

# AGENDA

## Ordinary Meeting of Council



*We're with you*

Wednesday 19 July 2023

Council Chambers  
Wingecarribee Shire Council Civic Centre  
68 Elizabeth Street, Moss Vale

The meeting will commence at 3:30PM

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WEDNESDAY 19 JULY 2023**

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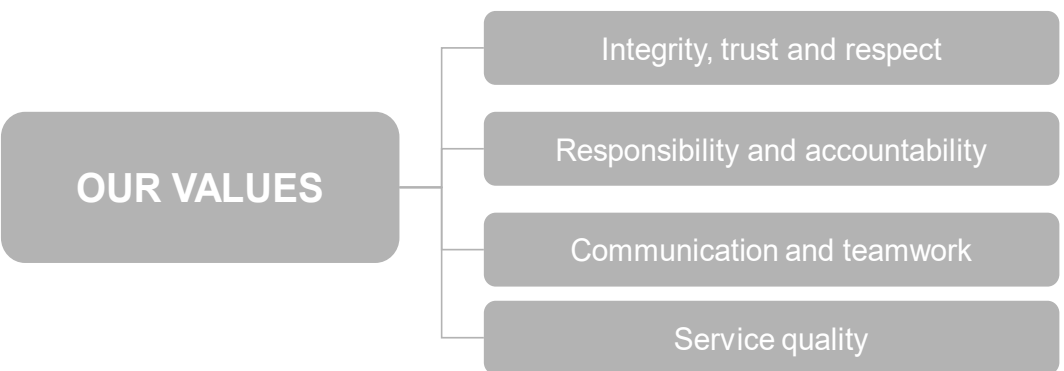
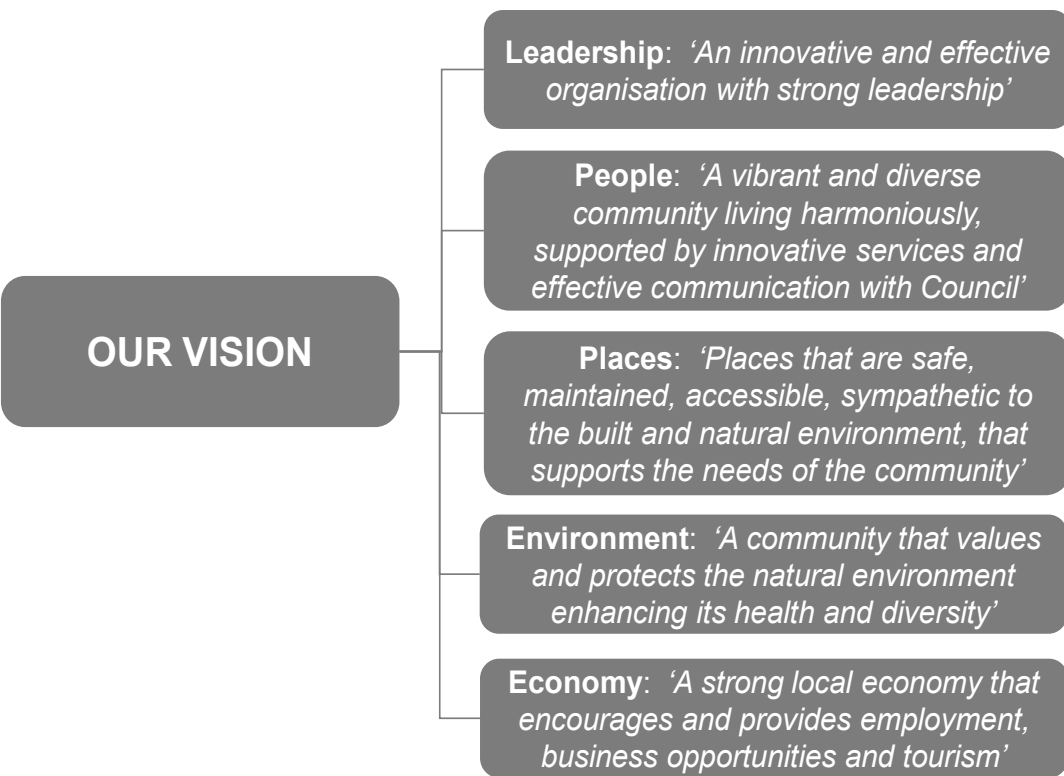
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**10 MEETING CLOSURE.....177**

**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



## **Council Chambers**

### **Recording and Webcasting of Ordinary and Extraordinary Meetings of Council**

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

The Council Chamber has 24 Hour Video Surveillance.

## **1 OPENING OF THE MEETING**

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

## **2 ACKNOWLEDGEMENT OF COUNTRY**

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

## **3 STATEMENT OF ETHICAL OBLIGATIONS**

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

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

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

## **4 APOLOGIES**

Nil at time of print.

## **5 ADOPTION OF MINUTES OF PREVIOUS MEETING**

That the minutes of the Ordinary Meeting of Council held on 21 June 2023 MN 2023/398 to MN 2023/420 inclusive, be adopted as a correct record of the proceedings of the meeting.

That the minutes of the Extraordinary Meeting of Council held on 28 June 2023 MN 2023/421 to MN 2023/428 inclusive, be adopted as a correct record of the proceedings of the meeting.

## **6 DECLARATIONS OF INTEREST**

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

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

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

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

## **7 ADMINISTRATOR MINUTES**

## **8 GENERAL MANAGER**

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### **8.1 Southern Highlands Innovation Park - Tender for Master Plan**

**Report Author:** Coordinator - Strategy and Place

**Authoriser:** General Manager

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#### **PURPOSE**

The purpose of this report is to present to Council the evaluation of the Request for Tender for Tender T-2023-9 Southern Highlands Innovation Park (SHIP) Master Plan.

This report seeks Council's endorsement to enter into a contract with Architectus Australia Pty Ltd for the preparation of the Master Plan and Governance Strategy for the SHIP.

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#### **OFFICER'S RECOMMENDATION**

##### **THAT Council:**

- 1. Accepts the Tender for the Southern Highlands Innovation Park Master Plan from Architectus Australia Pty Ltd at a lump sum price of \$236,819 (inclusive of GST).**
- 2. Note the tenders received ranged from \$185,900 to \$966,517.**
- 3. Delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.**

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#### **REPORT**

##### **Background**

The Southern Highlands Innovation Park (SHIP) is a regionally significant employment precinct comprising some 1,053 hectares of industrial zoned land between Moss Vale and New Berrima in the Wingecarribee Shire Local Government Area. The precinct is strategically located in close proximity to Sydney, Canberra, Wollongong and the new Western Sydney Airport and Aerotropolis. This Precinct provides a unique opportunity to attract sustainable and innovative industries and become a major employer and economic driver for the Shire and the broader region.

Council has completed the first phase of a Master Planning process for the SHIP, which included a contextual and constraints analysis, a high-level land use and competitor analysis and feasibility model, an emerging Vision and high-level Structure Plan for the precinct.

Council recently secured grant funding from the Department of Regional NSW to complete Phase 2 of the Master Planning process for the SHIP, which includes the development of a detailed Master Plan for the precinct, as well as a detailed Governance Strategy.

Council is now seeking to prepare the detailed Master Plan and Governance Strategy, which will be developed through a collaborative process with Government agencies, landowners, industry and the



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broader community. The successful consultant will be required to build on the Phase 1 emerging vision and structure plan and prepare a detailed Master Plan to guide future land use, urban structure and built form.

At the meeting of 15 February 2023, Council considered a report seeking to prepare a brief for suitably qualified and experienced consultants to prepare a detailed Master Plan and Governance Strategy for the SHIP. At that Council meeting, the brief was endorsed and formed part of the Tender documentation.

In May-June 2023, Council sought tenders for suitable and qualified contractors to provide a lump sum tender for the scope of works (T-2023-9). The full scope of works was detailed in the tender documents. Preparation of the tender documents was undertaken in consultation with Council's Procurement team and in accordance with Council's adopted Procurement Guidelines. A Procurement Initiation Plan was developed to identify the key information about the procurement activity, any risks and how these could be mitigated as a result of, the procurement activity, and identified the mandatory, cost and non-cost criteria for evaluating the tender submissions.

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

### **Advertising**

The tender advertising period was held from Tuesday 30 May 2023 to Tuesday 20 June 2023 for a total of 21 days.

The tender was advertised as outlined in the table below:

<b>Newspaper / Website</b>	<b>Date Advertised</b>
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 eight (8) tender submissions were received as outlined in the table below:

<b>Company Name</b>	<b>Location</b>	<b>Postcode</b>
Architectus Australia Pty Ltd	Sydney NSW	2000
Conybeare Morrison International Pty Ltd	Woolloomooloo NSW	2011
DP (Aus) Pty Ltd (Design and Planning)	Sydney NSW	2000
McGregor Coxall Australia Pty Ltd	Manly NSW	2095
Moir Landscape Architecture Pty Ltd	Islington NSW	2296
Stantec Australia Pty Ltd	Wollongong NSW	2500
Vanovac Tuon Architects Pty Ltd	Surry Hills NSW	2010
Woods Bagot Pty Ltd	Sydney NSW	2000

### **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, 0 to 10 and weighted according to the pre-determined criteria.

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**Tender roles and responsibilities**

The tender was conducted by staff in the following positions as approved through the completion of the Procurement Initiation Plan.

<b>Role</b>	<b>Responsibility</b>	<b>Position</b>
Evaluation Panel Chair	To manage the evaluation process and prepare the report to Council.	Executive Manager Strategic Outcomes
Evaluation Panel Member	Perform a detailed evaluation of the Tender Submissions.	Coordinator Strategy and Place
Evaluation Panel Member Independent	Perform a detailed evaluation of the Tender Submissions.	Director Corporate Strategy and Resourcing
Procurement Process and Advice (Probity)	Manages the tender process ensuring that it complies with all relevant legislation, Procurement Policy, Guidelines and Procedures. Manages all communication with Respondents during the advertisement and evaluation periods.  Providing probity advice and support to the evaluation panel.	Procurement Officer

**Selection Criteria**

The pre-determined criteria used to evaluate the tender is outlined in the table below:

**Mandatory Criteria:**

<b>Mandatory Criteria</b>
Public Liability - \$20 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Professional Indemnity - \$2 million
Motor Vehicle – Comprehensive
Declaration of past or present works

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>
Community, Sustainable and Social	10%
Capability and Experience	20%

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Specification, Service & Support, Fit for Purpose	20%
Quality Assurance & Innovation	15%
<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>

**Tendered submission prices**

The tender submissions ranged in price from \$185,900 to \$966,517 including GST.

The information below provides a summary of the price ranges from the submissions received:

- There was one (1) tender with a price between \$100,000 - \$199,999.
- There were four (4) tenders with a price between \$200,000 - \$299,999.
- There was 1 tender with a price between \$300,000 - \$399,999.
- There was 1 tender with a price between \$500,000 - \$599,999.
- There was 1 tender with a price between \$900,000 - \$999,999.

**Comments on overall evaluation outcome**

In addition to the mandatory and cost criteria, the submissions received were evaluated against each of the following non-cost criteria as outlined within the tender:

- Community and Social: Contractor/Supplier proximity to the Wingecarribee Shire region, but also their commitment to use local suppliers, materials and resources.

There were five (5) respondents who indicated that some of their employees reside in Wingecarribee Shire Council and/or that they will use local suppliers, materials or resources where the project permits. Where respondents indicated some commitment for using local suppliers, this was reflected in the evaluation panel scores.

- Capability: Contractor/Supplier has provided evidence of the required skills, knowledge and qualifications to deliver the project/contract.

All respondents demonstrated that they have the capability to deliver the project, however there were varying levels of capability demonstrated in the submission responses. Higher scores were provided by the evaluation panel where there was a multi-disciplinary team of professionals proposed for the project, supported by suitable qualifications.

- Experience: The Contractor/Supplier has provided evidence and had relevant and necessary experience to be able to deliver the project/contract.

Most respondents demonstrated that they have the experience to deliver the project, however there were varying levels of experience demonstrated in the submission responses. Higher scores were provided by the evaluation panel where there was experience demonstrated in managing large scale strategic planning projects comparable to the SHIP (for example, industrial/regional development), industrial or innovation districts and analysis, and governance-related matters.

- The proposed methodology to deliver the project/contract.

Most respondents demonstrated a logical and detailed methodology on how they would deliver the project. Responses that provided a clear and concise summary of the methodology consistent with the brief were evaluated with higher scores than responses with limited detail.

- The proposed program of works to deliver the project/contract.

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All respondents provided a program of works to deliver the project. Higher scores were provided by the evaluation panel where it was clearly demonstrated how the proposed resources working on the project would result in the key deliverables being met within the specified timeframe.

- Quality Assurance: Contractor/Supplier has evidence of a Quality Management System suitable for undertaking the conditions under the contract.

Most respondents provided a satisfactory response to quality management systems and measures being in place to deliver the project. Higher scores were provided by the evaluation panel where examples and frameworks were submitted to demonstrate this criteria.

- Innovation: The Contractor/Supplier has provided evidence through their submission of an innovative solution which builds upon the current requirement for the project/contract.

All respondents except one provided a satisfactory response to innovation. Higher scores were provided by the evaluation panel where innovation was demonstrated as being part of the organisation and its values, and through examples of how innovation would be delivered through the project outcomes.

- Sustainability: The Contractor/Supplier demonstrates innovation in sustainability to deliver the project/contract.

All respondents provided a satisfactory response to sustainability. Higher scores were provided by the evaluation panel where sustainability was demonstrated as being part of the organisation and its values, and through examples of how sustainability would be delivered through the project outcomes.

### **Comments on recommended tender submission**

The submission from Architectus Australia Pty Ltd was ranked number 1 by all tender evaluation panel members for the following reasons:

- Demonstrated a highly qualified and multi-disciplinary project team (including sub-consultants) of urban designers, planners and analysts with extensive and relevant experience in delivering large scale strategic projects that are of a similar nature to the SHIP. The proposed sub-consultants also have demonstrated experience in governance matters, with a Governance Strategy a key deliverable of this project.
- A clearly outlined methodology and program of works, that demonstrates and justifies the resources proposed to deliver the project.
- Demonstrated quality management systems, with examples provided.
- A commitment to innovation and sustainability as an organisation, and through the outcomes of the project.
- Value for money, with additional economic analysis and market sounding included.
- Providing well-prepared and concise responses to the tender criteria.

The evaluation panel was unanimous in recommending Architectus Australia Pty Ltd as the preferred consultant to deliver the project.

### **Progress Reporting**

The preparation of the Southern Highlands Innovation Park Master Plan and Governance Framework is a deliverable outlined in Council's Delivery Program and Operational Plan, and progress on the project will be reported quarterly through the Integrated Planning and Reporting Framework process.

Further, a project page will be created through Council's 'Your Say Wingecarribee' page once the project commences, and the project plan and timeline will be made available through that platform.

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## **COMMUNICATION AND CONSULTATION**

### **Community engagement**

A key deliverable of this project is the preparation and delivery of a Community and Stakeholder Engagement report and the successful consultant will manage and facilitate a number of engagement

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opportunities with the community and key stakeholders, in preparing the SHIP Master Plan and Governance Strategy. Council officers will assist and be involved in these engagement activities.

### **Internal communication and consultation**

A Procurement Initiation Plan was prepared through Council's Procurement team to guide and inform the tender process. An evaluation panel was established including representatives from Council's Strategic Outcomes and Corporate Strategy and Resourcing Directorate to discuss and evaluate the tender submissions received.

As the project develops, internal consultation will occur with relevant departments to seek their input into the project outcomes.

### **External communication and consultation**

External communication and consultation will occur with the community and key stakeholders as the project progresses. Council will utilise multiple channels to communicate and promote the engagement opportunities as they arise.

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## **SUSTAINABILITY ASSESSMENT**

### **Environment**

Sustainability was one of the non-cost criteria with a weighting of 5% of the overall non-cost criteria. The recommended consultant Architectus operates under a Sustainability and Resilience Framework based on the United Nations Sustainable Development Goals, provided examples of previous projects where sustainability principles have informed the project outcomes, and demonstrated a commitment to sustainability through the project outcomes.

### **Social**

Social planning principles such as equity, community, and healthy environments will be considered and form part of the project outcomes.

### **Broader economic implications**

The purpose of the project is to grow and enhance the economic opportunities of the SHIP through the delivery of a detailed Master Plan and Governance Strategy. Over the long term and through implementation of the project, it is anticipated that there will be further investment, local job opportunities and business creation within the SHIP.

### **Culture**

Planning for Country and consideration of aboriginal heritage will be considered and form part of the project outcomes.

### **Governance**

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

A Governance Strategy forms part of the project deliverables which is intended to provide options and recommendations on suitable governance arrangements that would assist acceleration of the SHIP.

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## **COUNCIL BUDGET IMPLICATIONS**

Council received grant funding of \$274,000 (including GST) from the Department of Regional NSW to complete the project. Funding for the project is contingent on the delivery of the project in a timely manner. Should Council not support the recommendation or not award the project to a consultant, the grant funding would need to be returned to the Department of Regional NSW.

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Whilst this project will be largely carried out by consultants, several Council resources are allocated to managing and providing input into the project.

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### **RELATED COUNCIL POLICY**

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

The outcomes of this project are likely to result in future amendments to the Wingecarribee Local Environmental Plan 2010 and the Moss Vale Enterprise Corridor Development Control Plan 2008.

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### **CONCLUSION**

Following grant funding received from the Department of Regional NSW, Council sought tenders for the preparation of the SHIP Master Plan and Governance Strategy. A total of 8 tender responses were submitted to Council ranging from \$185,900 to \$966,517 including GST.

The tender evaluation panel unanimously determined that Architectus Australia Pty Ltd be recommended to enter into a contract for completion of the project due to their significant experience and capability in delivering projects of a similar nature, multi-disciplinary and qualified project team, value for money and ability to deliver the project within a reasonable timeframe.

This report recommends that the tender be awarded to Architectus Australia Pty Ltd and that Council accepts the lump sum price of \$236,819 to enable the project to proceed.

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### **ATTACHMENTS**

There are no attachments to this report.

## **8.2 Community Heritage Study 2021-23 - Endorsement for Community Consultation**

**Report Author:** Strategic Land Use Planner (Heritage)

**Authoriser:** Executive Manager Strategic Outcomes

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### **PURPOSE**

The purpose of this report is to present the Community Heritage Study 2021-23 to Council for endorsement for owner and community consultation.

**THIS MATTER WAS CONSIDERED BY THE WINGECARRIBEE LOCAL PLANNING PANEL ON 29 JUNE 2023.**

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### **OFFICER'S RECOMMENDATION**

#### **THAT:**

- 1. The Wingecarribee Community Heritage Study 2021-23 be supported to commence owner and community consultation in accordance with this report.**
- 2. The Study Team and other volunteer contributors be acknowledged and thanked for their significant contribution in research, photography and compilation of the information contained in the Wingecarribee Community Heritage Study 2021-23.**

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### **LOCAL PLANNING PANEL'S ADVICE**

This matter was considered at the Local Planning Panel meeting of 29 June 2023 and the Panel supported the staff recommendation and provided the following advice:

- 1. The Panel acknowledges the enormous amount of detailed work put into the Wingecarribee Community Heritage Study 2021-23 by the Study Team and Council planning staff.*
- 2. The Panel supports the commencement of owner and community consultation in accordance with this report of the Wingecarribee Community Heritage Study 2021-23.*
- 3. The Panel recommends that consideration be given to initiating the Peer Review of the Study concurrently with the proposed community consultation with the final Peer Review to be carried out at the conclusion of the community consultation.*

### **STAFF RESPONSE**

The Panel's support to progress the Study is noted, and Council will explore opportunities to bring forward the Peer Review process, to reduce potential delays to the project.

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### **REPORT**

#### **BACKGROUND**

##### **Heritage management in NSW**

In NSW the *NSW Heritage Act 1977* sets the framework for heritage management, conservation and enforcement, and the *Environmental Planning and Assessment (EP&A) Act 1979* provides the framework for the NSW planning system. Local government is the primary manager of heritage in NSW, principally through its Local Environmental Plans (LEPs) and Development Control Plans (DCPs). LEPs that are formed

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under the EP&A Act and the *Standard Instrument—Principal Local Environmental Plan* (this includes the Wingecarribee Local Environmental Plan 2010) contain lists of heritage items, heritage conservation areas and archaeological sites for each local government area in Schedule 5 of the LEP.

Heritage items are often thought of as singular buildings, but in fact heritage items can comprise buildings, gardens, works, objects, trees and structures, and are often a combination of these. In this report, 'heritage item' will mainly refer to a statutory heritage item listed in Schedule 5 of WLEP 2010 and the terms 'potential heritage item', 'deferred item' or 'heritage place' refer to places with heritage significance or potential heritage significance that do not yet benefit from statutory listing.

### **Heritage listings in Wingecarribee Shire**

Recognition of heritage places first appeared in statutory planning instruments in the Wingecarribee Shire in 1984. These were added to over time through a number of LEP amendments, including significant heritage amendments in 1998 and 2004. The current Wingecarribee Local Environmental Plan (WLEP) came into force on 16 June 2010. Schedule 5 of WLEP 2010 currently contains 413 heritage items, 17 heritage conservation areas and 9 archaeological sites.

There have been a number of heritage studies within the Shire over the years, one of the most significant being the Wingecarribee Heritage Survey 2009, undertaken by heritage consultants Architectural Projects Pty Ltd on behalf of Council. This survey resulted in the inclusion of 81 properties within Schedule 5 of WLEP2010 under Amendment No. 40 made on 28 November 2012. However, a decision on many potential heritage items was deferred, and the full list of recommended items from the 2009 Heritage Survey was never published, nor was the study in its entirety ever formally adopted by Council.

One difficulty with this situation is that, since 2012, there have been several properties identified in the 2009 heritage survey for which development applications have been received and not all have been considered by staff to be sympathetic or appropriate given the information provided in the 2009 survey. Interim Heritage Orders were issued on four properties following the lodgement of applications, two of which resulted in heritage listing of the sites. This is not considered to be a strategic or transparent way to manage heritage properties.

Furthermore, continual and broadening amendments to the State Government's *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* allow for a range of development types (including demolition, dual occupancies and medium density style housing in certain areas) without the need for a development application with only minimal community notification. This remains an ongoing concern, particularly in relation to the loss of traditional building stock and the subsequent impact on the character of the towns and villages of the Southern Highlands.

Prompted by these concerns, at the Ordinary Council Meeting of 13 May 2020 it was resolved (MN 146/20):

***THAT a report on the proposed heritage items that were deferred in 2012 be brought back to Council for a resolution to progress these heritage items.***

### **Review of the deferred potential heritage items**

One of the criticisms of the Wingecarribee Heritage Survey 2009 was the lack of robustness of the data due to the limited project scope of and funding for the project. Heritage Studies take an enormous amount of work and councils often have insufficient financial resources to engage a heritage consultant to undertake the site visits and historical research that is required to produce compelling evidence to justify heritage listings in a well-rounded study.

One method to address this resourcing problem is the Community-Based Heritage Study Model. This model is articulated in guidelines originally produced in 1999 and revised a number of times since, by the then NSW Heritage Office (now Heritage NSW) entitled *Community-Based Heritage Studies: A Guide*. This model is still strongly supported by Heritage NSW. A copy of the guide is available from their website at <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/community-based-heritage-studies-guide-130215.pdf>.



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In September 2020, a Study Team comprising a group of local professionals with heritage qualifications, expertise and interests was formed to undertake a review of the previously deferred recommended items and other items identified through development applications, field work, examination of historical and contemporary aerial photography, real estate listings, local knowledge and existing and new historical research.

The Study Team used the community-based heritage study guidelines to guide the approach and methodology in undertaking field work, photography, research, documentation, assessment and recommendations of potential heritage items that form the Wingecarribee Community Heritage Study 2021-23 (the Study). The Study also benefitted from many months of work by local volunteer researchers across the Shire. The Study Team and all other persons listed in the Preliminary Report contained at **ATTACHMENT 1** have volunteered their time, skills and knowledge at no financial cost to Council.

The Study has been undertaken within the context of the NSW Heritage Management Framework and following the best-practice guidelines [Investigating Heritage Significance](#) and [Assessing Heritage Significance](#) produced by Heritage NSW. In addition, the headings used in the State Heritage Inventory (a database containing information about heritage places throughout the State) were used as a template for the information presented in the Heritage Evidence Sheets to facilitate logical transfer of data onto the State Heritage Inventory at a later date.

In accordance with the Heritage NSW publication *Assessing Heritage Significance* each item was assessed against the NSW heritage assessment criteria at a local level, as follows:

<b>NSW HERITAGE ASSESSMENT CRITERIA (ON A LOCAL LEVEL)</b>	<b>REFERRED TO AS</b>
<b>Criterion (a)</b> —An item is important in the course, or pattern, of the local area’s cultural or natural history.	Historical significance
<b>Criterion (b)</b> —An item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area.	Associational Significance
<b>Criterion (c)</b> —An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.	Aesthetic or Technical Significance
<b>Criterion (d)</b> —An item has strong or special association with a particular local community or cultural group for social, cultural or spiritual reasons.	Social Significance
<b>Criterion (e)</b> —An item has potential to yield information that will contribute to an understanding of the cultural or natural history of the local area.	Research Potential
<b>Criterion (f)</b> —An item possesses uncommon, rare or endangered aspects of the cultural or natural history of the local area.	Rarity
<b>Criterion (g)</b> —An item is important in demonstrating the principal characteristics of a class of the local area’s cultural or natural places, or cultural or natural environments.	Representativeness

To be considered for local heritage listing, an item must meet one or more criteria on a local level.

This formidable body of work provides Council with a remarkable knowledge base, comprising three volumes:

- **Preliminary Report** which contains the background information, methodology details, a summary of the findings of the Study and recommendations. This document also appends the full Heritage Survey 2009 documents. A copy of the Preliminary Report is contained at **ATTACHMENT 1** and the Heritage Survey 2009 documents (474 pages in total) are contained at **ATTACHMENT 2**.

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- **Preliminary Spreadsheet** which lists all the places examined in the Study and provides identifying information including item name and address and summary information on the Study findings for each item, sorted alphabetically by locality and address.
- **Preliminary Heritage Evidence Sheets** contain the evidence and recommendation for each place, grouped by locality.

A copy of the spreadsheet and heritage evidence sheets (3,000+ pages) have been made available to Council prior to the meeting via electronic means. Following the initial consultation with landowners, they will be made publicly available as part of the public exhibition phase of this project.

In total 607 heritage places were examined and the Study recommends less than 80% of these be listed as heritage items. In addition to these new items, the Study recommends eight (8) new heritage conservation areas and two (2) extensions to existing heritage conservation areas as well as two (2) additional landscape conservation areas to be more fully examined at a later date. The Study proposes many new items especially in areas where none or few currently exist such as Welby, Robertson, Wildes Meadow and Kangaloon.

This report presents the body of work that comprises the Wingecarribee Community Heritage Study 2021-23 for endorsement for consultation with owners and wider public exhibition. The consultation strategy is articulated under the Consultation section of this report. It is intended that a period of direct engagement with the owners of properties that are recommended for heritage listing will occur first, followed by wider community consultation, including with those whose properties are affected by a proposed heritage conservation area and those whose properties were surveyed but not recommended for listing at this time.

To ensure complete transparency, as part of the community engagement, all of the Heritage Evidence Sheets will be available along with documentation to help owners and the community understand the implications of heritage listing and to dispel myths about what heritage listing means for owners.

Following community consultation it is intended that a further report be presented to the Local Planning Panel and to Council providing details about the consultations including a summary of the number and content of any submissions. That report will also provide final recommendations on heritage listing of properties based on the evidence and the consideration of additional information and submissions by owners.

It is also intended that those reports will include a copy of the Planning Proposal that will be required to effect the recommendations of the Community Heritage Study and will present a final version of the Study (comprising Cover Report, Spreadsheet and Evidence Sheets). That Planning Proposal will also include a broader review of the listing data for all existing items in Schedule 5 of the WLEP 2010 (namely item name, address, property description, significance and item number) and will include any necessary changes to update that list.

An independent peer review of the Study is proposed to be undertaken before the Final Study is reported to Council together with the Planning Proposal. The purpose of the peer review is to confirm the robustness of the Study and that it has been undertaken in accordance with heritage best-practice. The Local Planning Panel has recommended that this peer review be commenced concurrently with public consultations and exhibition of the Study.

Following endorsement of the Planning Proposal by the Panel and Council, the statutory Planning Proposal process will commence, including a request for a Gateway Determination from the NSW Department of Planning and Environment which will specify the public exhibition requirements for the Planning Proposal and a timeframe for completion. Due to the level of detail and the mapping requirements for this Planning Proposal, it is assumed that the process will take around 12 months at a minimum.

**STRATEGIC ASSESSMENT**

***Strategic Merit***

The Wingecarribee Shire is widely recognised and appreciated for its heritage character. The identification and assessment of potential heritage items is consistent with both regional and local plans and strategies.

South East and Tablelands Regional Plan 2036

The relevant Regional Plan is the South East and Tablelands Regional Plan 2036. Direction 23 of that plan focuses on the protection of the region's heritage and Action 23.1 is to "Undertake and implement heritage studies, including regional Aboriginal cultural heritage studies, to inform local strategies". In the local government narratives section of the plan, one of five (5) priorities for the Wingecarribee Shire is to *protect the Shire's valued heritage assets*. The preparation of this Study and the Planning Proposal process to implement the Study's final recommendations is consistent with this Plan.

The draft South East and Tablelands Regional Plan 2041

The new Regional Plan, currently in draft form is the Draft South East and Tablelands Regional Plan 2041. This draft Plan provides a vision for the region in 2041, 25 objectives to achieve the vision (under five themes) and strategies and actions under each objective.

Recognition and protection of Aboriginal cultural heritage and non-Aboriginal heritage feature strongly throughout the draft Plan. The Vision chapter of the draft Plan recognises that "each town offers a unique identity, cultural and heritage attributes". In addition, the local heritage character of each sub-region (of which Wingecarribee is one) is also reinforced.

Under the theme of *Recognising Country, people, and place* the draft Plan recognises that "Providing opportunities to conserve, interpret and acknowledge the region's heritage values, will build an understanding of history and respect for the experiences of diverse communities. Heritage identification, conservation, management and interpretation can allow heritage places and stories to be experienced by current and future generations."

Under this theme is Objective 4 which is to "Preserve the heritage and character of the region's towns and villages" and Strategy 4.1 which states that "Strategic planning and local plans are to provide opportunities to protect, acknowledge, celebrate and enhance Aboriginal and non-Aboriginal cultural heritage values by: [among other things] undertaking heritage studies early to inform conservation and value add opportunities". The action arising from this Strategy states "Work with councils, Heritage NSW and local Aboriginal communities to undertake and implement heritage studies, including Aboriginal cultural heritage studies to inform local land use strategies".

The preparation and implementation of this Study is consistent with Objective 4 and related strategies and actions of the draft Plan.

Wingecarribee 2040 Local Strategic Planning Statement

The Wingecarribee 2040: Local Strategic Planning Statement (LSPS) was adopted by Council on 24 June 2020. A number of priorities and actions under the "Our Places" section of the LSPS are relevant to this Study, as follows:

***Planning Priority 6.1: Maintain the unique character of our towns and villages, separated by rich natural areas and rural landscapes***

- **Action i. Adopt a place-based approach to planning in local towns and villages to ensure that their special character is preserved.**

The identification and listing of heritage items and heritage conservation areas throughout the Shire supports this action in recognising the significant places that contribute to that special character of our towns and villages and helping to preserve and enhance that character.

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### ***Planning Priority 6.2: Identify, protect and promote our cultural and built heritage***

- **Action i. Continue to implement best practice management and assessment of both Aboriginal Cultural Heritage and Non-Aboriginal Heritage sites in collaboration with the community.**

Best practice management of heritage sites commences with identification, investigation and assessment of potential heritage items. The Study has been compiled with the assistance of the community and will be the subject of further community consultation and is therefore consistent with this approach.

- **Action ii. Review and maintain heritage listings in Wingecarribee LEP to facilitate the conservation of the Shire's heritage.**

The Study is directly consistent with this action.

### Wingecarribee Local Housing Strategy: Housing Our Community

The *Wingecarribee Local Housing Strategy: Housing Our Community* was initially adopted by Council in June 2020 and amended in July 2021. It identifies the needs, demands, constraints and opportunities for housing throughout the Wingecarribee Shire. It identifies potential new areas for housing and existing potential within existing towns and villages.

Under Planning Priority 1 (Promote infill development and increased densities in appropriate locations, and facilitate a greater mix of housing types to ensure our housing stock is reflective of the needs of our community) the value of heritage in context is recognised:

*Council is committed to increasing housing choice and diversity but is equally committed to protecting and enhancing the heritage and character of our towns and villages and ensuring that new housing is consistent with the values and expectations of our community.*

The Heritage Study supports this priority, through a transparent process, by identifying properties and areas that are valued and that should be preserved and enhanced, and those areas and sites where there is the potential for appropriate development.

### Community Strategic Plan: Wingecarribee 2041

In addition to the Local Strategic Planning Statement and Local Housing Strategy, the *Community Strategic Plan: Wingecarribee 2041* (third edition, 2022) (CSP) reflects the community's aspirations and needs for the future. The community's vision for Wingecarribee, first developed in 2010, still retains a strong theme of heritage in the 2022 CSP. The community's vision is "in 2041 we will be a healthy, respectful and productive community, learning and living in harmony, proud of our heritage and nurturing our environment".

In addition to the vision, the CSP articulates the community's aspirations, goals (including sustainable development goals) and strategies and provides indicative evaluation measures under five key themes of Leadership, People, Places, Environment and Economy. The Heritage Study has direct relevance to the following strategies in the CSP:

- Strategy 1.1.4 under the theme of Governance: *Deliver and implement strategy and planning that supports the community's vision and priorities.*
- Strategy 3.2.2 under the theme of Places: *Identify and protect the unique characteristics of town and villages to retain a sense of place.*
- Strategy 3.2.3 under the theme of Places: *Identify, protect and promote places of significant cultural heritage, including First Nations heritage.*

The preparation, consultation and commitment to identifying, assessing and listing places of heritage significance in part fulfils these strategies, consistent with the community's vision.

### ***Site Specific Considerations***

Each potential heritage item has been assessed on a site-specific basis to determine heritage significance and worthiness of heritage listing. The Study's recommendations will be tested through consultation with owners and the broader community.

## **CONSULTATION**

In the course of conducting the Study and researching the proposed items, there has been interaction and consultation with local historians and local groups. However, engagement with owners and the wider community will form a necessary part of the public consultation phase of the Study.

It has been determined that the Preliminary Study will undergo consultation with affected owners and the wider community before the Study is finalised and recommendations made and a Planning Proposal (to effect the recommendations) prepared.

### ***Consultation with potential item owners***

Following endorsement of the Study for the purpose of public exhibition by Council, a programme of consultation and engagement will commence with letters being sent to the owners of items that are recommended for heritage listing, and the owners of properties for which further information is sought. This letter will contain background information on the Study, links to accessing the Study online (including the Heritage Evidence Sheets), and a fact sheet which explains heritage listing and what it means for owners. Owners will be invited to engage with staff through booked appointments and discrete information sessions. Owners will be invited to make a submission regarding the Study and its findings.

### ***Public Exhibition***

Following an initial period of consultation with owners of properties recommended for heritage listing, wider consultation will be undertaken with owners affected by proposed heritage conservation areas, the owners of properties investigated but not recommended for heritage listing and with the broader community. Owners and non-owning residents affected by proposed heritage conservation areas will be notified by letter, along with non-owning residents of proposed heritage items. In addition, local community and history groups will be notified of the public exhibition of the Study.

The public exhibition of the Study will also be advertised through Council's e-newsletters and on social media and the Study documents will be available online on Council's community engagement website *Your Say Wingecarribee*. Additional information sessions will be conducted during the exhibition period for interested parties to attend.

The community will be given a further opportunity to comment on the Study's recommendations through the Planning Proposal process once it has been prepared, reported through the Panel and Council and a Gateway Determination obtained from the Department of Planning and Environment. The Gateway Determination will dictate the manner and duration of public exhibition for the Planning Proposal.

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## **SUSTAINABILITY ASSESSMENT**

### **Environment**

The listing of heritage significant sites throughout the Shire assists in protecting existing private green space (including gardens) and would limit development to proposals that are sympathetic to heritage and streetscape values.

### **Social**

There are no social issues in relation to this report.

### **Broader Economic Implications**

The Wingecarribee Shire is renowned for its heritage character. Heritage listing of sites and areas serves to maintain this character which, among other things, has a positive effect on tourism.

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### **Culture**

Identifying, protecting and promoting places of significant cultural heritage is one of the strategies identified in the Community Strategic Plan: Wingecarribee 2041 under goal 3.2 (Unique towns, villages and rural landscapes) under the Places theme. Council is committed to ensuring that places of heritage significance are identified, investigated and, as appropriate, listed within Schedule 5 of the Wingecarribee Local Environmental Plan 2010 through a formal Planning Proposal process. This report is consistent with this goal and strategy.

### **Governance**

There are no relevant Governance matters in relation to this report. However, the Planning Proposal to be prepared from the recommendations of this Study will be processed in accordance with relevant legislation and Departmental guidelines.

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### **RELATIONSHIP TO CORPORATE PLANS**

The Community Heritage Study is consistent with the Community Strategic Plan, the Wingecarribee Local Strategic Planning Statement and the Wingecarribee Local Housing Strategy as detailed in the *Strategic Assessment* section of this report.

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### **COUNCIL BUDGET IMPLICATIONS**

The Community Heritage Study was completed using existing Council staff resources and volunteer community resources. In comparison, the Heritage Survey 2009 cost Council in excess of \$50,000 in consultant fees. This Study has examined a similar number of items but has provided superior research and documentation on each item and has also examined and recommended a number of heritage conservation areas. It is very conservatively estimated that the monetary value of the Study is well in excess of \$100,000. No money or expenses have been paid to any member of the Study Committee or to any other volunteers for work done on the Study.

The community consultation and future Planning Proposal will be prepared utilising existing Council resources.

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### **RELATED COUNCIL POLICY**

There is no other relevant Council policy.

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### **CONCLUSION**

The identification, investigation, assessment and recommendation of potential heritage items is consistent with Council's Community Strategic Plan and other relevant local and regional strategies and is an important way to preserve significant places which are a major contributor to the character that is apparent and valued in the Wingecarribee Shire.

The Community Heritage Study 2021-23 has combined a review of the more than 250 recommended heritage items that were deferred by Council in 2012 with an examination of other identified places of potential heritage significance and has made recommendations for heritage listing of each place based on gathered evidence.

This effort has produced a valuable body of work which will inform potential amendments to the WLEP 2010, as well as improve the quality of design controls within the relevant sections of our town and village Development Control Plans (DCPs) by identifying 'contributory' buildings and landscape features within our

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Heritage Conservation Areas, enabling improved urban design outcomes in line with community expectations.

Most importantly, it places this knowledge on the public record ensuring ongoing transparency in the management of the Shire's heritage assets.

It is recommended that this Study is released for consultations with owners and the wider community before it is finalised and before a Planning Proposal to advance its recommendations is prepared. The Study is presented for endorsement for consultation and public exhibition in accordance with this report.

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**ATTACHMENTS UNDER SEPARATE COVER**

1. Heritage Study 2021-23 Preliminary Report 22 June 2023 [**8.2.1** - 44 pages]
2. Wingecarribee Heritage Survey 2009 - Complete Documents [**8.2.2** - 474 pages]

## **8.3 Woolworths Moss Vale - Offer to Enter into Voluntary Planning Agreement**

**Report Author:** Executive Manager Strategic Outcomes

**Authoriser:** General Manager

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### **PURPOSE**

The purpose of this report is to inform Council and the community of a proposed neighbourhood shopping centre development on land at 233 Argyle Street, Moss Vale, and to advise Council of an offer to enter into a Voluntary Planning Agreement to facilitate a new road access to the development over Council owned land.

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### **OFFICER'S RECOMMENDATION**

#### **THAT:**

- 1. Council note Fabcot's offer to enter into a Voluntary Planning Agreement to facilitate a new road access over Council owned land at 231 Argyle Street Moss Vale (Lot 11 DP 1192264).**
- 2. It be noted that negotiating or entering into a Voluntary Planning Agreement should not improperly fetter the statutory decision-making functions of Council and would have no impact on Council's assessment of any development application over the subject land and should not be seen or taken as support or otherwise for the proposed development.**
- 3. Council authorise the General Manager to enter into negotiations in relation to Fabcot's offer to enter into a Voluntary Planning Agreement to ensure that there is a broad and material public benefit.**
- 4. Following negotiations, the matter be reported back to Council to either endorse or reject Fabcot's offer to enter into a Voluntary Planning Agreement.**
- 5. The General Manager provide landowners consent to Fabcot, for the purpose of lodging a development application over Council owned land at 231 Argyle Street Moss Vale (Lot 11 DP 1192264).**
- 6. Council not provide approval to carry out works on Council owned land at 231 Argyle Street Moss Vale (Lot 11 DP 1192264) unless, and until, a Voluntary Planning Agreement has been finalised and registered on the Title of the proposed development land, being 233 Argyle Street Moss Vale (LOT 1 DP 1192022).**

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### **REPORT**

#### **BACKGROUND**

Fabcot Pty Ltd (Fabcot) is the owner of land at 233 Argyle Street, Moss Vale, which is legally described as Lot 1 DP 1192022 (the subject land). The subject land previously formed part of a larger lot owned by the NSW Government's Transport Asset Holding Entity (TAHE) which contained the existing commuter car park associated with the Moss Vale Train Station and other TAHE assets.

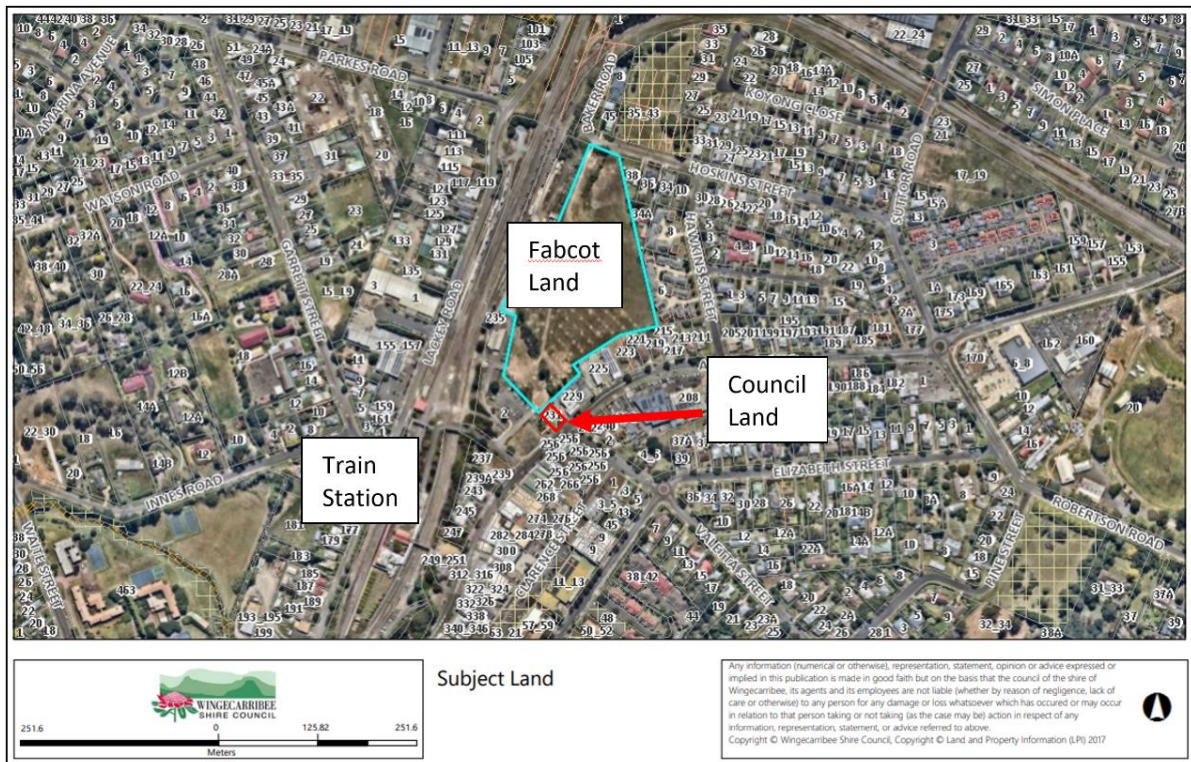
The land was recently subdivided into two (2) lots, being the subject land (now owned by Fabcot) and the residue lot containing the commuter car park which was retained by TAHE. The subject land is zoned E3 Productivity Support under the Wingecarribee Local Environmental Plan (LEP) 2010 which provides for a broad range of commercial and business uses. The subject land has no access onto Argyle Street or Dalys Way, with the only legal access being from Hoskins Street through a low-density residential area.



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Fabcot is proposing to lodge a development application for a neighbourhood shopping centre over the subject land, including a full-line supermarket and specialty retail shops and commercial premises. As part of the development application, Fabcot proposes to construct an access road / driveway and a pylon sign over the adjoining Council owned land at 231 Argyle Street which is legally described as Lot 11 DP 1192264 (see **Figure 1** below).

The proposed access works include a new signalised intersection at Argyle and Valetta Streets, and the construction of the road / driveway over the Council owned land to provide permanent access to the development.



**Figure 1 – Subject Land**

To enable the proposed access arrangement over Council land, Fabcot has made an offer to enter into a Voluntary Planning Agreement to pay a monetary contribution.

As the proposed development application would apply partially to Council owned land, Fabcot has requested landowner’s consent for the purpose of lodging the application.

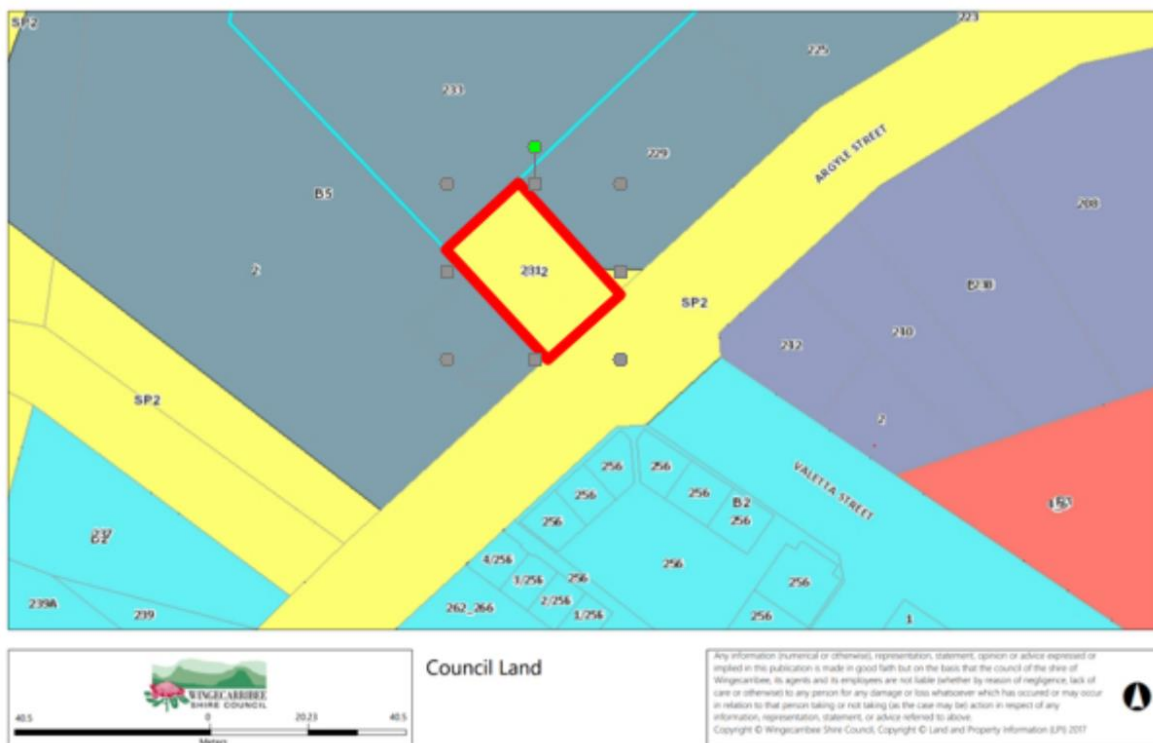
At its meeting on 28 June 2023 Council resolved (MN 2023/421):

***THAT** the report on the Woolworths Moss Vale Offer to Enter into Voluntary Planning Agreement be deferred until the July 2023 Meeting of Council.*

**Council Land**

The Council owned land at 231 Argyle Street is zoned SP2 Infrastructure under the Wingecarribee LEP 2010 (see **Figure 2**). The land is freehold, operational land and was compulsorily acquired in 2016 for the purpose of road widening.

Council has no immediate plans to use the land for the purpose of road widening and was previously in negotiations with Transport Asset Holding Entity (TAHE) who had made a request to purchase the land to provide access to the adjoining 233 Argyle Street (formerly owned by TAHE).



**Figure 2 – Council Land**

**Offer to enter into a Voluntary Planning Agreement**

Fabcot has made an offer to enter into a Voluntary Planning Agreement that would facilitate access to the subject land over the Council owned land.

It is recommended that Council authorise the General Manager to enter into negotiations in relation to Fabcot’s offer to enter into a Voluntary Planning Agreement. Following the negotiations, the matter would be reported back to Council to either endorse or reject Fabcot’s offer.

Any Voluntary Planning Agreement would need to demonstrate that there is a material public benefit, and subject to Council endorsement, would be publicly exhibited for a minimum period of 28 days.

It is important to note that negotiating or entering into a Voluntary Planning Agreement should not improperly fetter the statutory decision-making functions of Council and would have no impact on Council’s assessment of any development application over the subject land. Similarly, it should not be seen or taken as support or otherwise for the proposed development.

**Landowners Consent to Lodge Development Application**

As the proposed Development Application would apply partially to Council owned land, Fabcot has requested landowner’s consent from Council for the purpose of lodging the application.

Landowners consent would provide Fabcot with permission to lodge a Development Application that applied to the Council land. However, it would not provide consent or permission for Fabcot to undertake any physical works on the Council land. This would be subject to the development approval in addition to separate permission to undertake works on Council owned land.

It is therefore recommended that Council provide landowners consent for the purpose of lodging a Development Application over land at 233 Argyle Street (the subject land) and 231 Argyle Street (Council land) in Moss Vale.

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However, it is also recommended that Council **not** provide approval or permission to carry out works on Council owned land at 231 Argyle Street Moss Vale unless, and until, a Voluntary Planning Agreement has been finalised and registered on the Title of the proposed development land, being 233 Argyle Street Moss Vale (Lot 1 DP 1192022).

Providing landowners consent to lodge the Development Application should not be seen or taken as support or otherwise for the proposed development.

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### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

If Council ultimately resolve to enter into a Voluntary Planning Agreement, the Agreement would be publicly exhibited for a minimum period of 28 days.

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

Internal consultation has occurred with Council's Property and Finance Departments in preparing this report.

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

Council has had meetings with Fabcot about the proposed development and access over Council land, at Fabcot's request. This has included a formal pre-lodgement meeting associated with the Development Application, as well as meetings specifically relating to access over Council land.

It is noted that Council has not offered any support or otherwise for the proposed development in any of the dealings with Fabcot.

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### **SUSTAINABILITY ASSESSMENT**

#### **Environment**

There are no environmental issues associated with this report.

#### **Social**

There are no social issues associated with this report.

#### **Broader Economic Implications**

There are no broader economic implications associated with this report.

#### **Culture**

There are no cultural issues associated with this report.

#### **Governance**

As the proposed development relates in part to public land, it was considered important for the matter to be reported to Council and be put on the public record, prior to granting landowners consent for the purpose of lodging a Development Application over the Council land.

Following negotiations on Fabcot's offer to enter into a Voluntary Planning Agreement, the matter will be reported back to Council for consideration in accordance with the legislative requirements and Council's Voluntary Planning Agreement Policy.

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**COUNCIL BUDGET IMPLICATIONS**

A Voluntary Planning Agreement has the potential to fund essential infrastructure not unrelated to the development of the subject land. This has the potential to reduce Council's contribution towards infrastructure that is either wholly or partially funded through a Voluntary Planning Agreement.

**RELATED COUNCIL POLICY**

Following negotiations on Fabcot's offer to enter into a Voluntary Planning Agreement, the matter will be reported back to Council for consideration in accordance with the legislative requirements and Council's Voluntary Planning Agreement Policy.

**CONCLUSION**

This report informs Council and the community of a proposed neighbourhood shopping centre development on land at 233 Argyle Street, Moss Vale and advises Council of the offer to enter into a Voluntary Planning Agreement to facilitate a new road access to the development over Council owned land.

The report also recommends that Council provide landowners consent for the purpose of lodging a development application that applies partially to Council owned land at 231 Argyle Street, Moss Vale.

**ATTACHMENTS**

Nil

## **8.4 Moss Vale Plastics Recycling Facility Update**

**Report Author:** Executive Manager Strategic Outcomes

**Authoriser:** General Manager

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### **PURPOSE**

To provide Council and the community with an update on the State Significant Development Application for the proposed Moss Vale Plastics Recycling Facility, and to seek Council direction in relation to the proponents offer to enter into a Voluntary Planning Agreement.

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### **OFFICER'S RECOMMENDATION**

**THAT** in relation to the proposed Moss Vale Plastics Recycling Facility Council:

- 1. Write to the NSW Department of Planning and Environment expressing its concerns with the Applicants Response to Submissions, as outlined in this report, including:**
  - a. The adequacy of the Social Impact Assessment**
  - b. The proposed new haulage route**
- 2. Re-state its concerns about the proposed development outlined in this report including:**
  - a. Suitability of the site for the proposed development**
  - b. Inconsistency with the planning for the Southern Highlands Innovation Park**
  - c. Inconsistency with the Moss Vale Enterprise Corridor Development Control Plan**
  - d. Infrastructure limitations and capacity issues**
- 3. Advise the applicant that it is not in a position to accept the offer to enter into a Voluntary Planning Agreement at this stage, for the following reasons:**
  - a. It is considered premature to formally accept or reject the offer to enter into a Voluntary Planning Agreement until the Social Impact Assessment and Response to Submissions has been completed to the satisfaction of the Department of Planning and Environment, and**
  - b. The offer to enter into a Voluntary Planning Agreement has not adequately addressed or demonstrated how the offer represents a material public benefit.**
- 4. Update the project page on its website to include a copy of this report.**

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### **REPORT**

#### **BACKGROUND**

A State Significant Development Application to construct and operate a plastic waste sorting and recycling facility in Moss Vale is currently being assessed by the State Government.

The proposed facility would extract mixed plastics from waste, sort the plastics into different types, and convert the various plastics to plastic flakes and pellets and polyester fibre and resins.

The facility is proposed on land at 74-76 Beaconsfield Road in Moss Vale, located on the south-eastern boundary of the Southern Highlands Innovation Park (SHIP). Information on the proposed development can be found on the State Significant Development website at: <https://www.planningportal.nsw.gov.au/major-projects/projects/moss-vale-plastics-recycling-facility>

An Environmental Impact Statement (EIS) was lodged with the NSW Department of Planning and Environment in January 2022 and the EIS and supporting technical studies were publicly exhibited throughout February and March 2022.



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Council's submission on the proposed development and EIS was considered at the Ordinary Council meeting of 20 April 2022 where it was resolved that:

- 1. The report on the proposed Moss Vale Plastics Recycling Facility be received for information.*
- 2. Council endorse the submission to the Department of Planning and Environment on the Moss Vale Plastics Recycling Facility Environmental Impact Statement as contained in the attachment to this report.*
- 3. Council oppose the proposed development in its current proposed location and until such time as important infrastructure gaps are either resolved, or there is certainty about the completion dates for the necessary infrastructure projects.*
- 4. Council advise the Department of Planning and Environment that a further thorough and transparent review of matters of key concern (e.g. air quality, noise, and other health and amenity issues) is required before a final planning decision is made, in order, to address community concern.*

Following the public exhibition period, and feedback received from Council, Government agencies and the community, the applicant was requested to prepare a formal Response to Submissions. As part of the Response to Submissions, the applicant was required to prepare a Social Impact Assessment, as well as address concerns around access, traffic, noise, air and water quality, visual impact, infrastructure limitations and landowner's consent.

As part of the Response to Submissions, the applicant was required to provide more detail on the proposed east-west access, including the need to provide landowners consent and demonstrate how the land will be acquired for the purpose of the access road.

At the time, the applicant made a formal request for Council to enter into a Voluntary Planning Agreement (VPA), that would commit Council to using its power of compulsory acquisition to acquire the land needed for access to the site (at the cost of the developer), should the developer be unsuccessful in its negotiations to acquire the land directly from the landowner/s.

Council also previously considered a report in August 2022 on the VPA where it was resolved that Council consider the outcome/s of the Social Impact Assessment before considering the applicant's request to enter into a Voluntary Planning Agreement and request for further information on water and sewer modelling.

In March 2023, the Applicant submitted its formal Response to Submission (RTS) report to the NSW Department of Planning and Environment. The RTS was supported by a Social Impact Assessment and among other things, proposed a new haulage route for waste being transported to and from the site. Details of the RTS, including the proposed transport route and Social Impact Assessment are considered in the body of this report.

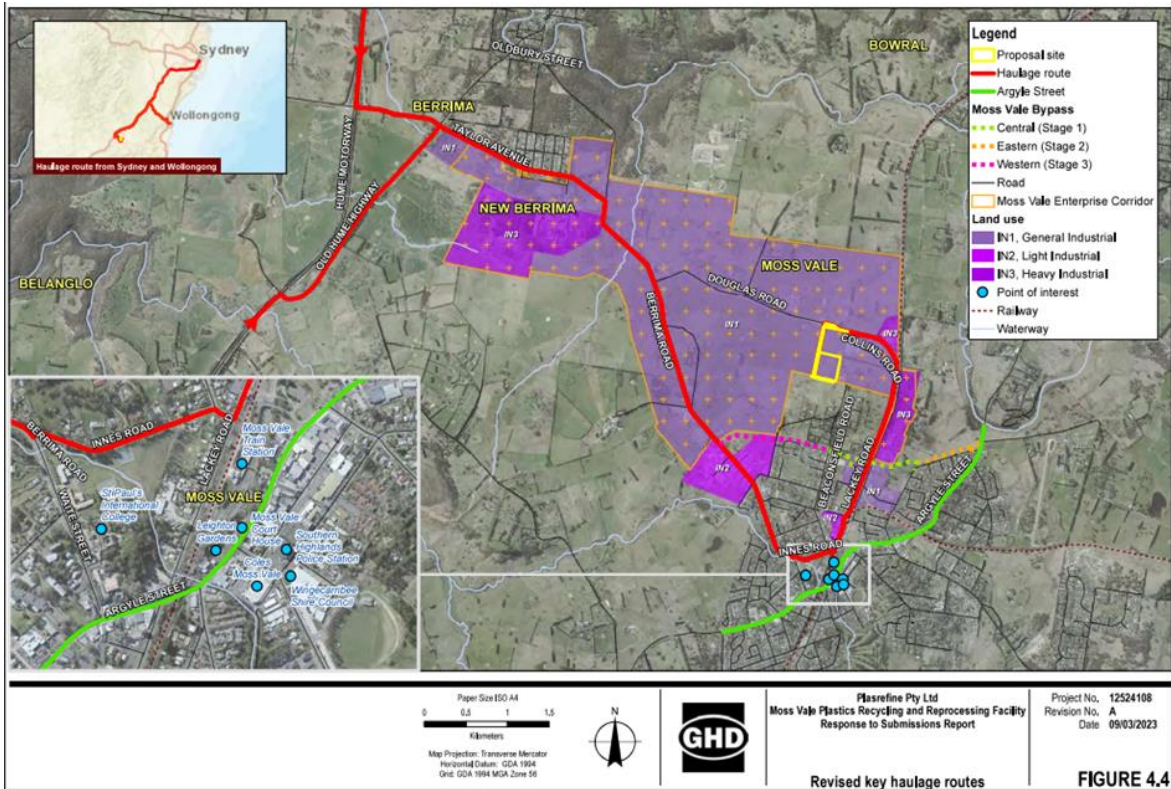
### **REPORT**

#### **Proposed Transport Route**

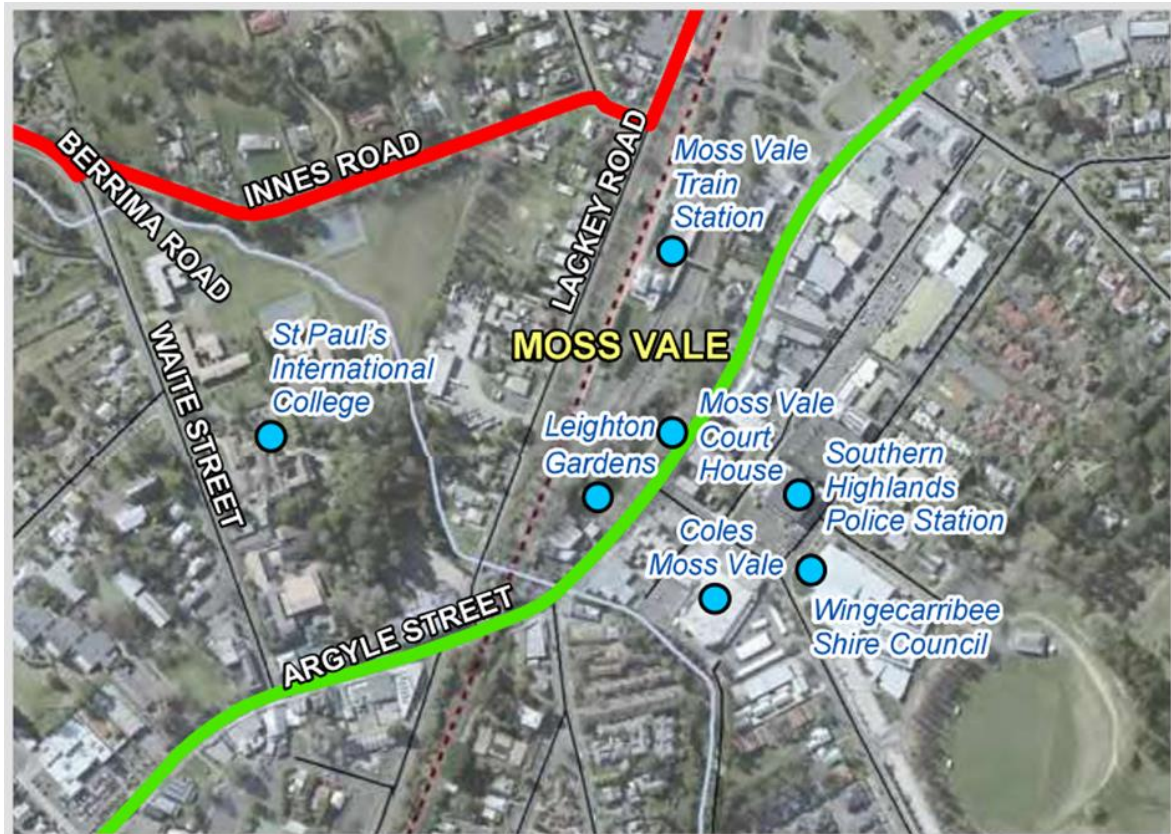
The RTS proposes a new north-south access to the site, and a new haulage route for waste being transported to and from the site. The proposed new haulage route would utilise Lackey Road, Innes Road and Berrima Road as shown in **Figures 1 and 2**.

The proposed haulage route passes through established residential areas as well as St Pauls College in Moss Vale. The identified route is not considered suitable or appropriate for heavy vehicle haulage, and Council do not support the route proposed in the RTS. Further consideration needs to be given to access, to and from the site, as well as alternate haulage routes that do not create impacts on residential areas and / or sensitive land uses such as schools.

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**Figure 1 – Proposed Haulage Route Overall**



**Figure 2 – Proposed Haulage Route Innes Road**

### **Social Impact Assessment**

As part of the Response to Submissions, the Applicant was required to prepare a Social Impact Assessment (SIA). A SIA provides an opportunity to identify and understand the social impacts of the proposed development and should help to inform responses / changes to the proposal that aim to avoid, mitigate or reduce negative impacts and enhance positive impacts.

It was Council's expectation that the SIA would be informed by detailed consultation with the local community, to assist in identifying, predicting and evaluating the likely social impacts arising from the proposal and propose responses / changes to those predicted impacts.

It was also Council's expectation, that the SIA would be prepared objectively, and would potentially lead to significant changes to the current proposal, to mitigate any social impacts associated with the proposed development.

Council has significant concerns with the SIA that has been prepared in support of the RTS. The SIA was not informed by independent consultation with the community, as was requested by Council. Further, it is Council's view that the comments in the SIA attributed to Council staff, do not accurately reflect the significant concerns raised by Council, and the potential social impacts associated with the development.

During the preparation of the SIA, Council raised concerns with both the applicant and the Department of Planning and Environment that the SIA was being prepared to accommodate the existing proposal and was not appropriately considering the social impacts of the development, which may result in significant changes to the proposal.

Council remains concerned about the adequacy and objectivity of the SIA and recommends that an amended SIA be prepared with an understanding and commitment that the SIA may result in significant changes to the proposal. It is Council's view that the SIA should be informed by detailed and independent consultation.

### **Ongoing Concerns with the Development**

Council has undertaken a review of the RTS and is not satisfied that the concerns raised in its submission have been satisfactorily addressed. Specifically, Council remains concerned about the suitability of the site for the proposed development, inconsistency with Council's planning framework, infrastructure limitations and development out of sequence.

### **Existing Planning Framework**

The framework for the development of the Southern Highlands Innovation Park (SHIP) is the adopted Moss Vale Enterprise Corridor Development Control Plan (MVEC DCP).

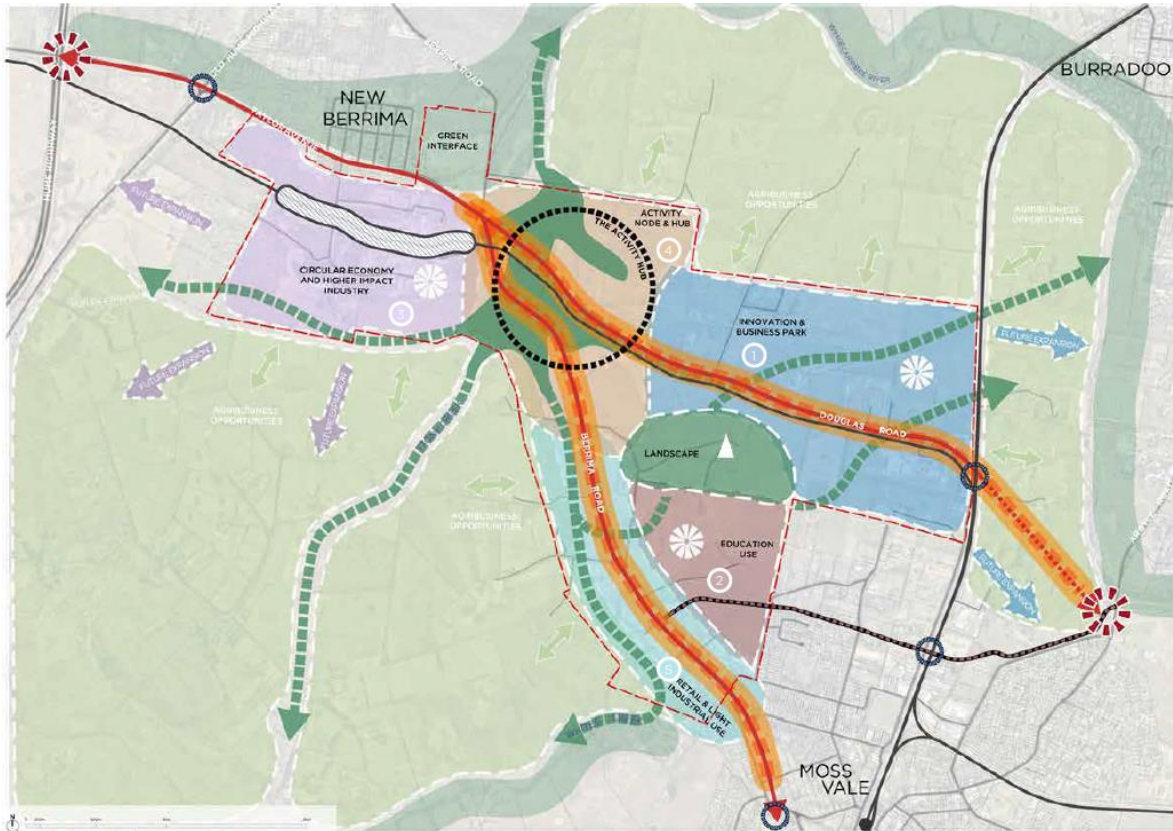
The proposed development is in a designated precinct of the SHIP that is not planned for this type of activity. The subject site is part of transitional interface area of the SHIP classified as an Enterprise Precinct. The Enterprise Precinct is flagged to accommodate a mix of light industrial and commercial office uses to facilitate the transition between residential uses, and heavier industrial uses planned across the northern parts of the SHIP.

Further, the DCP contains provisions which seek to limit site coverage and the bulk and scale of buildings, and to support landscaping on individual sites to mitigate the visual impacts of development within the precinct, particularly in interface areas.

While the RTS states that the development is permissible and consistent with the zone objectives, this is not considered an appropriate response to Council's concerns. The DCP provisions were established for sound planning reasons, and while not technically a consideration in the SSD assessment, Council's firm view is that greater consideration should be given to the established planning framework for the area.



It is also noted that Council has recently completed the first phase of a Master Plan for the SHIP, which reinforces the need for lower impact uses to act as a transition between residential areas and more intensive uses proposed for the western part of the SHIP. **Figure 3** below shows the subject land within an 'Innovation and Business Park' precinct, and the proposed development is not considered consistent with this precinct.



**Figure 3 – Phase 1 Master Plan**

**Infrastructure limitations and capacity issues**

Council remains concerned about the significant infrastructure limitations within the SHIP and is not supportive of out of sequence development until the infrastructure limitations have been resolved.

**Offer to Enter into Voluntary Planning Agreement**

The Applicant has made a formal request for Council to enter into a Voluntary Planning Agreement (VPA), that would commit Council to using its power of compulsory acquisition to acquire the land needed for access to the site (at the cost of the developer), should the developer be unsuccessful in its negotiations to acquire the land directly from the landowner/s.

Council previously considered a report in August 2022 on the VPA where it was resolved that Council consider the outcome/s of the Social Impact Assessment before considering the applicant’s request to enter into a Voluntary Planning Agreement and request for further information on water and sewer modelling.

Council understands that an amended SIA is currently being prepared, which may result in significant changes to the proposed development. It is considered premature to formally accept or reject the offer to enter into a Voluntary Planning Agreement until the Social Impact Assessment and Response to Submissions has been completed to the satisfaction of the Department of Planning and Environment.

Further, it is Council’s view that the current offer to enter into a VPA has not adequately addressed or demonstrated how the offer represents a material public benefit. It is noted that the acquisition and construction of the proposed road would be funded by the development, however, that is standard

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practice (and a requirement) for out of sequence development and does not represent a public benefit outside of what is required for the development to proceed.

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### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

No consultation with the local community occurred as part of the preparation of this report. However, it is recommended that a copy of this report be made available on the project page on Council's website to ensure the community remains informed about the proposal.

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

This report was prepared in consultation with Council's Environment and Sustainability team, as well as Council's Traffic and Transport team.

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

Not applicable in the context of this report.

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### **SUSTAINABILITY ASSESSMENT**

#### **Environment**

The proposed development raises a number of concerns that have been outlined in Council's submission. The facility, if approved, would be licenced by the NSW Environment Protection Agency (EPA) and they will assume the regulatory role for environmental matters.

#### **Social**

The proposed development raises a number of concerns that were outlined in Council's submission. Council remains concerned about the adequacy of the Social Impact Assessment to properly assess the social impacts of the proposed development.

#### **Broader Economic Implications**

Not applicable in the context of this report.

#### **Culture**

Not applicable in the context of this report.

#### **Governance**

Not applicable in the context of this report.

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### **COUNCIL BUDGET IMPLICATIONS**

There are no Council budget implications associated with this report.

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### **RELATED COUNCIL POLICY**

The proposed development would be located in the Southern Highlands Innovation Park (SHIP). The Moss Vale Enterprise Corridor Development Control Plan (MVEC DCP) outlines the planning framework for the development of this area.

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**CONCLUSION**

This report provides Council and the community with an update on the State Significant Development application for the proposed Plastics Recycling Facility in Moss Vale.

The report recommends that Council write to the Department of Planning and Environment expressing its concerns with the applicant's Response to Submissions, and the ongoing concerns with the proposed development.

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**ATTACHMENTS**

Nil

## **9 REPORTS**

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### **9.1 Development Assessment Performance**

**Report Author:**                   **Manager Development Assessment and Regulation**

**Authoriser:**                       **Director Communities and Place**

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#### **PURPOSE**

This report responds to Council’s resolution dated 15 February 2023 by providing an update on the performance of development application assessment within Development Assessment and Regulation team.

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#### **OFFICER’S RECOMMENDATION**

##### **THAT:**

- 1. Council receive and note this report on development application assessment performance.**
- 2. A further report be provided to Council by February 2024.**

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#### **REPORT**

##### **BACKGROUND**

A report to the Ordinary Council meeting on 15 February 2023 provided an update on development application assessment performance and the implementation of the recommendations in the “Righting the Wrongs” report, a review of planning, development and regulatory services, delivered to Council in November 2021.

In response to the report at that meeting Council resolved (MN 2022/309):

##### ***THAT:***

- 1. Council receive and note this report on Development Application assessment performance and implementation of the ‘Righting the Wrongs’ report recommendations.*
- 2. Council note that staff attraction and recruitment initiatives, application process and policy review and customer service improvements continue to be implemented consistent with the recommendations of the Earnest Consulting Report “Righting the Wrongs: Final Report on Planning, Development and Regulatory Services.”*
- 3. Council note the development application processing goal is an average processing time below 100 days by mid 2023 and 60 day average processing time by the end of 2023.*
- 4. A further report be provided to Council in July 2023.*

#### **REPORT**

##### **DEVELOPMENT APPLICATION ASSESSMENT PERFORMANCE**

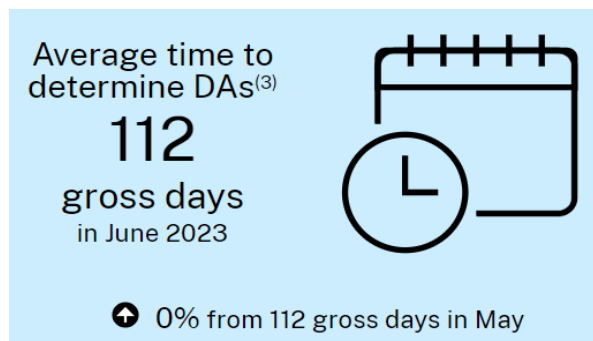
##### **Average Assessment Timeframe (Goal: 100 days)**

Between 15 February 2023 and 30 June 2023, Council determined 301 applications totalling an average assessment timeframe of 125 days.

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This exceeds the 100-day average goal noted in the Council resolution dated 15 February 2023 by 25 days and remains marginally higher than the 112-day average across the state of NSW by 13 days (extract from NSW Planning Performance Dashboard below).



The above data is consistent with the NSW Department of Planning and Environment (DPE) Local Development Performance Monitoring (LDPM) reportable application data and includes development applications, s.4.55 modification applications and complying development certificate (CDC) applications.

When compared with the average processing time of 171 days in October 2022 (as previously reported to Council), the 125 average processing time on 30 June 2023 represents a significant improvement, taking the average for the 6-month period down to 144 days.

Staff have prioritised the clearance of older applications in the system rather than exclusively determining newer applications for the sake of improved statistics. The number of DAs over 300 days has been reduced by 25% and is continuing to be driven down by new practices of limiting amendments to one opportunity and monitoring of consultants by planning assessment staff.

Highlighting the decisive action taken in relation to long-standing DAs with unresolved issues, 26 applications were refused in the period from 15 February 2023 to 30 June 2023 (compared with only 6 refusals from 1 July 2022 to 15 February 2023).

Notwithstanding the intensified reporting requirements associated with refusing development (when compared with either a withdrawal or approval), the overall achievement of an improved average assessment timeframe represents a significant effort by staff towards achieving the goal set by the Council resolution of 15 February 2023.

In addition, a further ten (10) applications were withdrawn over the past 5 months on the recommendation of assessment officers to applicants. It is noted that some applications are withdrawn just prior to determination, especially in the case of refusal determinations when a substantial amount of assessment and reporting has already been undertaken.

It is also worthy to note that each older application that is determined that application factors into the average assessment time statistics causing the average assessment timeframe to increase. However, over time this will stabilise as the emphasis by staff will be on greater efficiency as permanent positions identified in the organisation structure are filled.

### **60-day Average Processing Time**

The general average processing time has the potential to improve further once full-time equivalent (FTE) staff occupy those positions identified as part of the restructure. Advertising and recruitment for these positions has commenced.

The recent campaign to remove a substantial component of those applications over 100 days old from the system has been successful. Attention will now be given in order to implementing a dedicated fast track

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coordination team to focus on simplified reporting for less complex and substantially compliant applications which have merit to proceed with an expedited assessment, site inspection and subsequent determination under delegated authority.

The introduction of the fast-track coordination team will be critical to the success of achieving a 60-day average processing time by the end of 2023. Wingecarribee Shire Council has not achieved assessment times as low as this in the past 10 years.

The fast-track coordination team will focus on those applications that are substantially compliant with minimal complexity and associated environmental impact. The efficiencies identified with this process has been proven at other Councils in NSW and will not compromise the required statutory evaluation under s.4.15 of the *Environmental Planning and Assessment Act 1979*.

A further update will be provided to Council to report on the progress of achieving the 60-day average processing time goal by the end of 2023, most likely during the first Council meeting in 2024.

### Other Factors Influencing Assessment Timeframes

Factors which are likely to influence assessment timeframes within Wingecarribee Shire include:

- Transition across to the exclusive use of the NSW Planning Portal for the generation of Notices of Determination from 1 July 2023 incorporating the use of model conditions and bespoke conditions that have been uploaded to the NSW Planning Portal by Council in accordance with the requirements of the NSW Department of Planning and Environment;
- Proposed broad scale changes to the NSW Rural Fire Service Bushfire Prone Land Map which places a significant impost on landowners with Category 3 grassland that were not previously captured as bushfire prone land;
- Neutral or beneficial effect (NorBE) assessments required for all applications within a drinking water catchment by WaterNSW and other state government referrals;
- The complexity of Council's contributions plans and associated administration;
- Referral of applications to the Local Planning Panel and Regional Planning Panel in accordance with relevant legislation and Ministerial Directions; and
- Incomplete or inadequate applications with insufficient supporting documentation that are not able to satisfy the *Environmental Planning and Assessment Act 1979* or the *Environmental Planning and Assessment Regulation 2021*.

### Development Applications Over 100 days Old

On 30 June 2023, 312 applications remained undetermined or 'under assessment' with 133 applications (i.e. less than half, or 42.63%) over 100 days old:

Group	Undetermined	< 40 Days	%	41 - 60	%	61 - 100	%	Over 100	%
DA	312	94	30.13%	35	11.22%	50	16.03%	133	42.63%

This compares favourably to January 2023 when a total of 352 applications were under assessment with 189 applications (53%) over 100 days old.

Accordingly, the total number of applications under assessment reduced by 40 in the six months to 30 June 2023 with a corresponding reduction in the number of applications over 100 days old reducing by 56 during the same period.

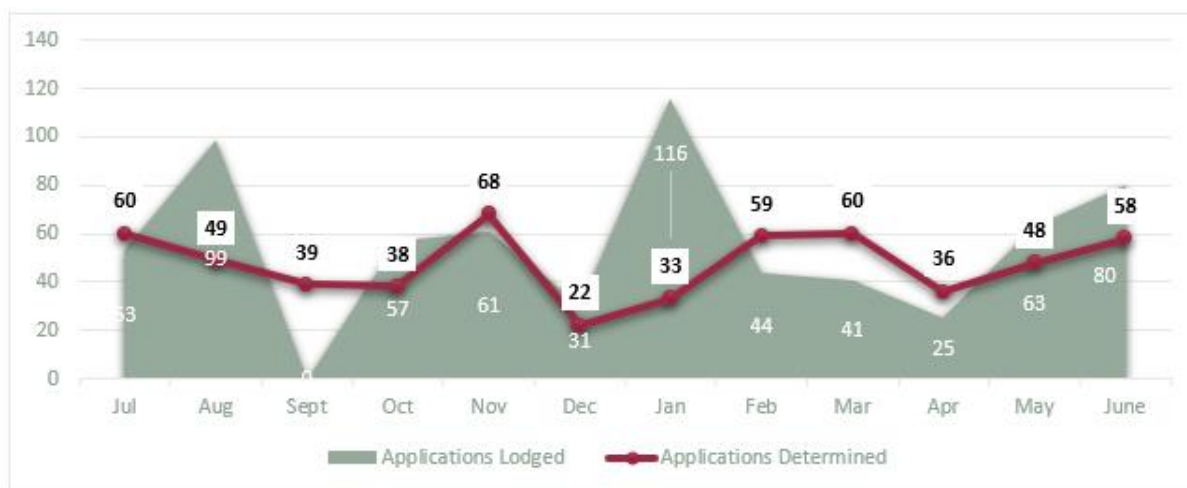


**Determinations vs Lodgements**

Determinations vs lodgements is a good measure of how Council is tracking with respect to productivity and resources. A positive trend has emerged involving the number of determinations outweighing the number of application lodgements. A corresponding reduction in the total number of applications lodged has also created favourable conditions for Council to proactively clear previous backlogs.

Between 15 February 2023 and 30 June 2023, a total of 187 development applications were lodged. A total of 232 applications were determined during the same period (including 206 approvals and 26 refusals). A further 10 applications were withdrawn. This represents a significant turnaround from the 6 months prior to the previous Council report in February and is indicative of around 45 applications in the backlog being successfully cleared.

For comparison, between 1 July 2022 and 15 February 2023, a total of 418 applications were lodged, yet only 343 applications were determined (including 337 approvals and 6 refusals). This resulted in a backlog of 75 applications.



By continuing the trend of determinations generally exceeding lodgements, Council will successfully clear the significant backlog which emerged during 2022 and January 2023. Another benefit is the ability for Council to effectively wean off the reliance on planning consultants assisting with assessment tasks, particularly once FTE staff begin occupying in-house positions envisaged under the restructure.

**Clearances**

A clearance is a check of an application undertaken by staff between submission of an application on the NSW Planning Portal and payment of fees which then results in the application being ‘lodged’.

Clearances peaked at an average of 100 days over the December 2022/January 2023 Christmas/New Year period. The clearances have now reduced to a total of 16 applications with all of these being less than 14 days old. The incorporation of the Portal Support Team under the Communities and Place Directorate as part of the restructure has assisted with this process.

Council will continue to strive for 7-day turnaround from submission of an application on the NSW Planning Portal to receipt/lodgement following initial clearance.

**Appeals**

As at 30 June 2023, Council is defending 9 appeals in the NSW Land and Environment Court.

Despite a recent increase in the number of determinations involving refusal of an application, Council is yet to see any immediate corresponding increase in the number of appeals lodged in the NSW Land and Environment Court.

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This may be in-part explained by the number of deemed refusals lodged in response to previously extended timeframes as opposed to actual determinations which are occurring now where the issues are outlined very clearly - hence providing applicants with the opportunity to lodge a fresh application without the need to pursue an expensive and time-consuming appeal through the Court.

Council will continue to work with applicants in order to ensure that the reasons why an application is likely to be refused are conveyed in writing prior to determination. Applicants also continue to have the option to withdraw an application prior to determination, but any request for withdrawal can only be recognised if it is made via the NSW Planning Portal.

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### **COMMUNICATION AND CONSULTATION**

This report has been informed by internal consultation with key relevant staff and informal feedback heard in discussions with customers and applicants over the past 6 months.

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### **SUSTAINABILITY ASSESSMENT**

#### **Environment**

There are no direct environmental issues in relation to this report.

#### **Social**

The provision of good advice, quality service delivery and improved processing of development applications may affect investment, which in turn may impact on social considerations, including housing supply and affordability, the quality and design of housing and employment.

#### **Broader Economic Implications**

The provision of good advice, quality service delivery and improved processing of development applications may affect investment, which in turn may impact on economic considerations, including business startups, the quality and design of housing and employment.

#### **Culture**

There are no cultural issues in relation to this report.

#### **Governance**

The responsibility for recommended further reporting on development application assessment performance is with the Acting Manager Development Assessment and Regulation.

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### **COUNCIL BUDGET IMPLICATIONS**

The actions in relation to the attraction and recruitment of staff will likely have budget implications which will be considered as part of the restructure and salary review process.

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### **RELATED COUNCIL POLICY**

The recommendation of this report includes policy review which will occur by the end of 2023.



## **CONCLUSION**

On 30 June 2023:

- The average development application processing time is 125 days (previously 171 days in October 2022).
- The total number of applications under assessment is 312 (previously 352 in January 2023).
- The total number of applications over 100 days old is 133 (previously 189 days in January 2023).
- The total number of appeals being managed by Council is 9 (previously 11 in December 2022).
- All clearances now occur within 14 days (previously 100 days in December 2022).

With the total number of application lodgements showing a downward trend, Council is scheduled to achieve the 100-day assessment goal set by the Council resolution dated 15 February 2023.

Further development of a fast-track coordination team will assist in achieving the 60-day assessment goal for those applications that are numerically compliant with minimal complexity and associated environmental impact with particular emphasis on ensuring that any expedited assessment will not compromise the required statutory evaluation under s.4.15 of the *Environmental Planning and Assessment Act 1979*.

Factors which are likely to influence assessment timeframes within Wingecarribee Shire include:

- Transition across to the exclusive use of the NSW Planning Portal for the generation of Notices of Determination from 1 July 2023 incorporating the use of model conditions and bespoke conditions that have been uploaded to the NSW Planning Portal by Council in accordance with the requirements of the NSW Department of Planning and Environment;
- Proposed broad scale changes to the NSW Rural Fire Service Bushfire Prone Land Map which places a significant impost on landowners with Category 3 grassland that were not previously captured as bushfire prone land;
- Neutral or beneficial effect (NorBE) assessments required for all applications within a drinking water catchment by WaterNSW and other state government referrals;
- The complexity of Council's contributions plans and associated administration;
- Referral of applications to the Local Planning Panel and Regional Planning Panel in accordance with relevant legislation and Ministerial Directions; and
- Incomplete or inadequate applications with insufficient supporting documentation that are not able to satisfy the *Environmental Planning and Assessment Act 1979* or the *Environmental Planning and Assessment Regulation 2021*.

A further update will be provided to Council to report on assessment timeframes up to and including the end of 2023, most likely during the first Council meeting in 2024.

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## **ATTACHMENTS**

Nil

## **9.2 Open Access Information in Relation to Development Applications**

**Report Author:** Coordinator Governance

**Authoriser:** Director Corporate Strategy and Resourcing

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### **PURPOSE**

This report provides an overview of the information to be made available on Council's website in relation to Development Applications and potential risks to Council that may arise from a proposed expansion of the range of documents being made publicly available.

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### **OFFICER'S RECOMMENDATION**

**THAT Council implement the following low risk enhancements as detailed in the Table titled 'overview of documents to be made available on etrack system' in this report for the following event stages:**

- **Development Application lodgement documentation**
- **Consultation documentation**
- **External authority referrals**
- **Final internal referrals**
- **Applicant and owner correspondence**
- **Assessment documentation**
- **Planning Panel documentation**
- **DA Determination documentation**

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### **REPORT**

#### **BACKGROUND**

On 31 March 2023 Council completed stage one of the integration of the Planning Portal and Council's Property and Rating system Technology One. The integration included the facilitation of inbound communication from the eplanning portal and the ability to send DA lodgement data and associated documentation to Council's Property and Rating system.

This enhancement allows Council to exceed the minimum requirements of the NSW Department of Environment and Planning when publishing DAs and associated documents to the web.

In the report to Council regarding accessibility of Council information under the current legislative framework considered on 19 April 2023, Council noted the advice provided (MN 2023/366).

On 22 May 2023 Council's Development Application Tracker was further enhanced, to allow applicants to view more detailed information about their development application online. The list now details the events, or stages, related to the status of the application, showing whether it is on public notification, ready for Council Planner assessment, waiting on external agency advice or waiting on additional information to be provided by the applicant. When an application has been finalised, the decision (or determination) will be shown to fall into one of four categories: approved, refused, deferred commencement (subject to further work to satisfy Council) or withdrawn (by the applicant).

#### **REPORT**

The *Government Information (Public Access) Act 2009 (NSW)* (GIPA Act) directs Councils to make 'open access information' publicly available. This may include publishing certain information on their website (Development Application Tracker) unless there is an overriding public interest consideration against

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disclosure of the information. For Councils, open access information includes development applications (DAs) and any associated documentation. The GIPA Act and Regulation provide a framework for balancing open access requirements with public interest considerations against disclosure of personal information.

The Information Commissioner, Information and Privacy Commission (IPC) has published *Guideline 3: Personal Information in Development Applications* (Guideline 3) to assist Councils in considering public interest considerations when making DAs and associated documents publicly available.

Guideline 3 is attached at **Attachment 1**.

Guideline 3 states –

- 23. *Proposed DAs are relevant to community interests, and developments can potentially affect or even adversely impact on interested individuals and other parties. The nature of this type of government information that is recognised for mandatory disclosure under the GIPA Regulation, aims to promote public awareness about proposed developments. It also enables interested or potentially affected parties to make submissions or to object to the proposed development.*
- 24. *Public disclosure facilitates community participation in government decision-making, and also ensures accountability and transparency of those decisions. These policy considerations, together with the requirements of the GIPA Regulation for mandatory disclosure of DA information, create a framework that clearly supports the public interest in favour of disclosure of such information.*
- 25. *Publishing DA information also provides the public with information about the council’s decision-making process and identifies the factors which informed or influenced their decision. Councils should also consider that disclosure of the information can help identify potential conflicts of interest. For example, to identify whether the decision-maker is likely to benefit from the decision.*

These are all valid reasons in support of disclosing DA information together with associated documentation however, there are potential risks to Council that require addressing.

Council has sought external legal advice on the documentation proposed to be included on its Development Application Tracker with the aim to improve and increase open access to development information to the community whilst avoiding any associated risks.

The legal advice identifies the following areas of risk:

- Defamation
- Copyright
- Privacy
- GIPA Act and public interest considerations

Below, each stage of the DA process is broken down and potential risks are highlighted taking both the legal advice and Guideline 3 into consideration. Council officer commentary is also provided.

Event stage	Document
1. Pre-lodgement documentation	<ul style="list-style-type: none"> <li>• Pre-lodgement concept documentation</li> <li>• Informal pre-lodgement advisory service record</li> <li>• Formal pre-lodgement meeting notes and advice</li> </ul>

**External legal advice**

N/A

**IPC/Legislation**

N/A

**Council Officer comment**

A pre-lodgement meeting is usually held for the purpose of simple general enquiries and obtaining general direction.

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A review of Development Application Trackers for various councils throughout the State (Wollongong, Camden, Burwood, Northern Beaches, Tweed and Mosman) has been performed to ascertain what is considered ‘best practice’ in relation to pre-lodgement material being publicly available. It is noted that none of the aforementioned Councils have this documentation available on their websites.

Not all pre-lodgement enquiries proceed to lodgement of a DA or, as a result of the pre-lodgement meeting, substantial changes may be made to an application prior to lodgement. These documents may be made publicly available once a DA is lodged and form part of the supporting documentation.

Event stage	Document
2. DA Lodgement documentation	<ul style="list-style-type: none"> <li>• Application form</li> <li>• Owner’s consent</li> <li>• Political donations and gifts disclosure</li> <li>• Statement of environmental effects</li> <li>• Supporting technical reports and documentation</li> <li>• Plans and elevations</li> <li>• Internal layout on architectural plans</li> <li>• Aboriginal archaeological report with site location</li> </ul>

**External legal advice**

*Privacy: low risk* - development application documents containing personal information about individuals (such as names and addresses and ownership of property). A method to obtain acknowledgement and agreement to disclose personal information about individuals is a gateway through which applicants lodging their development applications acknowledge and agree that they are supplying personal information voluntarily. All development application documentation is now required to be submitted via the NSW Planning Portal which provides advice to applicants in relation to privacy and a gateway by which the applicant acknowledges and agrees.

*Copyright: very low risk* - architectural plans and drawings, and experts’ reports. The Development Application Tracker should be set up in such a way that visitors to the site can only view, and not copy, the documents.

**IPC/Legislation**

Guideline 3 prescribes the following associated documents as being open access –

- i. home warranty insurance documents
- ii. construction certificates
- iii. occupation certificates
- iv. structural certification documents
- v. town planner reports
- vi. submissions received on development applications
- vii. heritage consultant reports
- viii. tree inspection consultant reports
- ix. acoustics consultant reports
- x. land contamination consultant reports

It should be noted that “plans and specifications for any residential parts of a proposed building **other than plans that merely show its height and external configuration**” and commercial information are excluded from disclosure. That being said however, of the Councils referred to above, the majority did include internal layout plans.

In relation to personal information, Guideline 3 states that -

Personal information may include –

- names and addresses of the applicants, owners and people who lodge submissions
- personal and business contact details
- signatures of DA applicants and people making submissions

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- photos of property and people
- financial details of the applicant
- other personal information included to support an application, or to give weight to an objection.

### Council Officer comment

The documents i – v and vii - x listed above should all be available on the Development Application Tracker with the application of the appropriate redactions of personal information as prescribed in Guideline 3. Please refer to the Consultation Documentation event stage below for comments on vi. public submissions.

In relation to site specific Aboriginal Archaeological Reports, these may contain information sacred to indigenous people and should not be released to the public if the report is specifically noted as such. Whether or not a report is released to the public should be assessed on a case by case basis.

Event stage	Document
3. Consultation documentation	<ul style="list-style-type: none"><li>• Notification letter</li><li>• Neighbour notification record</li><li>• Website or newspaper advertisement</li><li>• Public submissions</li></ul>

### External legal advice

*Privacy: low risk* - submissions containing personal information about individuals (such as names and addresses and ownership of property). Methods to obtain permission to disclose personal information about individuals are:

- The notification letter to potential submitters/objectors (provided before they make a submission) containing advice that personal information in any submission is supplied voluntarily and may be made available for public viewing;
- a gateway on Council's website through which persons making a submission to a development application acknowledge and agree that they are supplying personal information voluntarily;
- regarding objectors' submissions, redaction of names and addresses on Development Application Tracker or only allow them to be available with the express consent of the objectors.

*Defamation: low risk* - objector submissions. Unless resources are dedicated to reviewing all objector submissions for defamatory material before making them available (which would be an onerous, repetitive and expensive task) then making such documents publicly available has the potential to expose Council to action for defamation. Council's insurer has confirmed that there is protection in place for defamation under various insurance schemes.

### IPC/Legislation

As discussed above, Guideline 3 discusses in detail what is considered to be 'personal information'.

In *Donnellan v Ku-ring-gai Council* [2013] NSWADT 115 (at [39] and [42]), the Tribunal accepted that the mobile, home and work telephone numbers, and email addresses of third party objectors to the proposed development was personal information. The Tribunal found that disclosure of this information could reasonably be expected to reveal that information. However, the Tribunal did not consider that the information contained in emails sent by the objectors to the Council was personal information about the objectors. The emails contained the objectors' opinions about the Council's consideration of the DA and the zoning of the land subject to the application and were not about an individual. The fact that the information was sent from their email addresses did not make it personal information.

### Council Officer comment

In relation to submissions received on development applications, it is noted that IPC Guideline 3 states that they are considered "open access".

A review of Development Application Trackers of the various Councils mentioned above has been performed to ascertain what is considered 'best practice' in relation to public submissions being publicly

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available. It is noted that none of the aforementioned Councils have public submissions available for viewing on their websites.

Council's current procedure to obtain copies of submissions in relation to DAs is that an Access to Information Application is required (at no fee to the applicant), the appropriate redactions are made (personal information, including names) and the submissions are provided.

Advice has also been sought from the Governance Network, a platform provided by Local Government NSW for Local Government Governance personnel and all responses received concurred with this process.

Event stage	Document
4. External authority referrals	<ul style="list-style-type: none"><li>• Referral letter to authority</li><li>• Authority advice or concurrence response</li></ul>

### External legal advice

N/A

### IPC/Legislation

N/A

### Council Officer comment

Please refer to comments made earlier in this report relating to 'personal information'. The documents listed above should all be available on the Development Application Tracker with the application of the appropriate redactions of personal information as described in Guideline 3.

Event stage	Document
5. Internal referrals	<ul style="list-style-type: none"><li>• Referral memo or record</li><li>• Internal referral advice</li><li>• Specialist consultant advice</li></ul>

### External legal advice

Public Interest considerations against disclosure are detailed in Section 14 of the GIPA Act. Specialist consultant advice could reasonably be expected to have one or more of a range of effects including -

*(e) reveal a deliberation or consultation conducted, or an opinion, advice or recommendation given, in such a way as to prejudice a deliberative process of government or an agency,*

*(f) prejudice the effective exercise by an agency of the agency's functions,*

It is preferable that they only be disclosed via the GIPA process.

### IPC/Legislation

Section 6(6) of the GIPA Act provides that nothing in section 6 or the GIPA Regulation requires or permits an agency to make open access information available in any way that would constitute an infringement of copyright.

Copyright may be infringed by using copyright material without permission of the copyright owner. Using copyright material can include:

- reproducing the work (including by photocopying, copying by hand, filming, recording and scanning)
- making the work public for the first time
- communicating the work to the public (for example, via email, broadcasting or the internet).

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**Council Officer comment**

There are a number of issues around the potential breach of copyright on DA related documents including plans, specialists reports and Statement of Environment Effects.

Currently, access to this information is provided as 'view only'.

Event stage	Document
6. Applicant and owner correspondence	<ul style="list-style-type: none"> <li>• Request for information letter</li> <li>• Applicant response to request for information</li> <li>• Additional supporting reports or documentation</li> <li>• Amended plans and elevations</li> <li>• Applicant response to submissions</li> <li>• Email correspondence from applicant</li> <li>• Phone logs</li> </ul>

**External legal advice**

*Privacy: low risk* - development application documents containing personal information about individuals (such as names and addresses and ownership of property). A method to obtain permission to disclose personal information about individuals is:

- a gateway on Council's website through which applicants lodging their development applications or persons making submissions acknowledge and agree that they are supplying personal information voluntarily.

*Copyright: very low risk* - architectural plans and drawings, and experts' reports. The Development Application Tracker should be set up in such a way that visitors to the site can only view, and not copy, the documents.

**IPC/Legislation**

N/A

**Council Officer comment**

Please refer to comments made earlier in this report relating to 'personal information'. The documents listed above should all be available on the Development Application Tracker with the application of the appropriate redactions of personal information as described in Guideline 3.

Event stage	Document
7. Assessment documentation	<ul style="list-style-type: none"> <li>• Request for information letter</li> <li>• Applicant response to request for information</li> <li>• Additional supporting reports or documentation</li> <li>• Amended plans and elevations</li> <li>• Applicant response to submissions</li> <li>• Email correspondence from applicant</li> <li>• Phone logs</li> </ul>

**External legal advice**

*Defamation: low risk* – internal deliberations. Unless resources are dedicated to reviewing all internal records for defamatory material before making them available (which would be an onerous, repetitive and expensive task) then making such documents publicly available has the potential to expose Council to action for defamation. Council's insurer has advised that there is protection in place for defamation under various insurance schemes.

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Preliminary assessment working notes and internal file notes would be records of Council Officers considering DAs and communicating their views among themselves, prior to a decision being made. Council Officers should be free to express and give full and frank consideration and advice in those types of documents, without having to consider their views and words in a context where they will automatically become public by routine posting on the Development Application Tracker. It is considered preferable that these documents only be disclosed via a GIPA process.

**IPC/Legislation**

N/A

**Council Officer comment**

The legal advice provided above is supported.

Event stage	Document
8. Planning panel documentation	<ul style="list-style-type: none"> <li>• Regional planning panel briefing presentation or notes</li> <li>• Planning panel assessment report and recommendation</li> <li>• Planning panel resolution and determination</li> </ul>

**External legal advice**

N/A

**IPC/Legislation**

N/A

**Council Officer comment**

As these documents are part of the DA process, they are considered ‘open access’ documents and should be provided on the Development Application Tracker.

Event stage	Document
9. DA Determination	<ul style="list-style-type: none"> <li>• Development consent</li> <li>• Determination for refusal</li> </ul>

**External legal advice**

N/A

**IPC/Legislation**

N/A

**Council Officer comment**

As these documents are part of the DA process, they are considered ‘open access’ documents and should be provided on the Development Application Tracker.

**Proposed Open Access Approach for Development Application Tracker**

There are a number of operational matters that require attention in order to balance open access requirements with public interest considerations against disclosure of personal information.

A review of Council’s Development Application Tracker indicates there is currently no consistency with documentation being made available, this indicates a lack of clarity as to what is required to be published.



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There is an ongoing project for Planning Portal integration with Property & Rating (P&R) in TechnologyOne as part of the stage two implementation. The current integration with Council’s electronic records management system (ECM) via P&R ensures that any document that added to P&R’s attachment grid is automatically sent to eTrack (aka DA Tracker) and all documents on the attachment grid are automatically registered in ECM. This will remain with Planning Portal integration as part of that process.

As a priority, to address privacy and personal information issues and to indemnify Council, a clear message should be provided to both DA applicants and those wishing to make a submission in relation to a DA requiring them to agree to ‘terms of use’ and acknowledging that the information they provide may be made publicly available. This should be in the form of a ‘gateway’ ie: applicants or submitters will not be able to proceed unless they agree – refer to the Tweed Shire Council example below.

It is important however that there should also be an option available for submitters who want their personal information suppressed for personal safety reasons. In this case, a statutory declaration would be required to be completed – refer to the Wollongong City Council example below.

An overview of documents to be made available on the etrack system is provided in the table below.

**Table: Overview of documents to be made available on the etrack system**

Event stage	Document	Comment
1. DA Lodgement documentation	<ul style="list-style-type: none"> <li>• Application form and other supporting documents</li> <li>• Owner’s consent</li> <li>• Political donations and gifts disclosure</li> <li>• Statement of environmental effects</li> <li>• Supporting technical reports and documentation</li> <li>• Plans and elevations</li> <li>• Internal layout on architectural plans</li> <li>• Aboriginal archaeological report with site location</li> </ul>	<ul style="list-style-type: none"> <li>• Supporting technical reports and documentation include – <ul style="list-style-type: none"> <li>○ Heritage consultant reports</li> <li>○ Tree inspection reports</li> <li>○ Acoustic reports</li> <li>○ Land contamination reports</li> </ul> </li> <li>• Aboriginal Archaeological Reports are to be considered on a case by case basis and only released if there is no request that the report not be made available to the public</li> <li>• Personal information to be redacted</li> <li>• Copyright to be considered – view only access</li> </ul>
3. Consultation documentation	<ul style="list-style-type: none"> <li>• Notification letter</li> <li>• Neighbour notification record</li> </ul>	<ul style="list-style-type: none"> <li>• Personal information to be redacted</li> <li>• Public submissions to be requested via an Access Application</li> </ul>
4. External authority referrals	<ul style="list-style-type: none"> <li>• Referral letter to authority</li> <li>• Authority advice or concurrence response</li> </ul>	<ul style="list-style-type: none"> <li>• Personal information to be redacted</li> </ul>
5. Final internal referrals	<ul style="list-style-type: none"> <li>• Referral memo or record</li> <li>• Final internal referral advice</li> <li>• Specialist consultant advice</li> </ul>	<ul style="list-style-type: none"> <li>• Copyright to be considered for specialist advice – view only access</li> </ul>
6. Applicant and owner correspondence/ Assessment documentation	<ul style="list-style-type: none"> <li>• Request for information letter</li> <li>• Applicant response to request for information</li> <li>• Additional supporting reports or documentation</li> <li>• Amended plans and elevations</li> <li>• Applicant response to submissions</li> </ul>	<ul style="list-style-type: none"> <li>• Personal information to be redacted</li> </ul>

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8. Planning panel documentation	<ul style="list-style-type: none"><li>• Regional planning panel briefing presentation or notes</li><li>• Planning panel assessment report and recommendation</li><li>• Planning panel resolution and determination</li></ul>	<ul style="list-style-type: none"><li>• Nil</li></ul>
9. DA Determination	<ul style="list-style-type: none"><li>• Development consent</li><li>• Determination for refusal</li></ul>	<ul style="list-style-type: none"><li>• Nil</li></ul>

## Privacy & Personal Information – Terms of Use

To use the Development Application (DA) Tracker & Property Enquiry website, you must first agree to the terms of use.

By clicking 'I agree' below, you acknowledge you have read and agree to the following 3 Terms of Use. Tap or click each one to expand and show the full terms of use.

### Privacy and Personal Information - General Terms of Use

By agreeing to these Terms of Use and in consideration for being provided with informal access to the documents accessed through the DA Tracker you:

- acknowledge that Council records and the information contained in Council records, which are accessed through the DA Tracker may contain personal information, the disclosure and use of which by Council may breach the Privacy and Personal Information Protection Act 1998
- acknowledge that by permitting the inspection of a Council record or the information contained in a Council record through the DA Tracker the Council does not expressly or impliedly consent to any further use or disclosure of personal information contained in the Council record
- undertake to Council not to reproduce, publish, communicate to the public, or use any personal information contained in the accessed records
- indemnify Council against all liabilities, obligations, damages, injuries, penalties, claims, demands, actions, suits, judgments and any and all costs, expenses or disbursements suffered or incurred by, or made or brought against, the Council as a result of your breach of the above undertaking.

### Privacy and Personal Information - Have Your Say Terms of Use

By making a submission on a development application, you acknowledge that you are likely to provide Council with personal information. That information is provided by you voluntarily.

That information is being collected for the purposes of contacting you in the course of consideration of the development application, to ensure completeness of our records in relation to the application and to ensure transparency in the development application process.

You can ask us to correct any errors or make amendments to personal information we have about you, subject to you providing Council with evidence of identity.

Council will disclose any personal information provided in your submission on its DA Tracker to whomever may access the DA Tracker (including persons outside of New South Wales) for transparency. By making a submission you expressly consent to Council disclosing your personal information on the DA Tracker and using your personal information in connection with the processing, assessment and determination of the development application.

### Copyright Terms of Use

By agreeing to these Terms of Use, and in consideration for being provided with informal access to the documents accessed through the DA Tracker you:

- acknowledge that Council records and the information contained in Council records, which are accessed through the DA Tracker may be subject to copyright under the Copyright Act (1968) (Cth)
- acknowledge that it is unlawful, without the permission of the copyright owner, to reproduce, publish, or communicate to the public, a Council record or the information contained in a Council record in which copyright subsists
- acknowledge that by permitting the inspection of a Council record or the information contained in a Council record through the DA Tracker the Council does not expressly or impliedly consent to any infringement of copyright
- undertake to Council not to reproduce, publish, or communicate to the public, the accessed records
- indemnify Council against all liabilities, obligations, damages, injuries, penalties, claims, demands, actions, suits, judgments and any and all costs, expenses or disbursements suffered or incurred by, or made or brought against, the Council as a result of your breach of the above undertaking.

**STATUTORY DECLARATION  
PROTECTION OF PRIVACY - SUBMISSION TO COUNCIL**

**USE THIS FORM** when you are making a submission to Council and have concerns for your personal safety or the safety of your family and you wish to suppress your name and address details from specific Council files.  
**DO NOT USE THIS FORM** if you wish to suppress **ALL** of your name and address details at Council.  
**INSTEAD** use the form titled "Statutory Declaration – Protection of Privacy".  
**NOTE:** You **MUST** complete one statutory declaration for each separate submission to Council.

**Attention: Public Officer**

General Manager  
Wollongong City Council  
Locked Bag 8821  
WOLLONGONG DC NSW 2500

I, \_\_\_\_\_  
of \_\_\_\_\_  
in the State of New South Wales, do solemnly and sincerely declare as follows –

I request that any material that is available, or is to be made available, for public inspection by or under the Local Government Act 1993 be prepared or amended so as to omit or remove any matter that would disclose, or discloses, my name and place of living, on the submission I made in relation to -

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I consider that the disclosure would place, or places, my personal safety, or the personal safety of members of my family, at risk for the reason(s) that –

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act, 1900.

Subscribed and declared at \_\_\_\_\_ )  
this \_\_\_\_\_ day of \_\_\_\_\_ ) \_\_\_\_\_  
20 \_\_\_\_\_ before me: \_\_\_\_\_ ) \_\_\_\_\_  
(My signature)

I, \_\_\_\_\_ a JP for NSW \_\_\_\_\_ certify  
(Full name of JP) (JP registration number)

(Tick box that applies)

1.  I saw the face of the declarant/deponent  
 I did not see the face of the declarant/deponent because he/she was wearing a face covering, but I am satisfied that he/she had a special justification for not removing it, and

(Tick box that applies)

2.  I have known the person for at least 12 months  
 I confirmed the person's identity with \_\_\_\_\_  
(Describe identification document relied on)

\_\_\_\_\_  
(Signature of JP) (Date)

Office Use Only  
**Approved / Not Approved**

Public Officer \_\_\_\_\_ Date \_\_\_\_\_

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### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

Community engagement was not required.

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

Director Communities and Place

Acting Manager Development Assessment and Regulation

Chief Information Officer

Coordinator Corporate Systems

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

External legal advice was sought from one of Council's legal services panel.

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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**

There are a number of governance issues in relation to this report. Please refer to comments above in each determination stage and also, to the conclusion below.

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### **COUNCIL BUDGET IMPLICATIONS**

There are no budget implications associated with this report.

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### **RELATED COUNCIL POLICY**

Privacy Management Plan

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### **CONCLUSION**

This report provides an overview of the information made available on Council's Development Application Tracker and potential risks to Council that may arise from a proposed expansion of the range of documents being made publicly available.

**ATTACHMENTS**

1. Guideline 3 - For Local Government personal information in development applications  
[**9.2.1** - 17 pages]



## **Guideline 3: For local government – personal information in development applications**

January 2020



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## **Information Access Guideline 3: Personal Information in Development Applications**

The object of the *Government Information (Public Access) Act 2009* (NSW) (**GIPA Act**) is to open government information to the public to maintain and advance a system of responsible and representative democratic government.

The GIPA Act directs agencies to make publicly available, 'open access information', including by requiring agencies to publish certain information on their website. Section 6 of the GIPA Act refers to this as 'mandatory proactive release of certain information', unless there is an overriding public interest consideration against disclosure of the information.<sup>1</sup>

For local councils, open access information relevantly includes development applications (DAs) and information associated with applications, such as submissions by individuals in the local community who wish to object to the proposed development.

Information in the form of DAs and its associated information is prescribed 'open access information' by clause 3 of Schedule 1 to the *Government Information (Public Access) Regulation 2009* (NSW) (**GIPA Regulation**).

The Information Commissioner has issued this guideline under the power given by sections 12(3) and 14(3) of the GIPA Act, to assist agencies regarding the public interest considerations in favour of, or against disclosure of information.

This Guideline is intended to assist local councils to apply the public interest considerations for and against publishing personal information contained in documents associated with DAs on councils' websites.

When considering whether to publish personal information associated with DAs, it is important that councils apply the public interest considerations relating to the treatment of personal information, recognised by clause 3 of the Table to section 14 of the GIPA Act.

Councils should note the significance of applying this public interest test to decisions about publishing this information to the 'world at large'.

The Information Commissioner has consulted the NSW Privacy Commissioner on these privacy-related public interest considerations, as required by section 14(4) of the GIPA Act. Agencies are required to have regard to this guideline issued by the Information Commissioner, in accordance with section 15(b) of the GIPA Act.

Elizabeth Tydd  
**IPC CEO, Information Commissioner  
NSW Open Data Advocate**

January 2020

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<sup>1</sup> GIPA Act, section 6(1).

## Introduction

Local councils receive and hold a significant amount of personal information collected during the ordinary course of their functions. This includes development applications (DAs) lodged by applicants, and information in the form of submissions or objections to the proposed DA by third parties. Written submissions can contain personal details of the objector to the DA, and the objector's opinions and comments may also contain personal information.

The GIPA Act and the GIPA Regulation require local councils to publish the information they hold about DAs on their websites.

Section 6 of the GIPA Act states that agencies must make certain information, known as open access information, publicly available on the agency's website, and in any other form that the agency considers to be appropriate.

Schedule 1 to the GIPA Regulation places additional open access obligations on local councils, requiring certain information to be made available on councils' websites, and also for inspection and copying at council offices. Of relevance to these Guidelines, clause 3 of Schedule 1 to the GIPA Regulation requires local councils to disclose and publish on their websites information about DAs.

The requirements for the publication of information by councils, including DAs, facilitates greater access to government information. This is particularly relevant to people affected by council decisions about DAs. Open and publicly available information also contributes to transparent decision-making and enables public participation in decisions that affect individuals and the community. However, documents associated with DAs are likely to contain a significant amount of personal information.

The GIPA Act and Regulation provide a framework for balancing open access requirements with public interest considerations against disclosure of personal information. Personal information is treated as a consideration against disclosure, but the fact that open access information contains personal information is not an absolute barrier to its release. Local councils are accordingly required to balance the disclosure of information under the GIPA Act with the privacy protections under the *Privacy and Personal Information Protection Act 1998* (NSW) (**PPIP Act**).

### Note on the scope of the Guideline

This Guideline is intended to assist local councils in decisions about the publication on their websites of personal information that is submitted to councils as part of the DA process. Accordingly, the Guideline deals only with personal information and the publication of that information on council websites.

This Guideline does not deal with or affect councils' obligations generally under the GIPA Act with respect to the disclosure of personal information by means other than publication on council websites. It also does not provide guidance to councils about their disclosure obligations associated with DAs and forms of non-personal information, or any matters pertaining to councils' obligations under the *Environmental Planning and Assessment Act 1979* (NSW) (**EPA Act**) and *Environmental Planning and Assessment Regulation 2000* (NSW) (**EPA Regulation**).

Further, this Guideline does not deal with material that may be protected by copyright. The IPC may publish other guidance about these matters, and when it does so, these are available on the IPC's website.

Councils wishing to consider how to weigh the importance of personal information more broadly, can access *IPC Guideline 4: Personal information as a public interest consideration under the GIPA Act*<sup>2</sup> on the IPC's website at [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

## **1. Legislative approach: disclosure requirements for open access information**

1. Part 3 of the GIPA Act is concerned with “open access information” which is government information that is required to be made publicly available by the agency (pursuant to section 6).
2. Section 6 of the GIPA Act requires mandatory proactive release of certain government information that is “open access information” unless there is an overriding public interest against disclosure of the information.
3. Agencies are directed to make open access information publicly available on their website or via an alternative means free of charge.<sup>3</sup> Agencies must publish open access information in the manner prescribed by the GIPA Act or Regulation unless there is an overriding public interest against disclosure (section 6(1)), or if it would involve an unreasonable additional cost to the agency (section 6(2)).
4. Section 6(4) requires that an agency must facilitate public access to open access information contained in a record by:
  - deleting matter from a copy of the record to be made publicly available, if;
  - inclusion of the matter would otherwise result in there being an overriding public interest against disclosure of the record, and it is practicable to delete the matter.
5. Section 18 of the GIPA Act outlines the types of information which comprise an agency's open access information, and this includes “government information as may be prescribed by the regulations as open access information”.<sup>4</sup>
6. Clause 3 of Schedule 1 to the GIPA Regulation (Additional open access information–local authorities)<sup>5</sup> prescribes DAs and information about them within the meaning of the *Environmental Planning and Assessment Act 1979 (EPA Act)* as open access information.
7. For local councils, DA information forms part of their open access information under the GIPA Regulation.
8. Clause 3(1) of Schedule 1 provides as follows:

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<sup>2</sup> Available as at September 2019 at: <https://www.ipc.nsw.gov.au/information-access/information-access-resources-public-sector-agencies/fact-sheets-guidelines-and-other-resources>

<sup>3</sup> GIPA Act, section 6(2).

<sup>4</sup> GIPA Act, section 18(g).

<sup>5</sup> The definition of local authority is provided by Schedule 4 to the GIPA Act and means a council, county council or joint organisation within the meaning of the *Local Government Act 1993*.

**Information about development applications**

(1) Information contained in the following records (whenever created) is prescribed as open access information:

(a) development applications (within the meaning of the *Environmental Planning and Assessment Act 1979*) and any associated documents received in relation to a proposed development including the following:

- (i) home warranty insurance documents
- (ii) construction certificates
- (iii) occupation certificates
- (iv) structural certification documents
- (v) town planner reports
- (vi) submissions received on development applications
- (vii) heritage consultant reports
- (viii) tree inspection consultant reports
- (ix) acoustics consultant reports
- (x) land contamination consultant reports.

(b) records of decisions made on or after 1 July 2010 on development applications (including decisions made on appeal)

(c) a record that describes the general nature of the documents that the local authority decides are excluded from the operation of this clause by subclause (2).

9. However, the following information is not included in the information referred to as a DA and any associated documents in clause 3(1)(a), with the effect that it is excluded from disclosure under clause 3(2) of Schedule 1:

(a) the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and external configuration in relation to the site on which it is proposed to be erected; or

(b) commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret; or

(c) development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application.<sup>6</sup>

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<sup>6</sup>While DAs made before 1 July 2010 (and associated documents of an application made before 1 July 2010) are not prescribed as open access information under the GIPA Regulation, this information is still government information within the meaning of the GIPA Act, and

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10. With respect to records of open access information, local councils are also to have regard to clause 1(2) of Schedule 1 which prescribes certain records as open access information. Clause 1(2)(c) requires councils to disclose the minutes of council meetings excluding meetings that are closed to the public, which would include meetings at which planning decisions are made.
11. Disclosure requirements under the GIPA Act and GIPA Regulation provide for a purposeful and context specific application which promotes open and accountable decision-making by agencies. The combined effect of the disclosure requirements under section 6 of the GIPA Act and clause 3 of Schedule 1 to the GIPA Regulation is that local councils make available information on their websites, or for inspection and copying at council offices. These disclosure requirements are designed to ensure that people who are interested in, or potentially affected by development applications, can be informed of proposed developments and are given the opportunity to comment by submissions.

**Personal information contained in DA documents**

12. Although the GIPA Regulation lists the records and documents associated with DAs which are prescribed as open access information,<sup>7</sup> it does not specify the type of information that should be published or otherwise disclosed.
13. Information about the subject property of the DA, and information associated with it, are likely to contain a significant amount of personal information to which there may be a public interest against disclosure. Information submitted, or generated in relation to a DA, might typically include:
  - names and addresses of the applicants, owners and people who lodge submissions
  - personal and business contact details
  - signatures of DA applicants and people making submissions
  - photos of property and people
  - financial details of the applicant
  - other personal information included to support an application, or to give weight to an objection.
14. Some of this information is required to be produced as part of the DA planning and assessment process. Other information, such as financial details and photographs of people in their houses, may be contained in documents that are required to be lodged by applicants under law, or in submissions by third parties who are lodging objections to assist their cause.
15. In some cases, personal information should be disclosed as it is integral to the DA decision-making process. In other cases, the information may be of such a personal or sensitive nature that, while still forming part of the DA file, it would be contrary to the public interest for such information to be disclosed on a website. A website is available to the public at large and could be viewed by anyone in the world with access to the internet, and captured by any person by downloading it into other formats.

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can be the subject of an access application. When making a decision to release or refuse access to such information, local councils should apply the public interest test in section 13 of the GIPA Act.

<sup>7</sup> GIPA Regulation, clause 3(1)(a) of Schedule 1.

16. Apart from listing the documents in clause 3(1)(a)(i)-(x) of Schedule 1, the GIPA Regulation does not specify the type of information associated with DAs that must be published or otherwise disclosed. Accordingly, local councils are required to apply the public interest test in section 13 of the GIPA Act when determining which information should be published on council websites. This requires councils to balance the disclosure requirements of the GIPA Act and Regulation (and similar requirements in other laws relevant to DAs), with any considerations against disclosing personal information.
17. The public interest test will apply to the decision to provide information, and a relevant consideration to this, is whether information can be deleted if inclusion of the information would result in there being an overriding public interest against disclosure.<sup>8</sup>
18. The Tribunal in *Donnellan v Ku-ring-gai Council* [2013] NSWADT 115 (at [39] and [42]), accepted that the mobile, home and work telephone numbers, and email addresses of third party objectors to the proposed development was personal information. The Tribunal found that disclosure of this information could reasonably be expected to reveal that information. However, the Tribunal did not consider that the information contained in emails sent by the objectors to the Council was personal information about the objectors. The emails contained the objectors' opinions about the council's consideration of the DA and the zoning of the land subject to the application, and were not about an individual. The fact that the information was sent from their email addresses did not make it personal information.
19. The legal test and considerations that must be exercised when applying clause 3(a) and/or clause 3(b), are discussed in Part 2 of this Guideline.

## **2. The public interest test: considerations for and against disclosure**

### **Considerations in favour of disclosure**

20. When considering whether to publish information which includes personal information, councils should start by considering the general presumption in favour of disclosure of government information in section 5 of the GIPA Act and section 12(1). Government information, as defined by section 4 of the GIPA Act, can include personal information, which means it is also subject to this general presumption in favour of disclosure.
21. The presumption in favour of disclosure is weighted heavily in relation to open access information, where the mandatory requirement for its disclosure in section 6 of the GIPA Act should only be displaced where there is an overriding public interest against disclosure.
22. The note to section 12(2) of the GIPA Act provides a non-exhaustive list of examples of public interest considerations in favour of disclosure:
  - (a) Disclosure of the information could reasonably be expected to promote open discussion of public affairs, enhance Government accountability or contribute to positive and informed debate on issues of public importance.

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<sup>8</sup> GIPA Act, section 6(4).

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- (b) Disclosure of the information could reasonably be expected to inform the public about the operations of agencies and, in particular, their policies and practices for dealing with members of the public.
  - (c) Disclosure of the information could reasonably be expected to ensure effective oversight of the expenditure of public funds.
  - (d) The information is personal information of the person to whom it is to be disclosed
  - (e) Disclosure of the information could reasonably be expected to reveal or substantiate that an agency (or a member of an agency) has engaged in misconduct or negligent, improper or unlawful conduct.
23. Proposed DAs are relevant to community interests, and developments can potentially affect or even adversely impact on interested individuals and other parties. The nature of this type of government information that is recognised for mandatory disclosure under the GIPA Regulation, aims to promote public awareness about proposed developments. It also enables interested or potentially affected parties to make submissions or to object to the proposed development.
24. Public disclosure facilitates community participation in government decision-making, and also ensures accountability and transparency of those decisions. These policy considerations, together with the requirements of the GIPA Regulation for mandatory disclosure of DA information, create a framework that clearly supports the public interest in favour of disclosure of such information.
25. Publishing DA information also provides the public with information about the council's decision-making process and identifies the factors which informed or influenced their decision. Councils should also consider that disclosure of the information can help identify potential conflicts of interest. For example, to identify whether the decision-maker is likely to benefit from the decision.

**Considerations against disclosure**

26. An exhaustive list of public interest considerations against disclosure is contained in the Table in section 14 of the GIPA Act. The Table lists the only considerations that may be taken into account as a public interest consideration against disclosure.
27. Of relevance to this Guideline, clause 3 in the Table provides for 'individual rights, judicial processes and natural justice' and largely applies to personal information. Clauses 3(a) – (g) provide as follows:
- There is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to have one or more of the following effects:
- (a) reveal an individual's personal information;
  - (b) contravene an information protection principle under the *Privacy and Personal Information Protection Act 1998* or a Health Privacy Principle under the *Health Records and Information Privacy Act 2002*;
  - (c) prejudice any court proceedings by revealing matter prepared for the purposes of or in relation to current or future proceedings;



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- (d) prejudice the fair trial of any person, the impartial adjudication of any case or a person's right to procedural fairness;
  - (e) reveal false or unsubstantiated allegations about a person that are defamatory;
  - (f) expose a person to a risk of harm or of serious harassment or serious intimidation; or
  - (g) in the case of the disclosure of personal information about a child—the disclosure of information that it would not be in the best interests of the child to have disclosed.
28. The GIPA Act gives particular consideration to personal information and defines this type of information in clause 4 of Schedule 4 (interpretative provisions):
- (1) In this Act, personal information means information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual (whether living or dead) whose identity is apparent or can reasonably be ascertained from the information or opinion.
  - (2) Personal information includes such things as an individual's fingerprints, retina prints, body samples or genetic characteristics.
29. Clause 4(3) of Schedule 4 provides for an exception to this definition:
- (3) Personal information does not include any of the following:
    - (a) information about an individual who has been dead for more than 30 years,
    - (b) information about an individual (comprising the individual's name and non-personal contact details including the individual's position title, public functions and the agency in which the individual works) that reveals nothing more than the fact that the person was engaged in the exercise of public functions,
    - (c) information about an individual that is of a class, or is contained in a document of a class, prescribed by the regulations for the purposes of this subclause.
30. For local councils considering open access information in the form of DAs and associated information, the exclusion from the definition of 'personal information' provided by clause 4(3)(b) may have particular significance. For example, this may include the names and positions occupied by officers employed by councils who appear in DAs, construction and other certificates and reports; as well as records of decisions.
31. Clause 1 of Schedule 4 also defines the term "reveal" and states that "reveal information means to disclose information that has not already been publicly disclosed (otherwise than by unlawful disclosure)".
32. Under the PPIP Act, the Information Protection Principle dealing with disclosure of personal information is contained in section 18, and section 18(1) states that agencies must not disclose personal information unless:
- (a) the disclosure is directly related to the purpose for which the information was collected, and there is no reason to believe that the person would object to the disclosure, or

(b) the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body, or

(c) the agency believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.

33. Further discussion of the disclosure of personal information as a consideration against the publication of information on council websites is discussed at paragraphs [43]-[55], below.

#### **Applying the public interest test**

34. When applying the public interest test to open access information,<sup>9</sup> local councils should undertake the four steps listed below.

1. Consider the presumption in favour of disclosure of information, particularly as it relates to prescribed open access information, and in the case of DAs and associated information, consider the exemptions to the definition of 'personal information' in Schedule 4 of the GIPA Act.
2. Identify other relevant public interest considerations in favour of disclosure of the information, taking into account the general presumption in sections 5 and 12(1) of the GIPA Act, and the examples in favour of disclosure in the note to section 12(2).
3. Identify whether any of the public interest considerations against disclosure listed in the Table to section 14 of the GIPA Act apply to the information in the particular circumstances. Councils should note:
  - only those public interest considerations listed in the Table of section 14 may be taken into account in the decision to not publish the DA information;
  - the relevant public interest consideration against disclosure should reasonably be expected to have the effect in the particular case, or generally.
4. Assess whether the public interest considerations against disclosure outweigh the public interest considerations in favour of disclosure, giving appropriate weight to each consideration. There is an overriding public interest against disclosure of government information only if relevant public interest considerations against disclosure outweigh the relevant public interest considerations in favour of disclosure: section 13.

#### **NCAT consideration of 'personal information' and development applications**

35. The mandatory release requirement in section 6 of the GIPA Act provides a statutory obligation to make open access information, including DAs, publicly available. Councils are under a statutory obligation to make such information publicly available unless there is an overriding public interest consideration against disclosure of the information.<sup>10</sup> This is a significant qualification to the mandatory release requirement in section 6 of the GIPA Act.

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<sup>9</sup> GIPA Act, section 6(1).

<sup>10</sup> *McEwan v Port Stephens Council* [2018] NSWCATAP 211 at [10].

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36. The Appeal Panel in *McEwan* (at [45]), confirmed that a decision maker (such as a local council) must carry out the balancing exercise by reference to the implications of the open access feature of the information.
37. In *Donnellan v Ku-ring-gai Council* [2013] NSWADT 115 at [72], the Tribunal explained the obligation in section 6 in the following way:
- ... there is an obligation on an agency to make information of this kind publicly available, regardless of whether an application for access has been made under the GIPA Act. Implicit from these provisions is that the public interest in the disclosure of information of this kind is very strong.
38. The requirement for public disclosure of DAs and associated information, such as by publication on a council website, arises because of the nature of the information, not whether an individual has asserted their right of access to this information under section 9 of the GIPA Act.
39. The requirement on councils is to consider whether any of the public interest considerations against disclosure in the Table in section 14 of the GIPA Act apply to the information.
40. The Tribunal's Appeal Panel has provided the following guidance on dealing with the disclosure of open access information in the form of DAs and associated documents:
- i. the information must fall within the description of information prescribed as open access information in clause 3(1) of Schedule 1 of the GIPA Regulation (that is, be a DA, a document received in association with such an application, or a record of a decision of the agency in regard to a DA); this is a question of fact to be determined in the context of each individual case<sup>11</sup>
  - ii. the starting position is that open access information is an important factor in favour of disclosure, which is additional to other relevant factors in favour of disclosure in section 12 of the GIPA Act<sup>12</sup>
  - iii. the mandatory release requirement in section 6 does not apply when the public interest balance falls against disclosure<sup>13</sup>
  - iv. the claim to the public interest consideration/s against disclosure must be appropriately made so that the decision-maker is satisfied that the balance lies against disclosure<sup>14</sup>
  - v. information contained in DAs or associated documents that is subject to a public interest consideration against disclosure, such as personal information, may be dealt with by redaction prior to publication of the document.<sup>15</sup>

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<sup>11</sup> *Webb v Port Stephens Council (No 3)* [2018] NSWCATAP 286 at [75]-[76].

<sup>12</sup> *McEwan v Port Stephens Council* [2018] NSWCATAP 211 at [42].

<sup>13</sup> *McEwan v Port Stephens Council* [2018] NSWCATAP 211 at [41].

<sup>14</sup> *Webb v Port Stephens Council (No 3)* [2018] NSWCATAP 286 at [79].

<sup>15</sup> *McEwan v Port Stephens Council* [2018] NSWCATAP 211 at [56].

41. In summary, the fact that information is personal to an individual is not an absolute barrier to its disclosure, but is a relevant factor that weighs against release. Certain personal information can be released to give context to the decision, and to promote transparency in decision-making. For example, the information may relevantly identify the objector to the application, but it can also include substantial opinion or comments which are the personal information of the objector.<sup>16</sup>
42. Generally, councils should aim to disclose as much DA associated information as possible and, in applying the public interest test, it should be recognised that personal information may on occasions be disclosed. Disclosure assists the public to understand council decisions about development planning proposals, and the reasons for those decisions. Wherever possible, disclosure should be by the methods set out in the GIPA Act and GIPA Regulation, including through publication on council websites.

#### **Consideration against disclosure – revealing personal information**

43. Disclosing information which reveals an individual's personal information is a public interest consideration against disclosure under clause 3(a) of the Table to section 14 of the GIPA Act, and will apply if disclosure of information "could reasonably be expected" to have this specified effect.
44. Where a council is intending to publish DAs and associated information, the council is required to consider that the personal information of an individual is a relevant factor that can weigh against release where it reveals an individual's personal information. The council should then apply the public interest test in section 13 to the personal information, which requires a balancing test between the public interest consideration in clause 3(a) and the applicable public interest considerations in favour of disclosure.<sup>17</sup>
45. When making a decision to disclose personal information through publication on a website, councils should keep in mind the purpose of the DA disclosure provisions in the GIPA Act and Regulation. These provisions are designed to assist the public to be informed of council decisions, and by promoting public disclosure, ensure transparent council decision-making on DAs. They do not operate to undermine privacy protections by making individuals' personal details available to the world at large. In this regard, there is some information which the Information Commissioner considers should not be disclosed on a website (see Part 3 of these Guidelines).
46. Councils should avoid disclosing material (particularly by publication on a council website) that is malicious or defamatory. This is particularly relevant to submissions or objections made in writing by a person about a DA application which may involve broader neighbourhood grievances or even a campaign targeted at an individual.
47. The GIPA Act provides for a public interest against disclosure of information that could reasonably be expected to expose a person to a risk of harm or of serious harassment or serious intimidation: clause 3(f) of the Table to section 14. This does not necessarily require the information to be personal information, but concerns where disclosure of information may reasonably be expected to have this impact.

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<sup>16</sup> See, *Donnellan v Ku-ring-gai Council* [2013] NSWADT 115 at [41].

<sup>17</sup> *Webb v Port Stephens Council (No 3)* [2018] NSWCATAP 286 at [82].

48. While this consideration against disclosure is available, the Tribunal has confirmed that the “serious” harassment or intimidation is required to be “heavy, weighty or grave, and not trifling or transient”.<sup>18</sup> Accordingly, there may be circumstances where a local council weighs heavily this consideration against disclosure of information, such as if a person’s behaviour demonstrates a risk of harm to another person,<sup>19</sup> or a targeted campaign.<sup>20</sup>
49. Not all information in DA submissions will be relevant to the ultimate development decision made by a council on the DA application, and which should be reported and disclosed. Material that is scurrilous, inflammatory or irrelevant will not be suitable for publication. In disclosing information contained in submissions on a DA, councils should have regard to the object and purpose of disclosure under the GIPA Act to promote transparent and accountable decision-making.

**Consideration against disclosure – contravening the PPIP Act**

50. There is a public interest consideration against disclosure of information if the information could reasonably be expected to contravene an Information Protection Principle in the PPIP Act or a Health Privacy Principle under the *Health Records and Information Privacy Act 2002* (HRIP Act)<sup>21</sup> of the Table in section 14 of the GIPA Act). Under the HRIP Act, ‘health information’ means personal information that is information or opinion about, among other things, the physical or mental health or a disability (at any time) of an individual: section 6(a)(i).
51. In determining whether disclosure of personal information would contravene the principles set out under the PPIP Act or HRIP Act, local councils should ask the following questions:
- (a) Is the information being disclosed for the same purpose for which it was collected, or a purpose directly related?
  - (b) Has the person who is the subject of the information consented to the disclosure?
  - (c) Is the public aware that certain types of personal information provided during the DA process may be disclosed, and if so, the type of information and the method of disclosure?
52. If the answer to any of these questions is “yes”, it is unlikely that the disclosure (including by publication on the website) would breach the PPIP Act and/or HRIP Act.
53. However, personal information can be released under the GIPA Act even if this disclosure would breach the PPIP Act. This is made clear by section 5 of the PPIP Act, which provides that nothing in that Act operates to lessen the obligations agencies must exercise under the GIPA Act. Additionally, the name and non-personal contact details of a council officer does not constitute personal information under the GIPA Act.<sup>22</sup>

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<sup>18</sup> *AEZ v Commissioner of Police (NSW)* [2013] NSWADT 90 at [94].

<sup>19</sup> For example, *Dezfouli v Justice Health & Forensic Mental Health Network* [2018] NSWCATAD 11.

<sup>20</sup> For example, *DDT v Charles Sturt University* [2017] NSWCATAD 329; *Pallier v NSW State Emergency Service* [2016] NSWCATAD 293.

<sup>21</sup> GIPA Act, clause 3(b).

<sup>22</sup> GIPA Act, clause 4(3)(b) of Schedule 4; and see, paragraph [29] of this Guideline.

54. There is also an immunity provided under the GIPA Act which protects officers from criminal and civil liability, provided that officers' actions in the exercise of their functions under the GIPA Act, demonstrate they have acted in good faith.<sup>23</sup> Nevertheless, councils should aim to avoid breaching the PPIP Act when disclosing personal information.
55. In summary, councils should take steps to ensure compliance with the PPIP Act and HRIP Act, by notifying people of the type of information submitted with DA applications and in objection letters that will be made publicly available. Councils should also inform the public of how that information will be disclosed, such as on council websites. As outlined above in Part 1, councils should also have regard to the nature of the personal information, including its relevance to the information associated with the DA.

### **3. Personal information that should not be published on council websites**

56. The Information Commissioner's guidance to agencies through this guideline affirms that local councils should endeavour to disclose as much DA information on their websites as possible, subject to the application of the public interest test.
57. The Information Commissioner considers the following information is personal information for which there may be an overriding public interest against disclosure:
- personal contact details of an individual, including personal phone/mobile numbers, residential address and email address
  - signatures on DA applications or submissions or objection letters
  - personal financial information, for example, credit card details
  - health and medical information
  - photographs depicting identifiable aspects of the people depicted
  - video and audio content which capture personal information or reveal details about a person.
58. Placing such information on a council website does not further the public interest in transparent government decision-making about DAs for particular properties. The publication of information of the kind listed above would undermine the protection of personal information and individual privacy.

#### **Why is publication on a website different to other forms of disclosure?**

59. These Guidelines do not intend to limit local councils' disclosure of information in other forms, such as by enabling view only access to the documents in person at council offices, or providing copies of material in electronic or paper form (such as a local newspaper with local or regional distribution).
60. Information made available for public viewing (or copying) in these forms is still subject to the public interest test, but is not 'open to the world at large' in the way that information published on a website is available to the world at large.

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<sup>23</sup> Part 6 of the GIPA Act deals with protections and offences, as well as personal liability of an officer of an agency.

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61. Information published in digital form on a website can be accessed by people at any time, and downloaded, copied, modified and republished in various formats. Once published and captured, the information or objections expressed about a proposed development can no longer be controlled, or contained to the original publication context.
62. While the internet can significantly enable the object of the GIPA Act to open and disseminate government information to the public, the risk of failing to balance the GIPA Act's restrictions where there is an overriding public interest against disclosure should not be underestimated in the online information environment.
63. Disclosure of personal information held in electronic records, such as signatures, financial information, and photographs, provides opportunities for identity theft or other criminal acts against the person with very harmful consequences.
64. Online publication of such personal information can be weighted significantly against the public interest in favour of disclosure, having regard to clauses 3(a) and 3(b) of the Table in section 14 of the GIPA Act. The potential to expose a person to a risk of harm from disclosure of such information may also be a relevant public interest consideration, with reference to clause 3(f) of the Table to section 14 of the GIPA Act.
65. Councils need to take a balanced approach to fulfilling their open access obligations and applying the public interest test.



## Document information

<b>Identifier/Title:</b>	Guidelines for local councils on and personal information contained in development applications: What should not be put on council websites developed under the <i>Government Information (Public Access) Act 2009</i> (NSW)
<b>Business Unit:</b>	IPC
<b>Author:</b>	Legal Counsel and Regulatory Advice
<b>Approver:</b>	Information Commissioner
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### **9.3 Fees and Charges and Operational Plan 2023/24 - Update**

**Report Author:** Acting Chief Financial Officer

**Authoriser:** Director Corporate Strategy and Resourcing

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#### **PURPOSE**

This report presents amendments to the 2023/24 Fees and Charges and notes corrections to the priority actions for Waste Services and Community Engagement principal activities in the Operational Plan 2023/24 adopted at the Extraordinary Meeting of Council held on 28 June 2023.

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#### **OFFICER'S RECOMMENDATION**

##### **THAT Council:**

- 1. Place the proposed amendments to the 2023/24 Fees and Charges on public exhibition for 28 days with a view of tabling a further report after the exhibition period, should any feedback be received.**
- 2. Note the corrections to the priority actions in the Operational Plan 2023/24 for waste services and community engagement.**

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#### **REPORT**

##### **BACKGROUND**

Council placed its Operational Plan 2023/24 including Fees and Charges on public exhibition for a period of 28 days from 12 May to 9 June 2023. Submissions received during the public exhibition period were responded to at the Extraordinary Meeting of Council on 28 June 2023 and the Operational Plan including the Fees and Charges adopted on that date.

##### **REPORT**

Council officers have identified several Fees and Charges that need to be corrected.

##### **Business & Property Services – Tourism & Events**

##### ***Tulip Time – Tulips After Dark***

Tulips After Dark was a new event in 2022/23 that was partially funded by a one-off state grant, as such there was free admission to local residents. As the grant will not be received again this year, the \$13 admission fee was introduced as part of the 2023/24 Fees and Charges, with no distinction proposed between residents and non-residents. After further internal review of the fees relating to Tulips After Dark, Council Officers are proposing to split the current fee for Adult, Youth & Concession Admission into two components, being *Adult Admission* and *Youth & Concession Admission*, with the second fee group reduced to \$10.

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Details	Unit	2022/23 Adopted Fee	2023/24 Adopted Fee	Proposed Amended 2023/24 Fee & Unit
<b>Tulips After Dark</b>				
Adult, Youth & Concession Admission	per person, per night	-	\$13.00	Discontinue fee
Adult Admission	per person, per night	-	\$13.00	\$13.00 per person, per night
Youth (13-17 years) & Concession Admission	per person, per night	-	\$13.00	\$10.00 per person, per night

**Art Studio Trail**

Following a review of the Art Studio Trail Participation Fee, Council Officers have identified an error in the adopted fee. Instead of \$55 per artist, the fee should have been \$165.00 in line with the general inflation index of 7%.

Details	Unit	2022/23 Adopted Fee	2023/24 Adopted Fee	Proposed Amended 2023/24 Fee & Unit
Other Event Fees				
<b>Arts &amp; Culture</b>				
Art Studio Trail Participation Fee - per artist	per annum	\$156.60	\$55.00	\$165.00 per annum

If these proposed amendments are adopted, Council officers recommend that the proposed amended fees are to be applied to all such fees and charges raised from 1 July 2023.

**Information & Communication Technology – Community Halls**

**Hall Cleaning Fees**

During the preparation of the 2023/24 Fees and Charges relating to Community Halls the cleaning fees were incorrectly aligned with that of Sports Field Hire. The adopted *cleaning and maintenance fee* of \$80.00 per hour should instead be aligned to the inflation index of 7% and revised to \$47.00. The *cleaning costs to hirers if the hall is left in an unfit state* fee is to be reverted to “per hour” as it was in 2022/23 instead of “per booking” and indexed by the general inflation index of 7%. If these proposed amendments are adopted, Council officers recommend that the proposed amended fees are to be applied to all such fees and charges raised from 1 July 2023.

Details	Unit	2022/23 Adopted Fee	2023/24 Adopted Fee	Proposed Amended 2023/24 Fee & Unit
<b>General Conditions and Administration for Hall Hire</b>				
<b>Hall Hire Cleaning Fees</b>				
Cleaning and Maintenance for halls	per hour	\$43.90	\$80.00	\$47.00 per hour
Cleaning costs to hirers if the hall is left in an unfit state	per booking	\$104.40	\$150.00	\$112.00 per hour

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**Strategic Outcomes - Developer Contributions**

Council officers have identified a redundant fee and propose that this be removed from the 2023/24 Fees & Charges and not charged during the 2023/24 year.

Details	Unit	2022/23 Adopted Fee	2023/24 Adopted Fee	Proposed Amended 2023/24 Fee & Unit
<b>Developer Servicing Plan</b>				
Re-assessment of Notice of Payment to provide updated contributions (i.e. CPI) and issue of revised NOP	per reproduction	\$160.80 -	\$170.00	Remove fee

**Planning Assessment & Regulation – Building and Planning Certificates and Services**

***Building Information Certificate fee***

Due to an administrative oversight, the Council Officer’s response to Submission 36 by B Anstee (Bowral) was not included in the Council report and therefore the response was not presented to Council for adoption and inclusion as an amendment to the 2023/24 Fees and Charges.

**Extract from Submission ID 36 – B Anstee (Bowral):**

*Operational Plan 2023/2024 - The increases in fees and charges should be limited to a CPI increase only. The charges for Complying Development Certificates and Construction Certificates should be in accordance with the schedule rates under the Environmental Planning and Assessment Regulations for similar development costs. The fee for an application for a building certificate for unauthorised work of \$16,000 is unrealistic. The fee should relate to the schedule fee for the cost of work for which the building certificate will cover. The creation of new fees at unrealistic costs should be eliminated.*

**Council Officer Response:**

*The actual Building Information Certificate fee proposed was intended to be \$1,600, not \$16,000 as this represents a typographical error. The proposed fees have been benchmarked against other Councils and will assist Council in offering improved service delivery. At present, staff resources are engaged in activities that either have no prescribed fee, or fees that are below the market rate of other Councils in NSW. The proposed fees will align Council with the fees that are charged by other Councils in NSW for these types of services.*

The Council Officer’s response included in Attachment 1 to the Agenda to the Extraordinary Council meeting indicates that the fee was intended to be \$1,600 and not \$16,000 as presented in the documents placed on public exhibition. Council officers recommend that this revised fee be applied to all applications from 1 July 2023, and any *Building Information Certificate* fees raised between 01 July 2023 and adoption by Council are to be revised to \$1,600.

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Details	Unit	2022/23 Adopted Fee	2023/24 Adopted Fee	Proposed Amended 2023/24 Fee & Unit
<b>Class 2 to 9 buildings - based on Floor area of building or part</b>				
Additional Building Information Certificate fees for Unauthorised Works (without required development consent or construction certificate)	per certificate	-	\$16,000.00	\$1,600.00 per certificate

**Operational Plan 2023/24**

Council officers have identified an administrative error in the priority actions for the Waste Services and Community Engagement principal activities in the adopted Operational Plan 2023/24. This report provides the correct priority actions for these principal activities.

Waste Services priority actions were a duplicate of Waste Operations priority actions. The correct priority actions are outlined below.

Priority Actions 2023/24	Measure	Annual Target	Responsible Officer
1 Complete the procurement for the next kerbside collection contract	Procurement completed and contract signed	June 2024	Coordinator Waste Services
2 Improve waste contract governance processes including input into contract development, scheduling, contract management and administration	Governance framework implemented	Ongoing	Coordinator Waste Services
3 Develop residential waste controls and entitlement policies for implementation into new Development Control Plans	Controls and policies developed for implementation	June 2024	Coordinator Waste Services
4 Develop a Domestic Waste Model	Model developed	December 2023	Coordinator Waste Services
5 Develop a procurement strategy for all waste services delivered by Waste and Resource Management	Strategy adopted Waste Services procurement implemented to timeframes	June 2024	Coordinator Waste Services
6 Plan the Food Organics and Garden Organics (FOGO) program	Business case completed Pilot defined and	December 2024	Coordinator Waste Services

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<b>Priority Actions 2023/24</b>	<b>Measure</b>	<b>Annual Target</b>	<b>Responsible Officer</b>
	planned, and funding opportunities identified		
7 Develop a Waste Education Strategy	Strategy and education materials developed	July 2024	Coordinator Waste Services
8 Deliver and evaluate Recycling Discovery programs, outreach education and media campaigns	Number of campaigns Behaviour change 95% of material transitioned to new brand	Ongoing	Coordinator Waste Services
9 Refresh and maintain the Waste Services website	Website reviewed and updated	Ongoing	Coordinator Waste Services
10 Deliver Circular Economy initiatives	Circular Economy position and program created  Number of opportunities identified to improve waste recovery and reuse	June 2024  Minimum three	Coordinator Waste Services
11 Develop the Waste Management Strategy	Strategy reviewed	August 2023	Coordinator Waste Services
12 Complete analysis of waste data to identify opportunities and trends in the Shire	Trends identified and tracked  Trends integrated within the Waste Strategy and used to inform our service	June 2024	Coordinator Waste Services
13 Complete a review of the Reviva centre operational model, considering opportunities in relation to resource recovery operations and facilities	Reviva centre operational model review complete	March 2024	Coordinator Waste Services

Community Engagement priority actions were a duplicate of Governance priority actions. The correct priority actions are outlined below.

<b>Priority Actions 2023/24</b>	<b>Measure</b>	<b>Annual Target</b>	<b>Responsible Officer</b>
1 Provide Community Engagement training and development	Number of staff trained and participant feedback	February 2024	Community Engagement Coordinator
2 Review and update the Community Engagement Toolkit	Toolkit updated	December 2023	Community Engagement Coordinator

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The adopted Operational Plan 2023/24 with the corrections outlined above will be available on Council's website.

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### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

The proposed amendments to the 2023/24 Fees and Charges will be publicly exhibited for 28 days.

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

Council's Executive and Management team contributed to the development of 2023/24 Operational Plan and Fees and Charges.

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

The proposed amendments to the 2023/24 Fees and Charges will be publicly exhibited for 28 days.

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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**

There are no governance issues in relation to this report.

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### **COUNCIL BUDGET IMPLICATIONS**

There are no budgetary implications with this report.

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### **RELATED COUNCIL POLICY**

Community Engagement Policy

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### **CONCLUSION**

The proposed amendments to the 2023/24 Fees and Charges will be placed on public exhibition for a period of 28 days and further report will be tabled if feedback is received. If these proposed amendments are adopted, the proposed amended fees are to be applied to all such fees and charges raised from 1 July 2023.



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**ATTACHMENTS**

Nil

## **9.4 Mountain Bike Trails Environmental Consultant**

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

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### **PURPOSE**

The purpose of this report is to seek endorsement from Council on the engagement of an environmental consultant to undertake a Review of Environmental Factors on the unauthorised mountain bike trails in the north east area of Mount Gibraltar Heritage Reserve.

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### **OFFICER'S RECOMMENDATION**

**THAT Council endorse the engagement of Ecological Surveys & Planning for the completion of a Review of Environmental Factors on the unauthorised mountain bike trails in the north east area of Mount Gibraltar Heritage Reserve.**

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### **REPORT**

#### **BACKGROUND**

At the Ordinary Council Meeting of 21 June 2023, Council resolved:

*THAT Council, subject to the General Manager obtaining legal advice in relation to the continuing use of the unauthorised Mount Gibraltar Heritage Reserve mountain bike trails and associated exposure to risk, the General Manager be delegated authority to implement the following Officer's recommendations:*

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

#### **REPORT**

Council has received legal advice that, as per all assets and facilities on Council land, the organisation has a duty of care commensurate to the risk present.

A risk assessment has been conducted on the trails by leading experts *Iconic Trails*, who have deemed the trails align with the design and conditions of that expected of a black diamond rated gravity downhill mountain bike trail. Some trail lines were deemed to be too misaligned with current guidelines and therefore have required closure. Interim signage has been installed to address Council's obligations in relation to the duty to warn of the inherent risks present in the trails.

It has been observed that shovels and other equipment continue to be found along the unauthorised trails in the north-east area of the Reserve.

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Patrols by Council Rangers will therefore be conducted to ensure that the trails are not extended or enhanced. Any abandoned equipment will be removed from the site. Enforcement action will be pursued for any individuals found to be participating in the extension or enhancement of these trails.

Where trails within the Reserve continue to be extended or enhanced, these will be decommissioned in accordance with the resolutions of the Ordinary Council Meeting dated 21 June 2023.

As per the resolutions of Ordinary Council Meeting 21 June 2023, the environmental impacts of the unauthorised mountain bike trails in the north east area of Mount Gibraltar Heritage Reserve must be considered and therefore a request for quote (RFQ) for the engagement of an environmental consultant to complete a Review of Environmental Factors (REF) on the unauthorised mountain bike trail was released.

The REF will make a determination as to if (in its current or modified form) the unauthorised mountain bike trails are or are not able to be accommodated within the Mount Gibraltar Heritage Reserve without it generating a significant environmental impact.

In order to meet the timeframe of the engagement being considered at Ordinary Council Meeting 19 July 2023 the RFQ was sent to five respected consultancies with a one week response time.

The response of the RFQ is detailed below:

<b>Consultancy</b>	<b>Response</b>
Lodge Environmental	Response Received
Ecological Surveys & Planning	Response Received
Niche Environment & Heritage	No response received
Eco Logical Australia	Advised that they could not meet specified timeframes
Stantec	Response Received

To enable a balanced review and assessment of the RFQ submissions, the Assessment Panel comprised of:

- Manager Environment and Sustainability (environment stakeholder)
- Recreation Planner (recreation stakeholder)
- Corporate Strategy Officer (independent)

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The RFQ was also assessed against the stated assessment criteria of:

<b>Assessment Criteria</b>	<b>Weighting %</b>
Evidence of previous experience undertaking Review of Environmental Factors (REFs) for recreation or similar projects in natural areas	30
Demonstrated experience in native vegetation and ecological studies (including threatened species and their habitats) in similar environments in the Wingecarribee Shire	10
Ability to evaluate the potential impacts of the proposed mountain bike trails on soil erosion, water quality, and hydrology.	5
Demonstrated knowledge of environmental and planning legislation relevant to the development of mountain bike trails and associated infrastructure.	5
Price	50
<i>Total</i>	<i>100%</i>

Upon review of all RFQ submissions by the Assessment Panel, it was determined that Ecological Surveys & Planning is the preferred consultant to be engaged for delivery of the REF.

The three submissions received were each competitive and quite similar results for the non-price considerations, however Ecological Surveys & Planning performance in the price criteria resulted in it being the unanimously preferred candidate.

It is therefore recommended that Council engage Ecological Surveys & Planning for the preparation of an REF on the unauthorised mountain bike trails at Mount Gibraltar Heritage Reserve.

It is anticipated that the REF will be completed by early September, enabling it to be submitted for Council's consideration to Ordinary Council Meeting 20 September 2023.

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**COMMUNICATION AND CONSULTATION**

**Community Engagement**

NA

**Internal Communication and Consultation**

Manager Environment & Sustainability

Recreation Planner

Corporate Strategy Officer

**External Communication and Consultation**

Lodge Environmental

Ecological Surveys & Planning

Niche Environment & Heritage

Eco Logical Australia

Stantec

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**SUSTAINABILITY ASSESSMENT**

**Environment**

A Review of Environmental Factors (REF) is required for any proposed work on Council owned or managed community or operational land (including land categorised as natural area under the Local Government Act 1993 and Crown Land Management Act 2016). Council also has obligations under the Environmental Planning and Assessment Act (1979), Biodiversity Conservation Act (2016) and Environment Protection and Biodiversity Conservation Act (1999).

**Social**

There are no social issues in relation to this report.

**Broader Economic Implications**

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

**Culture**

There are no cultural issues in relation to this report.

**Governance**

There are no governance issues in relation to this report.

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**COUNCIL BUDGET IMPLICATIONS**

The engagement of a third-party environmental consultant for the review of the unauthorised mountain bike trail at Mount Gibraltar Heritage Reserve can be accommodated within existing operational budgets.

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**RELATED COUNCIL POLICY**

Wingecarribee Community Strategic Plan

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

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

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**CONCLUSION**

To enable a final determination on the viability of the unauthorised mountain bike trails within the north east area of Mount Gibraltar Heritage Reserve, it is recommended that Council endorse the engagement of Ecological Surveys & Planning for the preparation of a Review of Environmental Factors.

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**ATTACHMENTS**

Nil

## **9.5 Gladstone Road, Bowral - Tender for Water Main Renewal**

**Report Author:** Senior Operational Program Engineer

**Authoriser:** Director Service and Project Delivery

### **PURPOSE**

The purpose of this report is to present the evaluation of the Request for Tender for the Water Main Renewal – Gladstone Road, Bowral.

### **OFFICER'S RECOMMENDATION**

#### **THAT Council:**

- 1. Accepts the Tender for Water Main Renewal – Gladstone Road, Bowral at a lump sum price of \$326,725.30 (inclusive of GST)**
- 2. Note the tenders received ranged from \$317,248 to \$1,420,213.31.**
- 3. Delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.**

### **REPORT**

#### **BACKGROUND**

This 733m section of 150mm Asbestos Cement (AC) water main is being renewed due to the poor condition of the AC. The water pressure of this main is being improved by connecting it to a newly constructed supply line connected to the Hopewood Reservoir. The Hopewood Reservoir is at a higher elevation than the Oxley Drive Reservoir that currently supplies this water main. Unfortunately, the higher pressure (about 400kPa higher) has caused repeated failure of the old AC water main, and therefore it is being renewed.

The Gladstone Road and Queen Street road surface is in very poor condition and is currently due for renewal. The water main lies below the road surface for the entire length of Gladstone Road and crosses Queen Street, therefore works have been coordinated to ensure the pipeline is renewed before the roadworks are completed. Likewise subsoil drains and trench stops are being installed in the pipe trench to prevent groundwater flows from causing road deterioration in the future.

#### **REPORT**

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

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

#### **ADVERTISING**

The tender advertising period was from the 16 May 2023 to 13 June 2023 (28 days).

The tender was advertised as follows:

<b>Newspaper / Website</b>	<b>Date Advertised</b>
Newspaper – Southern Highlands News	17 May 2023 and 24 May 2023
Council's Website	For the duration of the advertising period
Council's eTendering Website	For the duration of the advertising period



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**TENDERS RECEIVED**

A total of eleven (11) tender submissions were received including three (3) non-conforming bids:

<b>Company Name</b>	<b>Location</b>	<b>Postcode</b>
Fluid Services	Penrith, NSW	2750
Infrastructure Renewal Services	Glenorie, NSW	2157
J Group Corporation	Penrith, NSW	2750
Keane Civil and Construction	Illawong, NSW	2234
Killard Infrastructure	Goulburn, NSW	2580
SNG Engineering	Stanhope Gardens, NSW	2768
Utilstra	Fyshwick, ACT	2609
Whyte Civil	Strathfield South, NSW	2136

**LATE TENDERS**

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

**TENDER EVALUATION**

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

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

**TENDER ROLES AND RESPONSIBILITIES**

The Tender was conducted by staff in the following positions as approved through the completion of Procurement Initiation Plan.

<b>Role</b>	<b>Responsibility</b>	<b>Position</b>
Evaluation Panel Chair	To manage the evaluation process and report to Council.	Project Manager Renewals
Evaluation Panel Member	Perform a detailed evaluation of the Tender Submissions.	Project Officer
Evaluation Panel Member Independent*	Perform a detailed evaluation of the Tender Submissions.	Assets Officer
Procurement Process and Advice (Probity)	Manages the tender process ensuring that it complies with all relevant legislation, Procurement Policy, Guidelines and Procedures. Manages all communication with Respondents during the advertisement and evaluation periods.  Providing probity advice and support to the evaluation panel.	Procurement Officer

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**SELECTION CRITERIA**

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

**Mandatory Criteria:**

Mandatory Criteria
Public Liability - \$20 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Motor vehicle comprehensive insurance
Bank Guarantees – 5% of the Contract Value (2 x 2.5%)
Compliance with AS/NZS ISO 9001:2015 Quality Management System Accreditation

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

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

Non-Cost Criteria	Weighting
Capability & Experience	10%
Specifications, Service & Support, Fit for Purpose	20%
Community & Social (including local content)	10%
Work Health and Safety, Environment & Sustainability	10%
<b>Total</b>	<b>50%</b>

**Summary of Selection Criteria & Weighting:**

Criteria	Weighting
Total Non-Cost Criteria	50%
Total Cost Criteria	50%
<b>Total</b>	<b>100%</b>

**NON-COMPLIANT TENDERS**

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

**COMMENTS ON OVERALL EVALUATION OUTCOME**

Tenders received ranged from \$317,248 to \$1,420,213.31.

The RFT evaluation process clearly determined a preferred contractor. The tender responses were of a high quality and satisfied the non-cost Selection Criteria Threshold. Three non-conforming proposals were submitted alongside conforming tenders; two were slip-lining proposals and the other was an option to make a saving by not exhuming the asbestos cement pipe. The preferred contractor's proposal was a conforming tender (to exhume the AC pipe and relay a PN16 PVC pipe in the same trench as the original pipe).

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A lower priced submission was received; however, this was for a non-conforming proposal. Upon consideration of the technical merits of the non-conforming proposal it was deemed not to satisfy important technical requirements of the Tender Specification. Specifically, the submission (a slip-lining proposal) did not adequately address the requirement to control groundwater flow by grout-filling the annulus between the inner pipe and the host pipe. For the same reason, the eventual collapse of the host pipe will also result in road subsidence as the pipe is in a roadway. Hence this submission was not considered a suitable solution.

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

The preferred contractor's proposal was a conforming tender; to exhume the AC pipe and relay a PN16 PVC pipe in the same trench.

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### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

Notification of the affected residents will occur before the work commences.

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

Consultation with Manager Environment and Sustainability regarding the development of an Environmental Assessment for the works.

The pipeline works have been coordinated to ensure the roadway renewal commences *after* the pipeline renewal in the intersection of Queen Street and Gladstone Road and along the length of Gladstone Road.

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

N/A

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### **SUSTAINABILITY ASSESSMENT**

#### **Environment**

Trees with a trunk diameter greater than 500mm are in this area. To avoid impacts to the trees, the original water main will be exhumed, and the new water main will be laid in the same trench.

An updated AHIMS Report has been prepared for the area of the alignment; no aboriginal sites or places have been recorded or declared in or near the area of the proposed works.

All asbestos containing waste generated during the works is to be disposed to an EPA (Environment Protection Authority) licensed waste disposal facility. Asbestos pipe is expected to be exhumed, and disposal is to be managed by licensed contractors.

#### **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**

This water main renewal is funded from the 2023/2024 Water main upgrades and renewals (annual program) budget. The required funds are available from the approved budget amount.

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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 to proceed with the lowest priced conforming tender submission and award the water main renewal contract for Gladstone Road, Bowral to J Group Corporation.

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**ATTACHMENTS**

Nil

## **9.6 Old South Road - Stage 3**

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

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### **PURPOSE**

The purpose of this report is to seek approval to proceed with the construction of Stage 3 of Old South Road rehabilitation, extending the scope with an additional 1.3km from the northern extent of Stage 2.

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### **OFFICER'S RECOMMENDATION**

#### **THAT:**

- 1. Council resolves to proceed with the additional scope for stage 3 of Old South Road based on the preliminary cost estimates.**
- 2. Council delegates authority to the General Manager to approve the variation to the contract associated with the additional Stage 3 scope of works within the estimated amount.**
- 3. Attachment 1 to this report be withheld from access to the media and public as required by section 11(3) of the Local Government Act 1993 for the following reason, Attachment 1 includes information that is confidential in accordance with s10A(2) of the Local Government Act 1993, and under clause 10(A)(2)(d)(i) – as it relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.**

---

### **REPORT**

#### **BACKGROUND**

Old South Road is a local distributor road that connects the Old Hume Highway to residential areas west of Mittagong and Bowral. The road crosses the range between Mittagong and Bowral at Range Road and has significant grades on each side of this intersection. As traffic volumes have grown across the Shire so too has traffic movement increased along Old South Road. The pavement along sections of Old South Road is now becoming dilapidated beyond repair. Heavy maintenance patching is regularly required and, apart from proving uneconomical, it presents additional safety concerns on what is already a narrow and undulating road. Complete reconstruction and suitable subgrade treatment is considered the only solution.

In 2020 Council commenced the project to rehabilitate a 9.6 Kilometre section of the road between Merrigang street Bowral and Aylmerton Road Mittagong. Following detailed investigations and design, the Construction Tender was awarded to Stefanutti Construction Pty Ltd in October 2022, with works commencing onsite in January 2023. The works are currently progressing well and are on schedule. The contract that was awarded included the rehabilitation of 9.6 km of Old South Road and now this is well underway and the conditions and cost are known it has been identified that an additional 1.3 km can be added to the scope within the available project budget.

#### **REPORT**

It has been identified that the section from the northern limit of the tendered project scope to the previously re-sheeted section from the Old Hume highway at Alpine is in a poor condition. This section is identified in this report as stage 3. As a result of favourable tender results as reported to Council in October 2022 there is an opportunity to undertake rehabilitation of this stage 3 section as part of the contract

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works currently being undertaken. The intention of stage 3 is to link stage 2 works with recently completed pavement rehabilitation work to the north up to the Old Hume Highway at Alpine.

A preliminary options and investigation report has been undertaken to assess the current road condition of the stage 3 section including;

- A review of the existing road geometry; vertical and horizontal geometry, assessment of road profile.
- Review of the existing stormwater network and catchments.
- Review of existing overhead powerlines and positioning.
- Review of significant vegetation on road shoulder.
- Review geotechnical investigation and service location.
- Preliminary Cost estimate.

Based on the investigations to date, Stage 3 scope has been defined and the detailed design of Stage 3 has commenced.

It is proposed that once the detailed design is complete the additional scope will be priced by Stefanutti Construction Pty Ltd as a variation to the current Old South Road Rehabilitation Contract. This approach will be advantageous to Council as preliminary cost such as establishment and insurances will be reduced.

Works on stage 3 would be expected to commence following the completion of Stage 1, programmed for November 2023, and be complete April-May 2024. It will be further explored for works to occur concurrently and for these stage 3 works to be completed earlier.

---

### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

The Old South Road Renewal project has a dedicated page on the Council website which provides general project information and contact details for further enquires. Several media releases have been released.

Several notification letters have been sent to the residents of Old South Road to advise them of the project.

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

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

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

External communications and consultation have been undertaken with Transport for NSW and Councils design consultants.

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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.

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### **Culture**

There are no cultural issues in relation to this report.

### **Governance**

There are no governance issues in relation to this report.

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### **COUNCIL BUDGET IMPLICATIONS**

The total budget allocation for the Old South Road project including design and project management cost is \$18,670,902.00 excluding GST. We are now at a stage in the project where the latent conditions and associated variations are known. Based on this information and the preliminary estimates provided for the stage 3 works, we are certain that these works can be undertaken within the approved project budget.

---

### **RELATED COUNCIL POLICY**

As a result of adoption of the recommendation of this report, once design of Stage 3 is complete the works will be undertaken as a variation to the current construction contract with Stefanutti Constructions Pty Ltd. Variation review and acceptance will be in accordance with Council's Procurement Policy.

---

### **CONCLUSION**

Old South Road is a 15-kilometre road that forms a critical part of the local road network. It is recommended that Council undertake the rehabilitation of the 1.3-kilometre section of stage 3 – north of Aylmerton Road. This will add to the 9.7 kilometres currently being rehabilitated in stages 1 and 2 and close out the last link of upgrades required for Old South Road.

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### **ATTACHMENTS**

1. CONFIDENTIAL Under Separate Cover. IS C 00340 Old South Road Cost Estimate - Stage 3 15% Detailed Design- Breakdown - This attachment is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(d) - commercial information of a confidential nature. [**9.6.1** - 2 pages]



## **9.7 Rotary Peace Pole - Outcome of Consultation**

**Report Author:** Business Support Officer - Project Delivery

**Authoriser:** Director Service and Project Delivery

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### **PURPOSE**

To advise Council of the outcome of the consultation with Rotary District 9705, regarding the installation of a public Peace Pole in the Wingecarribee Shire.

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### **OFFICER'S RECOMMENDATION**

**THAT Council:**

- 1. Note the timeframe associated with the requested official unveiling of the Peace Pole for the 25th of October 2024.**
- 2. Endorse the proposed location on the lawn at the Civic Centre on the Kirkham Street side and for staff to continue to consult with Rotary for the provision and installation as outlined.**

---

### **REPORT**

#### **BACKGROUND**

In late 2022, Rob Uhl from Rotary District 9705, made a request that Council install a public Peace Pole in the Wingecarribee Shire. A Peace Pole is a monument declaring the message "May Peace Prevail on Earth" in the language of the country in which it is planted and several other languages.

#### **REPORT**

Peace Poles are a monument that originated in Japan in 1955 to promote peace in the wake of World War II. With the first Peace Pole being installed outside of Japan in 1983 there are now over 200,000 around the world. The Peace Pole movement is well aligned with Rotary's area of focus, promoting peace, through their service to society.

Rotary propose the installation of a public Peace Pole in a prominent location in Wingecarribee Shire. Each pole stands approximately 1.8 - 2.4 metres tall and 90 millimetres square. The pole is white and features a Rotary Centenary Panel describing the purpose of a Peace Pole. The names of the outgoing and incoming District Governors appear on the Rotary panel. At a minimum the pole must carry the words "May Peace Prevail on Earth" in English, Council is to decide what other languages are featured, and it is suggested to include our local indigenous language. It is possible to have up to six languages on the pole.

Other Council's that have planted a public Peace Pole are Wagga Wagga in the Botanical Gardens, and Cowra in the centre of their Europa Park which celebrates the location of an early Migrant Hostel that played home to the citizens from 27 countries that made Cowra their first stop on coming to Australia. Moss Vale Public School has received their private Peace Pole from Rotary to be installed on the school grounds once the garden is prepared.

Rotary will arrange and fund the manufacture and delivery of the Peace Pole. Council will facilitate the installation of the peace pole. Any further landscaping or elaborate installations will be subject to grant funding.

In the right location we can set the scene for reflection, ceremony, and prayer including the International Day of Peace observed on the 21<sup>st</sup> of September annually.

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An official unveiling is requested for the 25<sup>th</sup> of October 2024 where it is proposed to have the Wingecarribee Shire Council, Indigenous, and Rotary leaders in attendance.

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### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

There was no community engagement undertaken in relation to this report.

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

Three initial location suggestions were presented for consideration. These location options were presented to the Rotary.

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

Council was contacted by Rotary, to request the planting of a public Peace Pole in the Wingecarribee Shire. On the 17<sup>th</sup> of May 2023, the proposed location on the Civic Centre lawn was selected in consultation with Rob Uhl from Rotary, based on the three locations identified. Rotary appreciates the accessible, centralised location in full public view.

---

### **SUSTAINABILITY ASSESSMENT**

#### **Environment**

There are no environmental issues in relation to this report.

#### **Social**

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

#### **Broader Economic Implications**

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

#### **Culture**

The Peace Pole incorporates up to six languages to signify international unity. Council is to decide which languages are featured; it is recommended that our local indigenous language is included.

#### **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 are no policies in relation to this report.

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### **CONCLUSION**

After consultation with Rotary, it is recommended that Council facilitates the installation of the Peace Pole as depicted in this report.

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**ATTACHMENTS**

1. Rotary Peace Pole attachment [**9.7.1** - 1 page]

## Rotary Peace Pole

5 July 2023



### Proposed Peace Pole Location

Civic Centre Moss Vale  
Kirkham Street Lawn



### Peace Pole Example

Peace Pole and garden



### Peace Pole Example

Wagga Wagga  
Botanical Gardens

*We're with you*

Civic Centre  
68 Elizabeth Street  
Moss Vale  
Gundungurra Country

✉ PO Box 141 Moss Vale  
NSW 2577

ABN 49 546 344 354

☎ 02 4868 0888

@ mail@wsc.nsw.gov.au

## **9.8 Australia Day 2023 - Post Event Review**

**Report Author:** Coordinator Community Development  
**Authoriser:** Director Corporate Strategy and Resourcing

### **PURPOSE**

The purpose of this report is to provide Council with a review of Council's Australia Day event in Berrima 2023 and the Australia Day 2023 survey results of the community's preferences for Australia Day activities for 2024.

### **OFFICER'S RECOMMENDATION**

#### **THAT:**

- 1. The Australia Day Citizenship ceremony be held in Berrima on Australia Day 2024.**
- 2. Council facilitates a Berrima Australia Day Street parade in 2024.**
- 3. A Development Application be lodged to obtain consent to hold events that include market stalls, food vending, entertainment, parades and similar activities across the wider village, including bushfire prone areas in the south near Wingecarribee River and Berrima Market Place.**

### **REPORT**

#### **BACKGROUND**

##### **Australia Day 2023 in Berrima**

Australia Day at Berrima has been an annual event in the Highlands for over 25 years. Many residents from across the Shire look forward to coming together as one community each year on this day.

Traditionally the event was co-ordinated in conjunction with members of the historic Berrima Courthouse Trust under a Deed of Agreement, where Council had responsibility for the ceremony and parade operations and Berrima Courthouse oversaw the activities held at the Berrima Market Place Reserve. The Deed of Agreement had not been renewed since 2018.

During this time the event commenced with an official Australia Day Ceremony held on the lawns of the historic Berrima Courthouse and incorporated the Citizenship Ceremony, Australia Day Ambassador Address and Citizen/Young Citizen of the Year announcements. This concluded with an 'Aussie' themed community morning tea.

At Midday, the Old Hume Highway was lined with residents and visitors for the Street Parade. The parade was supported by a number of car clubs, local volunteer groups such as the Country Women's Association, Berrima Public School, Historical Society, Pipes and Drums Band, Marching Band, Council plant machinery as well as a contingent from the Rural Fire Brigade and Emergency Services.

The parade ended at Berrima Market Place Reserve where there were numerous arts, crafts and food stalls, children's rides and live music entertainment for the community to enjoy. Over the years there were estimated crowds of more than 5000 present for the parade and afternoon activities. However, crowd numbers have been declining over the past five (5) years. Due to the 2019/2020 Black Summer Bushfires and the COVID-19 pandemic, all Australia Day celebrations had to be cancelled in 2020 and 2021.

The aim for 26 January 2023 was to stage a community event in Berrima which would reinvigorate the sense of community and belonging, including the engagement of local volunteers and groups, and inject funds and boost the economy helping retain local employment for the retail sector and service industries.

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At the Ordinary Council meeting 16 November 2022 (MN 2022/266) it was resolved that:

1. Council engage "Experience Nature" and provide the funds allocated under the Australia Day budget allocation to the event.
2. The Citizenship Ceremony, including the announcement of the Citizen of the Year, take place at Berrima, with the Civic Centre to be used in the case of inclement weather.
3. Following this year's event, a review be undertaken in conjunction with local businesses, residents and Berrima Residents Association to inform a request for quotation for the future events in the Berrima Village.

### **REPORT**

#### **Australia Day 2023**

A Citizenship Ceremony was held outside historic Berrima Courthouse at 10:00am that welcomed 65 new citizens from Argentina, Botswana, Canada, China, Czechia, El Salvador, United Kingdom, Fiji, Germany, Hong Kong, India, Italy, Morocco, Nepal, New Zealand, Pakistan, Peru, Philippines, South Africa, Sri Lanka, Sweden, USSR, and the United States of America. Community heard from the 2023 Australia Day Ambassador Mel Thomas who shared her passion about moving beyond awareness into strong-hearted action to break the cycle of family and domestic violence. A local legend, affectionately known as 'The Wombat Man', John Creighton was announced as our community's Citizen of The Year. New Orleans-born John Creighton made Wingecarribee home which led to decades of devoted care for wombats across the Wingecarribee shire.

During the day's events, the community enjoyed 12 market stalls on Argyle Street which included a "Cuppa with Council", local businesses - Bendooley Estate, Joadja Distillery and Estate, a local blacksmith and Rural Fire Services volunteers and the SES. The stalls were open from 9am until 2pm. Vintage cars lined the laneway outside the goal and marketplace for village visitors. Several venues put on live music. With the decision to live and love local, stallholders were not charged fees and all funds were used to add value and offer marketing activities for the entire business community of Berrima. The decision was also made not to bring in any food, coffee and beverage vendors beyond the village Berrima Village shop owners which resulted in all achieving record days.

The following economic modelling details the increase in spending in Berrima on Australia Day 2023 compared to 2022 when the event had to be cancelled due to Covid.

#### **Spendmap Data**

	2022	2023	Increase
Resident spend	\$39,417	\$67,190	\$24,357 +61%
Visitor spend	\$103,409	\$127,718	\$20,190 +19%
Total spend	\$150,297	\$201,838	\$49,422 +32%

Due to the identification of parts of Berrima Village being bush fire prone land a considerable area of the Berrima Village requires DA approval to hold an event. There are some areas within Berrima Village which are not identified as bush fire prone land and not requiring DA consent, therefore the 2023 event needed to be organised within in the areas without restrictions.

Council has an annual budget allocation of \$29,600 for Australia Day. As in previous years, Council applied for and was successful in securing \$20,000 of funding through the Australia Day Community Grants by the National Australia Day Council in 2023. The total expenditure for Council for executing the event, as outlined in the table below, was \$50,532.65 ex GST. The two largest expenditures, which were outlined in the 16 November Council resolution and in consultation with the Berrima Residents Association, were the engagement of "Experience Nature" to manage the activation of Berrima Village and community event, and the infrastructure required to host the Citizenship and Citizen of the year ceremony as a temporary pop-up marquee. The cost of the marquee, seats, sound system, etc saw a post COVID cost increase on 2019 of

## **AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 JULY 2023**

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\$5,356, in addition to the new cost for the Court House grounds hire of \$2,300 post Deed of Agreement expiration.

Citizenship Infrastructure Expenses including marquee, seating, staging, sound system, Court House ground hire and security)	\$ 17,335.16*
Berrima Village Community Event Management	\$ 25,000.00*
Berrima Village Community Event Infrastructure including traffic management, First aid, Waste management, portaloos hire	\$ 3,599.67*
Catering	\$ 2,538.72*
Council Marketing	\$ 2,059.10*
<b>Total</b>	<b>\$ 50,532.65*</b>

\*ex GST

Despite the financial implications for Council the social, economic and community outcomes were positive for Berrima and the Shire.

Council would also like to acknowledge the efforts of Experience Nature for managing the Activation, Markets and Promotion of Australia Day within a very limited timeframe.

Australia Day in 2024 will be managed by Council officers.

### **Australia Day 2023 Surveys**

The Australia Day community survey and the Australia Day business survey was conducted via YourSay Wingecarribee from Monday 6 March to 4:30pm on Monday 20 March 2023.

### **Community Survey**

The purpose of the community survey was to capture the community's preference on two funding elements for future Australia Day events. 114 responses to the survey were received.

1. Council spent \$14,000 hiring a marquee and chairs for the Australia Day Citizenship Ceremony held in Berrima. Community were asked to take this into consideration and give their preference to either hold the 2024 Australia Day Citizenship Ceremony at the Moss Vale Civic Centre with funds being redirected to Australia Day Event entertainment/ activities, or would community prefer the Ceremony continues to be held in Berrima.

Out of the 114 responses to the survey, there were 62 responses (54.3%) that held the preference for the Citizenship Ceremony continue to be held in Berrima on Australia Day. There were 52 responses (45.6%) that indicated the preference of the Citizenship Ceremony to be held in the Civic Centre with funds redirected to Australia Day Event entertainment/activities.

2. It costs Council approximately \$7,000 in traffic management costs to hold an Australia Day parade. Within the survey, community were asked to take this budget amount into consideration and were asked if they would prefer Council hold an Australia Day Parade or redirect funds to include more entertainment/activities for the Australia Day Event.

There were 79 respondents (69%) that prefer an Australia Day parade. There were 35 respondents (31%) that prefer the funds redirected to the Australia Day event entertainment/ activities.

3. Another important element of the survey was to determine community's overall satisfaction with the event and to capture the satisfaction of each component of the event. Community was asked within the survey how they found out about the event, whether they recommend the event to others and ways in which Council can improve Australia Day in the future.



## AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 JULY 2023

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The below table represents the number of respondents under each satisfaction rating regarding the Australia Day event 2023.

Event activity	Number of survey responses against satisfaction rating (Rating 1-5 with 5 being the most satisfied)				
	1	2	3	4	5
Food and Beverage stalls	18	11	13	11	8
Artisan stalls	22	15	13	8	3
Demonstration stalls	21	15	13	10	2
Overall satisfaction	26	9	13	9	4

It was important to capture the community's feedback in relation to what they enjoyed most about the event and what can be improved on and any further suggestions.

Enjoyable elements of the event noted within the survey were:

- The community atmosphere
- The Ambassador's speech
- Seeing all the new Australians take their pledge
- Citizenship ceremony

Further suggestions and improvements were:

- Bringing back the parade
- More stalls and activities
- Location moved to the park

It is important to note comments expressing concern regarding the lack of involvement First Nations peoples and Gundungurra Elders had in the planning of this event. Survey responses also indicated the disrespect to the local Gundungurra peoples on holding such an event on this date. Community expressed the desire to consider the grief felt by First Nations people on this day and choose another day for our citizenship ceremonies and celebrations.

Council has been consulting with the Illawarra Local Aboriginal Land Council (ILALC) and some members of the Gundungurra Community on a range of matters including Australia Day, however, would like to consult and engage with the broader First Nations Community on all the elements of Australia Day. It is therefore recommended to progress with the Australia Day parade and citizenship ceremony on Australia Day in 2024 while Council continues to engage and hold discussions with Elders and the wider First Nations Community.

The full project report for the Australia Day Post Event Survey can be found as **Attachment 1** of this report.

### **Berrima Business Survey**

The purpose of the Berrima business survey was to capture the satisfaction of Berrima Businesses of the Australia Day event, whether the businesses would like to participate in the event next year or be included in the organisation of the future of the event.

The Berrima Business Survey was distributed to 66 Berrima business emails listed on Councils database. Four responses to the survey were received.

Two businesses were not satisfied with the event with a rating of one out of five, one business rated the event 2 out of five and one business rated the event four out of five.

## **AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 JULY 2023**

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Three businesses were included in the organisation of the event with only two businesses wanting to be included in the organisation of future Australia Day events.

The business feedback included that the event held a lack of community spirit that has been present in previous years. Businesses want to see unity of all people and cultures at the event with the traditional street parade and a designated event manager.

The full project report for the Australia Day Berrima Business Survey can be found as **Attachment 2** of this report.

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### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

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

Post event all Council Executives involved, key council event and governance officers and all council staff volunteers on the day reviewed highlights and process improvements. Key discussion points were whether there should be a blanket DA for the area for events. Whether the ceremony should be on a different day in respect to the growing recognition of the cultural impact the date represents and whether the parade should continue.

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

The Australia Day community survey and the Australia Day business survey was conducted via Your Say Wingecarribee from Monday 6 March to 4:30pm on Monday 20 March 2023. The Australia Day community survey was communicated via Council Newsletter, Council's Facebook page and provided to Village and Community Associations to be distributed. The Australia Day Business survey was emailed directly to over 50 local businesses located in Berrima.

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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.

#### **Culture**

It is important to note that the date Australia Day commemorates has increasingly been recognised as one not of national pride, but one of considerable pain to our First Nations People and that any future events should align with and take into consideration the current climate around this.

#### **Governance**

There are no governance issues in relation to this report.

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### **COUNCIL BUDGET IMPLICATIONS**

Council has an annual budget allocation of \$29,600 for Australia Day, Council was successful in securing \$20,000 of funding through the Australia Day 2023 Community Grants. Resolution at the Ordinary Council Meeting on 16 November 2022 a budgetary commitment of \$27,500 including GST to engage "Experience

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## **AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 JULY 2023**

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Nature” to manage the Village event and the venue for the Citizenship Ceremony to be the grounds of Berrima Courthouse. The cost increases for the infrastructure for the outdoor venue meant an increased event cost that was adjusted through the March Quarterly review process.

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### **RELATED COUNCIL POLICY**

N/A

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### **CONCLUSION**

It is recommended that Council hold the 2024 Australia Day Citizenship Ceremony in Berrima and re-establish the Berrima Australia Day Parade.

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### **ATTACHMENTS**

1. Australia Day community survey results [**9.8.1** - 13 pages]
2. Australia Day 2023 - Post Event Survey for Berrima Businesses [**9.8.2** - 6 pages]

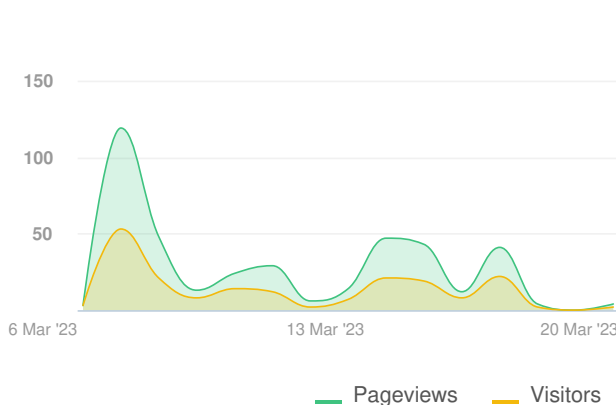
# Project Report

06 March 2023 - 20 March 2023

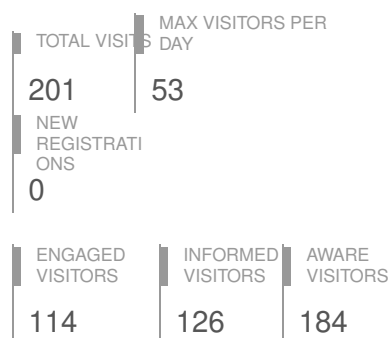
## Your Say Wingecarribee Australia Day Post Event Survey



### Visitors Summary



### Highlights

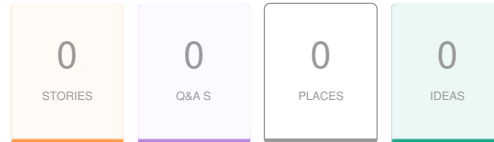
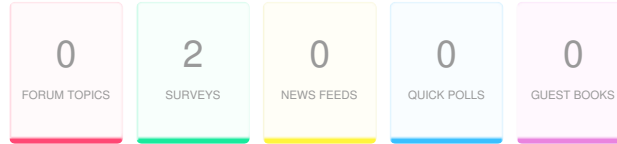


<b>Aware Participants</b>	<b>184</b>	<b>Engaged Participants</b>	<b>114</b>		
Aware Actions Performed	Participants	Engaged Actions Performed	Registered	Unverified	Anonymous
Visited a Project or Tool Page	184	Contributed on Forums	0	0	0
<b>Informed Participants</b>	<b>126</b>	Participated in Surveys	1	0	113
Informed Actions Performed	Participants	Contributed to Newsfeeds	0	0	0
Viewed a video	0	Participated in Quick Polls	0	0	0
Viewed a photo	0	Posted on Guestbooks	0	0	0
Downloaded a document	0	Contributed to Stories	0	0	0
Visited the Key Dates page	0	Asked Questions	0	0	0
Visited an FAQ list Page	0	Placed Pins on Places	0	0	0
Visited Instagram Page	0	Contributed to Ideas	0	0	0
Visited Multiple Project Pages	14				
Contributed to a tool (engaged)	114				

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 19 JULY 2023**

Your Say Wingecarribee : Summary Report for 06 March 2023 to 20 March 2023

**ENGAGEMENT TOOLS SUMMARY**



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Survey Tool	Community Survey	Archived	136	1	0	113
Survey Tool	Berrima Businesses Survey	Draft	0	0	0	0

Your Say Wingecarribee : Summary Report for 06 March 2023 to 20 March 2023

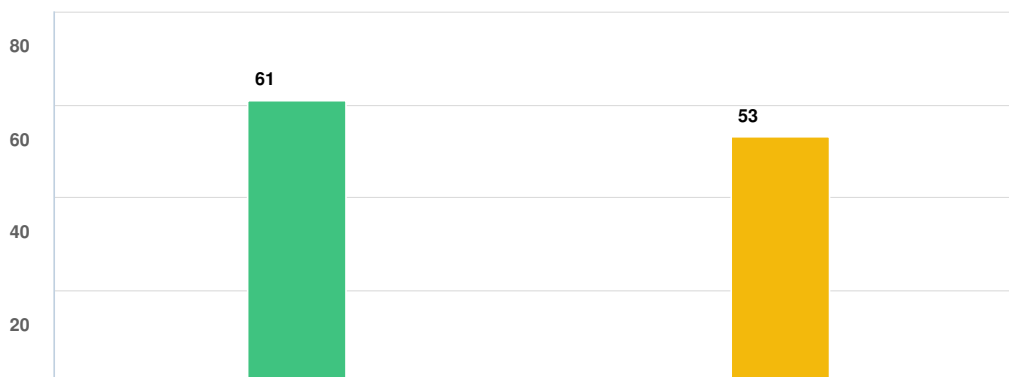
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## ENGAGEMENT TOOL: SURVEY TOOL

### Community Survey

Visitors <b>136</b>	Contributors <b>114</b>	CONTRIBUTIONS <b>114</b>
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Did you attend Australia Day celebrations in Berrima this year?



**Question options**

● Yes ● No

*Mandatory Question (114 response(s))*

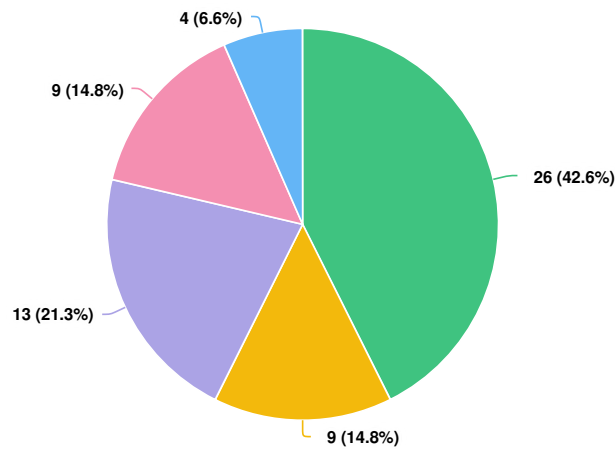
*Question type: Checkbox Question*

# AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 JULY 2023

Your Say Wingecarribee : Summary Report for 06 March 2023 to 20 March 2023

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How satisfied were you with the event on a scale of 1-5 with 5 being the most satisfied.



**Question options**

● 1 ● 2 ● 3 ● 4 ● 5

*Mandatory Question (61 response(s))*

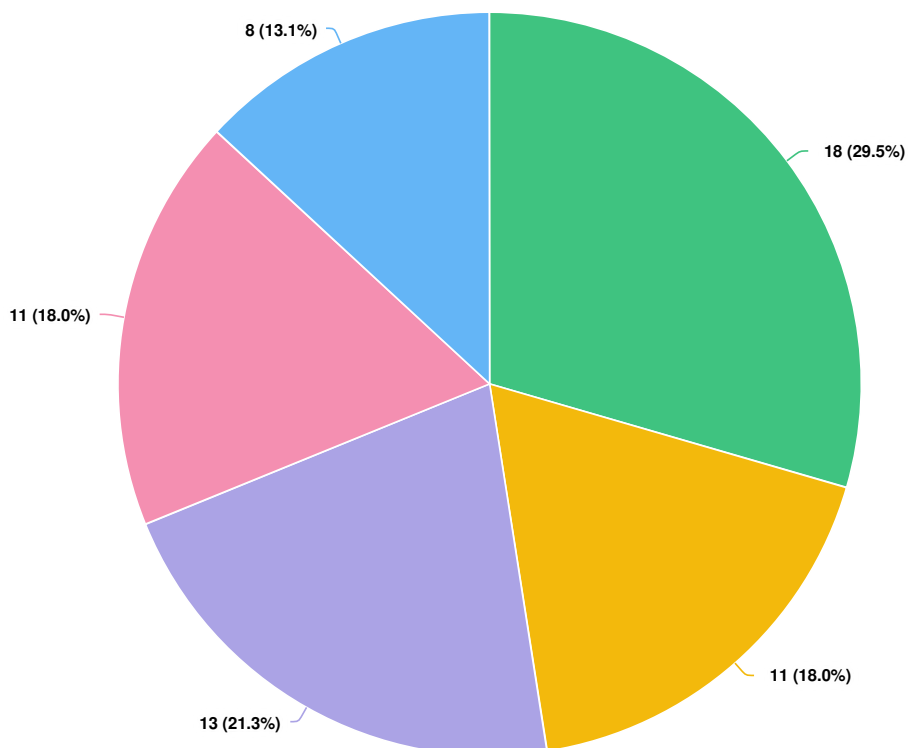
*Question type: Radio Button Question*

# AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 JULY 2023

Your Say Wingecarribee : Summary Report for 06 March 2023 to 20 March 2023

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



#### Question options

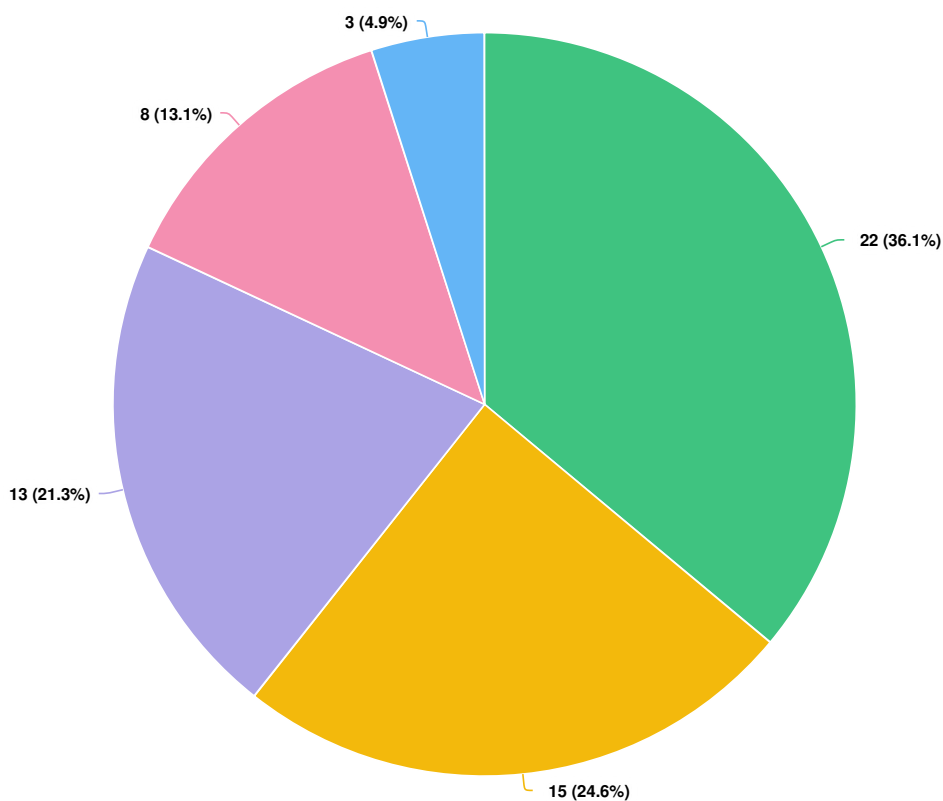
● 1 ● 2 ● 3 ● 4 ● 5

Optional question (61 response(s), 53 skipped)

Question type: Radio Button Question



Please rate the artisan stalls provided on a scale of 1-5 with 5 being the most satisfied.



**Question options**

● 1 ● 2 ● 3 ● 4 ● 5

*Optional question (61 response(s), 53 skipped)*

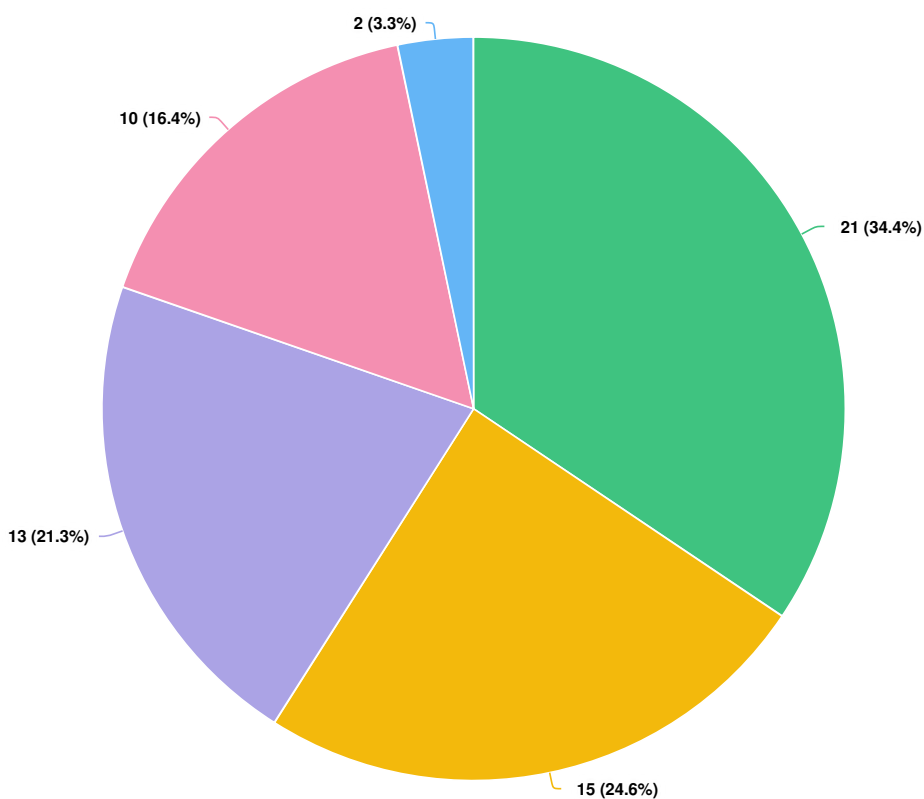
*Question type: Radio Button Question*

# AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 JULY 2023

Your Say Wingecarribee : Summary Report for 06 March 2023 to 20 March 2023

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Please rate the demonstration stalls provided on a scale of 1-5 with 5 being the most satisfied.



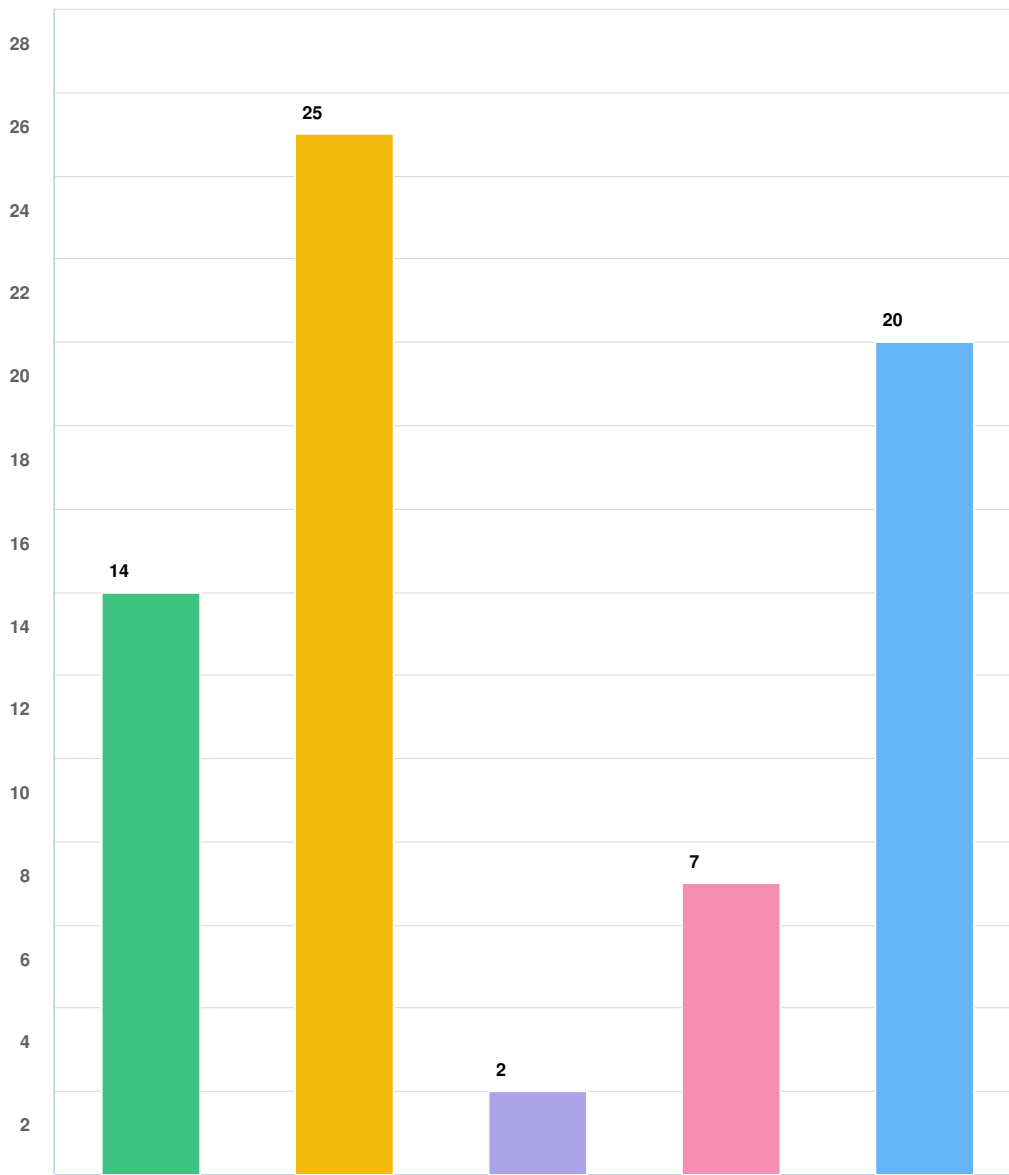
**Question options**

● 1 ● 2 ● 3 ● 4 ● 5

Optional question (61 response(s), 53 skipped)

Question type: Radio Button Question

**How did you here about this event?**



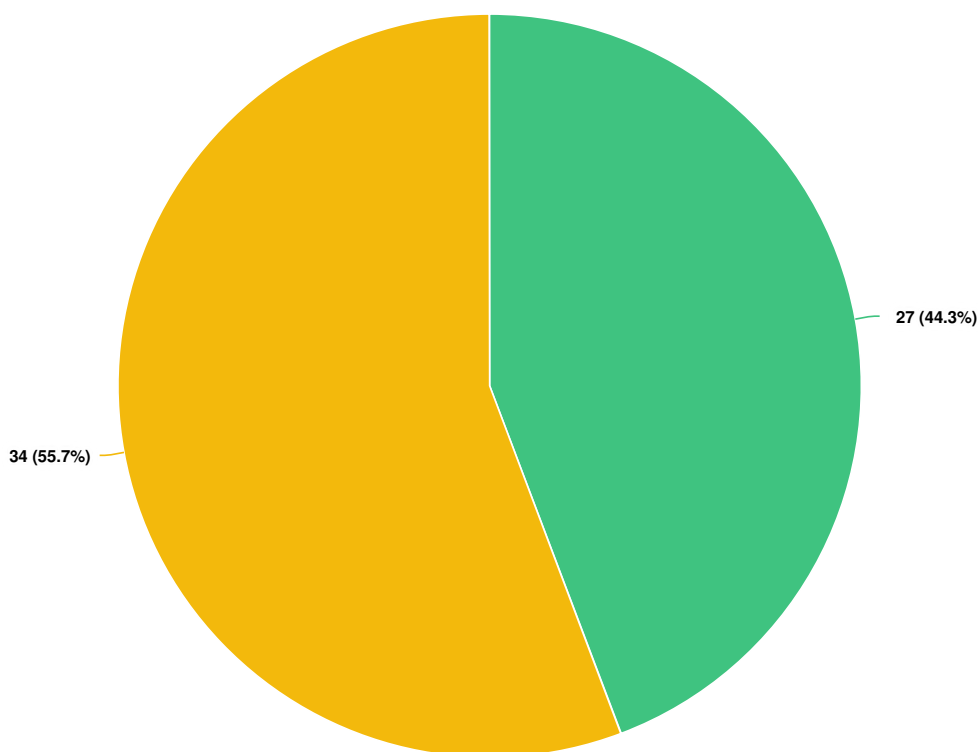
**Question options**

- Social Media
- Word of mouth
- Newspaper
- Council's e-Newsletter
- Other (please specify)

*Optional question (60 response(s), 54 skipped)*

*Question type: Checkbox Question*

**Would you recommend this event to a friend?**



**Question options**

- Yes
- No

*Mandatory Question (61 response(s))*

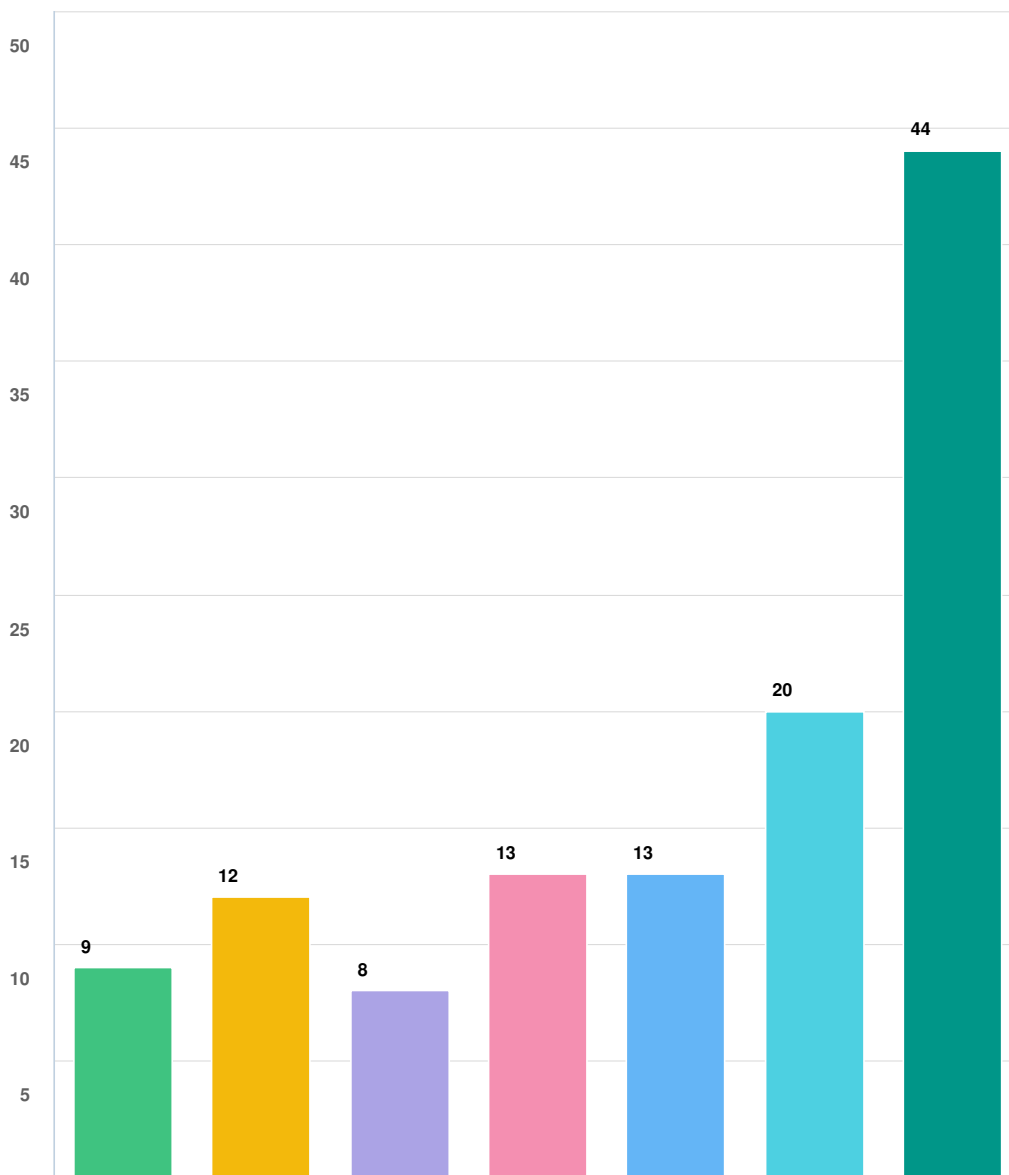
*Question type: Radio Button Question*

# AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 JULY 2023

Your Say Wingecarribee : Summary Report for 06 March 2023 to 20 March 2023

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



**Question options**

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

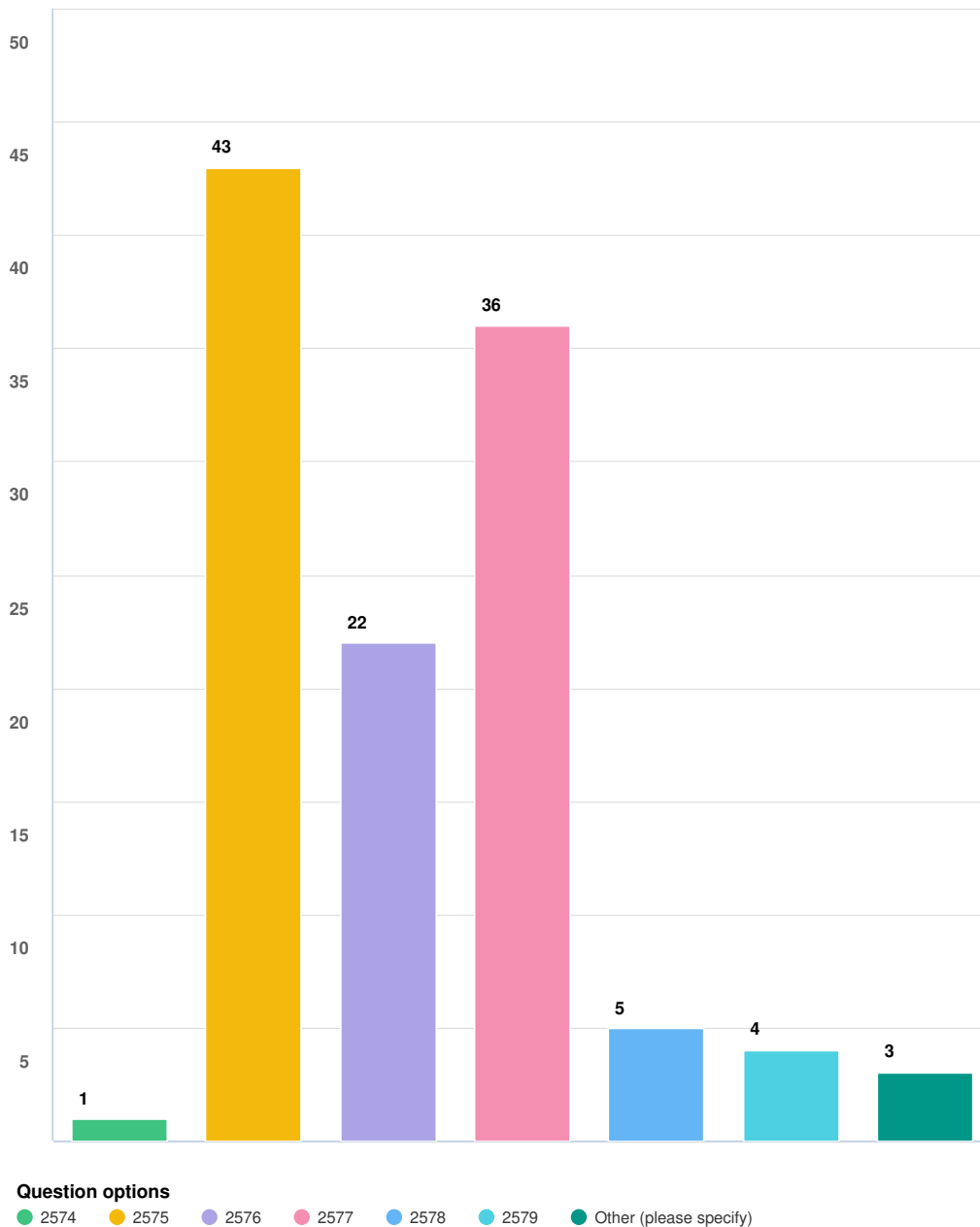
*Mandatory Question (61 response(s))*

*Question type: Checkbox Question*

# AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 JULY 2023

Your Say Wingecarribee : Summary Report for 06 March 2023 to 20 March 2023

Please select your postcode.



Mandatory Question (114 response(s))

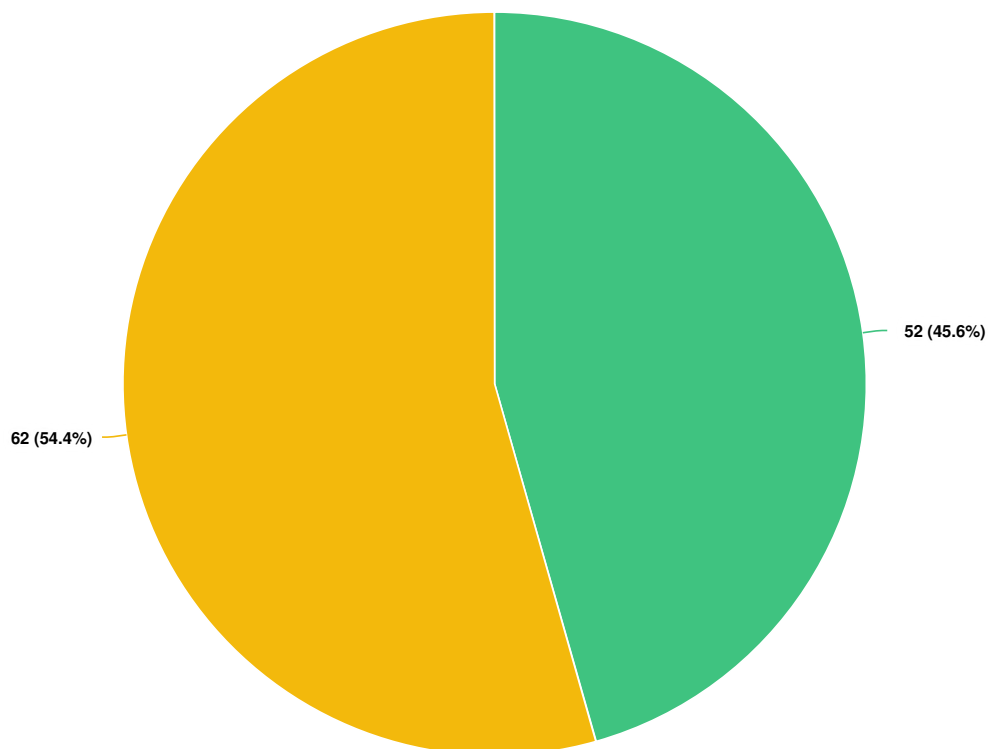
Question type: Checkbox Question

# AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 JULY 2023

Your Say Wingecarribee : Summary Report for 06 March 2023 to 20 March 2023

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Council spent \$14,000 hiring a marquee and chairs for the Australia Day Citizenship Ceremony held in Berrima. Taking this into consideration, would you prefer Council hold the 2024 Australia Day Citizenship Ceremony at the Moss Vale Civic Centre w...



#### Question options

- I'd prefer the Citizenship Ceremony was held in the Civic Centre with funds redirected to Australia Day Event entertainment/activities
- I'd prefer the Citizenship Ceremony continue to be held in Berrima on Australia Day

Mandatory Question (114 response(s))

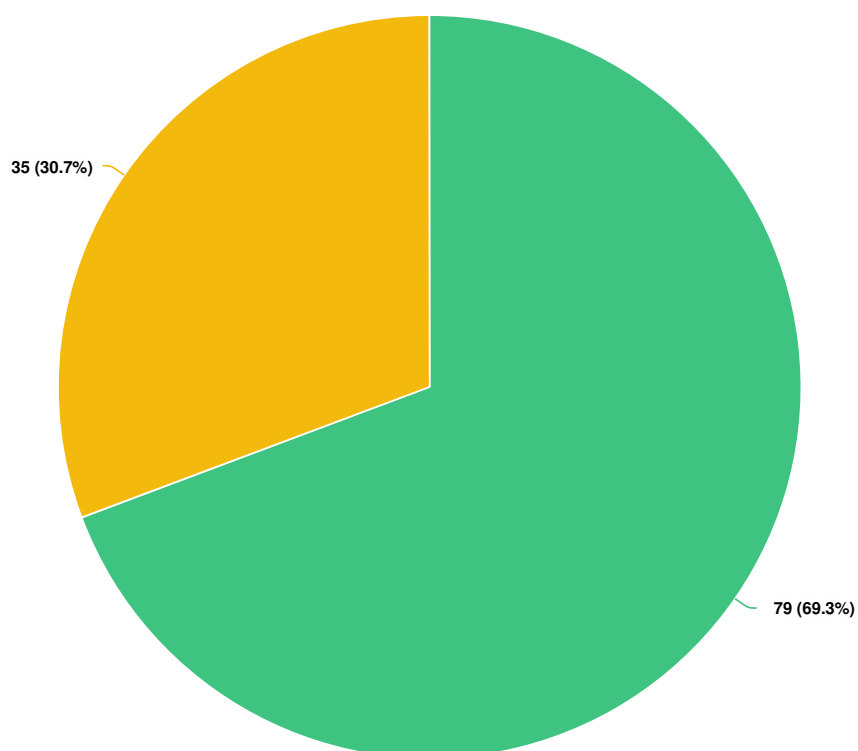
Question type: Radio Button Question

# AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 JULY 2023

Your Say Wingecarribee : Summary Report for 06 March 2023 to 20 March 2023

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It costs Council approximately \$7,000 in traffic management costs to hold an Australia Day parade. Taking this into consideration would you prefer Council hold an Australia Day Parade or redirect funds to include more entertainment/activities for th...



#### Question options

- I'd prefer an Australia Day Parade
- I'd prefer funds redirected to the Australia Day Event entertainment/activities

Mandatory Question (114 response(s))

Question type: Radio Button Question



# Project Report

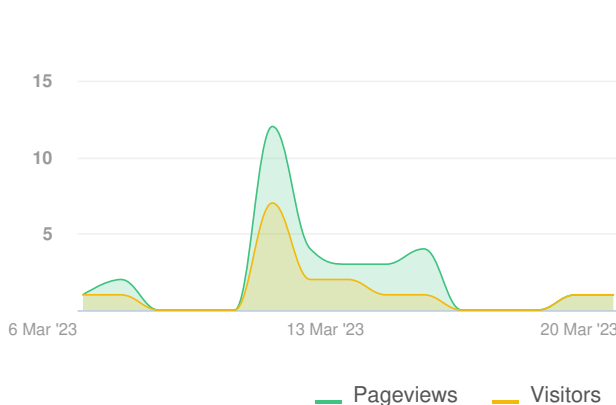
06 March 2023 - 20 March 2023

## Your Say Wingecarribee

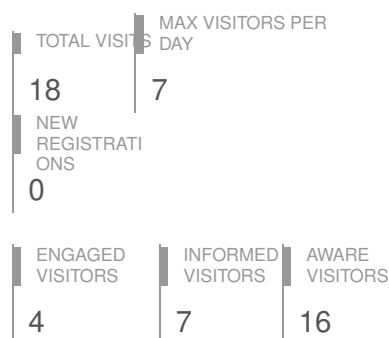
### Australia Day 2023 - Post Event Survey for Berrima Businesses



### Visitors Summary



### Highlights

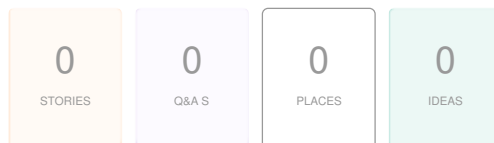
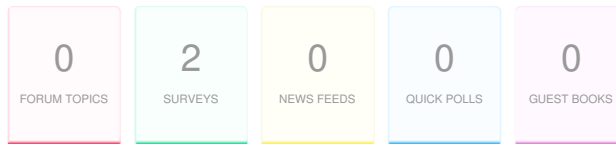


<b>Aware Participants</b>	<b>16</b>	<b>Engaged Participants</b>	<b>4</b>
Aware Actions Performed	Participants	Engaged Actions Performed	Registered    Unverified    Anonymous
Visited a Project or Tool Page	16	Contributed on Forums	0    0    0
<b>Informed Participants</b>	<b>7</b>	Participated in Surveys	0    0    4
Informed Actions Performed	Participants	Contributed to Newsfeeds	0    0    0
Viewed a video	0	Participated in Quick Polls	0    0    0
Viewed a photo	0	Posted on Guestbooks	0    0    0
Downloaded a document	0	Contributed to Stories	0    0    0
Visited the Key Dates page	0	Asked Questions	0    0    0
Visited an FAQ list Page	0	Placed Pins on Places	0    0    0
Visited Instagram Page	0	Contributed to Ideas	0    0    0
Visited Multiple Project Pages	4		
Contributed to a tool (engaged)	4		

# AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 JULY 2023

Your Say Wingecarribee : Summary Report for 06 March 2023 to 20 March 2023

## ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Survey Tool	Berrima Businesses Survey	Archived	8	0	0	4
Survey Tool	Australia Day 2023 post event survey	Draft	0	0	0	0

Your Say Wingecarribee : Summary Report for 06 March 2023 to 20 March 2023

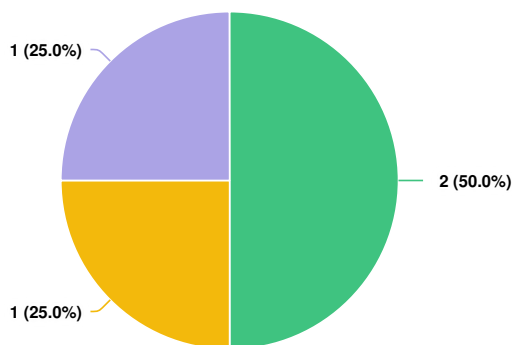
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## ENGAGEMENT TOOL: SURVEY TOOL

### Berrima Businesses Survey

Visitors <b>8</b>	Contributors <b>4</b>	CONTRIBUTIONS <b>4</b>
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How satisfied were you with the event on a scale of 1-5 with 5 being the most satisfied.



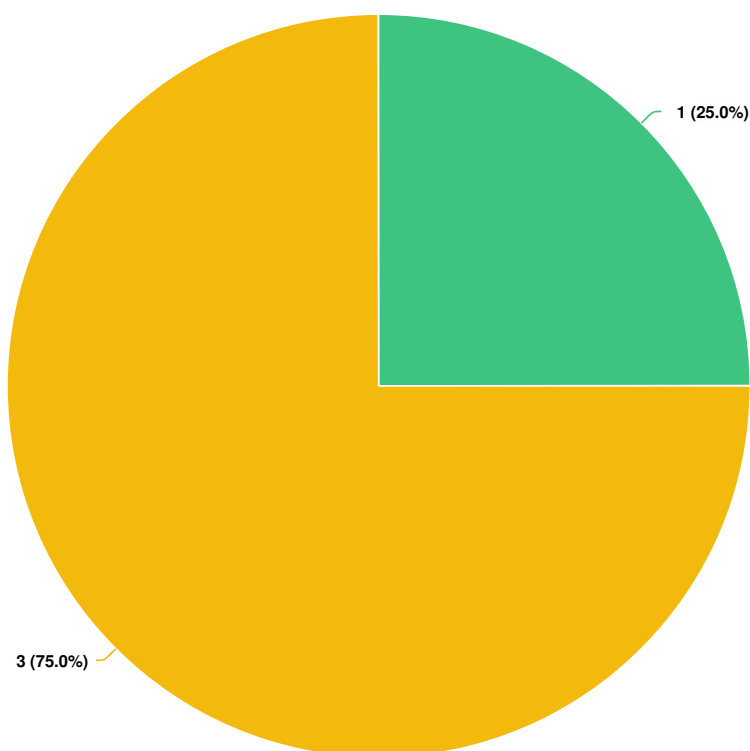
#### Question options

● 1 ● 2 ● 4

Mandatory Question (4 response(s))

Question type: Radio Button Question

**Were you included in the organisation of the event?**



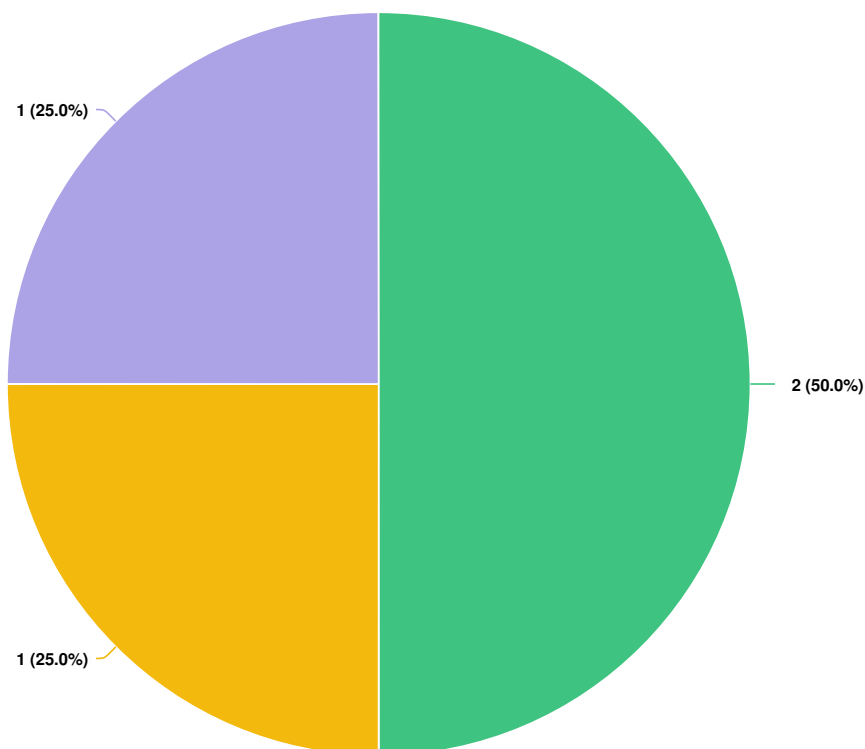
**Question options**

- Yes
- No

*Mandatory Question (4 response(s))*

*Question type: Radio Button Question*

**Would you be happy to participate in the event next year?**



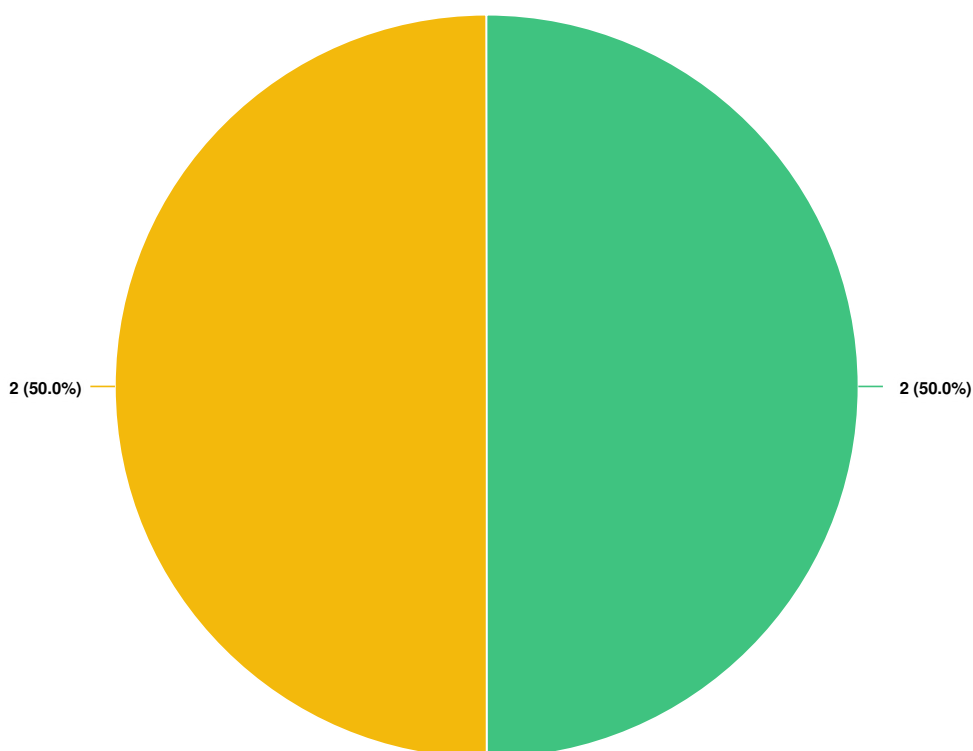
**Question options**

● Yes ● No ● Unsure

*Mandatory Question (4 response(s))*

*Question type: Radio Button Question*

Would you like to be included in the organisation of next year's event?



**Question options**

- Yes
- No

*Mandatory Question (4 response(s))*

*Question type: Radio Button Question*

## **9.9 Festival of Lights - Fee Waive Proposal**

**Report Author:**                   **Manager Business & Property**

**Authoriser:**                       Director Corporate Strategy and Resourcing

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### **PURPOSE**

The purpose of this report is to seek Councils approval to provide the Festival of Lights (FoL) with \$15,000 funding from Council's Christmas fund and to waive fees and charges associated with the hire of the Senior Citizen rooms in Corbett Gardens to conduct Festival of Lights activities and to provide exclusive use of Corbett Gardens for the ticketed events of FoL.

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### **OFFICER'S RECOMMENDATION**

#### **THAT:**

- 1. An amount of \$15,000 from the Christmas Decorations funding be provided for the Corbett Gardens Festival of Lights events subject to Council receiving the appropriate recognition for the use of public funds.**
- 2. Council approve the waiving of fees and charges for the use of and Senior Citizens rooms in Corbett Gardens to conduct the Festival of Lights Christmas activities up to an amount of \$7,000.**
- 3. Council permit exclusive use of Corbett Gardens for a Festival of Lights and Food & Wine event as detailed in the report.**
- 4. Council provide exclusive use of Corbett Gardens for FoL ticketed events on the 7 December 2023, 31 December 2023 and 1 January 2024.**
- 5. Council undertake a 28-day public notification period in relation to waiving the hire fees and charges for the Senior Citizens Rooms in Corbett Gardens associated with the Festival of Lights up to a maximum of \$7,000 and the contribution of \$15,000 towards the Festival of Lights in accordance with Section 356 of the Local Government Act 1993.**
- 6. Council approve the suspension of the Alcohol Free Zone (9pm to 6am) at Corbett Gardens on Thursday 7 December 2023, Friday 8 December 2023 & Saturday 9 December 2023 9pm – 10pm and Sunday 31 December 2023 and Monday 1 January 2024 until 1am.**

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### **REPORT**

#### **BACKGROUND**

The Festival of Lights (FoL) is in its third- year and has proved to be a popular community event. By providing \$15,000 in funding and waiving the fees and charges it will financially assist members of the community who are activating places to broaden the festival's reach and ensure a greater chance of FoL becoming a sustainable event into the future. In the two previous years Council has provided financial and marketing support for the festival.

#### **REPORT**

The Southern Highlands Festival of Lights is a month-long celebration of creativity and technology that transforms Corbett Gardens into a magical wonderland. The event sees buildings and natural environments lit up with large-scale illuminations and immersive light art sculptures. Many fun, family friendly events and concerts are also staged as part of the Southern Highlands Festival of Lights.

The Southern Highlands Festival of Lights is increasing in popularity every year. The event calendar for December 2023 includes:

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
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- Angels in Our Town “Thank you” Concert
- Regional Christmas Party & Christmas Night Market
- Southern Highlands Food & Wine Festival
- Santa’s Grotto
- Diwali
- Twas the Night Before Christmas
- New Years Eve Countdown

<b>Date</b>	<b>Activity Planned</b>
1 December 2023	Opening Night - Lights On and Kids Activities
2 December 2023	Angels in Our Town Parade and Concert
7 December 2023	Business Southern Highlands – Event of Events – Trade show on holding an event in the Southern Highlands – 10am to 4pm (ticketed)
7 December 2023	Night Markets 4pm to 10pm (ticketed)
8 - 11 December 2023	Food & Wine Festival (ticketed)
15 - 24 December 2023	Santas Grotto
17 December 2023	Diwali Festival 10am to 9pm
24 December 2023	Christmas Concert
25 December 2023	Christmas luncheon for those in need
31 December 2023 & 1 January 2024	NYE Concert 6pm to 1am (ticketed)

As the New Years Countdown, Southern Highlands Food & Wine Festival and BSH Trade Show are ticketed events generating revenue the fees and charges for Council’s Facilities will not be waived.

The Fees and Charges recommended to be waived are outlined in the table below.

<b>Facility</b>	<b>Date</b>
Tulip Time Office	Monday 27 November 2023 to Wednesday 6 December 2023  Tuesday 12 December to Saturday 30 December 2023  Monday 1 January 2024 to Wednesday 3 January 2024
Senior Citizen’s Hall, Kitchen and first storage room	Monday 27 November 2023 to Wednesday 6 December 2023  Tuesday 12 December to Saturday 30 December 2023  Monday 1 January 2024 to Wednesday 3 January 2024



## **AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 JULY 2023**

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### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

NIL

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

NIL

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

The \$15,000 of funding and fees & charges waiver will be placed on public exhibition for a 28-day period and a further report to be submitted to Council at the end of the Public Exhibition period detailing submissions received.

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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**

There are no governance issues in relation to this report.

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### **COUNCIL BUDGET IMPLICATIONS**

The \$15,000 funding has been provided in the 2023/24 budget. Fees & Charges for Corbett Gardens, Tulip Time Office and the Senior Citizens Hall to be waived to a maximum of \$7,000.

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### **RELATED COUNCIL POLICY**

NIL

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### **CONCLUSION**

It is anticipated that the \$15,000 and fee waiver for the hire fees will financially assist the event, giving the Festival of Lights Festival a greater chance of becoming a sustainable event into the future.

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### **ATTACHMENTS**

Nil

## **9.10 Benefits of Concrete vs Asphalt in Footpath Construction**

**Report Author:** Coordinator Assets Roads and Traffic

**Authoriser:** Director Service and Project Delivery

### **PURPOSE**

The purpose of this report is to provide Council with a comparison of concrete and asphalt pathways and seek a resolution for the continued use of concrete as the preferred material.

### **OFFICER'S RECOMMENDATION**

**THAT Council:**

- 1. Receives and notes this report.**
- 2. Continues to provide concrete footpaths as per Council's standard drawings for local street areas in most instances.**

### **REPORT**

#### **BACKGROUND**

At the Extraordinary Council Meeting 26 April 2023, the Administrator resolved that:

*MN 2023/378 Committee of the Whole Recommendations, No. 1. "A report be included in the July Council meeting on footpath construction and the benefits of concrete vs asphalt."*

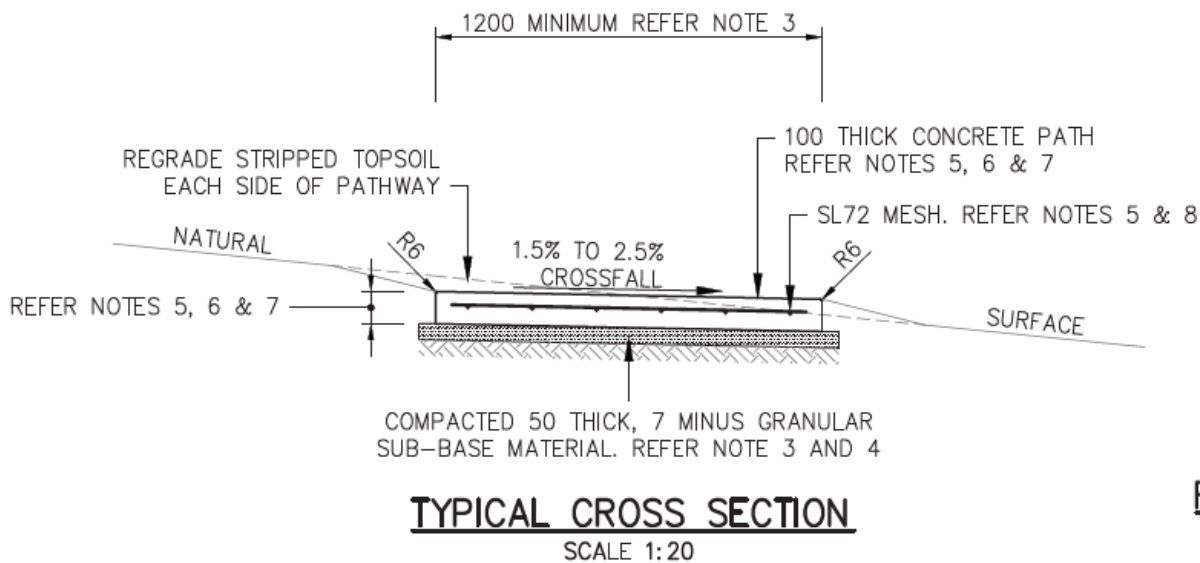
#### **REPORT**

Council is responsible for a 120km footpath and shared path network valued at a replacement cost of \$35M. Pathways can be constructed to the relevant current Australian Standards using a range of material types. Materials and construction techniques used will be suitable and appropriate for the location and selected with consideration of the lifecycle costs of the footpath. Common footpath material within the road reserve in Australia include concrete, asphalt, brick, segmental pavers (granite, concrete unit paver), but it is recognised that materials used to construct new footpaths are predominantly concrete or asphalt.

Review the material type of the Wingecarribee footpath network, it is evident that concrete is the most predominately utilised material type.

<b>Material</b>	<b>% of Network</b>	<b>Approximate Length</b>
Concrete	74.82%	90km
Pavers	12.62%	15km
Asphalt	12.46%	15km

This is in accordance with Council's Engineering Design Guideline D10 Pathways and Cycleways which states that 'In most cases, reinforced concrete on sand bedding (refer to Council's Standard Drawings) shall be used.' Standard Drawing SD118, and the Engineer Design Guidelines, are available on Council website, and a snapshot is provided below.



*Figure 1: Standard Concrete Footpath Detail in WSC Std Drg SD118 (Issue C, Date 25/01/2021)*

Through consultation with Design and Operations Teams and review of other councils, it is recommended that Council predominately provides concrete footpaths on the basis of it being of superior resilience and cost effectiveness.

### **Superior Resilience**

Concrete footpaths are of simple and efficient construction, requiring minimal site and base preparation. They deliver a pathway that can withstand vehicular loading, all weather conditions and can hold an estimated useful life of 40 to 80 years (Institute of Public Works Engineers Australia Practice Note 12).

Asphalt footpaths offer a pathway of reduced resilience when compared to concrete:

- Asphalt pathways suffer edge break if it is not contained within edges. Ideally this is provided through asphaltting the entire verge from kerb to building edge (like in City of Sydney) – however this is not viable within much of the Wingecarribee with the pathways instead being bounded by grass verge.
- Asphalt is a flexible material and therefore is more susceptible to deformation from tree roots.
- Unlike when delivering an asphalt road, it is not viable to properly lay or compact asphalt footpaths as narrow machinery is not readily available - and therefore pathways are instead hand compacted resulting in poor quality work and future maintenance works.
- Asphalt footpaths, without the construction of a thick compacted base, are observed to be of poor load bearing compared to concrete footpath when the footpath can be run over by vehicles. That causes damage and reduction in useful life causing more maintenance works in future.
- The bitumen can soften & melt in hot weather – leading to deformation of the surface or bitumen to be tracked on pedestrian shoes to within properties.
- Institute of Public Works Engineers Australia Practice Note 12 states a useful life of asphalt pathways to be 20 to 50 years.

### **Cost Effectiveness**

Concrete pathways are of simple construction and provide a long useful life. Council's 2023/24 Fees and Charges states a concrete footpath construction cost of \$305/m.

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Although asphalt footpaths are initially assumed to be of reduced construction cost when compared to concrete, it is observed that it is only a marginal – however is of significantly higher lifecycle cost given its reduced useful life.

Council does not provide a construction cost for asphalt footpaths within the Fees and Charges, however comparison with other councils shows asphalt footpaths are only 20% cheaper to initially construct than concrete footpaths.

The construction cost of asphalt footpaths is comparable to concrete due to:

- It is difficult and costly to procure smaller amounts of asphalt for footpath construction work (compared to the requirement for road resurfacing work) as the asphalt plants are not located nearby.
- Council grass verges are typically present on both sides of the footpath. Therefore, edging is required on either side of the footpath if asphalt is used.
- The successful construction of an asphalt footpath requires the construction of a solid base (similar to that delivered for roads).

Upon consideration of the superior resilience and cost effectiveness offered by concrete pathways, it is therefore recommended that Council continue to provide concrete pathways across the Shire.

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### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

Nil

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

Project Delivery

Shire Presentation

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

Nil

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### **SUSTAINABILITY ASSESSMENT**

#### **Environment**

There are no environment issues in relation to this report.

#### **Social**

There are no social issues in relation to this report.

#### **Broader Economic Implications**

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

#### **Culture**

There are no cultural issues in relation to this report.

#### **Governance**

There are no governance issues in relation to this report.

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**COUNCIL BUDGET IMPLICATIONS**

Nil

**RELATED COUNCIL POLICY**

Community Strategic Plan

3.1.2 Plan and deliver an interconnected and accessible network of cycleways footpaths and walking trails between towns and villages.

**CONCLUSION**

Council will continue to advocate for concrete footpaths as per Council's standard drawings for local street areas in most instances.

**ATTACHMENTS**

Nil

## **9.11 Independent Review of Commonwealth Disaster Funding – Council Submission**

**Report Author:** Community Resilience Officer

**Authoriser:** Director Communities and Place

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### **PURPOSE**

The purpose of this report is to inform Council of the submission made in response to the Independent Review of Commonwealth Disaster Funding request for public submissions.

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### **OFFICER'S RECOMMENDATION**

**THAT Council note the submission made to the Independent Review of Commonwealth Disaster Funding.**

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### **REPORT**

#### **BACKGROUND**

In February, this year the Australian Government commissioned an Independent Review of the Commonwealth Disaster Funding Arrangements ('the Review'). Former Australian Federal Police Commissioner Mr Andrew Colvin AO APM is leading the Independent Review. The purpose of the Review is to understand and define the Australian Government's (the Commonwealth) role in Australia's disaster funding environment and considers how Commonwealth investment could be optimised to support a national disaster funding system with the scale and adaptability needed to respond to the increasing frequency and severity of natural disasters.

The Review will consider and make recommendations how government investment in disaster risk reduction, preparedness, response, recovery and resilience can better support a national system and the scale of transformation needed to build resilience to the extreme disaster events Australia is projected to experience over the coming decades.

The Review is supported by a taskforce situated within the National Emergency Management Agency. The Review will take approximately 18 months and a final report is expected to be provided to Government in April 2024.

The Review invited members of the public to provide comments on five (5) questions. The submission process contributed to a body of evidence that was considered as part of the Review. The closing date for submissions was Friday 14 July 2023.

#### **REPORT**

The 5 questions for consideration asked by the Review were:

1. What experience have you had with Commonwealth disaster funding support?
2. How could Commonwealth funding support communities to reduce their disaster risk?
3. Please describe your understanding of Commonwealth disaster funding processes
4. Are the funding roles of the Commonwealth, states and territories, and local government, during disaster events clear?
5. Is there any further information you would like to provide?

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Wingecarribee Shire Council provided its views and insights based on:

- experiences with Commonwealth disaster funding support;
- ideas about how Commonwealth funding could support communities to reduce their disaster risk;
- understanding of Commonwealth disaster funding processes; and
- understanding of the funding roles of the Commonwealth, states and territories and local government during a disaster

The table below details the five (5) questions and Council’s corresponding responses that were provided to the Review:

Question Number #	Question	Response
#1	<b>What experience have you had with Commonwealth disaster funding support?</b>	<p>In recent years, Wingecarribee Shire Council has experienced and been significantly impacted by several significant disaster events, such as the 2019/20 bushfires, the COVID-19 global pandemic, and the storms and floods that occurred across NSW in 2020, 2021 and 2022.</p> <p>Council applied for the joint Australian, state and territory governments' Disaster Recovery Funding Arrangements (DRFA) which provided financial assistance to natural disaster-declared areas. For each successful funding application, Council had put in place appropriate arrangements to monitor and report on its performance in administering the Disaster Recovery Funding Arrangements. Council has managed the DRFA funding process under both the current and previous guidelines through several natural disasters.</p> <p>For the NSW storms and floods which commenced on 15 January 2020, Council successfully applied for the available assistance measures for the Restoration of Essential Public Assets that were damaged as a direct result of the floods.</p> <p>Additionally, in 2022, the Wingecarribee Local Government Area (LGA) was one of the 76 LGAs subject to a natural disaster declaration due to ongoing flooding across New South Wales. Council was successful in its application of Commonwealth-State Disaster Recovery Funding of \$1 million to help with disaster recovery efforts. As part of the funding, Council enacted repairs across flooded areas of the Wingecarribee Shire for its various Essential Public Asset Restoration (EPAR) projects and completed the required funding reporting.</p>
#2	<b>How could Commonwealth funding support communities to reduce their disaster risk?</b>	<p>Commonwealth funding currently provides disaster risk reduction packages to help support community safety, reduce disaster risk, and support community resilience. For example, the Commonwealth’s Disaster Ready Fund (DRF) is providing up to one billion dollars over the next five years, from 1 July 2023, to improve Australia’s resilience and reduce risk to natural disasters. Additionally, the Government has budgeted for \$9.3 million over 4 years for a Commonwealth Climate Risk and Opportunity Management Program.</p>

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		<p>Wingecarribee Shire Council welcomes this emphasis on climate action and disaster mitigation. It is of Council’s opinion that this funding should support the development of local government infrastructure resilience strategies and/or asset planning programs that are aimed at addressing impacts of climate change.</p> <p>Commonwealth support is also needed in the form of grant programs that enable Local Government recipients the flexibility of choosing infrastructure projects on which to spend their funding, based on their local priorities. For example, the Roads to Recovery program whereby funding is paid directly to local Council to develop more resilient infrastructure under simple administrative procedures and where spending decisions are made locally.</p> <p>It is also recommended that Commonwealth disaster funding measures adapt to complement those of states and territories regarding support of local government. In the current arrangement, State Government provides financial support to local councils to implement management plans to reduce flood risk to the community through a range of property, flood, and response modification measures. For example, State Government provides assistance through the provision of \$2 for every \$1 provided by councils for approved projects as part of the Floodplain Management Program, an initiative that Council has previously utilised and fully endorses.</p>
<p><b>#3</b></p>	<p><b>Please describe your understanding of Commonwealth disaster funding processes.</b></p>	<p>Under the joint Commonwealth-State Disaster Recovery Funding Arrangements (DRFA), assistance is provided to alleviate the financial burden on states and territories. The DRFA determines the eligibility and other conditions for the Commonwealth’s financial assistance related to state governments’ disaster recovery expenditure on certain types of disaster relief and recovery measures. The state or territory government then determines which areas receive assistance and what assistance is available to individuals and communities.</p>
<p><b>#4</b></p>	<p><b>Are the funding roles of the Commonwealth, states and territories, and local government, during disaster events clear?</b></p>	<p>Wingecarribee Shire Council has reviewed the efficacy of current national natural disaster funding arrangements, taking into account its own experiences with these arrangements as well as its perceived roles of the Commonwealth, states and territories, and local government during disaster events. Council had an unfavourable experience with the DRFA (Disaster Recovery Funding Arrangements) during and after the 2022 flood disasters. This was mainly regarding the application process undertaken when compared to the application process prior to 2022, mostly attributed to the complexity and constraints associated with the new funding processes. Council felt that these new processes hampered its ability to manage flood recovery efficiently and effectively.</p> <p>A common occurrence during the 2022 floods was that Council</p>



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		<p>experienced disruptions to its provision of essential services for some of its communities in flood-affected areas. The processes for facilitating coordination and information sharing between Council’s essential infrastructure operators and government did not necessarily work as effectively as it needed to be. For example, there was significant confusion over what could and could not be claimed in the event of emergency recovery. Council did not have the initial funds to repair transport infrastructure at a whole-of-network scale during these LGA-wide disaster declared events; therefore, it was difficult to know whether these essential repairs could commence or not.</p> <p>Information on the differentiation between government roles in regards to funding for hazards and risk exposure has improved in recent years, but there remains an opportunity for governments to do better in terms of information consistency, sharing and communication that enable Commonwealth, state and local government roles - as well as communities - to understand natural disaster risks and also to give them the incentive to manage the risks effectively. For example, local councils need to know they can operate with confidence by claiming costs associated with infrastructure and asset repairs. A recommended reform would comprise a coherent policy across all recovery and mitigation funding where state and territory governments would provide a base level of support to local government with disaster recovery funding, along with an option for local governments to purchase additional fiscal support from states and territories if required. This support would free up local governments in how they pursue disaster recovery and mitigation by providing them with the autonomy to claim costs for various infrastructure and assets repair following a disaster event. Any reforms would be supported by process-based accountability mechanisms that embed good risk management, but not to the detriment of conducting the essential work at hand.</p>
<p><b>#5</b></p>	<p><b>Is there any further information you would like to provide?</b></p>	<p>The recent increase in resourcing within Transport for NSW (TfNSW) for the administration of Disaster Recovery Funding Arrangements (DRFA) has been noted by Council and appreciated accordingly. However, Council has since identified that the standard and rigour of the administrative processes now required by TfNSW due to this increased resourcing does not equate with the extent of resourcing that a regional local government institution such as Wingecarribee Shire Council has traditionally allocated itself.</p> <p>Additionally, Council believes it would be beneficial if a degree of betterment can be included within standard DRFA programs given the financial constraints of this Council and most other local government councils.</p>

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## **COMMUNICATION AND CONSULTATION**

### **Community Engagement**

There were no community engagement issues in relation to this report. The submission detailed in this report responds to the Commonwealth Independent Review consultation which was open to the wider public.

### **Internal Communication and Consultation**

The Community Resilience Officer engaged in ongoing consultation with key Council service areas with responsibilities in the areas requested by the Review.

### **External Communication and Consultation**

There were no external agencies or stakeholders consulted with in relation to Council's submission to the Review.

Council is committed to being a part of the Canberra Region Joint Organisation (CRJO), covering all member Councils of the South-East NSW (SE NSW) region. As such, Council's response to the Review was shared with the CRJO in the interest of working cooperatively on issues and projects of mutual interest that support SE NSW's future prosperity.

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## **SUSTAINABILITY ASSESSMENT**

### **Environment**

There are no environmental implications as a direct result of the recommendation of this report. The submission to the Review advocated for an emphasis on climate action and disaster mitigation in relation to Commonwealth Disaster Funding.

### **Social**

There are no social issues in relation to the recommendation of this report.

### **Broader Economic Implications**

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

### **Culture**

There are no cultural issues in relation to the recommendation of this report.

### **Governance**

There are no governance issues in relation to the recommendation of this report.

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## **COUNCIL BUDGET IMPLICATIONS**

Whilst there were no direct financial or budgetary implications in relation to this report, the recent increases in resourcing within state government bodies for the administration of Disaster Recovery Funding Arrangements (DRFA) has been seen to be disproportionate with the monetary resourcing that a regional local government institution such as Wingecarribee Shire Council has traditionally allotted itself and should therefore be noted.

**RELATED COUNCIL POLICY**

There were no related Council policies in relation to this report.

**CONCLUSION**

The Review assessed how Commonwealth disaster funding measures can be redefined and enhanced to complement and support state and territory arrangements and programs, proactively improve resilience, and promote disaster risk reduction to constrain growing recovery costs, and deliver a system that is effective, responsive, equitable, and accessible.

Council staff responded to the questions asked of the Review based on its experiences with Commonwealth disaster funding support. Council's understanding of disaster funding processes and the roles of the Commonwealth, states and territories and local government during a disaster was also a contributing factor in its response. Additionally, Council provided its ideas about how Commonwealth funding could support communities to reduce their disaster risk.

Council recognises the need to harness opportunities for increased investment and participation from all sectors to reduce risk, build resilience and make our communities safer. It is hoped that Council's contribution to the Review will ensure that the system can respond to increased disaster risk in the future.

**ATTACHMENTS**

Nil

## **9.12 Investments Report for June 2023**

**Report Author:** Accounting Officer - Banking & Investments

**Authoriser:** Director Corporate Strategy and Resourcing

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### **PURPOSE**

This report presents Council's Cash Investment Portfolio held at 30 June 2023.

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### **OFFICER'S RECOMMENDATION**

**THAT Council receives and notes this Cash Investment Report as at 30 June 2023.**

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### **REPORT**

In accordance with section 212 of the Local Government (General) Regulation 2021, the Responsible Accounting Officer must provide Council with a written report setting out details of all money that Council has invested under section 625 of the Local Government Act 1993.

This report provides details of Council's Investment Portfolio as at 30 June 2023.

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

In accordance with section 212(1)(b) of the Local Government (General) Regulation 2021, the investments listed in **Attachment 1** have been made in accordance with:

- The Local Government Act 1993,
- The Local Government (General) Regulation 2021,
- The Ministerial Investment Order 2011, and
- Council's Investment Policy.

Interest earned from investments totalled \$6,258,426 for the eleven months to 30 June 2023.

The interest is attributable to each fund as listed in the table below.

<b>Fund</b>	<b>YTD Original budget</b>	<b>YTD revised budget</b>	<b>YTD actual</b>	<b>Revised Budget Variance</b>
<b>General fund</b>	416,000	2,304,277	2,289,359	-14,918
<b>Water Fund</b>	353,000	1,800,887	2,006,413	205,526
<b>Sewer Fund</b>	249,000	1,794,833	1,962,654	167,821
<b>Total</b>	<b>1,018,000</b>	<b>5,899,997</b>	<b>6,258,426</b>	<b>358,429</b>

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### **ATTACHMENTS**

1. June 2023 - Investment Report Summary [**9.12.1** - 6 pages]

## Wingecarribee Shire Council Investment Report Summary

For the period ending 30 June 2023

### List of Investments

Council's investment portfolio as at 30 June 2023 consists of the following investments:

INVESTMENT PORTFOLIO AS AT 30 June 2023						
Institution	Type	Amount	Interest Rate	Investment Term - Days	Maturity Date	% Investment Portfolio
CBA	Term Deposit	5,000,000	4.02%	317	13/07/2023	2.54%
ME	Term Deposit	5,000,000	4.00%	364	28/07/2023	2.54%
CBA	Term Deposit	5,000,000	3.79%	365	3/08/2023	2.54%
CBA	Term Deposit	5,000,000	4.00%	365	10/08/2023	2.54%
NAB	Term Deposit	5,000,000	0.60%	729	25/08/2023	2.54%
NAB	Term Deposit	5,000,000	0.60%	731	28/08/2023	2.54%
MyState	Term Deposit	2,000,000	4.23%	364	1/09/2023	1.02%
BOQ	Term Deposit	8,000,000	4.41%	731	2/09/2024	4.06%
CBA	Term Deposit	5,000,000	4.20%	365	15/09/2023	2.54%
CBA	Term Deposit	5,000,000	4.89%	720	16/09/2024	2.54%
MyState	Term Deposit	4,000,000	4.61%	365	28/09/2023	2.03%
AMP	Term Deposit	2,500,000	4.60%	365	4/10/2023	1.27%
NAB	Term Deposit	2,000,000	4.20%	365	10/10/2023	1.02%
CBA	Term Deposit	5,000,000	4.48%	360	26/10/2023	2.54%
AMP	Term Deposit	2,500,000	4.70%	365	15/11/2023	1.27%
NAB	Term Deposit	5,000,000	4.30%	365	21/11/2023	2.54%
Auswide	Term Deposit	8,000,000	4.60%	365	30/11/2023	4.06%
CBA	Term Deposit	3,000,000	4.79%	364	5/01/2024	1.52%
CBA	Term Deposit	2,500,000	4.64%	365	16/01/2024	1.27%
GSB	Term Deposit	7,000,000	4.78%	365	30/01/2024	3.55%
GSB	Term Deposit	5,000,000	4.65%	365	6/02/2024	2.54%
GSB	Term Deposit	5,000,000	4.95%	365	17/02/2024	2.54%
CBA	Term Deposit	5,000,000	5.04%	365	22/02/2024	2.54%
ING	Term Deposit	10,000,000	4.98%	364	1/03/2024	5.08%
BankVIC	Term Deposit	5,000,000	5.00%	365	14/03/2024	2.54%
Judo	Term Deposit	3,000,000	4.75%	364	15/03/2024	1.52%
ING	Term Deposit	5,000,000	4.60%	364	22/03/2024	2.54%
AMP	Term Deposit	5,000,000	4.85%	366	26/04/2024	2.54%
Bendigo	Term Deposit	5,000,000	4.70%	364	26/04/2024	2.54%
Judo	Term Deposit	4,000,000	4.95%	364	3/05/2024	2.03%
GSB	Term Deposit	5,000,000	5.11%	365	21/05/2024	2.54%
GSB	Term Deposit	2,000,000	5.10%	365	23/05/2024	1.02%
Judo	Term Deposit	5,000,000	5.10%	365	29/05/2024	2.54%
ING	Term Deposit	7,000,000	5.10%	364	31/05/2024	3.55%
Judo	Term Deposit	5,000,000	5.70%	364	21/06/2024	2.54%

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**Wingecarribee Shire Council  
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INVESTMENT PORTFOLIO AS AT 30 June 2023						
Institution	Type	Amount	Interest Rate	Investment Term - Days	Maturity Date	% Investment Portfolio
BankVIC	Term Deposit	5,000,000	5.65%	364	21/06/2024	0.00%
ING	Term Deposit	5,000,000	5.62%	365	27/06/2024	0.00%
MyState	Term Deposit	4,000,000	5.60%	364	28/06/2024	0.00%
GSB	Term Deposit	4,000,000	5.65%	364	28/06/2024	0.00%
CBA	Call Account	10,460,322	3.75%	NA	NA	0.00%
Bendigo	Call Account	1,002,921	0.90%	NA	NA	0.00%
AMP	31 Day Notice Ac	58	2.55%	NA	NA	0.00%
<b>Total Investments</b>		<b>\$196,963,302</b>				<b>100.00%</b>

Institution Legend		
AMP = AMP Limited	CBA = Commonwealth Bank of Australia	NAB = National Australia Bank
ANZ = Australia & New Zealand Banking Group	GSB = Great Southern Bank (formerly CUA)	Newcastle = Newcastle Permanent
Auswide = Auswide Bank	IMB = IMB Bank	St George = St George Bank
BOQ = Bank of Queensland	ING = ING Direct	WBC = Westpac Banking Corporation
BCU = Berrima District Credit Union	ME = Members Equity Bank	Rural = Rural Bank
Bendigo = Bendigo & Adelaide Bank	MyState = MyState Bank	Judo = Judo Bank
BankVIC = Bank Victoria		

## Wingecarribee Shire Council Investment Report Summary

For the period ending 30 June 2023

### Policy Compliance

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

### Individual Institution Limits

A summary of investments placed by institution is as follows:

Institution	S&P Short Term Rating	Maximum %	Actual %	Invested \$	Supports Fossil Fuels	Policy Compliance
NAB	A1+	40%	8.63%	17,000,000	YES	YES
CBA	A1+	40%	25.87%	50,960,322	YES	YES
ING	A1	25%	13.71%	27,000,000	YES	YES
AMP	A2	15%	5.08%	10,000,058	YES	YES
BOQ	A2	15%	6.60%	8,000,000	YES	YES
ME (acquired by BOQ)	A2	Combined with BOQ %		5,000,000	YES	YES
Bendigo	A2	15%	3.05%	6,002,921	NO	YES
MyState	A2	15%	5.08%	10,000,000	NO	YES
Auswide	A2	15%	4.06%	8,000,000	NO	YES
GSB	A2	15%	14.22%	28,000,000	NO	YES
BankVIC	A2	15%	5.08%	10,000,000	NO	YES
Judo	A3	10%	8.63%	17,000,000	NO	YES
<b>Total</b>			<b>100.00%</b>	<b>196,963,302</b>		

### Portfolio Credit Limits

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

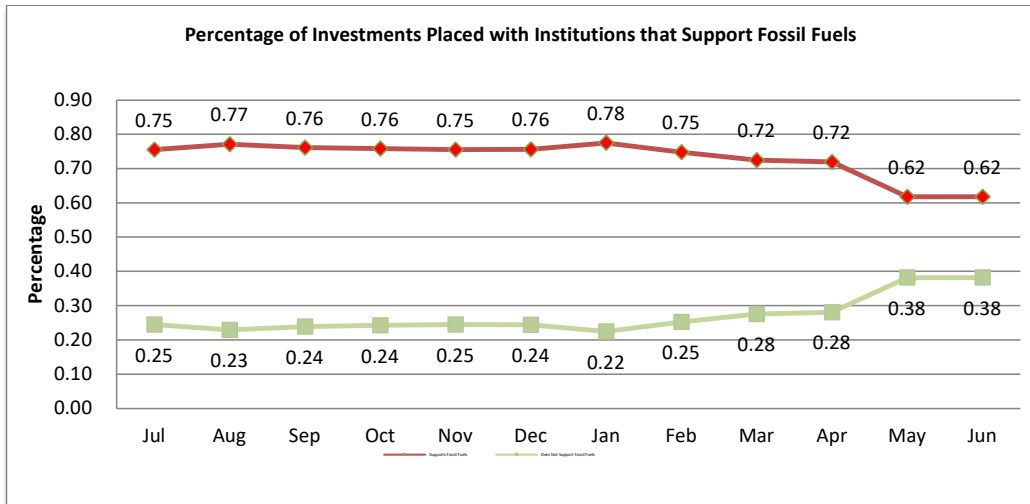
S&P Short Term Rating	Maximum %	Actual %	Invested \$	Policy Compliance
A1+	100%	34.50%	67,960,322	YES
A1	80%	13.71%	27,000,000	YES
A2	60%	43.16%	85,002,979	YES
A3	20%	8.63%	17,000,000	YES
Govt	25%	0.00%	0	YES
<b>Total</b>		<b>100.00%</b>	<b>196,963,302</b>	

**Wingecarribee Shire Council  
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**Non-Fossil Fuel Investment Preferecing**

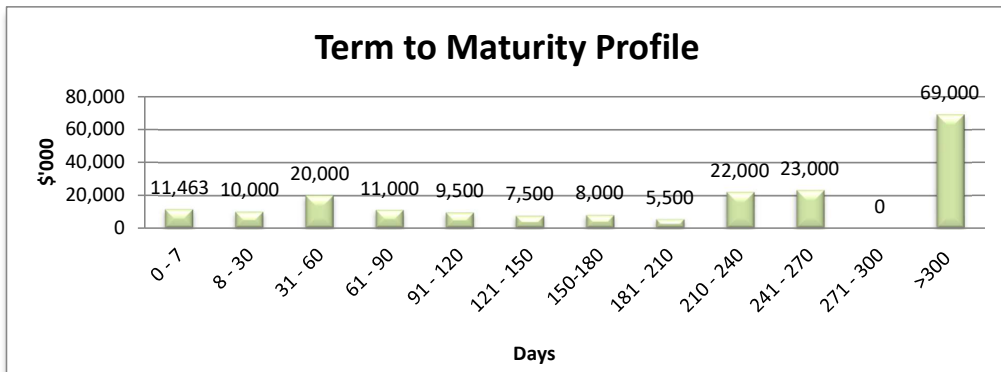
Council's adopted Investment Policy states a preference for placing funds with institutions that do not support the fossil fuel industry. The chart below identifies Council's percentage of investments placed with institutions that do not support the fossil fuel industry.

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



**Term to Maturity**

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

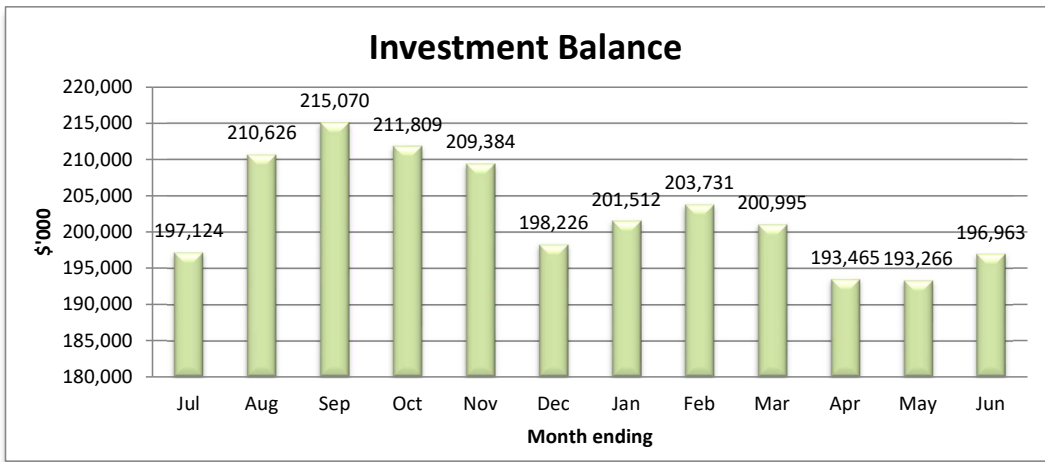




**Wingecarribee Shire Council  
Investment Report Summary**  
For the period ending 30 June 2023

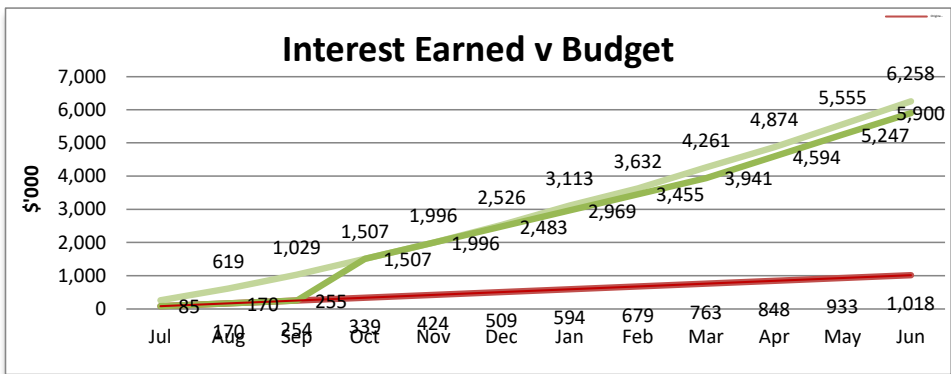
**Portfolio Performance**

Council's investment balance at the end of June 2023 was \$196.96 million. This has increased by \$0.03 million since the end of May 2023.



**Interest Revenue**

Council's 2022/23 original budget for return on investments was based on the market conditions and expectations at the time, which was a protracted low interest rate environment. After Council's 2022/23 budget was adopted, there have been sharp increases in the official cash rate and this has seen an increase in the interest rates being offered in the fixed interest market. As a result, Council exceeded budget for the year by \$358,429.



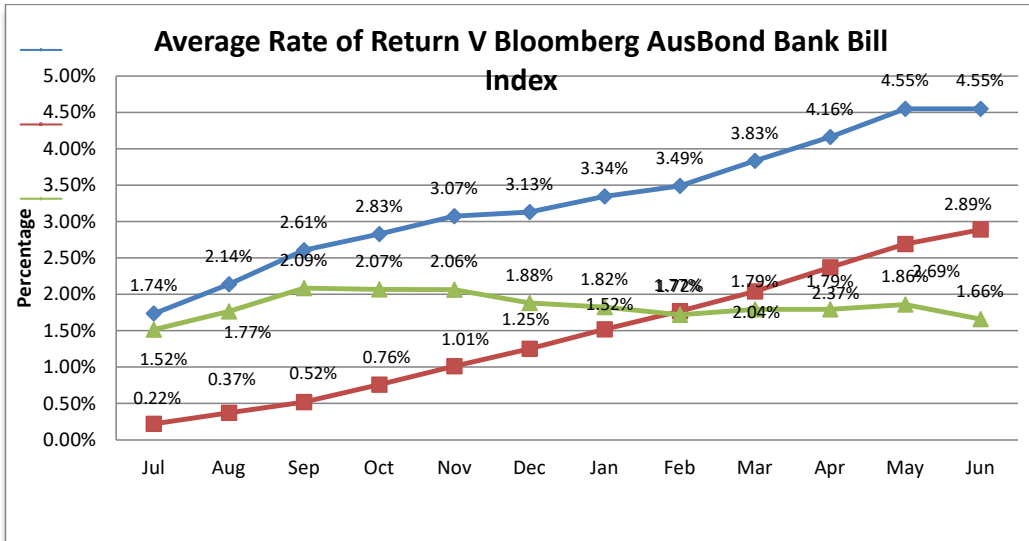
**Wingecarribee Shire Council  
Investment Report Summary**  
For the period ending 30 June 2023

**Performance against Benchmark**

Council's investment portfolio is benchmarked against the Bloomberg AusBond Bank Bill Index.

The average rate of return (ARR) achieved for June 2023 was 4.55% which has not changed from May 2023. The Bloomberg AusBond Bank Bill Index for 1 year was 2.89%.

The margin against the Bloomberg AusBond Bank Bill Index was 1.66% for June 2023.



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### **9.13 Audit, Risk and Improvement Committee June 2023 Meeting Minutes**

**Report Author:** Governance Officer  
**Authoriser:** Director Corporate Strategy and Resourcing

---

#### **PURPOSE**

This report provides the Minutes of the Audit, Risk and Improvement Committee Meeting held on Thursday, 1 June 2023.

---

#### **OFFICER'S RECOMMENDATION**

**THAT** the Minutes of the Audit, Risk and Improvement Committee Meeting held on Thursday, 1 June 2023 be received and noted.

---

#### **BACKGROUND**

The Office of Local Government's draft Risk Management and Internal Audit Guidelines state the *"the audit, risk and improvement committee must provide an update to the governing body of the council of its activities and opinions after every committee meeting."*

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#### **REPORT**

The Audit, Risk and Improvement Committee (the Committee) met on Thursday, 1 June 2023. The Committee will next meet in September 2023 and the attached Minutes will be confirmed at this meeting.

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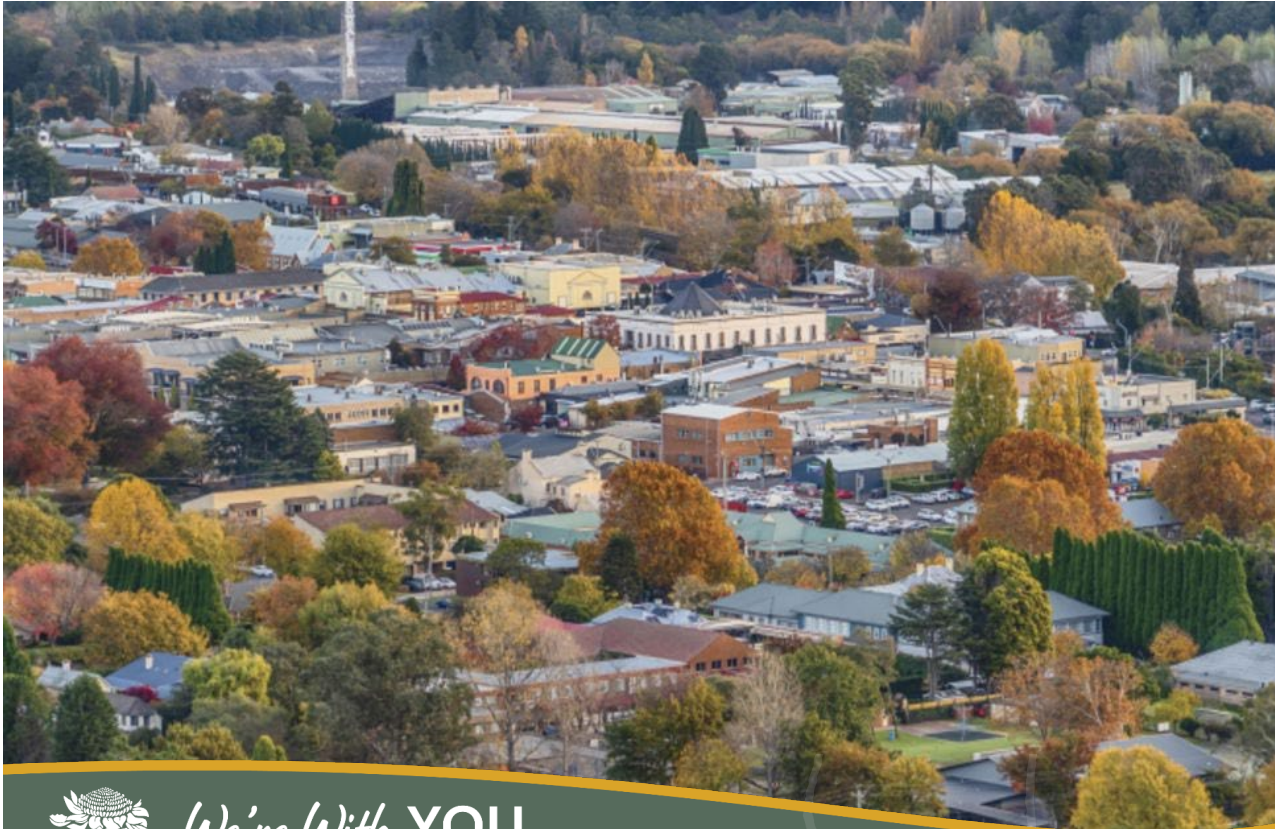
#### **ATTACHMENTS**

1. Minutes - ARIC Meeting - 1 June 2023 [**9.13.1** - 22 pages]



# MINUTES

## Audit Risk and Improvement Committee



 *We're With* **YOU**

Thursday, 1 June 2023

Wingecarribee Shire Council Civic Centre

68 Elizabeth Street, Moss Vale

The meeting commenced at 10:50 am

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 19 JULY 2023**

**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE  
THURSDAY 1 JUNE 2023**

---

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# AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 JULY 2023

## MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE THURSDAY 1 JUNE 2023

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### MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN THE BONG BONG ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON THURSDAY 1 JUNE 2023 COMMENCING AT 10.40AM.

#### Present:

##### Community

**Representative:** Mr Stephen Horne                      Chair  
Mr Mark McCoy  
Ms Simone Schwarz  
Mr Michael Quirk

**In Attendance:** Ms Lisa Miscamble                      General Manager^  
Ms Carmel Foster                      Director Corporate Strategy and Resourcing  
Mr Pav Kuzmanovski                      Executive Manager Business Transformation  
Ms Adan Davis                      Director Communities and Place  
Mr Damien Jenkins                      Deputy Chief Financial Officer  
Ms Danielle Lidgard                      Manager Governance and Corporate  
Performance  
Mr George Harb                      Chief Information Officer^  
Mr Graeme Mellor                      Manager Water Services\*  
Ms Stephanie Salviejo                      Coordinator Governance  
Ms Paige Zelunzuk                      Governance Officer

##### Also in

**Attendance:** Mr Michael Kharzoo                      Director, Financial Audit Services\*  
Ms Vanessa Berends                      Director, KPMG Australia

**NOTE:** Some meeting participants attended the meeting remotely via Microsoft Teams audio visual link. This is indicated by \*. The remaining participants were present in the Bong Bong Room, Civic Centre for this meeting.

Mr Kharzoo left the meeting at the end of discussion of Item 9.1.

The following attendees left the meeting at 11.53am indicated by ^:  
General Manager  
Director Communities and Place  
Chief Information Officer

The Manager Water Services left the meeting at 12.29pm

## 1 OPENING OF THE MEETING

The Chairperson opened the meeting and welcomed the Committee members.

# AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 JULY 2023

## MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE THURSDAY 1 JUNE 2023

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### 2 ACKNOWLEDGEMENT OF COUNTRY

The Chairperson acknowledged country:

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

### 3 APOLOGIES

The ARIC were advised of the apology of Director Service and Project Delivery.

### 4 ADOPTION OF MINUTES OF PREVIOUS MEETING

That the minutes of the Audit, Risk and Improvement Advisory Committee meeting held on 2 March 2023, ARIC22/26 to ARIC22/37 inclusive, copies of which were forwarded to Committee members, be adopted as a correct record of the proceedings of the meeting.

ARIC 2023/13

#### MOTION

***THAT the minutes of the Audit, Risk and Improvement Advisory Committee meeting held on 2 March 2023, ARIC22/26 to ARIC22/37 inclusive, copies of which were forwarded to Committee members, be adopted as a correct record of the proceedings of the meeting.***

### 5 DECLARATIONS OF INTEREST

Michael Quirk declared that since the last meeting of ARIC, he has joined the Bathurst Regional Council ARIC and Camden Council ARIC.

#### MATTERS ARISING IN CAMERA

The Chair advised that the ARIC held a separate in-camera meeting with the General Manager immediately prior to the commencement of this meeting.

**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE  
THURSDAY 1 JUNE 2023**

---

**6 GENERAL MANAGER UPDATE**

---

**6.1 Update the ARIC on Organisational Matters**

**Report Author:** General Manager

**Authoriser:** General Manager

---

**PURPOSE**

To provide an update to the ARIC on organisational matters.

---

**PROCEEDINGS IN BRIEF**

The General Manager addressed the meeting.

---

**PRECIS**

The verbal update provided an overview of organisational matters.

---

**DISCUSSION**

The General Manager provided the ARIC with a verbal update on organisational matters including:

- Roll out of actions
- Strategic works progress
- Draft Operational Plan
- Southern Highlands Innovation Park Master Plan
- Draft Waste Management and Resource Strategy
- Various tenders
- Leadership development
- Finalisation of the restructure of the Communities and Place Directorate
- Preparatory work for the election of Councillors

THE ARIC stated its support for the Administrator's and General Manager's position on negotiating the amount billed by the Office of Local Government in respect of the Public Inquiry noting that it was a historic matter and imposed a heavy financial penalty on the current Council.

**COMMITTEE RESOLUTION**

ARIC 2023/14

**MOTION**

***THAT the Audit, Risk and Improvement Advisory Committee note the verbal update on organisational matters.***



**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE  
THURSDAY 1 JUNE 2023**

---

**7 FINANCIAL MANAGEMENT**

**8 INTERNAL AUDIT**

---

**8.1 Development Assessment Internal Audit Report**

**Report Author:** Manager Governance and Corporate Performance

**Authoriser:** Director Corporate Strategy and Resourcing

---

**PURPOSE**

This report presents the Development Assessment Internal Audit Report.

---

**PROCEEDINGS IN BRIEF**

Vanessa Berends, Director, KPMG addressed the meeting.

---

**PRECIS**

The Development Assessment Internal Audit Report was presented.

---

**DISCUSSION**

Ms Berends advised that the internal audit was undertaken using a health check approach that focused on stakeholders to determine pain points and risks in the development assessment process. The audit identified one medium finding and three low findings.

The ARIC discussed the key findings and recommendations of the internal audit report.

The ARIC questioned:

- whether the audit report findings were consistent with expectations. The Director Communities and Place confirmed that they were and they reflected the planned focus for the next 6 months including the implementation of a peer review template, documenting procedures and staff on-boarding improvements.
- the target dates contained in the report. The Director Communities and Place advised that the target dates are realistic.
- the issue of onboarding and the level of turnover of staff in the team. The Director Communities and Place advised that staff turnover had stabilised but that there are a number of vacancies.
- whether the lack of documentation of peer reviews was a risk. The Director Communities and Place advised that evidence of peer review is the signature on the consent but agreed that a one page summary would mitigate risk.
- whether a process map was available. Ms Berends advised that while the workshop undertaken mapped the process, it was discussion based, and that a documented process

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**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE  
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---

map was not part of the deliverable, which was appropriate considering the maturity level of the team.

THE ARIC noted the documentation of processes involved in development assessment should be locked in for follow up.

---

**ACTION ITEM**

Confirm date to revisit the documentation of development assessment processes.

**COMMITTEE RESOLUTION**

ARIC 2023/15

**MOTION**

**THAT the Audit, Risk and Improvement Committee note the report.**

**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE  
THURSDAY 1 JUNE 2023**

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---

**8.2 Draft Strategic Internal Audit Plan**

**Report Author:           Manager Governance and Corporate Performance**

---

**PURPOSE**

This report presents the draft three-year Strategic Internal Audit Plan for discussion.

---

**PROCEEDINGS IN BRIEF**

Vanessa Berends, Director, KPMG addressed the meeting.

---

**PRECIS**

The Draft Strategic Internal Audit Plan was presented.

---

**DISCUSSION**

Ms Berends advised that the Draft Strategic Audit Plan sets out potential internal audit projects for discussion over the next three years, with the aim of completing one project per quarter, that is, four projects per year for the next three years.

The ARIC discussed the key findings and recommendations of the Draft Strategic Internal Audit Plan.

The ARIC questioned:

- the constraints imposed by cyber challenges and who decides what the scope is in relation to the improvement of cyber security governance. Ms Berends advised that once the tasks required are confirmed, KPMG will prepare the draft scope, which will then be presented to ARIC for their consideration.
- the pros and cons of addressing the cyber security issues in a fragmented way as opposed to an holistic way. Ms Berends advised that budget was the main consideration and that, initially, a health check approach was most appropriate in relation to processes and controls and that the issues can be revisited once structural implementation has taken place.
- the customer services processes schedule . Ms Berends advised that 3 or 4 basic walk-throughs had taken place.
- whether Work Health and Safety had been considered recently. Ms Berends advised that staff resilience and well-being had been a focus.
- Natural Hazard Management. Ms Berends referenced tree inspections, maintenance, parks, bushfire hazards and visitor and staff safety as natural hazards to be considered.
- the possible benefit of a data analytics review. Ms Berends agreed that a data governance and data analytics review could be incorporated together and added to the list of potential internal audit projects for consideration

THE ARIC noted that audits need a broad ambit and must not just focus on corporate issues.

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 19 JULY 2023**

**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE  
THURSDAY 1 JUNE 2023**

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**COMMITTEE RESOLUTION**

ARIC 2023/16

**MOTION**

**THAT the Audit Risk and Improvement Committee note the report.**

**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE  
THURSDAY 1 JUNE 2023**

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**8.3 Outstanding Internal Audit Recommendations**

**Report Author:** Governance Officer  
**Authoriser:** Director Corporate Strategy and Resourcing

---

**PURPOSE**

This report provides an update to the ARIC on the implementation of outstanding recommendations from previous internal audits.

---

**PROCEEDINGS IN BRIEF**

The ARIC discussed the Outstanding Internal Audit Recommendations.

---

**PRECIS**

This report provided an update on the implementation of outstanding recommendations from previous internal audits.

---

**DISCUSSION**

The ARIC questioned:

- the presentation of the report. The ARIC stated that it would prefer the information be presented in a table format and include the starting position, add-ons, and risk grading of the issues addressed. Further, the word "ongoing" should be removed from the report and replaced with a specific target date. The Chair advised that he will provide examples of the preferred format.
- the status of the OSSM recommendations. The ARIC noted that there had been no action in the last three months and questioned if the proposed November timing was realistic. The Director Communities and Place advised Council had not had the expertise available to perform the actions and that resourcing was an issue.
- the issue of compliance with respect to updating the WSC Working Alone procedure. The Director Corporate Strategy and Resourcing advised that there was no breach as there is a number that staff can call.

The ARIC confirmed that the requested extensions be granted.

---

**ACTION ITEM**

The Chair to provide examples of the preferred format of the Outstanding Internal Audit Recommendations report.

---

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 19 JULY 2023**

**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE  
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---

**COMMITTEE RESOLUTION**

ARIC 2023/17

**MOTION**

**THAT**

1. *the Audit, Risk and Improvement Committee note the Outstanding Internal Audit Recommendations Progress Report for June 2023 (Attachment 1) AND*
2. *the requested extensions to the due dates be granted.*

**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE  
THURSDAY 1 JUNE 2023**

---

**9 EXTERNAL AUDIT**

---

**9.1 External Audit Management Letter Recommendations Update**

**Report Author:** Governance Officer  
**Authoriser:** Director Corporate Strategy and Resourcing

---

**PURPOSE**

This report provides the ARIC with an update on the status of recommendations from previous Management Letters by Council's External Auditors.

---

**PROCEEDINGS IN BRIEF**

The ARIC discussed the Outstanding Internal Audit Recommendations. The Executive Manager Business Transformation, Director Corporate Strategy and Resourcing and Mr Michael Kharzoo, Director Financial Audit Services addressed the meeting.

---

**PRECIS**

This report provided an update on the work that has been completed or remains open on previous external audit recommendations.

---

**DISCUSSION**

The ARIC discussed the progress of the external recommendations and focused on the following:

- Item 3 - Procurement. The Executive Manager Business Transformation advised that the update related to basic reporting controls on outcomes in respect of upgrades to Tech One.
- Section 355 Committees. The ARIC questioned whether these recommendations are able to be resolved noting that there seemed to be endless consultation. The Director Corporate Strategy and Resourcing advised that it was a resolution of Council that the Administrator meet with all Section 355 Committees and those meetings are continuing. The Director advised that a manual for the Section 355 Committees had been completed and that the Administrator had requested a overarching summary of that manual. Once consultation with the committees is complete, the manual will be issued and training developed and implemented, including in relation to financial and safety issues.

The ARIC invited questions or comments from Mr Kharzoo. Mr Kharzoo advised the following:

- the key focus was on valuations.
- there was increased revenue from grants.
- an interim audit is to start on Monday 5 June 2023.
- that, in the sector generally, there is not much oversight of Section 355 Committees but that it is an area to look at and strengthen.

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
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**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE  
THURSDAY 1 JUNE 2023**

---

The ARIC agreed to resolve the next meeting date out of session in order to consider the most appropriate method of dealing with the presentation of financial statements.

---

**ACTION ITEM**

Confirm date for next ARIC meeting.

**COMMITTEE RESOLUTION**

ARIC 2023/18

**MOTION**

**THAT the Audit, Risk and Improvement Committee note the report.**



**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE  
THURSDAY 1 JUNE 2023**

---

## **10 RISK MANAGEMENT**

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### **10.1 ICT Update**

**Report Author:** Chief Information Officer  
**Authoriser:** Director Corporate Strategy and Resourcing

---

#### **PURPOSE**

The purpose of this report is to update the Audit, Risk and Improvement Committee on the progress made in addressing the action items identified in the report presented to the committee in March 2023. The report focuses on enhancing Council's resilience, security, and operational effectiveness through initiatives related to Business Continuity Planning (BCP), Disaster Recovery Planning (DRP), Cybersecurity, and the Essential 8 framework.

By highlighting completed actions such as the penetration test, account cleansing, network reconfiguration, and digitisation efforts, the report aims to demonstrate Council's commitment to proactive measures in addressing vulnerabilities and improving overall security. Furthermore, the report discusses ongoing detailed discussions regarding the potential implementation of Infrastructure as a Service (IaaS) and a DRP solution, highlighting the council's dedication to staying ahead of potential threats and ensuring prompt recovery in the event of disruptions.

The purpose of this report is to provide transparency, inform stakeholders, and reinforce Council's commitment to resilience, security, and operational efficiency. Through these efforts, Council aims to safeguard critical systems and data, enhance the stability of network infrastructure, streamline processes through digitisation, and explore innovative solutions that align with the organisation's strategic goals.

---

#### **PROCEEDINGS IN BRIEF**

The Chief Information Officer addressed the meeting.

---

#### **PRECIS**

This report provided an update on the progress made on the action items identified in the IT and Cyber Security Update report presented to the ARIC in March 2023.

---

#### **DISCUSSION**

The Chief Information Officer provided a summary of the items that have been actioned as noted in the report, including the following:

- the commencement of remediation works
- phase 1 of penetration test has been completed
- Bookable has been implemented
- Upgrade to Tech One has occurred allowing streamlining of rates payment

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
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**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE  
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- rejuvenation of Council's website
- Updating of the DA tracker

The ARIC suggested future reporting on the progress as the work is done and exploring the idea of infrastructure as a service. The ARIC also stressed the importance of education regarding phishing and security, particularly in relation to future Councillors.

**COMMITTEE RESOLUTION**

ARIC 2023/19

**MOTION**

**THAT the Audit, Risk and Improvement Committee note the report.**

**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE  
THURSDAY 1 JUNE 2023**

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**10.2 Enforceable Undertaking Update**

**Report Author:** Work Health and Safety Officer

**Authoriser:** Director Corporate Strategy and Resourcing

---

**PURPOSE**

To provide the Committee with an update on the progress of the Enforceable Undertaking with SafeWork NSW.

---

**PROCEEDINGS IN BRIEF**

The Manager Governance and Corporate Performance addressed the meeting.

---

**PRECIS**

The Enforceable Undertaking Update Report was presented.

---

**DISCUSSION**

The Manager Governance and Corporate Performance advised that the Enforceable Undertaking with SafeWork NSW was tracking well.

The Director Corporate Strategy and Resourcing advised that Council was building a strong relationship with Safework and that a benefit of working closely with them is that they now understand Council's budget and system constraints. Further, Council will engage KPMG to undertake a risk review.

The ARIC questioned whether the request for 30 June 2023 extension has been granted and whether it was realistic to expect the required actions to be implemented between 6 June and 30 June 2023. The Director Corporate Strategy and Resourcing stated that the preparatory work that had been undertaken will allow the report to be provided on time and to the satisfaction of Safework.

**COMMITTEE RESOLUTION**

ARIC 2023/20

**MOTION**

**THAT the Audit, Risk and Improvement Committee note the report.**

**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE  
THURSDAY 1 JUNE 2023**

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**10.3 Water Services and Risk Management**

**Report Author:**           **Manager Governance and Corporate Performance**

**Authoriser:**               Director Corporate Strategy and Resourcing

---

**PURPOSE**

The Manager Water Services will present to the ARIC an overview of Council's Water Services Branch including matters relating to risk and risk mitigations strategies.

---

**PROCEEDINGS IN BRIEF**

Manager Water Services addressed the meeting.

---

**PRECIS**

The Manager Water Services made [the attached presentation](#) to the meeting regarding an overview of Council's Water Services Branch including matters relating to risk and risk mitigation strategies.

---

**DISCUSSION**

The ARIC questioned:

- whether Council's water and sewerage treatment plants were at capacity. The Manager Water Services advised that, whilst nearing capacity, the plants are being augmented to increase their capability for processing: Bowral is in construction phase; Moss Vale is at the tender phase and Council is in discussions with the Department of Planning and Environment regarding Mittagong.
- whether the capacity upgrades were incremental or whether some parts of the plants need to be shut down? The Manager Water Services advised that the current systems have some constraints, particularly Bowral, where parts will be taken out of work to bring in new parts, whereas the Moss Vale plant upgrades would be a parallel situation, working with existing operators and plants to manage size constraints by looking at other methods, including the use of biological materials, to create space.
- the condition of the mains and sewer. The Manager Water Services advised that, from an industry perspective, leakage is an ongoing issue that is addressed by working towards an economic level of leakage. Improvements can be made by collaborating with relevant teams to examine how we can be better informed with flow monitoring, moving towards smart metering and metering throughout the network, but that it is an ongoing battle, with leakage currently at approximately 10%.
- if there was an issue with seasonality. The Manager Water Services advised they take a multiple parameters approach to adapt to seasonal issues.
- the status of the contract for the new Bowral Treatment Plan. The Manager Water Services advised that project sits with Assets and Project Delivery in the Service and Project Delivery Directorate.

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---

The ARIC confirmed to the Executive Manager Business Transformation that it was happy with the method of reporting.

**COMMITTEE RESOLUTION**

ARIC 2023/21

**MOTION**

**THAT the Audit, Risk and Improvement Committee note the report.**

**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE  
THURSDAY 1 JUNE 2023**

---

**11 GOVERNANCE AND IMPROVEMENT**

**11.1 Quarterly Delivery Program and Budget Review 31 March 2023**

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

---

**OFFICER'S RECOMMENDATION**

***THAT** the Audit, Risk and Improvement Committee note the report.*

---

**PROCEEDINGS IN BRIEF**

The Executive Manager Business Transformation and the Manager Governance and Corporate Performance addressed the meeting.

---

**PRECIS**

This report provided an overview of Council's progress towards delivering its Delivery Program and Operational Plan 2022/23 for the Period 1 January to 31 March 2023.

---

**DISCUSSION**

The Executive Manager Business Transformation and the Manager Governance and Corporate Performance addressed the meeting.

The ARIC discussed various items regarding the Delivery Program and Operational Plan 2022/23 and questioned the following:

- whether there had been any feedback from the community. The Manager Governance and Corporate Performance advised there had been no recent indication of community feedback other than the community satisfaction survey undertaken last year but that there had been a focus on communication, including by e-newsletter, and that the Community Reference Panels had been established and Council would use their input for future Integrated Planning and Reporting documentation.
- how Council communicates with those parts of the community that do not have access to email. The Manager Governance and Corporate Performance advised that the General Manager takes part in a weekly interview on local radio station 2ST to talk to the community and also referred to the e-newsletter which has a current subscriber base of 3,000 with the aim to reach 20,000 subscribers. The Director Corporate Strategy and Resourcing referred to Council's presence in Destination Southern Highlands and at community events including the Moss Vale Show, Brigadoon and Potato Festival and the community sessions that will take place in relation to the Delivery Program and Operational Plan.
- it is important to break down what services Council provides. The Manager Governance and Corporate Performance advised that the Delivery Program is based on service. The Deputy Chief Financial Officer provided a brief overview of the relevant changes in the budget relating to services and the revised reporting format.

## AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 JULY 2023

### MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE THURSDAY 1 JUNE 2023

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- whether Council contributed to the cost of Highland Fest. The Director Corporate Strategy and Resourcing advised that Highlands Fest was financed through funds received from grants and there was no contribution by Council.
- whether there was any government arrangement in relation to the Bowral Treatment Plant works. The ARIC were advised that an external probity advisor was required due to the cost of the works.
- whether the changes to the budget meant it was more an ongoing forecast rather than a budget. The Deputy Chief Financial Officer advised that the current method allowed flexibility: the budget is modified quarterly and, if approved by Council, is adopted and becomes the new budget. The ARIC noted that this was, effectively, adjusting the base.
- the working capital. The Deputy Chief Financial Officer stated that the benchmark is \$5 million and that Council is above that. The Executive Manager Business Transformation advised that Council is reviewing its working capital threshold and asked the ARIC for any suggestions it had in that regard. The ARIC advised that \$5 million is too low and would prefer something with a \$10 million or more in front of it, noting that indexing by 2-5% is almost negligible, and that to increase it steadily is more desirable.

The ARIC strongly recommended that Council implement its budget policy in relation to restricted reserves prior to Councillor election. The Executive Manager Business Transformation advised Council will present its report to ARIC prior to the controls being implemented.

#### COMMITTEE RESOLUTION

ARIC 2023/22

#### **MOTION**

**THAT the Audit, Risk and Improvement Committee note the report.**

# AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 JULY 2023

## MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE THURSDAY 1 JUNE 2023

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### 11.2 Integrated Planning and Reporting Update

**Report Author:**                   **Manager Governance and Corporate Performance**

Authoriser:                           Director Corporate Strategy and Resourcing

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#### OFFICER'S RECOMMENDATION

**THAT** the Committee note the update on Council's draft Resourcing Strategy 2023 – 2033, draft Delivery Program 2023-2025, draft Operational Plan 2023/24, including Budget, Revenue Policy and Fees and Charges.

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#### PROCEEDINGS IN BRIEF

The Manager Governance and Corporate Performance addressed the meeting.

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#### PRECIS

This report provided an update on the Council's draft Resourcing Strategy 2023-2033, draft Delivery Program 2023-2025 and draft Operational Plan 2023/24.

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#### DISCUSSION

The ARIC discussed the Integrated Planning and Reporting Update report.

The ARIC noted that the Community Strategic Plan looks fantastic. The Manager Governance and Corporate Performance advised Council was aiming to simplify the documents going forward, taking a service-based approach with genuine community engagement.

#### COMMITTEE RESOLUTION

ARIC 2023/23

#### MOTION

**THAT** the Committee note the update on Council's draft Resourcing Strategy 2023 – 2033, draft Delivery Program 2023-2025, draft Operational Plan 2023/24, including Budget, Revenue Policy and Fees and Charges.



**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 19 JULY 2023**

**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE  
THURSDAY 1 JUNE 2023**

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**12 DATE OF NEXT MEETING**

The date of the next meeting date is to be confirmed out of session.

**13 MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 1.02PM

## **9.14 Community Reference Panel - June 2023 Meeting Minutes**

**Report Author:**                   **Manager Governance and Corporate Performance**

**Authoriser:**                       Director Corporate Strategy and Resourcing

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### **PURPOSE**

This report provided the meeting minutes from the June 2023 Community Reference Panel Meetings. The report also advises of the resignation of two community representatives from the Community focused Community Reference Panel and the appointment of two new members.

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### **OFFICER'S RECOMMENDATION**

#### **THAT Council:**

- 1. Note the meeting proceedings (minutes) from the Community Reference Panel meetings held on 22 June 2023.**
- 2. Note the resignation of Ms Jodie Swan and Ms Kathleen Fagan from the Community focused Community Reference Panel.**
- 3. Appoint Ms Danielle Johns and Ms Skye Cannon as community representatives to the Community focused Community Reference Panel.**

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### **REPORT**

#### **BACKGROUND**

At the meeting held on 21 September 2022 Council adopted an engagement structure that comprised of four strategically focused Community Reference Panels with the following focus areas

- Climate Change and Environment
- Community
- Sport, Recreation and Leisure
- Economy.

The role of the Community Reference Panel's (CRP's) is to support Council in reviewing the vision objectives and goals of the Community Strategic Plan and their translation to the Delivery Program through an active and ongoing community engagement program. The aim is to ensure that current knowledge, critical thinking, and analysis is applied to strategy development, increasing the confidence that Council is making the right decisions and that those decisions are not made in isolation, but in a genuine partnership with community.

Community Representatives were appointed to each Panel at the March 2023 meeting and Invited Technical Representatives were appointed at the April 2023 meeting.

Following the appointment of all panel members an induction meeting was held with Panels on 20 April 2023.

#### **REPORT**

Community Reference Panel meetings were held on 22 June 2023. The meeting proceedings (minutes) for each Panel are included in **Attachments 1-4** to this report.

## **AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 JULY 2023**

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### **Appointment of New Community Representatives to the Community Focused Community Reference Panel**

In June, two community representatives from the Community focused Community Reference Panel advised Council in writing of their resignation from the Panel. The reasoning for the resignations were due to personal reasons and due to conflicting work arrangements. As the Expressions of Interest process was conducted this calendar year, Council staff have utilised the shortlist from the original Expression of Interest to recommend the appointment the two new community representatives.

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### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

Community Reference Panels are a key community engagement mechanism for Council.

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

Executive Manager Strategic Outcomes, Manager Environment and Sustainability, Manager Assets and Coordinator Community Development.

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

Nil

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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**

There are no governance issues in relation to this report.

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### **COUNCIL BUDGET IMPLICATIONS**

There are no budget implications arising from this report.

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### **RELATED COUNCIL POLICY**

Community Engagement Policy.

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### **CONCLUSION**

This report provides the meeting proceedings (minutes) from the June 2023 Community Reference Panel meetings.

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**ATTACHMENTS**

1. Community Reference Panel Meeting Minutes June 22 Community focus [**9.14.1** - 2 pages]
2. CCE Community Reference Panel Meeting Minutes 22 June 2023 [**9.14.2** - 3 pages]
3. Community Reference Panel Meeting Minutes - Economy - June 2023 [**9.14.3** - 2 pages]
4. Sport, Recreation & Leisure Reference Panel Minutes [**9.14.4** - 3 pages]

**Community Reference Panel Meeting Minutes**  
Thursday 22 June 2023



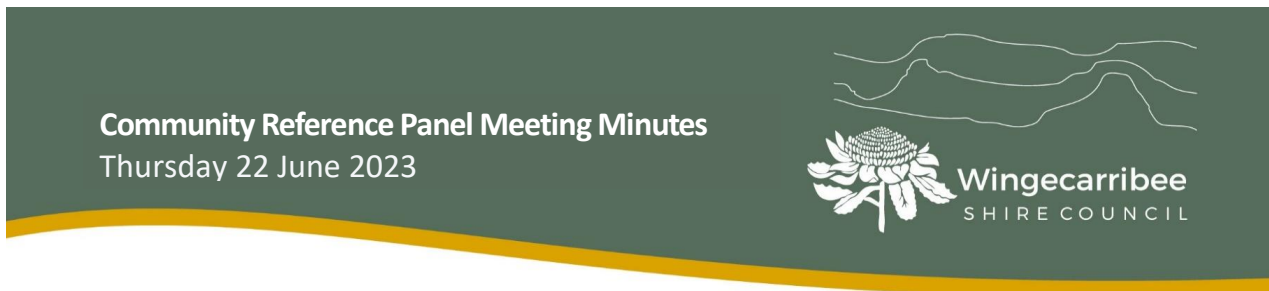
<b>Time:</b> 3pm	<b>Duration:</b> 2 hours	<b>Venue:</b> Council Chambers
<b>Focus Area:</b> Community		
<b>Attendees:</b> Katie Constantinou, Tam Johnson, Jonathan Melrose-Rae, Peter Stewart		
<b>Apologies:</b> Dr Allan Styles, Finette Sheather, Jodie Swan, Katie Fagan, Melanie Brindley, Domenic Zappia		
<b>Chair:</b> Corinne Buxton (interim)		

1.	<b>Item:</b> Mapping Networks
	<b>Description of Engagement</b> Workshop – to identify the scope and breadth of panel networks and engagement within community for community development initiatives
	<b>Discussion</b> The panel raised that there be a level of engagement with other panels in the next meeting to understand their reach and networks in community to draw from – what does the membership of all panel members consist of? Panel discussed ways in which to communicate – not only with each other, but with the broader community; <ul style="list-style-type: none"> <li>• Seniors and the digital world, how are we supporting them with technology</li> <li>• Seniors and Council engagement, are there more effective ways of getting the message to our aging population</li> </ul> Community Transport to events for our elderly and high needs community – if community require access to events and programs, is the current transport service, reliable and serving our community to have their needs met?
	<b>Action Steps</b> <ul style="list-style-type: none"> <li>• Community Reference Panel chairs to explore the benefit of connecting with other panel members to understand networks and communication channels.</li> <li>• Chair to take general panel discussion items, regarding Councils engagement with community, for consideration when Council staff review the Community Engagement Strategy</li> </ul>

*We're with you*

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 19 JULY 2023**

2.	<p><b>Item: Arts and Culture – Wingecarribee Landscape</b></p>
	<p><b>Description of Engagement</b> Workshop – information sharing and general discussion</p>
	<p><b>Discussion</b></p> <p>Panel members looked the Arts &amp; Culture Strategy and offered thoughts and ideas about the current strategy and how this could be updated to reflect the current climate. This broader discussion will assist staff shape the Strategy update.</p> <p>It was important for the panel to map the current Arts &amp; Culture landscape to understand what currently exists to understand what the community future needs are.</p> <p>Panel asked of Councils relationship with Southern Tablelands Arts and what their scope is for our community and how they meet those needs.</p> <p>Panel would like to be provided with questions or items for discussion to consider, between panel meetings, to help guide their engagement with their networks and broader discussion for the September Panel meeting.</p>
	<p><b>Action Steps</b></p> <ul style="list-style-type: none"> <li>• Chair to look at ways to incorporate ‘plan on a page’ similar to the Community Strategic Plan for Arts &amp; Culture strategy and use items discussed to help update the strategy</li> <li>• Chair to provide panel with items for discussion to take to their networks in preparation for the next panel meeting</li> </ul>



Day: Thursday 22 June-	Time: 3pm-5pm	Venue: Nattai Room
<b>Focus Area: Climate Change and Environment</b>		
Attendees: Pat Hall, Derek White, Jen Slattery, Andy Lemann, Kim Zegenhagen, Pip Rainey, Janelle Menzies, Suzzanah Cowley		
Council Staff facilitating with Workshops: Coordinator Natural Resource Projects, Environmental Officer Koala and Private Land Conservation, Environment Officer Biodiversity Projects & Community Education, Environment Officer Bushcare and Citizen Science		
Apologies: Jacqueline Holland (South East Local Land Services), Chris Page (Department of Planning and Environment)		
Chair: Barry Arthur		

1.	<b>Item: Review of Council’s Private Land Conservation Plan</b>
	<b>Description of Engagement: Workshop – group discussion and feedback. Analysis of existing plan and program</b>
	<p>Discussion</p> <ul style="list-style-type: none"> <li>• Analysis of current Plan and current delivery program.</li> <li>• Feedback on what is working well, and opportunities for improvements</li> <li>• Following aspects of the Plan were reviewed: <ul style="list-style-type: none"> <li>○ Legislative framework</li> <li>○ Private land conservation goals</li> <li>○ What we do and who we do it with</li> <li>○ Review of our programs <ul style="list-style-type: none"> <li>▪ Land for Wildlife</li> <li>▪ Habitat for Wildlife</li> <li>▪ Advanced Conservation Programs – Koala Habitat Restoration Program</li> </ul> </li> <li>○ Integration with other agencies and programs</li> </ul> </li> <li>• Feedback regarding conservation efforts that may not be permanent or protected and how to increase permanent conservation outcomes, and remove potential</li> </ul>

	<p>impediments</p> <ul style="list-style-type: none"> <li>• Feedback regarding engagement / recruiting / communication opportunities</li> <li>• Feedback regarding mapping availability and accessibility to various datasets</li> <li>• Discussion was also had about how conversations and feedback from the Panels would be captured and shared. – options of Sharepoint or Teams Workspace</li> </ul> <p><b>Action Steps</b></p> <ul style="list-style-type: none"> <li>• Feedback collected for incorporation in draft</li> <li>• Draft to be circulated</li> <li>• Consider listing publicly available mapping and datasets and publishing on Council webpage</li> <li>• Establish either Sharepoint or Microsoft Teams Workspace for the Reference Panel to enable collaboration and file sharing between meetings.</li> </ul>
2.	<p><b>Item: Development of proposed Bushland and Biodiversity Action Plan</b></p> <p><b>Description of Engagement: Workshop activity focusing on a SWOT analysis of the key themes / action areas of the proposed plan. Collection of Panel member feedback.</b></p> <p><b>Discussion</b></p> <ul style="list-style-type: none"> <li>• Early discussion seeking panel input on the preparation of a Bushland and Biodiversity Action Plan for Council</li> <li>• To have a document that connects strategic documents and work action plans. i.e. commitments to deliverables.</li> <li>• To have a document that captures the work that is undertaken and proposed by Council, Partners and Volunteers to support local biodiversity and Bushland</li> <li>• Proposed Themes / Action Areas             <ul style="list-style-type: none"> <li>○ Compliance and Planning</li> <li>○ Biosecurity</li> <li>○ Bushland Reserve Network / Natural Area Management</li> <li>○ Conservation</li> <li>○ Partnerships, Collaboration and Volunteering</li> </ul> </li> <li>• Workshop Process</li> <li>• Provide the panel an opportunity to provide input into the development of the Biodiversity and Bushland Action Plan</li> <li>• Utilising a SWOT analysis of each Theme / Action Area utilising ‘butchers paper’ and post it notes focusing on             <ul style="list-style-type: none"> <li>○ Strengths</li> <li>○ Weaknesses</li> <li>○ Opportunities</li> <li>○ Threats</li> </ul> </li> <li>• Approximately 70 notes of feedback collected from the Panel members</li> </ul>



**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
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	<p>Action Steps</p> <ul style="list-style-type: none"><li>• Incorporate feedback into preparation of draft</li><li>• Have a final draft for the September Reference Panel Meeting</li><li>• Similar workshop opportunity to be provided to representatives from the Gundungurra and Tharawal people.</li><li>• Further internal engagement</li></ul>

**Community Reference Panel Meeting Minutes**  
Thursday 22 June 2023



<b>Time:</b> 3.00 PM	<b>Duration:</b> 2 Hours	<b>Venue:</b> Bong Bong Room
<b>Focus Area:</b> Economy		
<b>Attendees:</b> Jessie Strong (online) (Regional NSW), Stephen Lowe (UoW), Michelle Pontello (TAFE), Greg Goodman, Brigid Kennedy, Carissa Wells (online), Ian Bollen, Julianne Christie, Richard Colley, Michael Ellis		
<b>Apologies:</b> Shannan Perry-Hall (DSSS), Ross Muller		
<b>Chair:</b> Michael Park		

1.	<b>Item:</b> Strategic Overview Recap
	<b>Description of Engagement</b> Panel chair provided a recap of the existing strategic framework and the role of the Panel.
	<b>Discussion</b> N/A
	<b>Action Steps</b> N/A
2.	<b>Item:</b> Presentation from University of Wollongong and TAFE NSW Moss Vale Campus
	<b>Description of Engagement</b> Stephen Lowe (UoW) and Michelle Pontello (TAFE) provided a presentation of current programs and initiatives being undertaken by the the University and Tafe. This included initiatives specifically aimed at meeting local industry needs (I.e. nursing, equine etc).
	<b>Discussion</b> The Panel discussed some of the challenges associated with tertiary education in the Southern Highlands including: <ul style="list-style-type: none"> <li>• Lack of awareness of University and Tafe campuses</li> <li>• Online and hybrid learning</li> <li>• Lack of take up of courses targeted at local industry needs</li> <li>• A disconnect between industry needs and demand from students</li> <li>• Demographics and proximity to larger universities</li> </ul>

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**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 19 JULY 2023**

	<p><b>Action Steps</b></p> <p>The presentations and discussions set the scene / context for the workshop component (see below).</p>
3.	<p><b>Item: Education Sector</b></p>
	<p><b>Description of Engagement</b></p> <p>Workshop – Delivering an education sector ‘Action Plan’</p>
	<p><b>Discussion</b></p> <p>The Panel participated in a detailed workshop on the education sector as both an employer and an enabler of economic development in the Shire. This included a detailed SWOT analysis and a gap analysis, as well as identifying specific opportunities to support and enhance the education sector in the Shire.</p>
	<p><b>Action Steps</b></p> <p>Information from the workshop will be used to directly inform the ‘Education Sector’ component of the proposed Economic Development Action Plan that is being developed.</p>

**Community Reference Panel Meeting Minutes**  
Thursday 22 June 2023



<b>Day:</b> Thursday 22 June	<b>Time:</b> 3pm to 5pm	<b>Venue:</b> Moss Vale Civic Centre
<b>Focus Area:</b> Sport, Recreation and Leisure		
<b>Attendees:</b> Christopher Blaxland, John Vild, Lyn Collingridge, Miles Lochhead, Peter Mitchell, Rebecca Duffy, Ryan Elphick, Stuart Perry, Blair Oliver		
<b>Apologies:</b> Rebecca Duffy, Steve Manning, Catherine Campbell		
<b>Chair:</b> Shaun Robinson		

1.	<b>Item:</b> General Discussion
	<b>Description of Engagement:</b> Open Forum
	<p><b>Discussion</b></p> <ul style="list-style-type: none"> <li>• Queries and discussion about the role and function of the community representatives as part of the Reference Panels. <ul style="list-style-type: none"> <li>○ Manager Assets clarified that the Reference Panels operate as focus groups to enable targeted &amp; detailed consultation on strategic matters relating to the Panel. The community representatives operate as a cross-section of the community and so the selections were made to ensure a spread of town &amp; village, interests &amp; affiliations, age and gender as much as possible. The Reference Panels do not make formal recommendations or resolutions to Council, nor do they exercise any expressed decision making or budgetary powers. The fundamental purpose is for focus group consultation.</li> </ul> </li> <li>• Discussion was also had about how conversations and feedback from the Panels would be captured and shared.</li> </ul>
<b>Action Steps</b>	
	<ul style="list-style-type: none"> <li>• Microsoft Teams Workspace to be created for the Reference Panel to enable collaboration and file sharing between meetings.</li> <li>• Manager Assets to prepare minutes and share with Reference Panel prior to final publishing.</li> </ul>
2.	<b>Item:</b> Community & Recreation Facility Strategy
	<b>Description of Engagement:</b> Prioritisation of comments and idea through dotmocracy
	<b>Discussion</b>

General Comments

- CRFS does not consider potential repurposing of Council owned golf-courses alternative sport or recreation usages.
- Athletics appears to have similar participation rates as other sports, but a synthetic athletic track is discarded out of hand due to the population triggers obtained from Parks & Leisure Australia which is based in Western Australia.
- Concerns raised that projected local demand for various sporting codes appears unrealistic with some codes having a forecast increase of 3,500%.
- CRFS has minimal focus on recreation activities like rock climbing and mountain biking
  - Manager Assets clarified that these items will be considered in the future Natural Areas Recreation Strategy – as per 21 June Council resolution.
- Greater focus should be had on providing active transport connections, especially between Mittagong and Bowral.
- Concerns were raised over lack of quantitative process for consideration of feedback received during public exhibition period.
- To enable the wider community to read & provide feedback on the CRFS, a concise summary of the document should be prepared and information session(s) held.

Priority Projects

Panel members each wrote comments and/or ideas under the various points of the three priority projects identified by the CRFS (Destination Playspace, Regional Aquatic Facility & Indoor Recreation Facility). A 'dotmocracy' was then completed for each Priority Project, where Panel members were able to use sticky dots to select what comment/idea they deemed as most important.

The following comments/ideas were deemed as highest importance:

- *Destination Playspace*
  - Co-locate the destination playspace with the new Regional Aquatic Centre
  - Needs to be close to food and coffee facilities
- *Regional Aquatic Facility*
  - Regional Aquatic Facility should accommodate indoor & outdoor pool, as well as other activities (like water polo, diving and water slides/play area).
  - Efforts should be made to further activate Bundanoon Pool as opposed to being considered for decommission.
- *Indoor Sporting Facility*
  - Delivery of the Lackey Park Regional Sporting Hub
  - Co-location of the Indoor Sporting Facility with Regional Aquatic Centre and Destination Playspace.

	<p><u>Shirewide Strategic Actions</u></p> <p>The CRFS identifies 10 shirewide strategic actions, a ‘dotmocracy’ was again utilized to determine the 3 actions deemed of highest importance to the Panel.</p> <p>The Shirewide Strategic Actions deemed of highest priority were:</p> <ol style="list-style-type: none"><li>1. Investigate opportunities to increase walking and cycling participation across the Shire through both progression of cycle/footpath programs as well as promotion of existing trails.</li><li>2. Continue to support the performing arts by:<ol style="list-style-type: none"><li>2.1. Prioritising the reopening and reactivation of the Mittagong Playhouse, and</li><li>2.2. Seeking funding to complete a feasibility study for a purpose built regional performing arts centre within the Shire</li></ol></li><li>3. Promote existing community and recreational facilities and events to the wider visitor economy, including eco and adventure tourism i.e. cycling, trail running, and horse riding</li><li>4. Develop a Cycle Wingecarribee Plan that positions the Shire as the multidisciplinary cycling centrepiece of NSW</li></ol>
	<p><u>Precinct Based Actions</u></p> <p>The CRFS also identifies 42 precinct based actions, of which the Panel was to review and those of highest importance determined. Due to time constraints, this prioritization will instead occur out of session.</p> <p><b>Action Steps</b></p> <ul style="list-style-type: none"><li>• Prepare a concise summary of the actions from the CRFS to share with the wider community.</li><li>• Hold an information session on the CRFS during the public exhibition period.</li></ul>

**10 MEETING CLOSURE**