on outcomes</li> </ul>
		<ul style="list-style-type: none"> <li>Shade provided at all facilities including playground</li> </ul>	<ul style="list-style-type: none"> <li>Review of outdoor spaces associated with facilities and building to evaluate shade needs and provision</li> </ul>	<ul style="list-style-type: none"> <li>Installation of shade structures or increased use of shade trees to meet shade and sun protection needs</li> </ul>
		<ul style="list-style-type: none"> <li>Outdoor fixtures – seats, tables, bins, provided where outdoors space is associated with facilities</li> </ul>	<ul style="list-style-type: none"> <li>Review of outdoor spaces associated with facility buildings and structures to evaluate and implement outdoor fixture provision</li> </ul>	<ul style="list-style-type: none"> <li>Installation of park and outdoor fixtures, including play, leisure and health equipment is provided consistent with any specific Council policies</li> </ul>
1.2 PUBLIC ACCESS AND MULTIPLE USE		<ul style="list-style-type: none"> <li>Landscape plan to holistically address community aspirations for multi-use of Park and optimal locations for competing needs, including:</li> <li>RFS water tank</li> </ul>	<ul style="list-style-type: none"> <li>Preparation of landscape plan to resolve competing land area and management structures</li> </ul>	<ul style="list-style-type: none"> <li>Landscape plan prepared</li> </ul>



NO.	MANAGEMENT CONSIDERATIONS	OBJECTIVES AND PERFORMANCE TARGETS	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT OF PERFORMANCE
		<ul style="list-style-type: none"> <li>• helicopter landing</li> <li>• emergency location</li> <li>• car parking</li> <li>• pedestrian movement / pathways between uses</li> <li>• fencing</li> <li>• tree or shrub planting, gardens</li> <li>• memorials</li> </ul>		
		<ul style="list-style-type: none"> <li>• Identify retention of old hall and suitable funding and multiple uses such as craft, pottery, workshops, art classes, Men's shed</li> </ul>	<ul style="list-style-type: none"> <li>• Consult with community for future retention and potential suitable uses and funding sources</li> </ul>	<ul style="list-style-type: none"> <li>• Consultations for retention, uses, and funding held</li> </ul>
		<ul style="list-style-type: none"> <li>• Limit exclusive uses</li> </ul>	<ul style="list-style-type: none"> <li>• Lease, licence and booking provisions include terms for continued public access and limits on exclusive uses are for management and maintenance</li> </ul>	<ul style="list-style-type: none"> <li>• Inclusion of terms in tenure and use agreements</li> </ul>
		<ul style="list-style-type: none"> <li>• Change rooms and amenities are suitable for all users and different age groups</li> </ul>	<ul style="list-style-type: none"> <li>• Review all amenities facilities and change rooms to ensure equity in provision for all users and a range of age groups</li> </ul>	<ul style="list-style-type: none"> <li>• Review conducted and amendments to provision implemented</li> </ul>
		<ul style="list-style-type: none"> <li>• Compliance of access pathways and ingress/egress points, toilets, change rooms and associated amenities infrastructure for disabled and equitable access</li> </ul>	<ul style="list-style-type: none"> <li>• Annual audit of all public use, visitor and sporting facilities to evaluate equitable access and maintenance or upgrade needs for compliance with State requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Annual amenities equitable access audit and report and response actions reported to Council or relevant Council Director</li> </ul>





NO.	MANAGEMENT CONSIDERATIONS	OBJECTIVES AND PERFORMANCE TARGETS	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT OF PERFORMANCE
		<ul style="list-style-type: none"> <li>Ensure public accessibility and multiple uses of land in any user agreements</li> </ul>	<ul style="list-style-type: none"> <li>Include conditions in user agreements and licences that provide for multiple uses and public accessibility where safe to permit</li> </ul>	<ul style="list-style-type: none"> <li>Publication and use of licence or booking agreements that meet objectives</li> </ul>
		<ul style="list-style-type: none"> <li>Provide for disabled and equitable access</li> </ul>	<ul style="list-style-type: none"> <li>Identify disability parking spots</li> </ul>	<ul style="list-style-type: none"> <li>Installation of disability parking spots where most needed</li> </ul>
		<ul style="list-style-type: none"> <li>Ensure high quality facilities that service needs and satisfy community expectations</li> </ul>	<ul style="list-style-type: none"> <li>Undertake annual user satisfaction surveys</li> </ul>	<ul style="list-style-type: none"> <li>User satisfaction surveys conducted annually</li> </ul>
1.3	RELATIONSHIP TO SURROUNDING LAND USES	<ul style="list-style-type: none"> <li>Improvements to access for use by village residents, visitors, and school</li> </ul>	<ul style="list-style-type: none"> <li>Consult with residents and school to identify access and use improvements</li> </ul>	<ul style="list-style-type: none"> <li>Consultations held and improvements implemented where suitable and consistent with this PoM</li> </ul>
		<ul style="list-style-type: none"> <li>Formal agreement about use of car park by adjacent business at north end of Park</li> </ul>	<ul style="list-style-type: none"> <li>Negotiate a licence for car park use and maintenance</li> </ul>	<ul style="list-style-type: none"> <li>Licence agreed and executed</li> </ul>
		<ul style="list-style-type: none"> <li>Establish key entry points and entry associated information and guidance</li> </ul>	<ul style="list-style-type: none"> <li>Identify key access points within Park and landscape plan to provide Park gateways, signage and user information</li> </ul>	<ul style="list-style-type: none"> <li>Key access points identified</li> </ul>
		<ul style="list-style-type: none"> <li>Better connections to local walking and cycling links</li> </ul>	<ul style="list-style-type: none"> <li>Integrate the Park with Wingecarribee local and pop-up cycle paths and tourist cycleways and routes</li> <li>Identify major pedestrian routes between village, residences, rail and bus</li> </ul>	<ul style="list-style-type: none"> <li>Demonstrated integration of cycle paths and pedestrian ways with Penrose Village Park</li> </ul>



NO.	MANAGEMENT CONSIDERATIONS	OBJECTIVES AND PERFORMANCE TARGETS	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT OF PERFORMANCE
		<ul style="list-style-type: none"> <li>• Manage event and activity noise, traffic, waste management and visitor number issues for local and nearby residents</li> </ul>	<ul style="list-style-type: none"> <li>• Prepare and implement user agreements (licences or permit) system</li> <li>• User agreements include conditions to limit impacts from noise, rubbish, traffic</li> </ul>	<ul style="list-style-type: none"> <li>• Licences published and used with conditions to limit or reduce impacts from noise, rubbish, traffic.</li> </ul>
1.4 CULTURE AND HERITAGE		<ul style="list-style-type: none"> <li>• Recognise, maintain and interpret Penrose community historical and cultural heritage in the Park</li> <li>• Strong community associations in development of park</li> <li>• Potential to better connect to Aboriginal cultural heritage of area</li> </ul>	<ul style="list-style-type: none"> <li>• Plan for any development and maintenance of landscape features or structures for historic or heritage memorials, events or values</li> <li>• Prepare local Park history summary and integrate into landscape plan for heritage interpretation and information</li> <li>• Consult with local Aboriginal communities and Land Council to identify opportunities to recognise, incorporate and interpret Aboriginal cultural heritage</li> </ul>	<ul style="list-style-type: none"> <li>• Inclusion of Penrose community heritage values in the landscape plan and hall development</li> <li>• History prepared</li> <li>• Consultations held</li> <li>• Outcomes implemented</li> </ul>
2 MANAGEMENT FRAMEWORK				



NO.	MANAGEMENT CONSIDERATIONS	OBJECTIVES AND PERFORMANCE TARGETS	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT OF PERFORMANCE
2.1	COMMUNITY INVOLVEMENT IN MANAGEMENT	<ul style="list-style-type: none"> <li>Community is a partner with Council for planning, maintenance and use management</li> </ul>	<ul style="list-style-type: none"> <li>Council retains S355 Management Committee</li> <li>Community and Council agree to roles and division of responsibilities</li> <li>Council consider extension of S355 Committee responsibilities from current hall to all Park and buildings</li> <li>Penrose Community Association and S355 Committee regularly meet to discuss and address S355 responsibilities and management</li> </ul>	<ul style="list-style-type: none"> <li>S355 Committee retained.</li> <li>Clear and documented roles and responsibilities</li> <li>Council consultation and decision on agreed extent of S355 roles and management</li> <li>Frequency of Community Association and Committee meetings</li> </ul>
2.2	ENVIRONMENTAL MANAGEMENT AND SUSTAINABILITY	<ul style="list-style-type: none"> <li>Council investigation of environmental sustainability options and infrastructure</li> <li>Reduction in operational costs for energy and water use through a range of environmental and sustainable means to reduce costs and wastage</li> <li>Surface water run-off loss reduction and collection practices to optimise water use and reduce stormwater loss to minimise use of town or reticulated water supplies during periods of limited availability</li> <li>Limit dispersal of sustainable fertiliser and pesticide into less robust environmental systems via stormwater or ground run off, and limit human contact from aerial or surface exposure</li> </ul>	<ul style="list-style-type: none"> <li>Investigate implementation of alternate energy sources such as solar electricity and heating systems at new and current facilities</li> <li>Energy and water use efficiency practices and systems, including timing systems or regulated watering practices:</li> <li>Council investigation of investment into water efficiency actions</li> </ul>	<ul style="list-style-type: none"> <li>Council investigation of environmental sustainability options and infrastructure undertaken</li> <li>Reduction in operational costs for energy and water use through a range of environmental and sustainable means to reduce costs and wastage</li> <li>Surface water run-off loss reduction and collection practices implemented where feasible</li> </ul>



NO.	MANAGEMENT CONSIDERATIONS	OBJECTIVES AND PERFORMANCE TARGETS	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT OF PERFORMANCE
		<ul style="list-style-type: none"> <li>Use of chemicals and fertilisers is limited and sustainable</li> <li>Conditions of use and development clearly outlined in occupancy agreements</li> </ul>	<ul style="list-style-type: none"> <li>Safe re-use of effluent and grey waters where possible</li> <li>Council and user organisations with occupancy and use agreements for sustainable fertiliser and pesticide application and management plans and practices</li> </ul>	<ul style="list-style-type: none"> <li>Fertiliser and pesticide use monitored and reported on annual basis to relevant Director</li> </ul>
		<ul style="list-style-type: none"> <li>Reduce costs to Council, users and hirers</li> </ul>	<ul style="list-style-type: none"> <li>Council to provide annual report on chemical and fertiliser use</li> <li>Occupancy agreements detail environmentally sustainable conditions</li> <li>Review of water and energy use at existing facilities and document design improvements for buildings and facilities</li> </ul>	<ul style="list-style-type: none"> <li>Annual reports provided to relevant Council Director</li> <li>Occupancy agreements contained required conditions</li> <li>Review and investigations conducted, and response actions reported to Council</li> <li>Report on feasibility and value of further solar lighting in the Park</li> </ul>
2.3	SAFE MAINTENANCE AND UPGRADE OF LAND, STRUCTURES AND FACILITIES	<ul style="list-style-type: none"> <li>Maintain buildings, park areas and community facilities to required standards for users and public safety</li> <li>Building and structures compliance with Australian Standards and NSW Building Codes</li> <li>Regular repairs, painting &amp; maintenance</li> <li>Safe electrical systems</li> <li>Safe gas supply</li> <li>Sustainable water supply</li> </ul>	<ul style="list-style-type: none"> <li>Implement asset maintenance plans for sports facilities, park area and community facilities buildings structures and landscape assets</li> <li>Annual audit and review of buildings and structures to comply with Australian and NSW Building Codes standards</li> </ul>	<ul style="list-style-type: none"> <li>Asset management plans in place and implemented with annual reports to Council</li> <li>Relevant Council Director responsible for program to review/audit sports ground, park areas and community facilities compliance with codes and standards</li> </ul>



NO.	MANAGEMENT CONSIDERATIONS	OBJECTIVES AND PERFORMANCE TARGETS	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT OF PERFORMANCE
		<ul style="list-style-type: none"> <li>• Fire systems compliance with NSW Standards</li> <li>• Safe and operational kitchens</li> <li>• Safe chemical storage and use</li> </ul>	<ul style="list-style-type: none"> <li>• System to receive reports/requests for maintenance needs is clearly published and acted upon</li> <li>• Annual program of (Test &amp; Tag) electrical equipment inspection and testing by a competent person to identify and repair/replace damaged, worn and faulty electrical equipment</li> <li>• Annual electrical, gas and water supply systems check and review for maintenance and upgrade needs</li> <li>• Bi-annual fire safety systems check for maintenance or upgrade to meet standards and codes by local Fire brigade or registered authority</li> <li>• Biannual inspection of all kitchens by health and safety officers to ensure clean, healthy and safe kitchens for users and visitors</li> <li>• All chemical storage, use and handling to be certified by</li> </ul>	<ul style="list-style-type: none"> <li>• Audit and review conducted and reported to Council</li> <li>• Relevant Council Director approves maintenance system and is accountable for reporting</li> <li>• Annual Test &amp; Tag inspection results and response actions reported to Council</li> <li>• Annual electrical, gas and water supply systems check and review for maintenance and upgrading needs</li> <li>• Bi-annual fire safety systems check and response actions reported to Council</li> <li>• Biannual inspection of all kitchens by health and safety officers to and response actions reported to Council</li> <li>• Chemical storage, use and handling certification and response actions reported to Council.</li> <li>• Annual building condition inspection and assessment reported to Council</li> </ul>



NO.	MANAGEMENT CONSIDERATIONS	OBJECTIVES AND PERFORMANCE TARGETS	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT OF PERFORMANCE
		<ul style="list-style-type: none"> <li>Minimise public safety and user risk at night</li> </ul>	current NSW authority, e.g: WorkSafe NSW <ul style="list-style-type: none"> <li>Annual building condition inspection and assessment</li> <li>Improved lighting for security along pedestrian walkway/lanes.</li> </ul>	<ul style="list-style-type: none"> <li>Installation of additional lighting, subject to resources and funding, to increase safety along main pedestrian pathways.</li> <li>Council maintenance team reporting system implemented.</li> </ul>
2.4	BOOKING SYSTEMS, FEES AND CHARGES, CONDITIONS OF HIRE	<ul style="list-style-type: none"> <li>Village community responsible for day-to-day use of land and facilities with an integrated booking system for casual hiring and bookings</li> <li>Public awareness of potential leasing or licensing</li> <li>Clear and accountable:                             <ul style="list-style-type: none"> <li>policies of booking and hiring systems</li> <li>fees and charges for use and hire</li> <li>conditions of use and hire</li> </ul> </li> <li>standard user agreement documents, e.g: leases, licences and short term use permits</li> </ul>	<ul style="list-style-type: none"> <li>Management Committee responsible for casual hiring and booking of grounds and hall.</li> <li>Tennis Club responsible for booking and use of the tennis courts and associated facilities</li> <li>Formal advertising of expressions of interest and clear allocation guidelines and criteria for any leasing or licensing of land or facilities</li> <li>Formal EOI and user agreement allocations to be conducted for leasing or licensing</li> <li>All bookings or hiring receive e-copy or paper copy of</li> </ul>	<ul style="list-style-type: none"> <li>Council and Management Committee agreement and use of allocation and hire policy and procedures</li> <li>EOI processes conducted to inform allocation procedures for any leasing or licensing</li> <li>Council website publication of any EOI processes</li> <li>Production and use of conditions of use and hire with contact details to assist hirer or user with all bookings or hiring</li> <li>Standardised user agreements in use</li> </ul>



NO.	MANAGEMENT CONSIDERATIONS	OBJECTIVES AND PERFORMANCE TARGETS	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT OF PERFORMANCE
			confirmation including any conditions of use and hire with contact details to assist hirer or user <ul style="list-style-type: none"> <li>• Publication of booking and hiring notices and policies, fees and charges on-site, and if warranted Council website</li> <li>• Council provide Management Committee with templates for casual hiring and bookings</li> <li>• Clear and published conditions of hire and use, including permissible uses, times and user or hirer responsibilities</li> </ul>	<ul style="list-style-type: none"> <li>• Council publication or Management Committee conditions of hire and use, including permissible uses, times and user or hirer responsibilities on use agreements, and casual hire permits</li> </ul>
2.5	AMENITY PROVISION	<ul style="list-style-type: none"> <li>• Amenities provided are kept clean and accessible to users and visitors during daylight hours and at high or frequent visitation sites during facility or site opening hours</li> <li>• Amenities are maintained for safety, usability and modern standard</li> </ul>	<ul style="list-style-type: none"> <li>• Regular inspection and maintenance regime that is clearly published and provides contact details for community and visitor maintenance requests</li> </ul>	<ul style="list-style-type: none"> <li>• Relevant Council Director approves maintenance program and is accountable for reporting on outcomes and monitoring of contact queries and complaints</li> </ul>
2.6	FENCING AND LIGHTING	<ul style="list-style-type: none"> <li>• Improved personal security in the park at night</li> </ul>	<ul style="list-style-type: none"> <li>• Identify key movement and access through Park routes and times and review lighting provision for landscape plan inclusion and implementation</li> </ul>	<ul style="list-style-type: none"> <li>• Review conducted with landscape plan provisions and implementation</li> </ul>



NO.	MANAGEMENT CONSIDERATIONS	OBJECTIVES AND PERFORMANCE TARGETS	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT OF PERFORMANCE
2.7	TENNIS COURTS MAINTENANCE	<ul style="list-style-type: none"> <li>Agreed standard of playing surface and associated equipment</li> </ul>	<ul style="list-style-type: none"> <li>Council and Tennis Club prepare and agree on a simple maintenance and upgrade plan with clear roles, responsibilities and funding</li> </ul>	<ul style="list-style-type: none"> <li>Plan prepared, agreed and annually reviewed by Tennis Club and S355 Management Committee</li> </ul>
2.8	SAFETY AND RISK MANAGEMENT	<ul style="list-style-type: none"> <li>Minimise public safety and user risk in Park</li> <li>Provide increased shade in summer for events</li> <li>Upgrade pathway network surface for equitable access and removal of potential trip and fall hazards</li> </ul>	<ul style="list-style-type: none"> <li>Risk management and harm minimisation strategy prepared for sports facilities, park areas, and community facilities</li> <li>Implement landscaping and tree planting to provide increased shade for events</li> <li>Use of temporary shade structures</li> <li>Audit of all paths and access ways for trip hazards and to ensure equitable and stable uses</li> </ul>	<ul style="list-style-type: none"> <li>Preparation of risk minimisation strategy.</li> <li>Council maintenance team reporting system implemented.</li> <li>Tree planting where consistent with master plan</li> <li>Temporary structures used for shade at events</li> <li>Audit completed</li> <li>Paths and access ways upgraded</li> <li>Council maintenance team reporting system implemented.</li> </ul>
<b>3 DEVELOPMENT AND USE</b>				
3.1	FUTURE DEVELOPMENT AND USE	<ul style="list-style-type: none"> <li>Future development and uses is consistent with Council development consent, landscape plan and adopted PoM</li> </ul>	<ul style="list-style-type: none"> <li>Review of all proposed future developments and uses for consistency with landscape plan and adopted PoM</li> </ul>	<ul style="list-style-type: none"> <li>Proposed future developments and uses are reviewed prior to approval or implementation</li> </ul>
		<ul style="list-style-type: none"> <li>Provision of new community hall</li> </ul>	<ul style="list-style-type: none"> <li>Construction of hall</li> </ul>	<ul style="list-style-type: none"> <li>Hall occupied and used</li> </ul>





NO.	MANAGEMENT CONSIDERATIONS	OBJECTIVES AND PERFORMANCE TARGETS	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT OF PERFORMANCE
<p><b>3.2 BUILDINGS, FACILITIES AND INFRASTRUCTURE</b></p>		<ul style="list-style-type: none"> <li>Tennis club and court facilities are upgraded and well-maintained</li> </ul>	<ul style="list-style-type: none"> <li>Implement actions to redress areas of poor condition with facilities and/or structures</li> </ul>	<ul style="list-style-type: none"> <li>Poor condition facilities replaced or repaired</li> <li>Club to prepare simple maintenance schedule for Council agreement</li> </ul>
		<ul style="list-style-type: none"> <li>Upgrade and/or install new toilet facilities</li> </ul>	<ul style="list-style-type: none"> <li>Audit existing facilities and upgrade to meet BCA standards</li> <li>Identify new locations for toilets with associated new hall building</li> </ul>	<ul style="list-style-type: none"> <li>Upgrades and new facilities completed</li> </ul>
		<ul style="list-style-type: none"> <li>Review power needs for new hall, events management and amenities provisions and implement upgrades</li> </ul>	<ul style="list-style-type: none"> <li>Power needs evaluation and project planning for required upgrades</li> </ul>	<ul style="list-style-type: none"> <li>Evaluation completed and required upgrades planned and implemented</li> </ul>
		<ul style="list-style-type: none"> <li>Retain or upgrade building condition of current hall</li> </ul>	<ul style="list-style-type: none"> <li>Audit of compliance with BCA standards</li> <li>Implementation of any required improvements or upgrades</li> <li>Consultations with users to focus in priority facility upgrades</li> </ul>	<ul style="list-style-type: none"> <li>Audit of compliance undertaken</li> <li>Consultations held</li> <li>Required upgrades completed subject to funding</li> </ul>
<p><b>3.3 DOGS IN PUBLIC PLACES</b></p>		<ul style="list-style-type: none"> <li>Manage dog walking and play on and around playground, any food preparation areas, e.g: events, footpaths, park areas and built structures</li> </ul>	<ul style="list-style-type: none"> <li>Install signage including any restricted areas, with an emphasis on no dogs within 10 metres of:                             <ul style="list-style-type: none"> <li>a children's playground or</li> <li>a food preparation area.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Signage installed.</li> <li>Dog faeces bins provided at high use park areas and any identified or promoted walking tracks and trails.</li> </ul>



NO.	MANAGEMENT CONSIDERATIONS	OBJECTIVES AND PERFORMANCE TARGETS	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT OF PERFORMANCE
			<ul style="list-style-type: none"> <li>• Install dog faeces litter bins.</li> <li>• Publish animal and dog handling guidelines on Council website.</li> </ul>	<ul style="list-style-type: none"> <li>• Council website publication of companion animal and dog handling rules and regulations.</li> </ul>
3.4	PERSONAL TRAINERS, AND SMALL EVENT BOOKINGS	<ul style="list-style-type: none"> <li>• Personal trainers, fitness groups and small event bookings are safely conducted with minimal impacts on other reserve users and adjacent residences.</li> </ul>	<ul style="list-style-type: none"> <li>• Personal trainers, fitness groups and small event bookings are accommodated in park areas under licence or hiring arrangements, subject to time and area limited with use conditions to enable use to limit conflicts of use with the general public.</li> </ul>	<ul style="list-style-type: none"> <li>• Licence system and documents prepared and used for personal trainers, fitness groups and small event bookings.</li> </ul>
3.5	EVENT OR CASUAL BOOKINGS	<ul style="list-style-type: none"> <li>• Ensure any events have event management licenses or permits through bookings or hiring.</li> <li>• Include reasonable event management plans, traffic management plans, waste and public safety plans in licence conditions.</li> <li>• Maintain clear and published booking and hire system for events.</li> </ul>	<ul style="list-style-type: none"> <li>• Prepare and use event licences or permits with inclusion of appropriate event management plans, traffic management plans, waste and public safety plans.</li> <li>• Publish booking and hire system arrangements on Council website or S355 Management Committee-responsible areas with clear dates, times and contact details for users and community groups.</li> </ul>	<ul style="list-style-type: none"> <li>• Large event licences and permits to include conditions for event and traffic, user and organisation vehicle management plans prepared in liaison with Local Area police.</li> <li>• Publication and use of licences with conditions that address objectives.</li> <li>• All hire or booking agreements have Council officer or Committee member contact details to facilitate user benefits.</li> </ul>



NO.	MANAGEMENT CONSIDERATIONS	OBJECTIVES AND PERFORMANCE TARGETS	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT OF PERFORMANCE
3.6	SIGNAGE AND ADVERTISING	<ul style="list-style-type: none"> <li>Upgrade town signage and wayfinding for general visitors and district or regional users, as well as playing an important role in providing visitors with information about the availability and location of Park facilities</li> </ul>	<ul style="list-style-type: none"> <li>Preparation and installation of Village and LGA wayfinder signage for Park areas and community facilities</li> </ul>	<ul style="list-style-type: none"> <li>Installation of signage</li> </ul>
3.7	TRAFFIC, VEHICULAR ACCESS AND PARKING	<ul style="list-style-type: none"> <li>Limit car park area on reserve to use capacity</li> <li>Safe vehicle speeds for surrounding roads and internal car parking access</li> </ul>	<ul style="list-style-type: none"> <li>Provide clear designated parking areas and times and removal of all non-designated car parking and vehicle traffic</li> <li>Dedicated parking and internal access routes to minimise use conflict or site landscape or asset degradation</li> <li>Parking areas, speed and vehicle limits clearly signed and marked</li> <li>Appropriate vehicle speed signposting of adjacent Mill and Kareela Roads</li> <li>Placement of speed limit signs at pedestrian-prominent locations</li> <li>Vehicle type and use restrictions, and parking times for car parks clearly signposted where required</li> </ul>	<ul style="list-style-type: none"> <li>Review conducted and traffic and car parking management implemented</li> <li>Signposting and traffic slowing measures installed as required</li> <li>Speed limits signage installed at sites and facilities where required</li> <li>Vehicle use and parking time signage installed</li> </ul>



NO.	MANAGEMENT CONSIDERATIONS	OBJECTIVES AND PERFORMANCE TARGETS	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT OF PERFORMANCE
		<ul style="list-style-type: none"> <li>No illegal parking on the reserve to access facilities or events such as picnics.</li> </ul>	<ul style="list-style-type: none"> <li>Designated car parks identified and developed with traffic management at new hall to restrict unauthorised or illegal vehicle movements and parking</li> </ul>	<ul style="list-style-type: none"> <li>Construction and installation of designated vehicle roads, car parking and traffic barriers</li> </ul>
		<ul style="list-style-type: none"> <li>Improved lighting to street access and carparking for night training and use of facilities</li> </ul>	<ul style="list-style-type: none"> <li>Review night time and dark period uses at new hall and implement any additional lighting required for safety reasons</li> </ul>	<ul style="list-style-type: none"> <li>Review undertaken and lighting installed</li> </ul>
		<ul style="list-style-type: none"> <li>Maintain the use of Penrose Village Park as a helicopter landing area</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance of required helicopter landing surface in optimal location to provide service and limit impact of oval use</li> </ul>	<ul style="list-style-type: none"> <li>Annual confirmation of surface and area required</li> </ul>
		<ul style="list-style-type: none"> <li>Events using park areas and community facilities have safe traffic management and reduce the potential for user / vehicle conflict.</li> </ul>	<ul style="list-style-type: none"> <li>Clear marking of designated access routes and parking arrangements for user and organiser vehicles</li> <li>Event licenses and booking conditions have event and traffic management plans incorporated into user agreement conditions as part of agreement</li> <li>Regulation of user parking and vehicle access on sports fields and at events</li> </ul>	<ul style="list-style-type: none"> <li>review conducted</li> <li>Designated traffic, parking and pedestrian lanes marked for areas where events are held</li> <li>Event licences and permits to include conditions for event and traffic, user and organisation vehicle management plans</li> <li>Dedicated access routes and parking arrangements for organiser vehicles provided in event agreements</li> </ul>



NO.	MANAGEMENT CONSIDERATIONS	OBJECTIVES AND PERFORMANCE TARGETS	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT OF PERFORMANCE
3.8	PERMITTED AND PROHIBITED E.G: ALCOHOL FREE AREAS	<ul style="list-style-type: none"> <li>Provide clear guidance to park and community facility users on reserves conditions of use, including alcohol free zones, permissible and non-permissible activities, dog leash or leash-free zones, times of specific uses, and internal site or facility directions</li> </ul>	<ul style="list-style-type: none"> <li>Site-based facility, structure, field and open space regulatory signage to address activity, including:                             <ul style="list-style-type: none"> <li>alcohol free zones,</li> <li>permissible and non-permissible activities,</li> <li>dog leash or leash-free zones</li> <li>times of specific uses</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Installation of regulatory signage at high use or visitation park areas and community facilities.</li> </ul>



## APPENDIX 1 – PLAN OF MANAGEMENT LEGISLATIVE FRAMEWORK

The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

### LOCAL GOVERNMENT ACT 1993

Section 35 of the *Local Government Act 1993* (LG Act) provides that community land can only be **used** in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

- a) the category of the land,
- b) the objectives and performance **targets** of the plan with respect to the land,
- c) the means by which the council proposes to **achieve** the plan's objectives and performance targets,
- d) the manner in which the council proposes **to assess its performance** with respect to the plan's objectives and performance targets,

and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

- a) must include a description of:
  - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
  - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
  - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
  - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
  - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment
- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

Additionally, under section 36 of the LG Act, a site-specific PoM must be made for land declared:



- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
- by council to contain significant natural features (section 36C(2))
- by council to be of cultural significance (section 36D(2)).

**Classification of public land**

The LG Act requires classification of public land into either ‘community’ or ‘operational’ land (Section 26). The classification is generally made for council-owned public land by the council’s Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Classification of land has a direct effect on the council’s ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45 and 46) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

**COUNCIL PLANS AND POLICIES RELATING TO THIS PLAN OF MANAGEMENT**

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

The following is a list of documents that have a direct association with this PoM:

- Wingecarribee Community Strategic Plan 2031
- Wingecarribee 2040 Local Strategic Planning Statement
- Wingecarribee Local Environmental Plan 2010
- Penrose and Wingello Development Control Plan

The following table lists the specific Community Strategic Plan (CSP) strategies and actions that can be reflected in the PoM. Each strategy is numbered in bold with the most relevant action underneath.

Specific Community Strategic Plan - Strategies and Actions
<p><b>1.3 Developing community leadership, strong networks and shared responsibility for the Shire promotes and enhances community capacity</b></p> <p>1.3.2 Empower our community to advance agreed priorities and address emerging issues in a collaborative manner to explore new ideas to improve the Shire</p>
<p><b>2.1 Our people have the opportunity for a happy and healthy lifestyle</b></p>



<p><b>Specific Community Strategic Plan - Strategies and Actions</b></p>
<p>2.1.4 Enhance partnerships to maintain a safe community</p> <p>2.1.5 Plan and deliver appropriate and accessible local services to the community</p> <p>2.1.6 Provide a diversity of formal, informal and innovative hubs for learning and skill development for all stages of life</p>
<p><b>2.2 We are an inclusive community which actively reduces barriers for participation in community life</b></p> <p>2.2.1 Actively foster a spirit of participation and volunteering by addressing key barriers</p>
<p><b>2.3 Wingecarribee values and nurtures a diverse, creative and vibrant community</b></p> <p>2.3.1 Provide and support a range of community events, festivals and celebrations</p> <p>2.3.2 Acknowledge and respect our Aboriginal cultural heritage and people</p> <p>2.3.3 Support and promote the creative and cultural sector</p>
<p><b>3.2 Wingecarribee has maintained a distinct character and separation of towns and villages</b></p> <p>3.2.2 Identify and protect the unique characteristics of towns and villages to retain a sense of place</p>
<p><b>3.3 Our built environment creates vibrant and inviting public spaces</b></p> <p>3.3.2 Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another</p>
<p><b>4.1 Wingecarribee’s distinct and diverse natural environment is protected and enhanced</b></p> <p>4.1.1 Protect and improve biodiversity</p> <p>4.1.4 Sustainably manage natural resources for broader community benefit</p>
<p><b>4.2 Sustainable living practices are actively encouraged</b></p> <p>4.2.1 Develop partnerships and implement programs and education that enable people to live sustainably</p> <p>4.2.2 Promote building practices and the types of developments that improve resource efficiency</p> <p>4.2.3 Encourage residents and businesses to source and produce goods locally</p>
<p><b>4.4 Wingecarribee addresses, adapts, and builds resilience to climate change</b></p> <p>4.4.2 Build community capacity to reduce greenhouse gas emissions and respond to the impacts of climate change</p> <p>4.4.3 Plan for predicted impacts of climate change</p>
<p>Note: the numbering of the strategies and actions follow that of the CSP.</p>





## OTHER STATE AND COMMONWEALTH LEGISLATION

### ***NSW state legislation***

#### ***Environmental Planning and Assessment Act 1979***

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

#### ***National Parks and Wildlife Act 1974***

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

#### ***Biodiversity Conservation Act 2016***

**Note:** This Act repealed several pieces of legislation including the *Native Vegetation Act 2003*, *Threatened Species Conservation Act 1995*, the *Nature Conservation Trust Act 2001*, and the animal and plant provisions of the *National Parks and Wildlife Act 1974*.

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The *Threatened Species Conservation Act 1995* has been repealed and superseded by the *Biodiversity Conservation Act 2016*. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

DPIE's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the *Threatened Species Conservation Act 1995* were repealed on the commencement of the *Biodiversity Conservation Act* in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

#### ***Rural Fires Act 1997***

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

***Heritage Act 1977***

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

***Commonwealth legislation******Environmental Protection and Biodiversity Conservation Act 1999***

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

***Telecommunications Act 1997***

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

***State Environmental Planning Policies******State Environmental Planning Policy (Infrastructure) 2007***

This planning policy lists development allowed with consent or without consent on community land.

***State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011***

This aims to protect quality of surface water and the ecosystems that depend on it and requires that any development would have a neutral or beneficial effect on water quality.

***State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017***

This policy deals with clearing of native vegetation in urban areas and land zoned for environmental protection.

***Other relevant legislation, policies and plans***

*Biosecurity Act 2015*

*Companion Animals Act 1998*

*Disability Discrimination Act 1992*

*Local Land Services Act 2013*

*Pesticides Act 1999*

*Protection of the Environment Operations Act 1997*

*Retail Leases Act 1994*

*Soil Conservation Act 1938*

*Water Management Act 2000*

NSW Invasive Species Plan 2008-2015

National Local Government Biodiversity Strategy

NSW Biodiversity Strategy

Australian Natural Heritage Charter



## APPENDIX 2 – COMMUNITY CONSULTATION

Penrose Workshop 13 July 2021 online attendance

<b>Name</b>	<b>Organisation</b>
Alison Duthie	Penrose Community Association
John Duffy	Penrose Community Association
Carol Princic	Penrose Hall Committee
Jeff Freeman	Penrose Hall Committee
Nigel Hartley	Penrose Tennis Club
Judy Elber	Penrose Tennis Club
Nina de Borde	Penrose P&C
Maria Dunn	Penrose P&C
Melissa Cady	Penrose Playgroup
Colette Goodwin	CGM Planning & Development
Carl Malmberg	CGM Planning & Development
Rachel Forte	Wingecarribee Shire Council
Lisa Grimshaw	Wingecarribee Shire Council




APPENDIX 3 – PROPERTY INFORMATION FOR PENROSE VILLAGE PARK

<p><i>Penrose Park, Penrose – Parish of Bundanoon – County of Camden – Wingecarribee Shire Council</i></p>
<p><b>Penrose Park Summary</b></p> <p>Penrose Park, Penrose comprises lots 145-152, lots 155-157 and lot 163 DP751259, lot 1 DP327438 and lot 154 DP1144429 in the Parish of Bundanoon, County of Camden. Penrose Park is community land owned by Wingecarribee Shire Council.</p> <p>Penrose Park was originally part of Reserve 248 for Water Supply notified 29 July 1885.</p> <p>Reserve 248 (including the area comprising Penrose Park) was partially subdivided in 1917 for auction sale. Portions (Lots) 145 to 151, Parish of Bundanoon were created vide Crown Plan C.3323-2041 (attached) for sale at auction. The auction was held at Moss Vale on 21 November 1917. Lots 145 to 150 were not bid for. Portions 145 to 150 (with Portion 152) were reserved as R53901 for Public Recreation notified 16 April 1920.</p> <p>Portion 151 was sold to William John Dyer. Portion 151 was resumed by notification of 19 July 1940 and reserved as R69554 for Public Recreation by notification 20 September 1940.</p> <p>Lots 152 to 157, Parish of Bundanoon were created vide Crown Plan C.3324-2041 (attached) for sale at auction. The auction was held at Moss Vale on 21 November 1917. Lot 152 was sold to Edwin Griffith Williams which subsequently lapsed. As noted above, portion 152 was subsequently reserved as R53901 for Public Recreation by notification of 16 April 1920.</p> <p>Portions 153 and 154 were sold to William Powers and David Fyfe. This land was resumed and the reserved as an addition to R63030 for Public Recreation by notification of 6 November 1931. Portion 153 and the south-western of portion 154 were consolidated as lot 1 DP327438. The north-eastern half of portion 154 (lot 154 DP1144429) was reserved as R64194 for Public Recreation by notification of 13 October 1933.</p> <p>Portion 155 was sold to Alfred Middleton Reeve which subsequently lapsed. Lot 155 was subsequently reserved as part of R63030 by notification of 6 November 1931.</p> <p>Portions 156 and 157 were sold to Joseph Blain Cook. This land was subsequently resumed and included as part of R63030 for Public Recreation notified 6 November 1931.</p> <p>Portion 163 (Crown plan C.3623.2041 attached) comprises part closed road (notified 18 December 1953) and part severed land (part Portion 96). This land was reserved as R76584 for Public recreation by notification of 19 February 1954.</p> <p>Reserves 53901, 63030, 64194 and 69554 were revoked and added to R76584 by notification of 30 June 1972.</p> <p>R76584 was subsequently revoked, and the land vested in Council by notification of 28 May 1976.</p> <p>Aerial inspection identifies that Penrose Park comprises manicured open space with tennis courts and pavilions located on the southern portion of the reserve (lots 151, 152 and 163).</p> <p>There appears to be an informal carpark located on the northern part of the reserve (part lots 145, 146 and 157). It should be noted that the northern boundary of Penrose Park abuts a commercial timber processing plant (Penrose Pine Products). Inspection on Google Maps indicates a sign attached to the Penrose Pine Products boundary fence indicating parking available on the reserve.</p> <p>There is no indication in the evidence available from either historical parish maps, Crown plans or documentation that the status of the land comprising Penrose Park was anything other than Crown land, partially disposed (by the Crown) land which was subsequently resumed by the Crown, and reserved land which was wholly vested under the relevant section of the Crown Lands Consolidation Act, 1913 to Wingecarribee Shire Council on 28 May 1976.</p>



**Certificate of Title Lot 145 DP751259**

BOX 1W  
(AF76116)




NEW SOUTH WALES  
**CERTIFICATE OF TITLE**  
REAL PROPERTY ACT, 1900


FORUMS TITLE REFERENCE  
**145/751259**

EDITION	DATE OF ISSUE
1	28/10/2009

CERTIFICATE AUTHENTICATION CODE  
**DDXK-HQ-PSKP**

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

  
**REGISTRAR GENERAL**



**LAND**

LOT 145 IN DEPOSITED PLAN 751259  
AT PENROSE.  
LOCAL GOVERNMENT AREA: WINGECARRIBEE.  
PARISH OF BUNDANON COUNTY OF CAMDEN  
(FORMERLY KNOWN AS PORTION 145)  
TITLE DIAGRAM: CROWN PLAN 3323.2041

**FIRST SCHEDULE**

WINGECARRIBEE SHIRE COUNCIL (CA101291)

**SECOND SCHEDULE**

1. LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE
2. THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE
3. LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

\*\*\*\* END OF CERTIFICATE \*\*\*\*

WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT FOLIO OF THE REGISTER


3207801

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT)



**Certificate of Title Lot 146 DP751259**

BOX 1W  
(AF76116)





NEW SOUTH WALES  
**CERTIFICATE OF TITLE**  
REAL PROPERTY ACT, 1900

TO BORN TITLE REFERENCE  
**146/751259**

SECTION <b>1</b>	DATE OF ISSUE <b>28/10/2009</b>
CERTIFICATE AUTHENTICATION CODE <b>H3FN-3W-79MY</b>	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S(11) REAL PROPERTY ACT)

  
  
**REGISTRAR GENERAL**

**LAND**

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LOT 146 IN DEPOSITED PLAN 751259  
 AT PENROSE.  
 LOCAL GOVERNMENT AREA: WINGECARRIBEE.  
 PARISH OF BUNDANOON COUNTY OF CAMDEN  
 (FORMERLY KNOWN AS PORTION 146)  
 TITLE DIAGRAM: CROWN PLAN 3323.2041

**FIRST SCHEDULE**

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WINGECARRIBEE SHIRE COUNCIL (CA101291)

**SECOND SCHEDULE**

-----

1. LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE
2. THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE
3. LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.






\*\*\*\* END OF CERTIFICATE \*\*\*\*

WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT FOLIO OF THE REGISTER

3207802



Certificate of Title Lot 147 DP751259

<p><b>BOX 1W (AF76116)</b></p>			<table border="1"> <tr> <td colspan="2">TOWARDS TITLE REFERENCE</td> </tr> <tr> <td colspan="2" style="text-align: center;">147/751259</td> </tr> <tr> <td style="width: 50%;">EDITION</td> <td style="width: 50%;">DATE OF ISSUE</td> </tr> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">28/10/2009</td> </tr> <tr> <td colspan="2">CERTIFICATE AUTHENTICATION CODE</td> </tr> <tr> <td colspan="2" style="text-align: center;">YVV9-2J-2HQH</td> </tr> </table>	TOWARDS TITLE REFERENCE		147/751259		EDITION	DATE OF ISSUE	1	28/10/2009	CERTIFICATE AUTHENTICATION CODE		YVV9-2J-2HQH	
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	<p>NEW SOUTH WALES <b>CERTIFICATE OF TITLE</b> REAL PROPERTY ACT, 1900</p>														
<p>ANY ATTEMPT TO ALTER THIS CERTIFICATE, COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT)</p>	<p>I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.</p>		 REGISTRAR GENERAL 												
<p>LAND</p> <p>-----</p> <p>LOT 147 IN DEPOSITED PLAN 751259                  AT PENROSE.                  LOCAL GOVERNMENT AREA: WINGECARRIBEE.                  PARISH OF BUNDANOON COUNTY OF CAMDEN                  (FORMERLY KNOWN AS PORTION 147)                  TITLE DIAGRAM: CROWN PLAN 3323.2041</p>															
<p>FIRST SCHEDULE</p> <p>-----</p> <p>WINGECARRIBEE SHIRE COUNCIL (CA101291)</p>															
<p>SECOND SCHEDULE</p> <p>-----</p> <p>1. LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE                  2. THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE                  3. LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.</p>															
<p>**** END OF CERTIFICATE ****</p>															
<p>WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT FOLIO OF THE REGISTER</p>			<p>3207803</p>												



Certificate of Title Lot 148 DP751259

BOX 1W (AF76116)														
	NEW SOUTH WALES <b>CERTIFICATE OF TITLE</b> REAL PROPERTY ACT, 1900	<table border="1"> <tr><td colspan="2">TODAY'S TITLE REFERENCE</td></tr> <tr><td colspan="2">148/751259</td></tr> <tr><td>SECTION</td><td>DATE OF ISSUE</td></tr> <tr><td>1</td><td>28/10/2009</td></tr> <tr><td colspan="2">CERTIFICATE AUTHENTICATION CODE</td></tr> <tr><td colspan="2">RLMZ-J6-TKJ2</td></tr> </table>	TODAY'S TITLE REFERENCE		148/751259		SECTION	DATE OF ISSUE	1	28/10/2009	CERTIFICATE AUTHENTICATION CODE		RLMZ-J6-TKJ2	
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*David Walsh*  
REGISTRAR GENERAL

LAND  
-----  
LOT 148 IN DEPOSITED PLAN 751259  
AT PENROSE.  
LOCAL GOVERNMENT AREA: WINGECARRIBEE.  
PARISH OF BUNDANOON COUNTY OF CAMDEN  
(FORMERLY KNOWN AS PORTION 148)  
TITLE DIAGRAM: CROWN PLAN 3323.2041

FIRST SCHEDULE  
-----  
WINGECARRIBEE SHIRE COUNCIL (CA101291)

SECOND SCHEDULE  
-----  
1. LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE  
2. THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE  
3. LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

\*\*\*\* END OF CERTIFICATE \*\*\*\*

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT).


WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT FOLIO OF THE REGISTER 3207804





**Certificate of Title Lot 149 DP751259**

BOX 1W  
(AF76116)





NEW SOUTH WALES  
**CERTIFICATE OF TITLE**  
REAL PROPERTY ACT, 1900

FORKING TITLE REFERENCE	
149/751259	
EDITION	DATE OF ISSUE
1	28/10/2009
CERTIFICATE AUTHENTICATION CODE	
V97T-FK-JK7T	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT)

  
 REGISTRAR GENERAL
 

**LAND**

-----

LOT 149 IN DEPOSITED PLAN 751259  
 AT PENROSE.  
 LOCAL GOVERNMENT AREA: WINGECARRIBEE.  
 PARISH OF BUNDANOON COUNTY OF CAMDEN  
 (FORMERLY KNOWN AS PORTION 149)  
 TITLE DIAGRAM: CROWN PLAN 3323.2041

**FIRST SCHEDULE**

-----

WINGECARRIBEE SHIRE COUNCIL (CA101291)

**SECOND SCHEDULE**

-----

1. LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE
2. THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE
3. LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

\*\*\*\* END OF CERTIFICATE \*\*\*\*


WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT FOLIO OF THE REGISTER

3207805



**Certificate of Title Lot 150 DP751259**

BOX 1W  
(AF76116)





NEW SOUTH WALES  
**CERTIFICATE OF TITLE**  
REAL PROPERTY ACT, 1900

TORRADO'S TITLE REFERENCE  
**150/751259**

EDITION <b>1</b>	DATE OF ISSUE <b>28/10/2009</b>
CERTIFICATE AUTHENTICATION CODE <b>6VFL-MM-YM5T</b>	

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.44 REAL PROPERTY ACT).

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

  
  
**REGISTRAR GENERAL**

**LAND**

-----

LOT 150 IN DEPOSITED PLAN 751259  
 AT PENROSE.  
 LOCAL GOVERNMENT AREA: WINGECARRIBEE.  
 PARISH OF BUNDANOON COUNTY OF CAMDEN  
 (FORMERLY KNOWN AS PORTION 150)  
 TITLE DIAGRAM: CROWN PLAN 3323.2041

**FIRST SCHEDULE**

-----

WINGECARRIBEE SHIRE COUNCIL (CA101291)

**SECOND SCHEDULE**

-----

1. LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE
2. THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE
3. LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

\*\*\*\* END OF CERTIFICATE \*\*\*\*

WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT FOLIO OF THE REGISTER

3207806



Certificate of Title Lot 151 DP751259

BOX 1W (AF456910)														
	NEW SOUTH WALES <b>CERTIFICATE OF TITLE</b> REAL PROPERTY ACT, 1900	<table border="1"> <tr><td colspan="2">TORGANS TITLE REFERENCE</td></tr> <tr><td colspan="2">151/751259</td></tr> <tr><td>ADDITION</td><td>DATE OF ISSUE</td></tr> <tr><td>1</td><td>29/4/2010</td></tr> <tr><td colspan="2">CERTIFICATE AUTHENTICATION CODE</td></tr> <tr><td colspan="2">HTGK-TQ-3X4Z</td></tr> </table>	TORGANS TITLE REFERENCE		151/751259		ADDITION	DATE OF ISSUE	1	29/4/2010	CERTIFICATE AUTHENTICATION CODE		HTGK-TQ-3X4Z	
TORGANS TITLE REFERENCE														
151/751259														
ADDITION	DATE OF ISSUE													
1	29/4/2010													
CERTIFICATE AUTHENTICATION CODE														
HTGK-TQ-3X4Z														

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

*David White*  
REGISTRAR GENERAL

LAND  
-----  
LOT 151 IN DEPOSITED PLAN 751259  
LOCAL GOVERNMENT AREA: WINGECARRIBEE.  
PARISH OF BUNDANOON COUNTY OF CAMDEN  
(FORMERLY KNOWN AS PORTION 151)  
TITLE DIAGRAM: CROWN PLAN 3323.2041

FIRST SCHEDULE  
-----  
WINGECARRIBEE SHIRE COUNCIL (R AF182759)

SECOND SCHEDULE  
-----  
1. LAND EXCLUDES MINERALS - SEE CROWN GRANT  
2. C945987 LAND EXCLUDES MINERALS (S.141 PUBLIC WORKS ACT, 1912)  
3. THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE

\*\*\*\* END OF CERTIFICATE \*\*\*\*


ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT)

WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT FOLIO OF THE REGISTER 3433664




**Certificate of Title Lot 152 DP751259**

BOX 1W  
(AF76116)




NEW SOUTH WALES  
**CERTIFICATE OF TITLE**  
REAL PROPERTY ACT, 1900


  
 TORRADING TITLE REFERENCE  
**152/751259**  

EDITION <b>1</b>	DATE OF ISSUE <b>28/10/2009</b>
CERTIFICATE AUTHENTICATION CODE <b>VVVG-X3-9VWT</b>	

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.44 REAL PROPERTY ACT)

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

  
 REGISTRAR GENERAL



**LAND**

-----

LOT 152 IN DEPOSITED PLAN 751259  
 AT PENROSE.  
 LOCAL GOVERNMENT AREA: WINGECARRIBEE.  
 PARISH OF BUNDANOON COUNTY OF CAMDEN  
 (FORMERLY KNOWN AS PORTION 152)  
 TITLE DIAGRAM: CROWN PLAN 3324.2041

**FIRST SCHEDULE**

-----

WINGECARRIBEE SHIRE COUNCIL (CA101291)

**SECOND SCHEDULE**

-----

1. LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE
2. THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE
3. LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

\*\*\*\* END OF CERTIFICATE \*\*\*\*


WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT FOLIO OF THE REGISTER

**3207807**




**Certificate of Title Lot 155 DP751259**

BOX 1W  
(AF76116)




NEW SOUTH WALES  
**CERTIFICATE OF TITLE**  
REAL PROPERTY ACT, 1900

  
TURKISH TITLE REFERENCE  
**155/751259**  

<small>SECTION</small>	<small>DATE OF ISSUE</small>
1	28/10/2009

CERTIFICATE AUTHENTICATION CODE  
**7PXP-PW-3NDL**

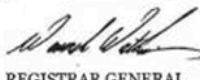



I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

LAND

-----

LOT 155 IN DEPOSITED PLAN 751259  
AT PENROSE.  
LOCAL GOVERNMENT AREA: WINGECARRIBEE.  
PARISH OF BUNDANOON COUNTY OF CAMDEN  
(FORMERLY KNOWN AS PORTION 155)  
TITLE DIAGRAM: CROWN PLAN 3324.2041

  
  
**REGISTRAR GENERAL.**

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT)

**FIRST SCHEDULE**

-----

WINGECARRIBEE SHIRE COUNCIL (CA101291)

**SECOND SCHEDULE**

-----

1. LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE
2. THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE
3. LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

\*\*\*\* END OF CERTIFICATE \*\*\*\*



WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT FOLIO OF THE REGISTER

3207808




Certificate of Title Lot 156 and 157 DP751259

BOX 1W  
(AF456910)


NEW SOUTH WALES  
**CERTIFICATE OF TITLE**  
REAL PROPERTY ACT, 1900



TORRES TITLE AGREEMENT AUTO CONSOL 4493-17	
EDITION 1	DATE OF ISSUE 29/4/2010
CERTIFICATE AUTHENTICATION CODE KMMR-J4-GDHY	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

*David Williams*  
REGISTRAR GENERAL



LAND  
-----  
LAND DESCRIBED IN SCHEDULE OF PARCELS  
LOCAL GOVERNMENT AREA: WINGECARRIBEE.  
PARISH OF BUNDANOON COUNTY OF CAMDEN  
TITLE DIAGRAM: CROWN PLAN 3324.2041

FIRST SCHEDULE  
-----  
WINGECARRIBEE SHIRE COUNCIL (R AF182759)

SECOND SCHEDULE  
-----  
1. LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)  
2. THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE

SCHEDULE OF PARCELS  
-----  
LOTS 156-157 IN DP751259.

\*\*\*\* END OF CERTIFICATE \*\*\*\*

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT, AS PER REAL PROPERTY ACT.

WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT FOLIO OF THE REGISTER

3433662



Certificate of Title Lot 163 DP751259

BOX 1W (AF76116)														
	NEW SOUTH WALES <b>CERTIFICATE OF TITLE</b> REAL PROPERTY ACT, 1900	<table border="1"> <tr><td colspan="2">TIDERS TITLE REFERENCE</td></tr> <tr><td colspan="2">163/751259</td></tr> <tr><td>SECTION</td><td>DATE OF ISSUE</td></tr> <tr><td>1</td><td>28/10/2009</td></tr> <tr><td colspan="2">CERTIFICATE AUTHENTICATION CODE</td></tr> <tr><td colspan="2">69TP-F9-DSNM</td></tr> </table>	TIDERS TITLE REFERENCE		163/751259		SECTION	DATE OF ISSUE	1	28/10/2009	CERTIFICATE AUTHENTICATION CODE		69TP-F9-DSNM	
TIDERS TITLE REFERENCE														
163/751259														
SECTION	DATE OF ISSUE													
1	28/10/2009													
CERTIFICATE AUTHENTICATION CODE														
69TP-F9-DSNM														

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

*David Walsh*  
REGISTRAR GENERAL

LAND

LOT 163 IN DEPOSITED PLAN 751259  
AT PENROSE.  
LOCAL GOVERNMENT AREA: WINGECARRIBEE.  
PARISH OF BUNDANOON COUNTY OF CAMDEN  
(FORMERLY KNOWN AS PORTION 163)  
TITLE DIAGRAM: CROWN PLAN 3623.2041

FIRST SCHEDULE

WINGECARRIBEE SHIRE COUNCIL (CA101291)

SECOND SCHEDULE

1. LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE
2. THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE
3. LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

\*\*\*\* END OF CERTIFICATE \*\*\*\*

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S141 REAL PROPERTY ACT)

WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT FOLIO OF THE REGISTER 3207809



Certificate of Title Lot 1 DP327438

BOX 1W  
(AF456910)



TO RANS TITLE REFERENCE	
1/327438	
SECTION	DATE OF ISSUE
1	29/4/2010
CERTIFICATE AUTHENTICATION CODE	
DCPJ-R9-RQL6	



NEW SOUTH WALES  
CERTIFICATE OF TITLE  
REAL PROPERTY ACT, 1900

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT)

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

*David White*  
REGISTRAR GENERAL



LAND

LOT 1 IN DEPOSITED PLAN 327438  
LOCAL GOVERNMENT AREA: WINGECARRIBEE,  
PARISH OF BUNDANOON COUNTY OF CAMDEN  
TITLE DIAGRAM: DP327438

FIRST SCHEDULE

WINGECARRIBEE SHIRE COUNCIL (R AF182759)

SECOND SCHEDULE

1. LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
2. THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE

\*\*\*\* END OF CERTIFICATE \*\*\*\*






WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT FOLIO OF THE REGISTER

3433663





Certificate of Title Lot 154 DP1144429

<p>BOX 1W (AF76116)</p>			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="font-size: small;">TORRENS TITLE REFERENCE</td> </tr> <tr> <td colspan="2" style="text-align: center;">154/1144429</td> </tr> <tr> <td style="font-size: small;">EFFECTION</td> <td style="font-size: small;">DATE OF ISSUE</td> </tr> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">28/10/2009</td> </tr> <tr> <td colspan="2" style="font-size: small;">CERTIFICATE AUTHENTICATION CODE</td> </tr> <tr> <td colspan="2" style="text-align: center;">GMZD-9K-RYP5</td> </tr> </table>	TORRENS TITLE REFERENCE		154/1144429		EFFECTION	DATE OF ISSUE	1	28/10/2009	CERTIFICATE AUTHENTICATION CODE		GMZD-9K-RYP5	
TORRENS TITLE REFERENCE															
154/1144429															
EFFECTION	DATE OF ISSUE														
1	28/10/2009														
CERTIFICATE AUTHENTICATION CODE															
GMZD-9K-RYP5															
	<p>NEW SOUTH WALES <b>CERTIFICATE OF TITLE</b> REAL PROPERTY ACT, 1900</p>														
<p>I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.</p>															
			  REGISTRAR GENERAL												
<p>ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT)</p>															
<p><b>LAND</b></p> <p>-----</p> <p>LOT 154 IN DEPOSITED PLAN 1144429                  AT PENROSE.                  LOCAL GOVERNMENT AREA: WINGECARRIBEE.                  PARISH OF BUNDANOON COUNTY OF CAMDEN                  TITLE DIAGRAM: DP1144429</p>															
<p><b>FIRST SCHEDULE</b></p> <p>-----</p> <p>WINGECARRIBEE SHIRE COUNCIL (CA148338)</p>															
<p><b>SECOND SCHEDULE</b></p> <p>-----</p> <ol style="list-style-type: none"> <li>1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)</li> <li>2. QUALIFIED TITLE. CAUTION PURSUANT TO SECTION 28J OF THE REAL PROPERTY ACT, 1900. ENTERED 12.10.2009 GOV GAZ DATED 28.5.1976 FOL 2281</li> <li>3. LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.</li> <li>4. RESERVATIONS AND EXCEPTIONS OF MINERALS AND RIGHTS TO MINE. SEE GOVERNMENT GAZETTE 28.5.1976 FOL 2281</li> <li>5. THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE</li> </ol> <p style="text-align: center;">**** END OF CERTIFICATE ****</p>															
<p>WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT FOLIO OF THE REGISTER</p>			3207810												





**Government Gazette 28 May 1976 – Vesting of Penrose Park in Wingecarribee Shire Council**

**NOTIFICATION OF VESTING OF LANDS IN PURSUANCE OF THE PROVISIONS OF SECTION 37AAA OF THE CROWN LANDS CONSOLIDATION ACT, 1913**

IN pursuance of the subject provisions, I, WILLIAM FREDERICK CRABTREE, Minister for Lands, being of the opinion that—

- (a) the lands described in the First to the Fourth Schedules and each Part of the Fifth and Sixth Schedules hereto are respectively a public reserve within the meaning of the Local Government Act, 1919; and
- (b) it is proper that, having regard to the purposes (if any) for which the lands described in each of the Schedules are used, those lands should be respectively vested in the council specified in each Schedule,

do, by this my notification, respectively vest the lands described in each of those Schedules in the council specified therein for an estate in fee simple subject to the following reservations and exceptions unto Her Majesty, Elizabeth the Second, by the Grace of God Queen of Australia and Her Other Realms and Territories, Head of the Commonwealth, Her Heirs and Successors of—

- (i) all minerals which those lands contain with full power and authority for Her Majesty, Her Heirs and Successors and such person or persons as shall from time to time be authorized by Her Majesty, Her Heirs or Successors to enter upon those lands and to search for mine dig and remove those minerals;
- (ii) all such parts and so much of those lands as may hereafter be required for public ways in over and through the same to be set out by His Excellency the Governor for the time being of the State of New South Wales or some person by him authorized in that respect with full power for Her Majesty, Her Heirs and Successors and for His Excellency the Governor as aforesaid by such person or persons as shall be by Her Majesty, Her Heirs or Successors or His Excellency the Governor as aforesaid authorized in that behalf to make and conduct all such public ways; and
- (iii) the right of full and free ingress, egress and regress into, out of and upon those lands for the several purposes aforesaid or any of them.

The lands described in the First to the Fourth Schedules and each Part of the Fifth and Sixth Schedules hereto are respectively declared to be a public reserve for the purposes of the Local Government Act, 1919.

This notification shall take effect on and from the date of publication of this Gazette.

Signed at Sydney, this 17th day of May, 1976.

W. F. CRABTREE, Minister for Lands.

**FIFTH SCHEDULE**

**Part 1**

*Land District—Bega; Shire—Mumbulla*

Parish Bermagoe, County Dampier, 9 333 square metres in the Village of Bermagui South, being section 11 (Reserve 73890 for Public Recreation, notified 1st December, 1950). Plan B. 7-1965.

**Part 2**

*Land District—Bega; Shire—Mumbulla*

Parish Colombo, County Auckland, 1.062 hectares in the Village of Bemboka, being portion 110 (Reserve 77002 for Public Recreation, notified 3rd September, 1954). Plan C. 1-2208a.

The lands in this Schedule are vested in The Council of the Shire of Mumbulla.

**SIXTH SCHEDULE**

**Part 1**

*Land District—Moss Vale; Shire—Wingecarribee*

Parish Wingello, County Camden, 7 082 square metres in the Village of Wingello, being allotments 6 to 10 inclusive and 21, section 2 (Reserve 89332 for Public Recreation and Bush Fire Brigade Purposes, notified 6th December, 1974).

**Part 2**

*Land District—Moss Vale; Shire—Wingecarribee*

Parish Bundanoon, County Camden, 1.851 hectares at Penrose, being portions 145 to 157 inclusive, portion 163 and the area separating portion 154 REM from portion 155 (Reserve 76584 for Public Recreation, notified 19th February, 1954). Plan C. 3623-2041, Pks 76-436.

The lands in this Schedule are vested in The Council of the Shire of Wingecarribee. (9807)

(9800)

Sydney, 28th May, 1976.

**WITHDRAWAL OF LAND FROM RESERVE UNDER THE CONTROL OF PASTURES PROTECTION BOARD**

IN pursuance of the provisions of section 42 (2), Pastures Protection Act, 1934, the land specified hereunder is hereby withdrawn from such reserve for the purposes stated.

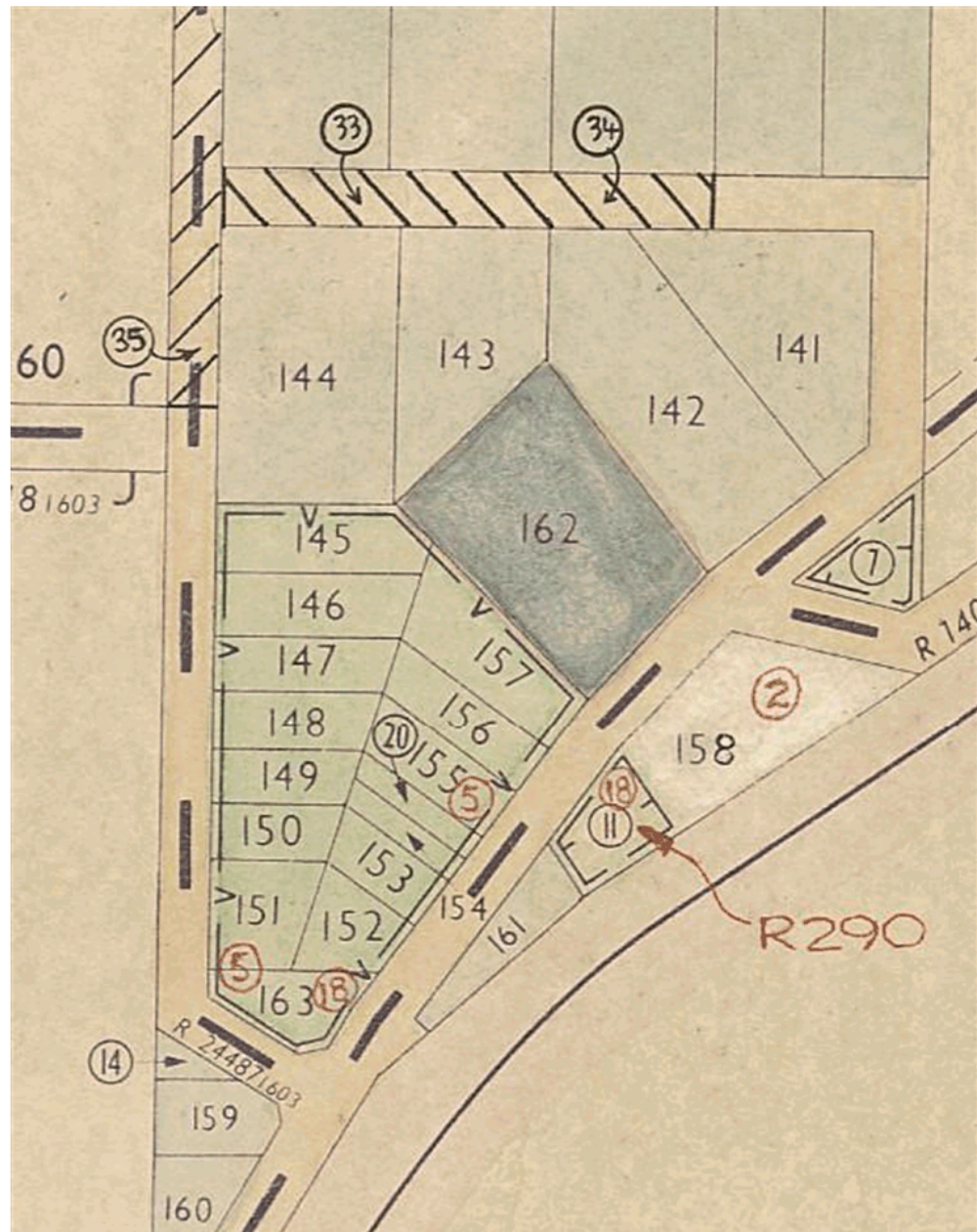
W. F. CRABTREE, Minister for Lands.

*Land Board District—Moree; Pastures Protection District—Moree*

Parish Horton, County Murchison, Reserve No. 22632 for Travelling Stock, notified 6th July, 1895. Part withdrawn—portion 82. Withdrawn for purpose of Exchange of Land. (9800)



Parish Map





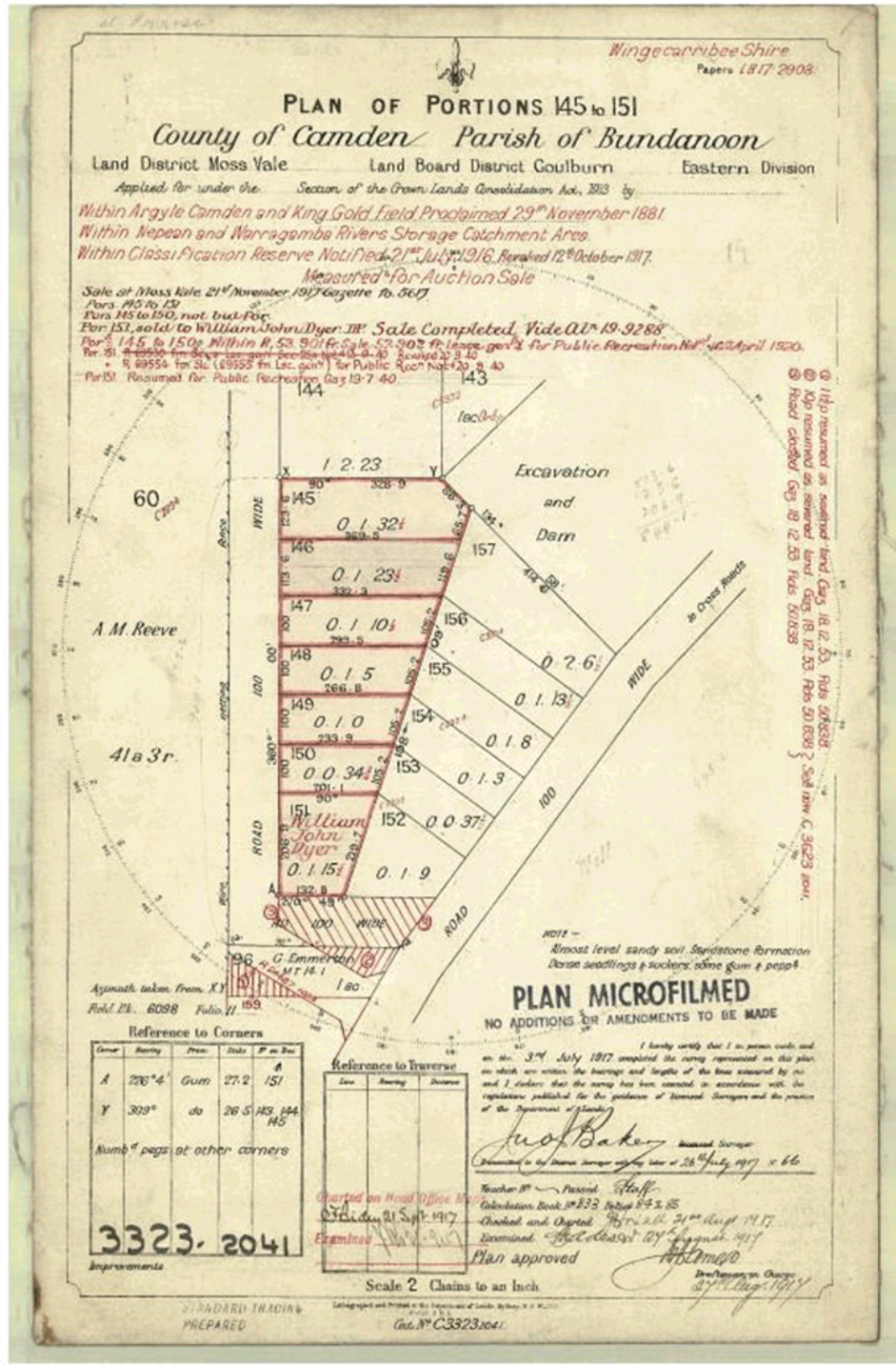
**Parish Map Reference Notes**

142	3322	Dia.A	3124	97	6462 m <sup>2</sup>	Fred Davy
143	3322	Dia.A	3315	150	4060 m <sup>2</sup>	Claude Aye
144	3322	Dia.A	3247	145	6652 m <sup>2</sup>	G.H. Rose
145	3323	Dia.A			1834 m <sup>2</sup>	
146	3323	Dia.A			1606 m <sup>2</sup>	
147	3323	Dia.A			1277 m <sup>2</sup>	
148	3323	Dia.A			1138 m <sup>2</sup>	
149	3323	Dia.A			1012 m <sup>2</sup>	
150	3323	Dia.A			878.8 m <sup>2</sup>	Vested in Wingecarribee Shire Council. Gaz. 28th May, 1976.
151	3323	Dia.A	3155	84	1404 m <sup>2</sup>	
152	3324	Dia.A			1239 m <sup>2</sup>	
153	3324	Dia.A	2939	229	948.4 m <sup>2</sup>	
154	3324	Dia.A	2939	229	543.7 m <sup>2</sup>	
155	3324	Dia.A			1214 m <sup>2</sup>	
156	3324	Dia.A	2964	246	1353 m <sup>2</sup>	
157	3324	Dia.A	2964	246	2188 m <sup>2</sup>	
158	2400	Dia.A			1670 m <sup>2</sup>	
161	3433	Dia.A	4006	183	961.0 m <sup>2</sup>	David Fyfe
162	3546	Dia.A			6854 m <sup>2</sup>	H.H. Cush & Co. (C.P.72.10 former)
163	3623	Dia.A			1328 m <sup>2</sup>	Vested in Wingecarribee Shire Council. Gaz. 28th May, 1976.
164	3865	Dia.B	14072	16	7.436	Knud & E.Y. Bjarnoe (C.P.68.4 former)
19	B3					Penrose State Forest No.703 Dedicated 25th April, 1919.
20	Diag. A					Vested in Wingecarribee Shire Council. Gaz. 28th May, 1976.
21	A1 A2 etc.					R 1528 from the leasing Provisions of the Mining Act R 1533 from Oct 1970 or R 1 Modified 23rd July 1970



Crown Plan C.3323 – 2041

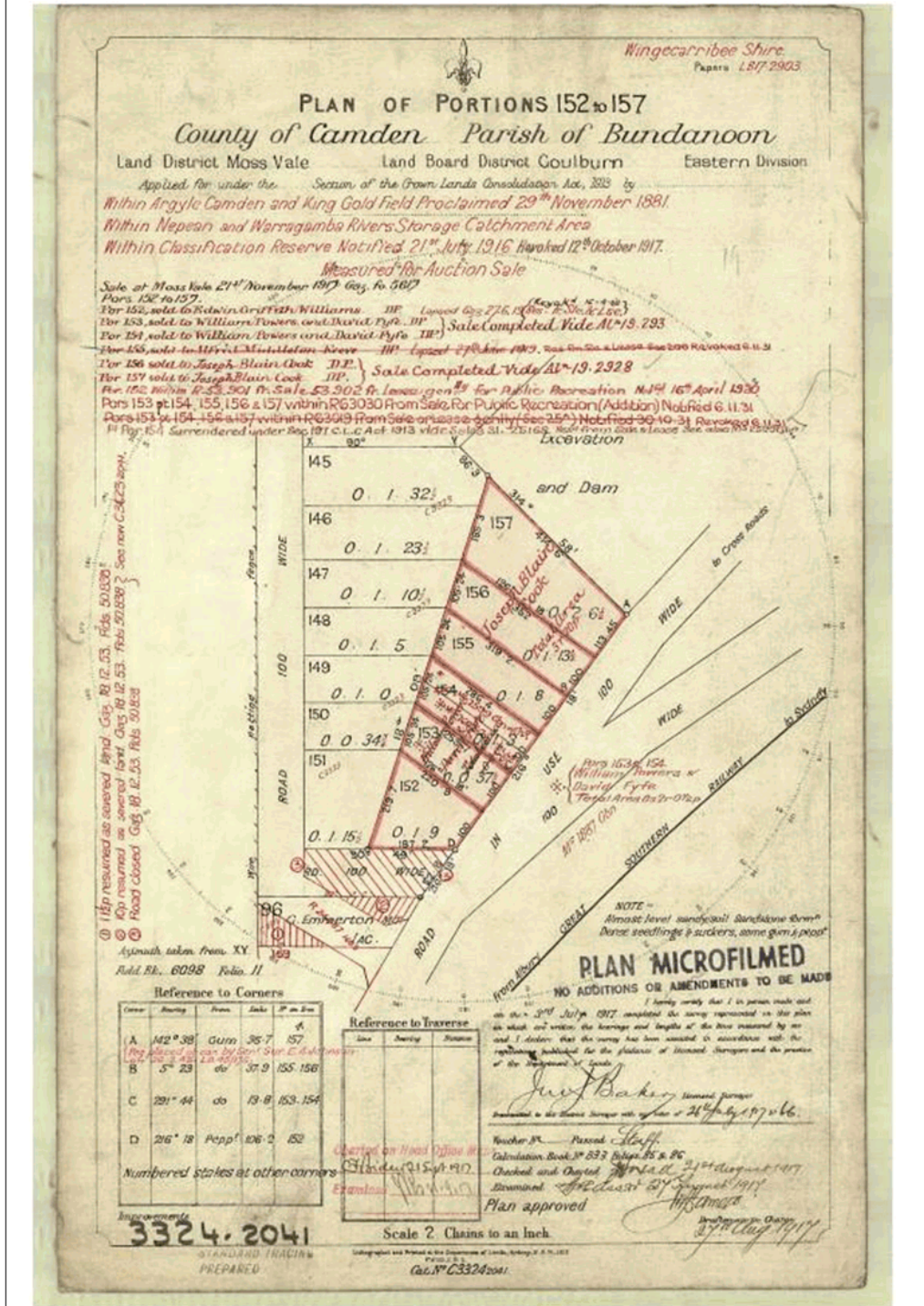
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Crown Plan C.3324 – 2041

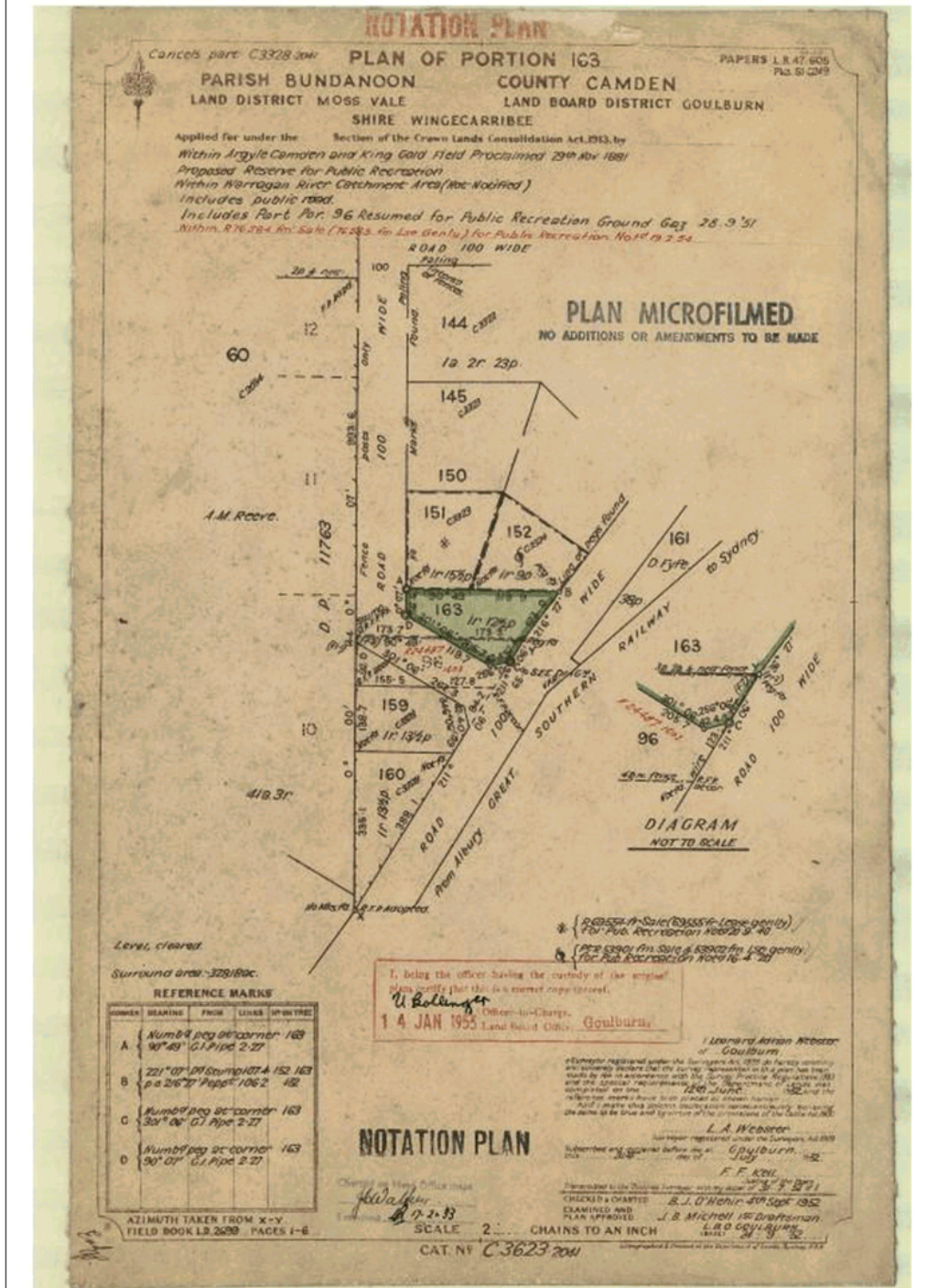
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**Crown Plan C.3324 – 2041**

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APPENDIX 4 – CONDITION DESCRIPTION

Area/Site	Condition	Description
Open space park areas	Moderate	The open grassed area is 90% cover with mixed types of grass and weeds, the remaining 10% is soil and sand. The soils are compacted and dry
Vegetation	Good	There are copses of advanced native trees requiring under planting at western side of park and around northern car parking. Deciduous street trees along Kareela and Mill Roads are recent plantings and good condition.
Tennis Courts	Moderate, require resurfacing.	Weathered condition
Court fencing	Poor	Requires replacement or repair
Courts shed	Good	Maintenance of painting and guttering
Tennis net posts, gates and bollards	Good	Some rust and weathering
Park seating	Moderate	Some good, others poor
Rebound wall and concrete tank	Good	Solid condition
Park and tennis lighting	Good	Repairs to lights required
Multi-use hard stand area / court	Poor	Poor surface
Playground area	Moderate to poor	Aged equipment, swing set and see-saw, wood chip soft-fall and sand pit
Shade cloth	Good	Weathering
Table and seating	Good	New
Park signage	Good	Regulatory and place-name
Amenities (toilet) block	Moderate/poor	Male, female and disabled. Two basins. Old, small and separately located
Hall	Moderate	Recently renovated, asbestos removed. Small and requires substantial upgrade to facilities, environment and fixtures, or replacement. Improvements to kitchen, electrics, heating and cooling. Double sink, oven with 5 stove top gas burners and rangehood, dishwasher. Timber flooring through the whole building including kitchen. Small stage with limited stage lighting. Three access doors with only one being able to be unlocked from the outside. No Alarm system. No internal bathrooms. Three ceiling fans. Lighting in the hall and kitchen.



Area/Site	Condition	Description
External water tanks	Moderate/poor	Two water tanks on stands
Boundary fencing	Moderate/poor	Rural wire fencing
Car parking (north)	Moderate	No hardstand. Used by adjacent business
Car parking (south)	Poor	No hardstand, some erosion, no marking, heavily guttered entrance
Pathways	Moderate/poor	Narrow, some cracking and sloping.



APPENDIX 5 – BUSHFIRE LOCAL ECONOMIC RECOVERY FUND

Extract from Penrose Community Association Inc. 2021 Bushfire Local Economic Recovery Fund – Business Case for a new Penrose Community Hall.

Business Case Gap Analysis: F 02 Need Gap Analysis - BLERF-0042

Gap Analysis: Penrose Community Hall		
Reasonable 2020 standards	Current hall	Success measure
Built to meet current Bushfire Attack Level for bushfire facility and community resilience	Hall built in 1954 with no measures for bushfire resilience in place	Hall resists bushfire attack
Hall to have emergency power for disaster and resilience	No capability	Hall building capable of enabling immediate after-fire (or other disaster) community support
Safely accessed, easily cleaned Internal toilets (male, female, ambulant and accessible)	Toilets in a secluded area with 50 metre journey from hall ramped exit. Hard to clean, no ambulant fittings and accessible toilet not compliant	Users feel they can use clean toilets without fear of falls,
Capacity to seat at least 100 people at tables and 125 row seated (1/3 of community)	Safe capacity with adequate sight lines to stage is no more than 65 row seated and 45 table seated. Overcrowding is common and a deterrent to attendance.	Hall able to accommodate more events, with more established artists and groups
Entrance doors that are protected from weather	There is no airlock or reasonable wind and rain protection at the entrance	Patrons will have adequate space and shelter to make the transition from bad weather to hall interior. Conditions in the main room will be maintained.
Amenable to larger community hirings such as weddings and milestone celebrations.	Unattractive for all but the smallest use of this kind. Hirings reflect this.	More hirings for greater economic self-sufficiency
A safe kitchen capable of the above and larger community dinners and other catered events. Handwash sink.	Current bench space is highly limited in area and benches are only 450mm deep	A record of safe and efficient heating and serving of food. Desire to be used by local caterers.
A stage that is suitably sized for bands, choral groups, small theatre productions with stage left and right entrances	Current stage cannot properly even accommodate 4 musicians with instruments and equipment	Increased desire to be booked and used and enjoyed by theatre groups, musicians etc and satisfaction after the event.
A green room for artists and speakers to prepare for events	Artists have had to dress and waited in the kitchen for event commencement	Increased desire to be booked and used and enjoyed by theatre groups, musicians etc and satisfaction after the event.



Hall ventilation meeting AS1668	Current hall only has opening of windows as a means of ventilation. This is problematic in cold, windy or wet weather and increased noise from railway.	Increased experience of safety and comfort for occupants. Compliant fresh air ventilation will help reduce the spread of respiratory communicable diseases.
Acoustically isolated from adjacent train noise.	Current hall activity is disrupted and sound is negligible during concerts, speeches etc while trains pass.	No disruption to proceedings
In-building storage for chairs and tables	The current store is located in an external shipping container and 2 ramps need to be negotiated	Safer and more efficient transfer of stored goods
Accessibility standards met (especially addressing physical access, hearing impairment and sight impairment).	The accessible toilets and one emergency exit ramp do not meet current standards. There is no hearing loop or similar aid. No braille signage	Greater attendance and use by less able community members.
Energy efficient	The current hall is not properly insulated and lighting and other fixtures are energy-inefficient	Reduced energy bills while providing better standards of lighting and air conditioning



**CGM PLANNING**  
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## WINGECARRIBEE SHIRE COUNCIL

Public Hearing Report:

Draft Penrose Village Park Plan of Management

*Local Government Act 1993 Section 40A*

Categorisation of Community Land

30 August 2021

## 8.1 Plan of Management - Penrose Park

## ATTACHMENT 2 Public Hearing Report Penrose Village Park Plan of Management



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## 1. INTRODUCTION

### 1.1 Purpose of this report

This report provides a summary of the independently chaired Public Hearing held by Wingecarribee Shire Council by on-line video meeting on Tuesday 24 August 2021 between 5.00pm and 6.00pm.

The Public Hearing was held in compliance with Chapter 6, Division 2, Section 40A of the *Local Government Act 1993* (LG Act) and was conducted into the proposed categorisation of community land in Council's Draft Penrose Village Park Plan of Management (the draft PoM).

### 1.2 Land covered by this report

The land covered by this report is the Penrose Village Park reserve shown in **Figure 1: Location Map** and **Figure 2: Site Map**.

The land subject to the draft PoM is Council-owned land, classified as community land under the LG Act, which means that a PoM must be prepared, publicly exhibited and adopted by Council prior to any changes to the nature and use of the land, to define permitted uses, and authorise and leases, licences and other estates, as well as setting management action plans with details to provide accountability in implementation and measuring success.

The draft PoM details the Council-owned community land and its proposed categories.

The land is approximately 1.99 ha of public reserve open space and is community land owned by Wingecarribee Shire Council

Penrose Village Park is comprised of:

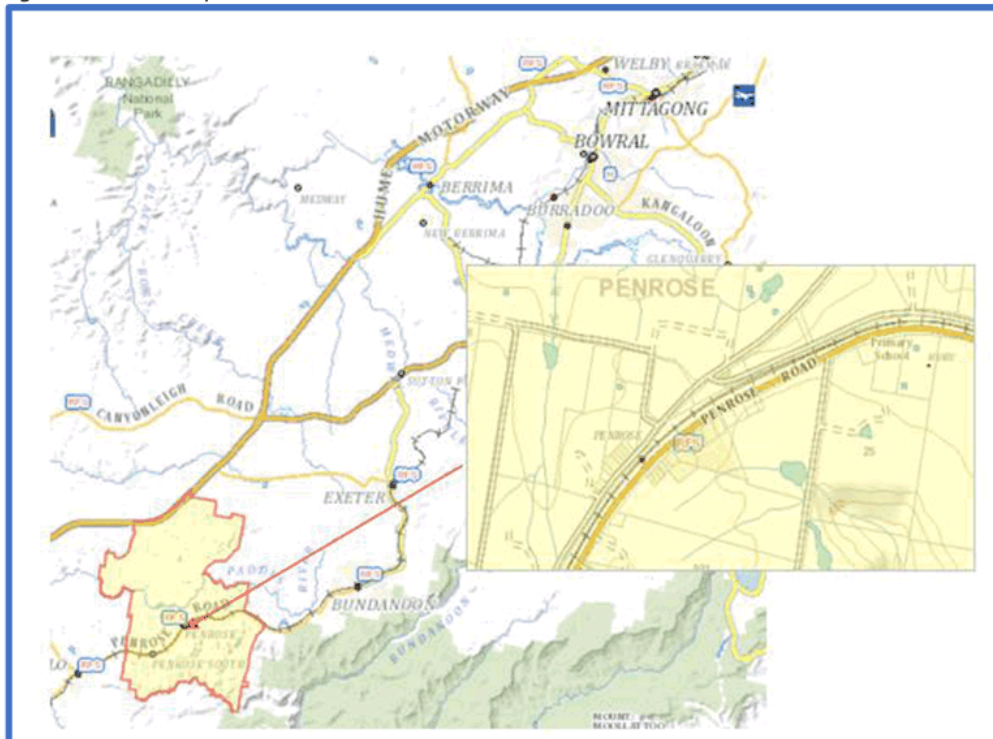
- lots 145-152, and lots 155-157 and lot 163 in Deposited Plan 751259;
- lot 1 in Deposited Plan 327438; and
- lot 154 in Deposited Plan 1144429;
- in the Parish of Bundanoon, County of Camden.

The land was formerly Crown land vested to Council on 28 May 1976.

**Source:** *Draft PoM – Penrose Village Park*



Figure 1: Location Map



Source: Draft PoM – Penrose Village Park





Figure 2: Site Map



Source: Draft PoM – Penrose Village Park

**1.3 Background**

Wingecarribee Shire Council prepared a draft plan of management (draft PoM) for the Penrose Village Park, Penrose and placed the draft PoM on public exhibition on 16 August 2021 for the mandatory minimum of 28 days until 12 September 2021 with submissions to the draft PoM being received for a further 14 days until 26 September 2021.

The Draft PoM is on public exhibition at Council’s Civic Centre, Moss Vale; Bowral Library, and the Penrose Village Post Office. However, due to covid-19 restrictions, the Civic Centre and Bowral library are currently closed, and the Café side of the Penrose store is closed. The hard copy is still available at the Post Office.

Anyone wishing to view a hard copy of the draft PoM while these facilities are closed are encouraged to contact Council on [mail@wsc.nsw.gov.au](mailto:mail@wsc.nsw.gov.au) and a hard copy will be posted to them.

**2 PLANNING CONTEXT**

**2.1 Community land**

Land vested (owned or controlled by Council) is defined in the *Local Government Act 1993* (LG Act) as 'public land', with exceptions such as roads.



All public land is to be classified as either 'community' or 'operational' land (LG Act Chapter 6, Part 2 Division 1).

Classification clearly identifies land which should be kept for use by the general public (community) and that land which need not be kept or may have relatively simple dealings (operational). Classification determines the ease or difficulty with which land may be alienated by sale, leasing or some other means.

Community land must not be sold except in limited circumstances referred to in the LG Act. Community land must not be leased or licensed for more than 30 years and may only be leased or licensed for more than 5 years if public notice of the proposed lease or licence is given and, in the event that an objection is made to the proposed lease or licence, the Minister's consent is obtained. No such restrictions apply to operational land.

Community land would ordinarily comprise land such as a public park. Operational land would ordinarily comprise land held as a temporary asset or as an investment, land which facilitates the carrying out by a council of its functions or land which may not be open to the general public, such as a works depot or a council garage.

The use and management of community land is to be regulated by a plan of management. Until a plan of management is adopted, the nature and use of the land must not change.

Community land must therefore have community land categories assigned and must have community land plans of management adopted by Council

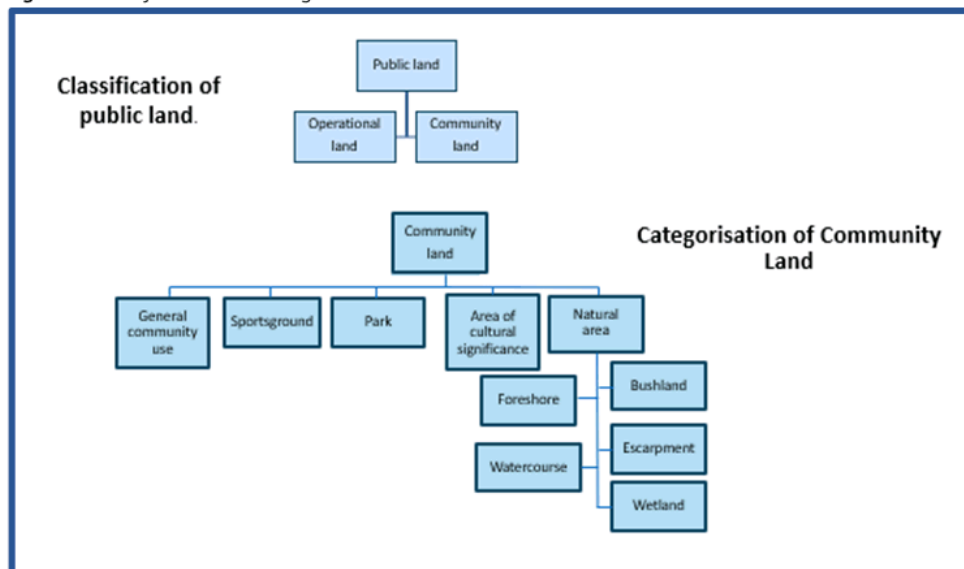
**2.2 Categories of community land**

The assignment of the categories is directed by the *Local Government (General) Regulation 2005* (LG Regulation), which provides a description of land and use to guide the assignment of categories to portions of the land as appropriate. See **Report Section 2.3**.

Community land categories define the core objectives for use, management and development of community land. (LG Act Chapter 6 Part 2 Division 2). See **Report Section 2.4**.

**Figure 3:** Classification and Categories shows the classification of public land, and categories of community land.

*Figure 3: Classification and Categories*



Source: Office of Local Government plan of management guidelines



**2.3 Guidelines for assignment of the community land categories in the Draft Penrose Village Park Plan of Management**

There are three categories assigned in the Draft Penrose Village Park PoM: Park, General Community Use and Sportsground. **Figure 4:** Draft Penrose Village Park Plan of Management Category Assignment Guidelines shows the guidelines for the assignment of the three categories in the draft PoM.

*Figure 4: Draft Penrose Village Park Plan of Management Category Assignment Guidelines*

CATEGORY
<b>PARK</b>
<u>LG Regulation Clause 102</u> Land which is improved by landscaping, gardens or the provision of non-sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that do not intrude on the peaceful enjoyment of the land by others.
<b>SPORTSGROUND</b>
<u>LG Regulation Clause 103</u> Land used primarily for active recreation involving organised sports or playing outdoor games.
<b>GENERAL COMMUNITY USE</b>
<u>LG Regulation Clause 106</u> Land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance.

*Source: Draft PoM – Penrose Village Park*

**2.4 Core objectives for managing the community land categories in the Draft Penrose Village Park Plan of Management**

The Core Objectives for the three categories assigned in the draft PoM: Park, Sportsground and General Community Use are shown in **Figure 5:** Draft Penrose Village Park Plan of Management Category Core Objectives.

*Figure 5: Draft Penrose Village Park Plan of Management Category Core Objectives*

CATEGORY
<b>PARK</b>
<u>LG Act Section 36G</u> Encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities. Provide for passive recreational activities or pastimes and for the casual playing of games Improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.
<b>SPORTSGROUND</b>
<u>LG Act Section 36F</u> Encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games. Ensure that such activities are managed having regard to any adverse impact on nearby residences.



CATEGORY
<b>GENERAL COMMUNITY USE</b>
<p><u>LG Act Section 36I</u>                      Promote, encourage and provide for the use of the land.                      Provide facilities on the land, to meet the current and future needs of the local community and of the wider public:</p> <ul style="list-style-type: none"> <li>• in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and</li> <li>• in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).</li> </ul>

Source: Draft PoM – Penrose Village Park

**2.5 Proposed categorisation of Penrose Village Park PoM**

Council adopted a *Children's Services and Public Halls PoM* in 2010 that included Penrose Village Park. At that time, Council held a public hearing into the community land categories in that PoM for Penrose Village Park, being: Sportsground and General Community Use.

This current draft PoM amends or alters the adopted PoM categories and so a public hearing is required under Section 40A of the LG Act.

The assignment of community land categories in the draft PoM has been undertaken in accordance with the Local Government (General) Regulation 2005, Part 4 Community Land, Division 1 Guidelines for the categorisation of community land.

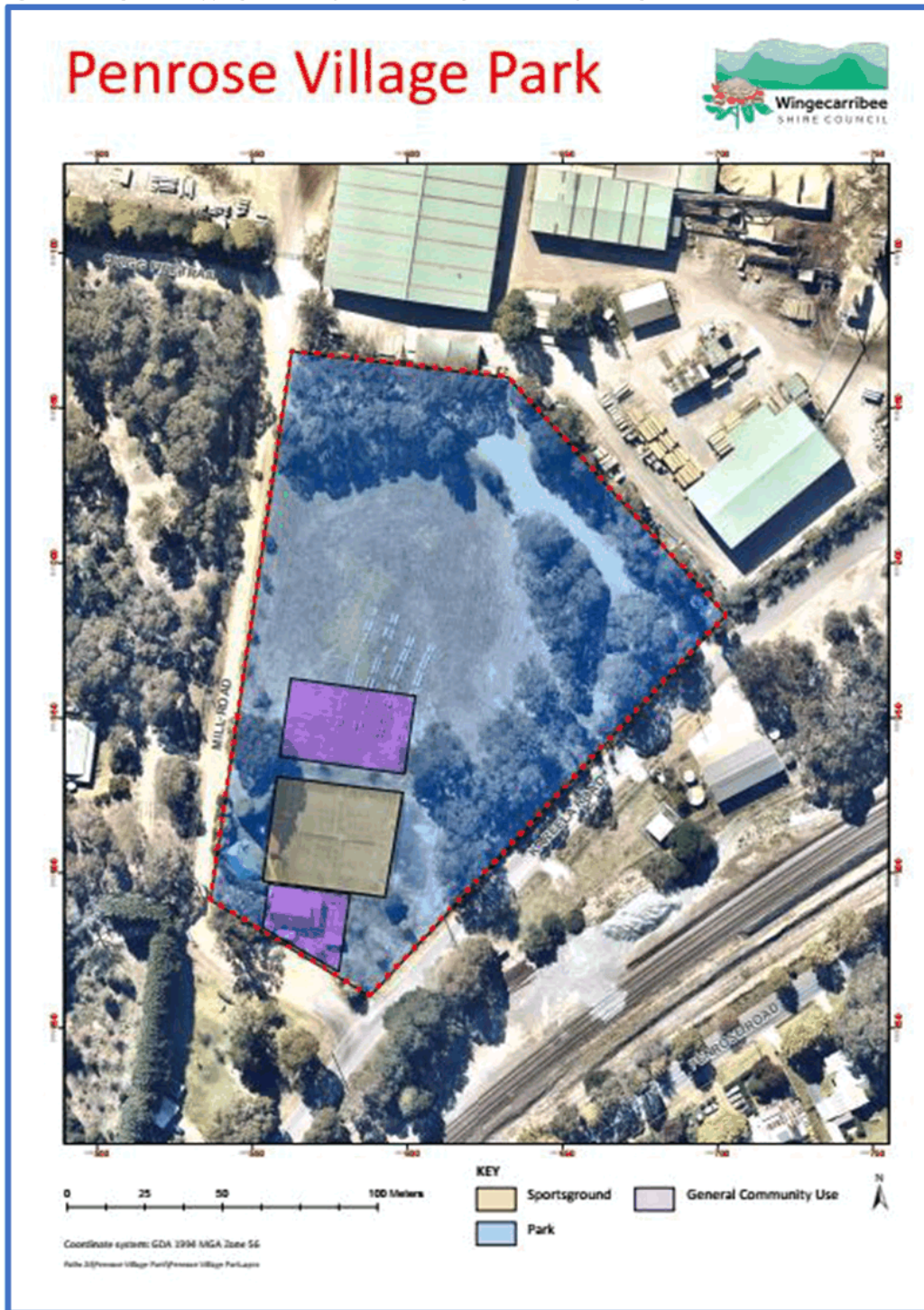
The NSW Office of Local Government *Practice Note No.1 Public Land Management* states (Page 11):

*Guidelines for council to assist in categorisation are provided in the Local Government (General) Regulation (cls.10 - 19). Council must have regard to the guidelines in determining a category (cl.9) but are not required to adopt any category merely because the land fits the description in the guidelines. Council should look at all the circumstances of the land in making a decision as to categorisation. For example, a piece of land may seem to satisfy the guidelines for more than one category. Council has a discretion in this case to look at the land in context, taking into account all relevant material before determining a category. It is important that council be able to justify any decision.*

**Figure 6:** Categories Mapping in the Draft Penrose Village Park PoM sets out the land where the categories have been assigned.



Figure 6: Categories Mapping in the Draft Penrose Village Park Plan of Management



Source: Draft PoM - Location of Penrose Village Park, Penrose



## 2.6 Public hearing for categorisation of community land

The LG Act and the LG Reg both set parameters for the holding of Public Hearings. See **Appendix A** for pertinent legislation extracts. Council must hold a public hearing in respect of a proposed PoM if the proposed plan would have the effect of categorising, or altering the categorisation of, community land.

Council must hold a further public hearing in respect of the proposed plan of management if Council decides to amend the proposed plan after a public hearing and the amendment of the plan would have the effect of altering the categorisation of community land from the categorisation of that land in the proposed plan that was considered at the previous public hearing.

## 3 THE PUBLIC HEARING

### 3.1 Advertising and notification

Council advertised the Public Hearing on its corporate ([wsc.nsw.gov.au](http://wsc.nsw.gov.au)) and community ([yoursaywingecarribee.com.au](http://yoursaywingecarribee.com.au)) web pages, and notice was also given through Council's weekly Community Update released on 18 August 2021. Emails were sent to anyone registered to receive Council information (approximately 2,500 subscribers).

A media release was issued on 16 August about both the public exhibition and the Public Hearing. A notice advising of the Public Hearing was also placed on display at the Penrose Village Café and Post Office. Council does not place newspaper advertisements.

### 3.2 Availability of the draft Plan of Management

The Draft Penrose Village Park PoM is on public exhibition 16 August 2021 to 12 September 2021. Submissions to the draft PoM can be received by Council until 5pm on 26 September 2021.

The Draft PoM is on public exhibition at Council's Civic Centre, Moss Vale; Bowral Library, and the Penrose Village Post Office. However, due to covid-19 restrictions, the Civic Centre and Bowral library are currently closed, and the Café side of the Penrose store is closed. The hard copy is still available at the Post Office.

Anyone wishing to view a hard copy of the draft PoM while these facilities are closed are encouraged to contact Council on [mail@wsc.nsw.gov.au](mailto:mail@wsc.nsw.gov.au) and a hard copy will be posted to them.

### 3.3 Attendance at the Public Hearing

The Public Hearing was convened and managed by:

- Carl Malmberg, Independent Chair – CGM Planning;
- Colette Goodwin, recording the proceedings - CGM Planning;
- Rachel Forte, A/Manager, Assets, Wingecarribee Shire Council;
- Iain Greaves, A/Coordinator – Parks and Buildings, Wingecarribee Shire Council;
- Lisa Grimshaw, Recreation Planner, Parks and Buildings, Wingecarribee Shire Council; and
- Sara McGufficke, Recreation Planner, Parks and Buildings, Wingecarribee Shire Council.

Members of the public in attendance were:

- Carol Prinic;
- Jeff Freeman;
- Alison Duthie;
- Louise Docker;
- Ian Scandrett;
- Antony Spanbrook;
- John Duffy; and
- Melissa Cady.

A copy of the Hearing Agenda is at **Appendix B**.



**3.4 The Public Hearing**

The Public Hearing was conducted on-line through a Council-sponsored Zoom meeting due to Covid-19 travel and gathering restrictions between 5.00pm and 6.00pm on Tuesday 23 August 2021.

Council staff welcomed the participants to Country and the Hearing. After an introduction by the Chair setting out the purpose of the meeting the Chair stated that neither he, nor the other CGM Planning director making a record of the hearing were not, nor had ever been employees of Council, and although CGM Planning had been engaged to assist Council prepare the draft Penrose Village Park PoM, the Chair was acting as independent Chair for the Hearing.

A presentation was provided to the attendees by the Chair, which provided an explanation of the categories used, why they were chosen and where they would apply to the land.

Due to the limitations of on-line presentation, discussion was limited throughout the presentation with the focus on a question/answer, comment and submission period following the presentation.

Responses to the participants' questions and comments were made by the Chair or provided by Council's A/Manager, Assets, A/Coordinator – Parks and Buildings, and Recreation Planner, depending on the relevance of the subject matter.

Figure 7 sets out the questions, comments and discussions at the Public Hearing.

*Figure 7: Record of Public Hearing Questions, Comments and Discussion*

Statement, Comment or Question	Answer or response (if provided)
Participant Statement: Mr Ian Scandrett declared himself as a suspended Councillor (while Administrator running Council) but stated he was committed to the process of preparing a plan of management for Penrose.	Chair: Accepted and thanked.
Participant Question: If the area is classified as Park could it still be used for sporting activities? For example, if a cricket net was set up.	Chair: Yes, potentially for informal use but Council would need to determine the significance of impact and location in the Park category.
Participant Question: In future could a historical shed be allowed on land classified as Park.	Chair: Yes potentially, but it would be better suited to a category of GCU to accommodate a community structure such as a museum.
Participant Statement: PoM hits right note on many things and were hoping for flexibility. It is vital to retain the grassed area for emergency helicopter use and RFS training. A cricket pitch on the field may impede other uses and at times be dangerous to other park users.	Chair: Accepted and thanked.
Participant Statement: The latest Covid lock down has made it hard to get a copy of the draft PoM and to discuss it among the community. It is everyone's village and we want to ensure as many people as possible to get have a say.	Council: Happy and willing to send out a hardcopy to those who want one. Please let Council know who needs one and we will do that.  Council: Future uses permitted in certain categories on the land is what the meeting is about. Council is managing the land on behalf of the community and while it is a council plan there are procedures in place to change it in the future.

8.1 Plan of Management - Penrose Park

ATTACHMENT 2 Public Hearing Report Penrose Village Park Plan of Management



Statement, Comment or Question	Answer or response (if provided)
<p>Participant Statement: When the land was categorised in 2010, they thought sportsground was the right category so it is very important now that people are really aware of what is being done.</p>	<p>Council stated that Covid-19 restrictions had limited the public access to hardcopy documents in the usual locations such as Council offices and libraries but was available online.</p> <p>Council stated that direct contact with any of the staff present would enable hardcopies to be sent out.</p>
<p>Participant Statement &amp; Question: The Penrose Play group have been on the land since the late 1990's and have a regular booking and use of the hall and land.</p> <p>Could there be any penalty if the park land is used for informal sport?</p>	<p>Council: If open space area and people want to run around or use the space for informal football or to kick a ball around Council will not be enforcing it. It is a public space. The Park category gives flexibility in a park setting for play and a variety of purposes. Council would be enforcing ordinances such a dogs off-leash or car parking. There are no sports clubs associated with the oval.</p>
<p>Participant Statement: So, it is mainly about infrastructure that might go in more than use. Definitely want to see the area reinvigorated. It is the heart and soul and a vital part of the community.</p>	<p>Council: The play space will be renewed and there is a masterplan for developing the area.</p>
<p>Participant Question: Are there multiple categories being applied to the land?</p>	<p>Chair: Yes, three categories: Park, General Community Use and Sportsground. These do not overlap one another.</p>
<p>Participant Question: Each year the village is gifted wood from the mill as a fund raiser. Can they lay the wood out and run a fund raiser? Would they need a development application?</p>	<p>Chair: Fund raising like a fete or fair would not inhibit the use of the grounds.</p> <p>Council: Category won't inhibit use of the land but events in a bushfire prone area, which this is, are required under the LEP to lodge a development application.</p> <p>If it is an annual event, it is possible to obtain consent for 5 years to reduce the cost and time involved in preparing annual ones.</p>
<p>Participant Statement: A development application is a formidable barrier for the community. It is ironic that a DA is required for a fund raiser but not for RFS training on the ground.</p>	<p>Council: Emergency services have an exemption.</p>
<p>Participant Question: Would these activities fall under the curtilage of the hall and therefore be the management of the hall committee?</p>	<p>Council: The hall has existing use rights for uses so no DA is needed for uses. However, most development applications now go through the NSW Planning Portal.</p>
<p>Chair: The Hearing has covered the content and shall move on to "what is next"</p> <p>CGM Planning will prepare a report and Council will make it available for public inspection within four days of receipt.</p>	<p>Council: There will be a link on Council's 'Your Say' page and hardcopy will be made available on request as for the draft PoM.</p>
<p>Participant Statement: I am a resident of the southern part of the Shire and visit halls all over</p>	<p>Chair: Accepted and thanked.</p>





Statement, Comment or Question	Answer or response (if provided)
the areas. This hall does have a regional aspect to it. The RFS training may fall into the curtilage of the hall and needs to be considered.	

The Chair explained that the Public Hearing report would be made available for public inspection by Council within four days of receipt of the report accordance with Section 47G of the LG Act.

**3.5 Availability of Public Hearing Report**

The LG Act S.47G (3) sets the requirements for the availability of the Public Hearing Report:

**47G Public hearings**

- (3) *Not later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the council must make a copy of the report available for inspection by the public at a location within the area of the council.*

The Chair advised that the report is a record of the Hearing and, as it will be made available during the public exhibition of the draft PoM, it will help people to make submissions to the draft PoM.

The Hearing Report will be placed as an additional document on the Your Say page, and as with the draft PoM, will be made available in hard copy to anyone who is unable to access it online upon contact through [mail@wsc.nsw.gov.au](mailto:mail@wsc.nsw.gov.au) and requests a copy.

Council will also email the community groups previously contacted to advise of the report's availability on Council's Your Say page (with a link to the web page).

The Chair sought any further comments or questions, and it was agreed to close the Hearing at 6.00pm.

**4 RECOMMENDATIONS**

**4.1 Recommendation**

This report recommends Council adoption of proposed categorisation, subject to consideration of submissions from the draft PoM public exhibition.

Any further amendments to, or application of community land categories in the draft PoM will require an additional Public Hearing under Section 40A of the LG Act.



#### APPENDIX A: EXTRACTS OF PERTINENT LEGISLATION

Red text is explanatory notes

#### What does the LG Act say about this Public Hearing?

The LG Act Section 40 sets out the conditions under which Council may adopt a PoM for community land. One of these conditions is that a PoM may not be adopted until any public hearing that may be required under Section 40A is held.

#### 40A Public hearing in relation to proposed plans of management

- (1) The council must hold a public hearing in respect of a proposed plan of management (including a plan of management that amends another plan of management) if the proposed plan would have the effect of categorising, or altering the categorisation of, community land under section 36(4) [the three major categories]
- (2) However, a public hearing is not required if the proposed plan would merely have the effect of altering the categorisation of the land under section 36(5) [the five natural area sub-categories].
- (3) A council must hold a further public hearing in respect of the proposed plan of management if—
  - (a) the council decides to amend the proposed plan after a public hearing has been held in accordance with this section, and
  - (b) the amendment of the plan would have the effect of altering the categorisation of community land under section 36(4) [the three major categories] from the categorisation of that land in the proposed plan that was considered at the previous public hearing.

A public hearing is required to be held in accordance with LG Act Section 47G.

#### 47G Public hearings

- (2) The person presiding at a public hearing must not be—
  - (a) a councillor or employee of the council holding the public hearing, or
  - (b) a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.
- (3) Not later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the council must make a copy of the report available for inspection by the public at a location within the area of the council.

Section 734 of the LG Act also applies to this public hearing.

#### 734 Public hearings by a council

- (1) This section applies to a **public hearing** that by this Act (section 29(1) except [where reclassification of community land to operational land under EP&A Act]) is required to be arranged by a council with respect to any matter.
- (2) The **public hearing** is to be conducted in such manner as is determined by the council, subject to this Act and the regulations.
- (3) A report of the **public hearing** must be furnished to the council and the council must make the report public.
- (4) The council must consider the report before making any decision with respect to the matter to which it relates.

**What does the LG (General) Reg say about this Public Hearing ?**

The LG Reg makes reference to submissions in relation to categorisation in a draft PoM.

**114 Adoption of draft plan of management in relation to which certain submissions have been made**

- (1) This clause applies if—
- (a) a council prepares a draft plan of management, and
  - (b) the council receives any submission, made in accordance with the Act, concerning that draft plan that makes any objection to a categorisation of land under the draft plan, and
  - (c) the council adopts the plan of management without amending the categorisation that gave rise to the objection.
- (2) If this clause applies, the resolution by which the council adopts the plan of management must state the council's reasons for categorising the relevant land in the manner that gave rise to the objection.

If Council decides to alter the proposed categorisation of community land from that in the Draft Plan of Management and that considered at the public hearing, Council must hold a further public hearing in respect of the proposed Plan of Management (Section 40A(3) of the *Local Government Act 1993*).



APPENDIX B: PUBLIC HEARING AGENDA

PUBLIC HEARING

PENROSE VILLAGE PARK DRAFT PLAN OF MANAGEMENT

5.00pm – 7.00pm

24 August 2021



'on-line video-meeting'

AGENDA


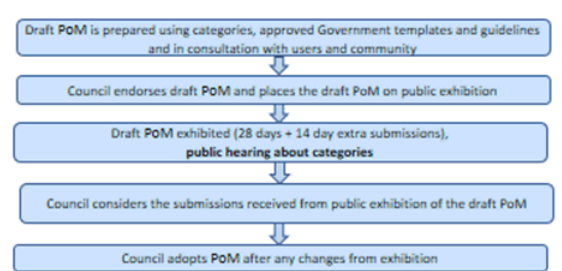
AGENDA ITEM	SPEAKER	TIME (PM)
Welcome to Country	Council	5.00-5.10
Introduction <ul style="list-style-type: none"> <li>• Chair</li> <li>• Council</li> <li>• Recognition of attendees</li> </ul>		
Outline and Purpose of Public Hearing <ul style="list-style-type: none"> <li>• Chair's role</li> <li>• Purpose and process of Hearing</li> <li>• Outcomes of Hearing</li> </ul>	Chair	5.10-5.20
Plan of Management Presentation <ul style="list-style-type: none"> <li>• Background</li> <li>• What is community land?</li> <li>• What are the categories of community land?</li> <li>• Guidance for categorisation</li> <li>• Proposed categorisation of Penrose Village Park</li> </ul>	Chair and Council	5.20-5.350
Questions and Answers <ul style="list-style-type: none"> <li>• Record of Hearing and submissions</li> </ul>	Council	5.35 onwards
Next Steps <ul style="list-style-type: none"> <li>• Availability of Report</li> <li>• Public Exhibition of draft Plan of Management</li> </ul>	Chair and Council	Conclusion by 7.00



APPENDIX C: PUBLIC HEARING PRESENTATION

<p><b>PUBLIC HEARING: PENROSE VILLAGE PARK</b> draft Plan of Management</p>  <p><b>CATEGORISATION OF COMMUNITY LAND</b></p> <p><i>Local Government Act 1993</i> (Section 40A and 47G)</p> <p>24 August 2021</p> 	<p><b>Public Hearing Agenda</b></p> <ul style="list-style-type: none"> <li>Public hearings for categorisation of community land</li> <li>Background</li> <li>What is community land?</li> <li>What are the categories of community land?</li> <li>Proposed categorisation of Penrose Village Park</li> <li>Open Questions &amp; Answer session, submissions made</li> </ul> <table border="0"> <tr> <td><b>Independent Chair</b></td> <td>Carl Malmberg Director</td> </tr> <tr> <td></td> <td>CGM Planning &amp; Development P/L</td> </tr> <tr> <td></td> <td><b>Wingecarribee Shire Council</b></td> </tr> <tr> <td></td> <td>Rachel Forte A/Manager</td> </tr> <tr> <td></td> <td>Assets</td> </tr> </table>	<b>Independent Chair</b>	Carl Malmberg Director		CGM Planning & Development P/L		<b>Wingecarribee Shire Council</b>		Rachel Forte A/Manager		Assets
<b>Independent Chair</b>	Carl Malmberg Director										
	CGM Planning & Development P/L										
	<b>Wingecarribee Shire Council</b>										
	Rachel Forte A/Manager										
	Assets										
<p>1</p>	<p>2</p>										
<p><b>Public Hearing: Community Land Categorisation</b></p> <p>Council resolved (11 August 2021 - MN 232/21 MOTION ) that:</p> <ol style="list-style-type: none"> <li>The draft Penrose Village Park Plan of Management be placed on public exhibition from 16 August 2021 to 12 September 2021.</li> <li>Submissions on the draft Penrose Village Park Plan of Management be accepted until 26 September 2021.</li> <li>The draft Penrose Village Park Plan of Management incorporating community submissions be submitted to Council for adoption following the public exhibition.</li> </ol> <p>Council's 'Your Say,' website also advertised that a public hearing will be held on 24 August 2021 from 5 pm to 7 pm, to discuss the change in categorisation of the land from General Community Use/Sportsground to General Community Use/Sportsground/Park.</p>	<p><b>Public Hearing: Community Land Categorisation</b></p> <p><b>Community Land Categorisation</b></p> <ul style="list-style-type: none"> <li>The <i>Local Government Act 1993</i> (Section 40A) requires an independently chaired public hearing be conducted into proposed changes to community land categories.</li> <li>The draft Penrose Village Park Plan of Management (the draft PoM) is on exhibition (16 August 2021 to 12 September 2021). Submissions to the draft PoM can be received by Council until two weeks after this date, to 5pm on 26 September 2021.</li> </ul> <p><b>Categorisation of Penrose Village Park</b></p> <ul style="list-style-type: none"> <li>The community land categories originally assigned by Council in the 2010 Council-adopted PoM were: <b>Sportsground and General Community Use.</b></li> <li>The draft PoM has revised these categories to: <b>Park, General Community Use and Sportsground.</b></li> </ul>										
<p>3</p>	<p>4</p>										



<h3>What Happens After The Public Hearing?</h3> <ul style="list-style-type: none"> <li>▪ The Independent Chair will provide a report on the Public Hearing to Council.</li> <li>▪ Council will make this report available for public inspection within four days.</li> <li>▪ The Report will be made available along with the draft Penrose Village Park PoM.</li> <li>▪ Any written submissions about the categorisation of the land will be considered as part of the submissions related to the draft PoM public exhibition.</li> </ul>	<h3>The Penrose Village Park</h3> <p>The land is 1.99 ha of community land owned by Wingecarribee Shire Council, comprised of:</p> <ul style="list-style-type: none"> <li>- lots 145-152, and lots 155-157 and lot 163 in DP 751259;</li> <li>- lot 1 in DP 327438; and</li> <li>- lot 154 in DP 1144429.</li> </ul> <p>The land was Crown land vested to Council (28/5/ 1976).</p> <p>The Penrose Village Park facilities include:</p> <ul style="list-style-type: none"> <li>- Penrose Village Hall;</li> <li>- children's play area;</li> <li>- public toilets;</li> <li>- picnic area &amp; tables;</li> <li>- old sports oval;</li> <li>- two hardcourt tennis courts and one asphalt mixed use court;</li> <li>- tennis shelter/shed;</li> <li>- landscaping open space, grass and trees; and</li> <li>- water bore.</li> </ul> 
<p>5</p>	<p>6</p>
<h3>What is Community Land</h3> <ul style="list-style-type: none"> <li>▪ Community land is land owned or controlled by Council and recognised as an important component of the environment.</li> <li>▪ Community land provides opportunities for recreation, leisure, community development and services, and contact with the natural environment.</li> <li>▪ It may include a wide variety of properties, ranging from small recreation reserves to iconic parks and buildings.</li> <li>▪ Community land must be categorised and have community land plans of management adopted by Council.</li> </ul>	<h3>Plans of Management Process</h3> 
<p>7</p>	<p>8</p>



### Classification and Categorisation

```

graph TD
    A[Public land] --> B[Operational land]
    A --> C[Community land]
    C --> D[General community use]
    C --> E[Sportsground]
    C --> F[Park]
    C --> G[Area of cultural significance]
    C --> H[Natural area]
    H --> I[Forestland]
    H --> J[Wetland]
    H --> K[Wetland]
    H --> L[Encouraged]
    H --> M[Wetland]
            
```

9

### Initial and Amended Categories

- Council adopted a *Children's Services and Public Halls PoM* in 2010 that included Penrose Village Park.
- Council held a public hearing into the community land categories in that PoM for Penrose Village Park, being: Sportsground and General Community Use.
- Council has prepared this draft PoM to meet the community's expressed needs for a revitalised Penrose Village Park with new, updated community facilities and a greater range of recreation, leisure, environmental and community service opportunities.
- The draft PoM categories are in accordance with the Local Government (General) Regulation 2005, Part 4, Division 1 Guidelines for categorisation of community land.
- **The draft PoM categories are: Park, General Community Use and Sportsground.**

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### Category Assignment Guidelines (LG Regulation summary)

**Park**

- The land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.

**Sportsground**

- The land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.

**General community use**

- The land may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and
- is not required to be categorised as a natural area, a sportsground, a park or an area of cultural significance.

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### Category Use and Management Objectives (LG Act summary)

**Park**

- Encourage, promote and facilitate recreational, cultural, social & educational pastimes & activities,
- Provide for passive recreational activities or pastimes & for casual games,
- Improve the land in such a way as to promote & facilitate its use.

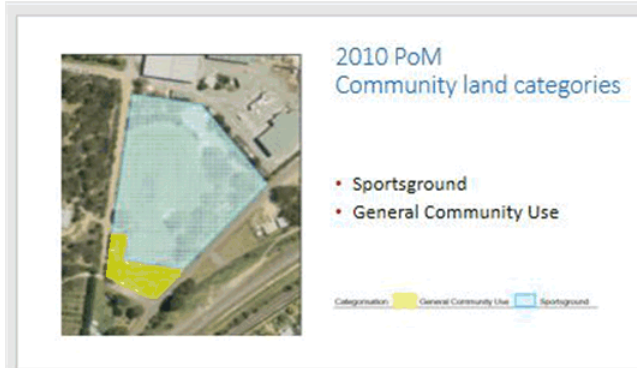
**Sportsground**

- Encourage, promote, facilitate community recreation for organised & informal sporting activities & games,
- Ensure activities are managed to minimise impact on nearby residences.

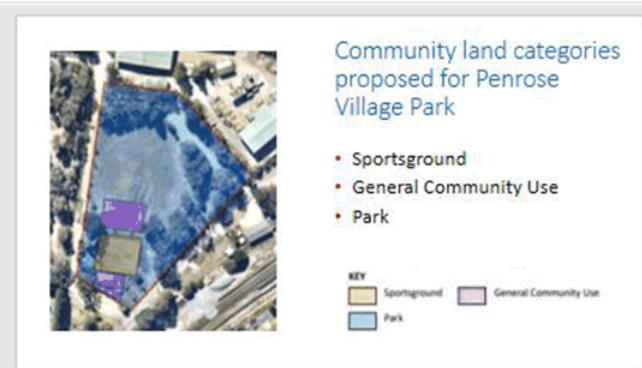
**General community use**

- Promote & encourage use & provide facilities to meet current & future needs of the community & public.
- Public recreation & physical, cultural, social & intellectual welfare or development of individuals,
- For a lease, licence or other estate (other than public utilities).

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Comments and Questions

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## 8.2 Tender Report - Animal Shelter and Moss Vale SES Design

**Report Author:** Group Manager Capital Projects  
**Authoriser:** Director, Service and Project Delivery

### **PURPOSE**

This report presents the evaluation of the Request for Tender for the design of the Wingecarribee Animal Shelter and the Moss Vale Branch SES.

### **RECOMMENDATION**

#### **THAT:**

1. In relation to the report concerning the design for the Wingecarribee Animal Shelter and the Moss Vale Branch SES - Council accepts the tender from Figgis and Jefferson Tapa Pty Ltd for \$398,488.32 (including GST).
2. Council note the tenders received ranged from \$396,573.00 (LOWEST) to \$613,848.00 (HIGHEST).
3. Council resolves to making \$176,000 (including GST) in funding available for the design of the SES Moss Vale facility from the reserves associated with the sale of the Frankland Street, Mittagong property.

### **REPORT**

#### **BACKGROUND**

Following the resolution of Council on 8 September 2021 - MN 249/21, Council undertook further consultation with key stakeholders in order to finalise requirements to progress to the design development for the Animal Shelter and the Moss Vale SES.

Council envisages an expedited design and approval process in order to fast track construction commencement of these much-needed facilities.

#### **REPORT**

Council sought tenders for suitable and qualified contractors to provide a lump sum tender for the scope of works. The full scope of works was detailed in the design drawings and tender documents

In accordance with the *Local Government Act 1993* part 3, section 55(3)(n), Council is required to invite tenders where estimated expenditure is greater than \$250,000 (GST inclusive).

## AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL

Wednesday 19 January 2022

### REPORT DIRECTOR, SERVICE AND PROJECT DELIVERY



### **ADVERTISING**

The tender advertising period was from the 23 November 2021 to 21 December 2021 (29 days).

The tender was advertised as follows:

<b>Newspaper / Website</b>	<b>Date Advertised</b>
Newspaper – Sydney Morning Herald	23 November 2021
Council's Website	For the duration of the advertising period
Council's eTendering Website	For the duration of the advertising period

### **TENDERS RECEIVED**

A total of six (6) tender submissions were received:

<b>Company Name</b>	<b>Location</b>	<b>Postcode</b>
Complete Urban Pty Ltd	Chippendale, NSW	2008
Dutailis Architects Pty Ltd	Goulburn, NSW	2580
Elemental Architecture Pty Ltd	Newtown, NSW	2042
Figgis & Jefferson Tapa Pty Ltd	Crows Nest, NSW	2065
MCA Architects Pty Ltd	Turramurra, NSW	2074
Michael Davies Architecture Pty Ltd	Moss Vale, NSW	2577

### **LATE TENDERS**

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

### **TENDER EVALUATION**

A Procurement Evaluation Plan was developed which outlined the pre-determined selection criteria, the criteria weightings, and members of the tender evaluation panel.

Each submission was evaluated against the specified criteria by the tender evaluation panel with a scoring system based from 0 to 10 and weighted according to the pre-determined criteria.

## **SELECTION CRITERIA**

The pre-determined criteria used to evaluate the tender were as follows:

### **Mandatory Criteria:**

<b>Mandatory Criteria</b>
Public Liability - \$20 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Motor Vehicle - Comprehensive
Active registration with the NSW Architects Registration Board

Tenderers were required to meet the mandatory criteria to be eligible to be shortlisted and progress any further in the evaluation process.

### **Non-Cost Selection Criteria & Weighting:**

<b>Non-Cost Criteria</b>	<b>Weighting</b>
Local Procurement	10%
Capability	5%
Relevant Experience	10%
Key Personnel	10%
Specifications	5%
Fit for Purpose	10%
Quality Assurance	5%
Innovation	5%
<b>Total</b>	<b>60%</b>

### **Summary of Selection Criteria & Weighting:**

<b>Criteria</b>	<b>Weighting</b>
Total Non-Cost Criteria	60%
Total Cost Criteria	40%
<b>Total</b>	<b>100%</b>

---

## **NON-COMPLIANT TENDERS**

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

The tender submission prices received were between \$396,573.00 to \$613,848.00.

## **EVALUATION COMMENTS**

### **COMMENTS ON OVERALL EVALUATION OUTCOME**

The Tender Evaluation Panel was formed, and each panel member scored the non-cost selection criteria in accordance with the Procurement Initiation Plan (PIP). In accordance with PIP only those tender submissions meeting the minimum non-cost selection criteria threshold of 60% were deemed to be compliant.

No tenders were assessed as non-compliant for failing to reach the non-cost criteria. This indicates that generally all submissions were deemed to be of a high standard and demonstrated a good understanding of the project.

### **COMMENTS ON RECOMMENDED TENDER SUBMISSION**

Figgis & Jefferson Tapa Pty Ltd provided a detailed tender submission demonstrating a thorough understanding of the scope of works and their proposed methodology. They have proposed a qualified and suitably experienced team and provided several examples of similar projects to demonstrate this experience.

Figgis & Jefferson Tapa Pty Ltd provided details for several referees for their current and past projects and have demonstrated a partnership with a leading Animal Industry specialist.

The Tender Evaluation Panel considered that Figgis & Jefferson Tapa Pty Ltd have the capability, qualifications, experience to complete the works and have demonstrated a detailed understanding of all aspects of this important project for the Wingecarribee Shire.

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## **CONSULTATION**

### **Community Engagement**

Tenders are part of a commercial arrangement and therefore no community engagement is required.

### **Internal Consultation**

Internal consultation was undertaken between Assets, Project Delivery, Strategic Planning, Governance and Procurement.

### **External Consultation**

External consultation was undertaken with all key stakeholders including Animal Shelter volunteer groups and the SES prior to the tender process.

---

## **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

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## **COUNCIL BUDGET IMPLICATIONS**

Council's 2021/22 Operational Plan and budget includes \$350,000.00 (excluding GST) for the Animal Shelter Design. The separable portion associated with the animal shelter is within the allocated and available budget for the animal shelter.

The SES Design is currently unfunded and this report seeks to make funding available from the reserves associated with the sale of the Frankland Street property in Mittagong. The separable portion associated with the SES design is \$176,000 (including GST).

Council resolution dated 13 May 2020 - MN115/20 resolved that funds from the Frankland Street sales have been identified as a source of funding for the proposed new Animal Shelter facility. Considering that the Animal Shelter and SES facility are being delivered in parallel and on the same site it is prudent to progress both projects in a timely manner.

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## **RELATED COUNCIL POLICY**

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

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## **CONCLUSION**

It is recommended that Council accept the tender and award this contract to Figgis & Jefferson Tepa Pty Ltd.

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## **ATTACHMENTS**

There are no attachments to this report.

## **8.3 Tender for Community and Recreational Facilities Strategy**

**Report Author:** Recreation Planner  
**Authoriser:** Manager Assets

### **PURPOSE**

This report presents the evaluation of the Request for Tender for the Community and Recreational Facilities Strategy.

### **RECOMMENDATION**

#### **THAT:**

- 1. Council accepts the tender from Tredwell Management Services for \$164,786 (including GST) to prepare the Community and Recreational Facilities Strategy**
- 2. Council note the tenders received ranged from \$71,500 (LOWEST) to \$394,962.50 HIGHEST).**

### **REPORT**

#### **BACKGROUND**

Council wishes to engage a consultant to undertake a Community and Recreational Facilities Strategy for the Shire as one integrated document instead of developing separate strategy documents (Sports Facility Strategy and Aquatic Facilities Strategy). The intent of this strategic approach is to ensure best use of community funds in the delivery of local, district and regional facilities and services. The Community and Recreational Facilities Strategy will guide the delivery of a sustainable and equitable network of facilities located in strategic and accessible positions across the LGA.

Council's 2021/22 Operation Plan includes funding for the preparation of the Sports Facility and Aquatic Facilities Strategies and this combined funding will be used for the preparation of the integrated Community and Recreational Facilities Strategy.

At the Extraordinary Council Meeting of 24 November 2021 Council resolved in relation to the proposed Community and Recreational Facilities Strategy:

MN 337/21 THAT:

- Council receives and notes the contents of this report and that a tender will be advertised for Principal Consultancy services to prepare the Community and Recreational Facilities Strategy for the Shire.
- The brief for the Community and Recreational Facilities Strategy be publicly available.

## AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL

Wednesday 19 January 2022

### REPORT DIRECTOR, SERVICE AND PROJECT DELIVERY



## REPORT

Council sought tenders for suitable and qualified consultants to provide a lump sum tender for the scope of works. The full scope of works was detailed in the tender documents.

A copy of the project brief was also published on Council's website.

In accordance with the *Local Government Act 1993* part 3, section 55(3)(n), Council is required to invite tenders where estimated expenditure is greater than \$250,000 (GST inclusive).

## ADVERTISING

The tender was advertised from the 30 November 2021 to 21 December 2021 (21 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Council's Website	For the duration of the advertising period
Council's eTendering Website	For the duration of the advertising period

The requirement to advertise tenders in newspapers was removed from the Local Government Regulation effective 17 April 2020 as per the Local Government Circular 20-12/17 April 2020 / A696830.

Removal of newspaper advertising requirements under the Regulation:

- To alleviate the red tape burden on councils and to reduce their costs, amendments have also been made to the Regulation to remove remaining requirements for notices to be published in newspapers.
- Councils are now instead required to publish notices on their websites and in such other manner that they consider necessary to bring it to the notice of the local community or other interested persons.

## TENDERS RECEIVED

A total of nine (9) tender submissions were received:

Company Name	Location	Postcode
Carousel HR Consulting Pty Ltd	Queensland	4304
CT Management Group Pty Ltd	Kooringal NSW	2650
Factotum Communications Pty Ltd	Winston Hills NSW	2153
HillPDA Pty Ltd	Sydney NSW	2001
Otium Planning Group	Parramatta NSW	2124
Sport Business Partners Pty Ltd	Victoria	3181
Tredwell Management Services	South Australia	5031
Urbis Pty Ltd	Sydney NSW	2000
Xyst Australia Pty Ltd	Victoria	3160

## **LATE TENDERS**

There were zero (0) late tender submissions.

## **TENDER EVALUATION**

A Procurement Initiation Plan was developed which outlined the pre-determined selection criteria, the criteria weightings, and members of the tender evaluation panel.

Each submission was evaluated against the specified criteria by the tender evaluation panel with a scoring system based from 0 to 10 and weighted according to the pre-determined criteria.

In accordance with the Procurement Initiation Plan only those tender submissions meeting the minimum non-cost selection criteria threshold of 60% were deemed to be compliant.

## **SELECTION CRITERIA**

The pre-determined criteria used to evaluate the tender were as follows:

### **Mandatory Criteria:**

<b>Mandatory Criteria</b>
Public Liability - \$20 million
Professional Indemnity
Workers Compensation
Motor Vehicle Insurance

Tenderers were required to meet the mandatory criteria to be eligible to be shortlisted and progress any further in the evaluation process.

### **Non-Cost Selection Criteria & Weighting:**

<b>Non-Cost Criteria</b>	<b>Weighting</b>
Capability & Experience	30%
Specifications, Service & Support, Fit for Purpose	20%
Innovation	5%
Community & Social (including local content)	10%
<b>Total</b>	<b>65%</b>

### **Summary of Selection Criteria & Weighting:**

<b>Criteria</b>	<b>Weighting</b>
Total Non-Cost Criteria	65%
Total Cost Criteria	35%
<b>Total</b>	<b>100%</b>



## **NON-COMPLIANT TENDERS**

Upon evaluation a total of six (6) tender submissions were determined to be non-compliant as they did not meet the minimum non-cost selection criteria threshold of 60%:

<b>Company Name</b>	<b>Reason for Non-Compliance</b>
Carousel HR Consulting PTY LTD	Non-cost criteria
CT Management Group Pty Ltd	Non-cost criteria
Factotum Communications Pty Ltd	Non-cost criteria
HillPDA Pty Ltd	Non-cost criteria
Sport Business Partners Pty Ltd	Non-cost criteria
Xyst Australia Pty Ltd	Non-cost criteria

Respondents not meeting the minimum non-cost selection criteria threshold of 60% was due to one or more of the following:

- lack of experience in preparing similar high-level community and recreational strategies for other LGAs
- lack of demonstrable capacity and capability in the project team to cover the full scope of works
- methodology lacked sufficient detail and/or did not include all the requirements of the brief, including business cases and extent of community engagement
- program of works lacked sufficient detail to be confident that the full scope of works had been considered.

## **TENDERED SUBMISSION PRICES**

The tender submission prices received were between \$71,500 and \$394,962 (inclusive of GST).

## **EVALUATION COMMENTS**

The Tender Evaluation Committee considered that Tredwell Management Services have proposed an experienced and capable team along with a detailed methodology and appropriate program to complete the scope of works envisioned by the tender satisfactorily.

Tredwell Management Services have undertaken previous work for Wingecarribee Shire Council, having prepared Council's Walking Tracks Strategy in 2020.

---

## **CONSULTATION**

### **Community Engagement**

Tenders are part of a commercial arrangement and therefore no community engagement is required.

### **Internal Consultation**

Consultation has taken place between Council's Procurement, Asset Management, Parks and Buildings Maintenance and Strategic Land Use Planning areas. The tender assessment panel of four (4) internal staff members from two (2) Directorates.

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### **External Consultation**

Tenders are part of a commercial arrangement and therefore no external consultation is required.

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### **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

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### **COUNCIL BUDGET IMPLICATIONS**

Council's 2021/22 Operational Plan includes \$160,154.00 for the Aquatic Strategy and \$70,000.00 for the Sports Facilities Strategy. This combined budget is sufficient budget \$230,154.00 (excl GST) for the preparation of the Community and Recreational Facilities Strategy. This recommendation is within the allocated and available budget.

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### **RELATED COUNCIL POLICY**

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

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### **CONCLUSION**

It is recommended that Council accept the tender and award this contract to Tredwell Management Services.

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### **ATTACHMENTS**

There are no attachments to this report.

**AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL**  
Wednesday 19 January 2022  
**REPORT DIRECTOR, SERVICE AND PROJECT DELIVERY**

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Lisa Miscamble  
**General Manager**

Wednesday 12 January 2022