

MEETING NOTICE

An Ordinary Meeting of Wingecarribee Shire Council will be held in Council Chambers at Wingecarribee Shire Council Civic Centre, 68 Elizabeth Street, Moss Vale on Wednesday 20 September 2023 at 3.30pm.

The Public Forum will commence at 3.00pm, subject to any registered speaker/s to items listed on this Agenda.

At 5.00pm Council will move into Committee of the Whole to provide the opportunity for members of the community to address Council on Item 9.20 Mount Gibraltar Unauthorised Mountain Bike Track – Review of Environmental Factors (REF). Members of the community who wish to speak on Item 9.20 will need to submit a public forum application.

Further information and details on registration process can be found on Council’s website, using the following link:

<https://www.wsc.nsw.gov.au/Council/Connect-with-Council/Forms-and-Applications/public-forum-application-form>

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Our Mission, Our Vision, Our Values

OUR MISSION

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

OUR VISION

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

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

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

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

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

OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

Council Chambers

Recording and Webcasting of Ordinary and Extraordinary Meetings of Council

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

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

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

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

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

The Council Chamber has 24 Hour Video Surveillance.

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 16 August 2023 MN 2023/450 to MN 2023/479 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.

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

9 REPORTS

9.1 2022/23 Draft Financial Statements

Report Author: Damien Jenkins
Deputy Chief Financial Officer

Authoriser: Carmel Foster
Director Corporate Strategy and Resourcing

PURPOSE

This report advises Council that the Draft Financial Statements for the year ended 30 June 2023 have been prepared and are ready for Council to:

- Refer the Draft Financial Statements for the year ended 30 June 2023 for audit in accordance with Section 413(1) of the *Local Government Act 1993*;
- Endorse the preparation of the “Statement by Administrator and Management” in accordance with Section 413(2)(c) of the *Local Government Act 1993*;
- Fix a date for the presentation of the Audit Report to Council and give public notice of the date in accordance with Section 418(1a) and (1b) of *Local Government Act 1993*;
- Council notes the impacts that the Disaster Recovery Funding Arrangements (DRFA) have had on Council’s cash position.

OFFICER’S RECOMMENDATION

THAT:

1. Council refer the Draft Financial Statements for the year ended 30 June 2023 for audit in accordance with Section 413(1) of the *Local Government Act 1993*.
2. The Administrator be authorised to sign the “Statement by Administrator and Management” pursuant to Section 413(2)(c) of the *Local Government Act 1993*, with the General Manager and the Responsible Accounting Officer.
3. Council fixes the date of 15 November 2023 for the audited Financial Statements, together with the auditor’s reports, to be presented to the public in accordance with Section 418(1)(a) and (1)(b) of the *Local Government Act 1993*.
4. Council endorse the temporary release of Internally Restricted Reserves as outlined in the report until funds are received from external agencies.
5. Council endorse the allocation of \$1.439M SRV funding to nominated General Revenue funded projects as outlined in the report.

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 20 SEPTEMBER 2023

REPORT

BACKGROUND

In accordance with Section 413(1) of the *Local Government Act 1993*, Council must prepare financial reports each year, and must refer them to audit as soon as practicable (having regard to the requirements of Section 416(1)) after the end of each year.

In accordance with Section 413(2)(c) of the *Local Government Act 1993*, a statement in the approved form by Council as to its opinion on the Financial Statements must be included.

In accordance with Section 418(1)(a) of the *Local Government Act 1993*, Council must fix a date for the meeting at which it proposes to present its audited Financial Statements, together with the auditor's reports, to the public.

In accordance with Section 418(1)(b) of the *Local Government Act 1993*, Council must give public notice of the date so fixed.

REPORT

Council's Draft Financial Statements for the year ended 30 June 2023 have been prepared and are ready for external audit (Attachment 1). In accordance with Section 413(2) of the *Local Government Act 1993*, Council's Financial Statements include:

- General Purpose Financial Statements
- Special Purpose Financial Statements
- Special Schedules

The Statement by Administrator and Management must be made in accordance with a resolution of Council.

The Draft Financial Statements were presented to the Audit, Risk and Improvement Committee (ARIC) for comment and feedback. An out of session ARIC was held on Monday 11 September 2023 and at this meeting, all feedback and suggested amendments have been incorporated into the presentation of the Draft Financial Statements.

The Financial Statements, together with the auditor's reports, will be presented to the public at the Ordinary Council meeting of 15 November 2023. Public notice of this meeting will be placed on Council's website.

In preparing the draft 2022/23 Financial Statements, the following matters have arisen during the year:

Disaster Recovery Funding Arrangements (DRFA)

Wingecarribee Shire Council experienced significant storm and flooding events between February 2022 and September 2022. These events were declared natural disasters and Councils were able to access funding through the DRFA program through the Reconstruction Authority NSW. Works relating to the natural disasters have been completed and the initial claims eligible under the DRFA were lodged on 30 April 2023. As of 30 June 2023, Council spent \$15.6M (over two financial years) in DRFA works which has initially been funded from Council funds cash due to the nature of the funding arrangement. The nature of the DRFA is that the payment is not made until after the claims are assessed by Reconstruction Authority NSW. A DRFA Contract Asset has been included in Council balance sheet to represent the claim lodged. The nature of this funding arrangement has had a temporary impact on Council's cash position.

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To ensure that Council's unrestricted cash remains positive, the following Internally Restricted Reserves are proposed to be temporarily released:

Internally Restricted Reserve	Amount
Property Development Reserve	\$2.8M
Revolving Energy Fund	\$0.2M
Waste Facilities (General Fund) Reserve	\$3.3M
Plant Reserve	\$3.1M
Financial Assistance Grant	\$6.2M
Capital Projects	\$9.9M
Total	\$25.5M

The reason for temporarily releasing funds from these Internally Restricted Reserves is due to the higher than usual grant debtors and contract assets as at 30 June 2023. Council has expended funds on grant funded projects and is expecting to receive cash funds to replenish its own spent funds in the new financial year. The values of these receivables are as follows:

- Contract Assets – \$17.8M of grant funds not yet received for works completed relating to infrastructure.
- Government grants and subsidies receivables – \$7.7M where grants have been recognised, but funds have not been received.

This is a representation of a timing issue where Council has completed significant works and funds were not yet received as at 30 June 2023. Once the funds are received from the funding body, the funds will be returned to internally restricted reserves accordingly.

No Externally Restricted Reserves will be released as a part of this process.

Working Capital

Council's adopted policy requires an unrestricted working capital balance of \$5M. Council's working capital balance at the March 2023 Quarterly Budget Review was forecast to be \$6.52M as of 30 June 2023.

After finalising Council's draft financial position, the draft working capital balance as of 30 June 2023 is \$4.57M. A large component of the working capital balance reduction from the adopted March 2023 Quarterly Budget Review relates to a combination of reduced compliance related income and higher than forecast expenditure in the Planning Assessment & Regulation branch. The expenditure was incurred to reduce the backlog of Development Assessments and related processing timeframes. The backlog and processing times have reduced and will be monitored in the new financial year.

In reviewing the draft working capital position, several General Revenue funded capital works projects were identified that could be funded by the SRV Reserve. In endorsing the Financial Statements to be released for audit, it is recommended to have the following General Revenue projects funded by SRV Reserve, totalling \$1.439M:

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Parks & Reserves

- Cook St Playground \$65k
- Church Rd Oval Playground \$25k
- Various Parks & Reserves \$338k

Drainage

- Bessimer St Drainage \$39k

Buildings

- Bowral Memorial Hall \$456k
- Bowral Memorial Hall internal finish \$115k

Roads Projects

- Various Local Roads renewal and maintenance projects \$401k

If these projects are funded by SRV Reserve, Council's revised working capital position will be \$6.009M.

COMMUNICATION AND CONSULTATION

Community Engagement

Public notice of the auditor's presentation will be advertised on Council's website.

In accordance with Section 420(1) of the *Local Government Act 1993*, any person may make submissions to Council with respect to the Financial Statements or with respect to the auditor's reports. Submissions must be lodged within 7 days after the date on which the Financial Statements are presented to the public.

Internal Communication and Consultation

The Executive

Audit, Risk and Improvement Advisory Committee

External Communication and Consultation

The Office of Local Government

Audit Office of NSW

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

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

Culture

There are no cultural issues in relation to this report.

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 20 SEPTEMBER 2023

Governance

This report ensures compliance with Section 413, Sections 418(1)(a) and Section 418(1)(b) of the *Local Government Act 1993*.

COUNCIL BUDGET IMPLICATIONS

Council's draft working capital position is \$4.57M, \$0.43M below the adopted benchmark of \$5M. It is recommended to fund \$1.439M of General Revenue projects from SRV funds as outlined in this report.

If this recommendation is endorsed, Council's revised working capital position will be \$6.009M.

RELATED COUNCIL POLICY

Not applicable

CONCLUSION

Referring the Draft Annual Financial Statements for the year ended 30 June 2023 for audit will allow the Audit Office of NSW to commence their audit.

The audited Annual Financial Statements for the year ended 30 June 2023 will be presented to the public at the Ordinary Meeting of Council on 15 November 2023.

ATTACHMENTS UNDER SEPARATE COVER

1. Draft General Purpose Financial Statements 2022-23 [**9.1.1** - 77 pages]
2. Draft Special Schedules 2022-23 [**9.1.2** - 8 pages]
3. Draft Special Purpose Financial Statements 2022-23 [**9.1.3** - 11 pages]

9.2 Sale of Surplus Operational Land

Report Author: Amanda McCullagh
Coordinator Property Services

Authoriser: Salomon Kloppers
Manager Business & Property

PURPOSE

This report provides details of Council owned Operational Land recommended for divestment in accordance with Council's Property Investment Policy and Property Investment Strategy.

OFFICER'S RECOMMENDATION

THAT:

1. Council undertake a 28-day public notification period in relation to the disposal of the following properties:
 - a. 8 Ethridge Street Mittagong (Lot 2 in DP 860768 and Lot 2 Section 43 in DP 1374).
 - b. Wilkinson Street Berrima (Lot 21 in DP 552150).
 - c. 56 Elizabeth Street Moss Vale (Lot 403 in DP 858237 and Lot 44 DP 524623).
 - d. 48 Elizabeth Street Moss Vale (Lot 404 in DP 1050021).

AND THAT if any objections are received in relation to a specific property above, a further report be forwarded to a future Ordinary Meeting of Council for determination regarding that particular property.

2. If there are no objections relating to a specific property during the period of public exhibition:
 - a. The General Manager be delegated authority to select a real estate agent to sell the property and negotiate with prospective purchasers within a ten per cent (10%) range of a valuation in respect of the properties outlined in item 1 above.
 - b. Council affix the Common Seal of Council to the Contracts for Sale for the property outlined in item 1 above **AND THAT** authority be delegated to the General Manager and Administrator/Mayor to execute the Contract for Sale.
 - c. Authority be delegated to the General Manager and Administrator/Mayor to execute on behalf of Council any documents associated with the sale of the property outlined to item 1 above that does not require the Common Seal of Council.
 - d. The net proceeds of sale from the sale of the properties outlined to item 1 above be retained and held to establish Council's Property Investment Portfolio in line with Council's Property Investment Policy and Property Investment Strategy.

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REPORT

BACKGROUND

Council's Property Investment Strategy ("the Strategy") and Property Investment Policy ("the Policy") were adopted by Council on 15 February 2023. The intent was to enable actions to support the growth and diversification of Council's income streams and thereby the ongoing sustainability of its business, and the community service it provides.

A key component of the targeted income diversification is identifying property assets which are either duplicated or have no ongoing key function for Council. These have then been considered for divestment, with the intent that capital generated be re-cycled, into income producing property assets.

Properties acquired for income must meet the investment criteria in the Strategy. Over time, a Property Investment Portfolio will be built, generating ongoing annual income for the above needs.

As part of the Action Plan set by the Strategy, Council officers commenced a review of Council's vacant Operational land. Properties identified were presented to Executive with Executive providing further direction on which identified properties are deemed suitable for divestment, consistent with this purpose.

REPORT

Council officers have reviewed Council's undeveloped Operational land.

Each parcel has been assessed for divestment suitability based on its function, environmental, economic and planning constraints. Many of the parcels that have been assessed will be retained by Council, but those within this report are identified as suitable for divestment.

Information concerning each property proposed for divestment, is outlined below:

1. 8 ETHRIDGE STREET MITTAGONG (LOT 2 IN DP 860768 AND LOT 2 SECTION 43 IN DP 1374)			
Current use:	Vacant land	Land size:	4,092m2 total
Restrictions registered on title:	None affecting sale Operational Land	Zoning:	R3 Medium Density Residential

Comments:



The land is partially vegetated and partially flood affected. The land has no facilities constructed on it and is not used for recreational purposes.

Attachment 1 to this report is an aerial map of the land.

Council has no strategic plans for development or other use of this Operational Land.

It is recommended that both lots be offered for sale together as Lot 2 Section 43 DP 1374 is landlocked without access via Lot 2 DP 860766. Subject to flood affectation, the land may accommodate up to six (6) dwellings, in an established residential area.

Council's pre-sale due diligence will include clarifying the maximum development potential of the land, a review of any environmental issues and a current market appraisal/valuation.



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2. WILKINSON STREET BERRIMA (LOT 21 IN DP 552150)			
Current use:	Vacant land	Land size:	2,060m ²
Restrictions registered on title:	None affecting sale Operational Land	Zoning:	R2 Low Density Residential
Comments:	 <p>This vacant land is noted on Council’s system as a “bushfire shed”. However, the bushfire shed for Berrima is located on Crown land at Apple Street Berrima. An unformed Road reserve adjoins the allotment and would provide access. The lot size meets the minimum requirement of 2,000m².</p> <p>The land has no facilities constructed on it and is not used for recreational purposes. The adjoining unformed road reserve is used as a walkway to link Wingecarribee Street and the Old Hume Highway.</p> <p>Attachment 2 to this report is an aerial map of the land.</p>		

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Council has no strategic plans for development or other use of this Operational Land.

Pre-sale due diligence for this property will include market appraisal/valuation, surveying and site audit (if required), plus a feasibility exercise in respect of access, which is likely able to be provided via a section 138 application over the road reserve.



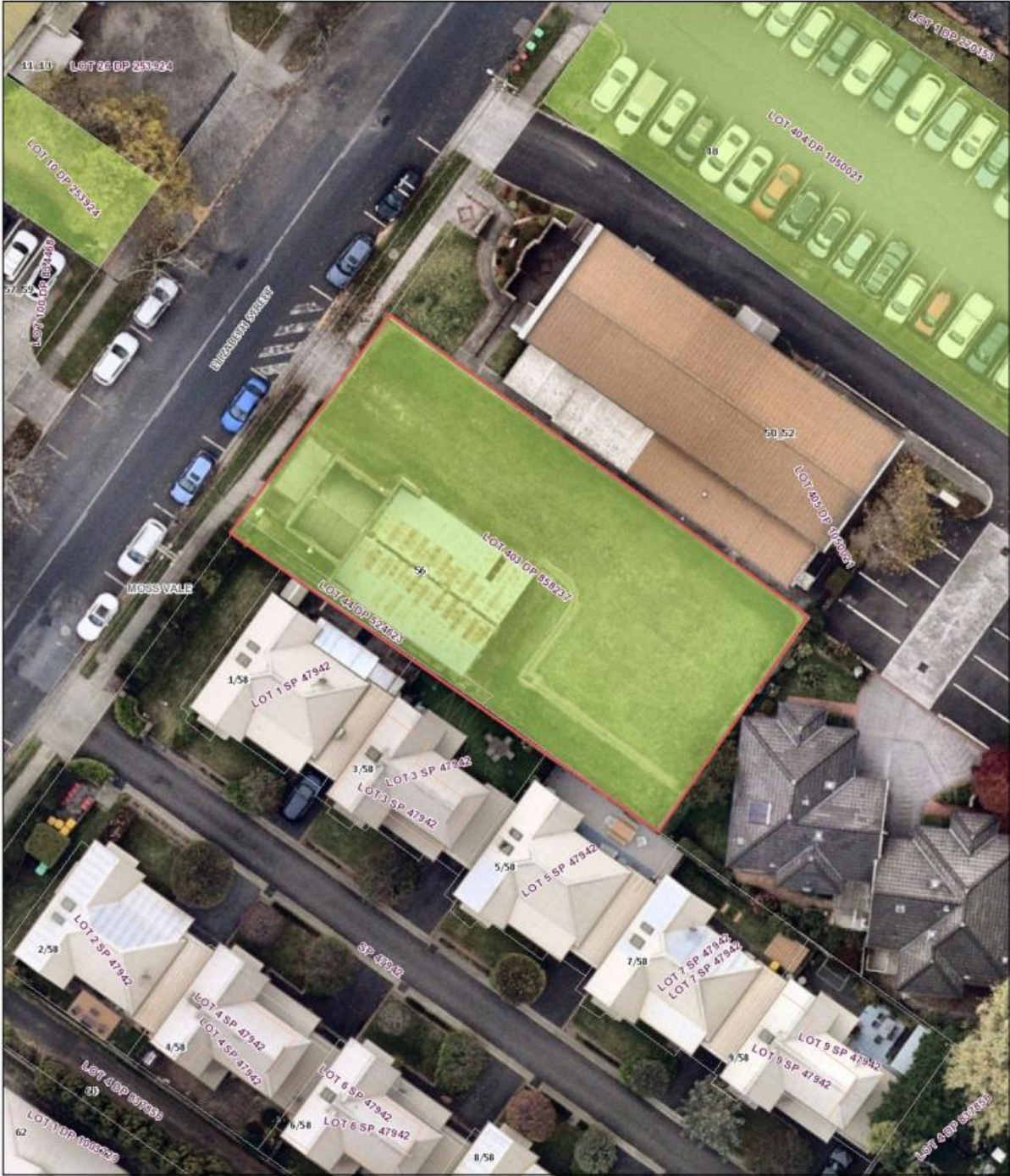


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3. 56 ELIZABETH STREET MOSS VALE (LOT 403 IN DP 858237 AND LOT 44 DP 524623)			
Current use:	Records Repository	Land size:	774.6m2
Restrictions registered on title:	None affecting sale Operational Land	Zoning:	R3 Medium Density Residential
Comments:	 <p>The site is currently used as the records repository. Records would need to be relocated to provide vacant possession of the site prior to sale. Recent enquiry has been received from the adjoining land owner to purchase. A valuation was obtained in 2022 which valued the property at \$685,000.</p> <p>The building has been used as part of Council’s operations and has served no public or recreational purpose to the community.</p> <p>Attachment 3 to this report is an aerial map of the land.</p>		

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Pre-sale due diligence for this property will include updated market appraisal/valuation. Whilst adjoining owner interest has been received, for probity purposes, the property would be listed on the open market for sale.



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4. 48 ELIZABETH STREET MOSS VALE (LOT 404 IN DP 1050021)			
Current use:	Carpark	Land size:	1,051m ²
Restrictions registered on title:	None affecting sale Operational Land	Zoning:	R3 Medium Density Residential

Comments:



The site is currently used for carparking, providing circa 40 spaces. There are significant commuter parking facilities on both Clarence and Elizabeth Streets, each within 200 metres of the subject site.

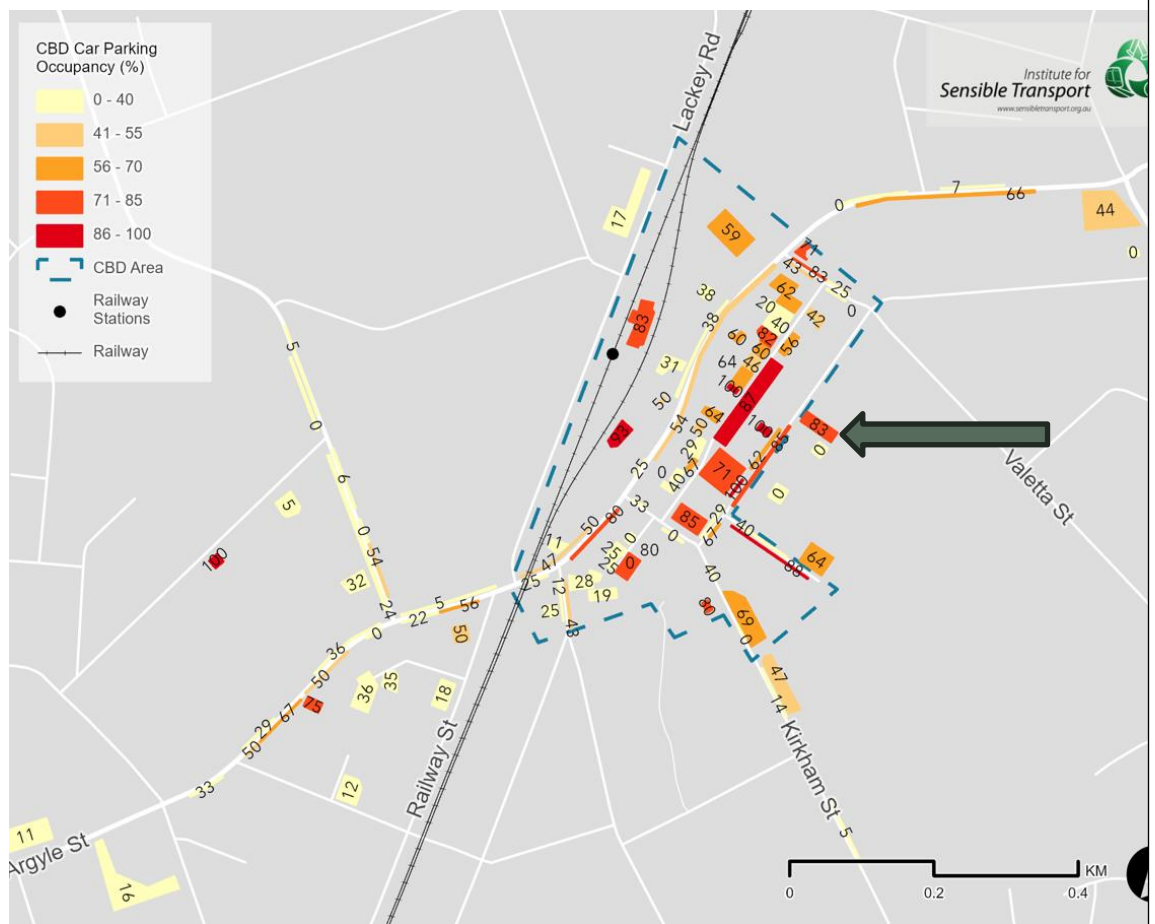
Aerial photography indicates that the area is used for parking during business hours.

Attachment 4 to this report is an aerial map of the land. This attachment outlines the other carparks available on the area, together with the number of spaces available.

A number of parking “types” are supported in the current arrangement as follows:



During 2018, Sensible Transport was contracted by Council to deliver a parking audit in Moss Vale. The following is a visual representation of the findings (the lot in question is marked by an arrow):



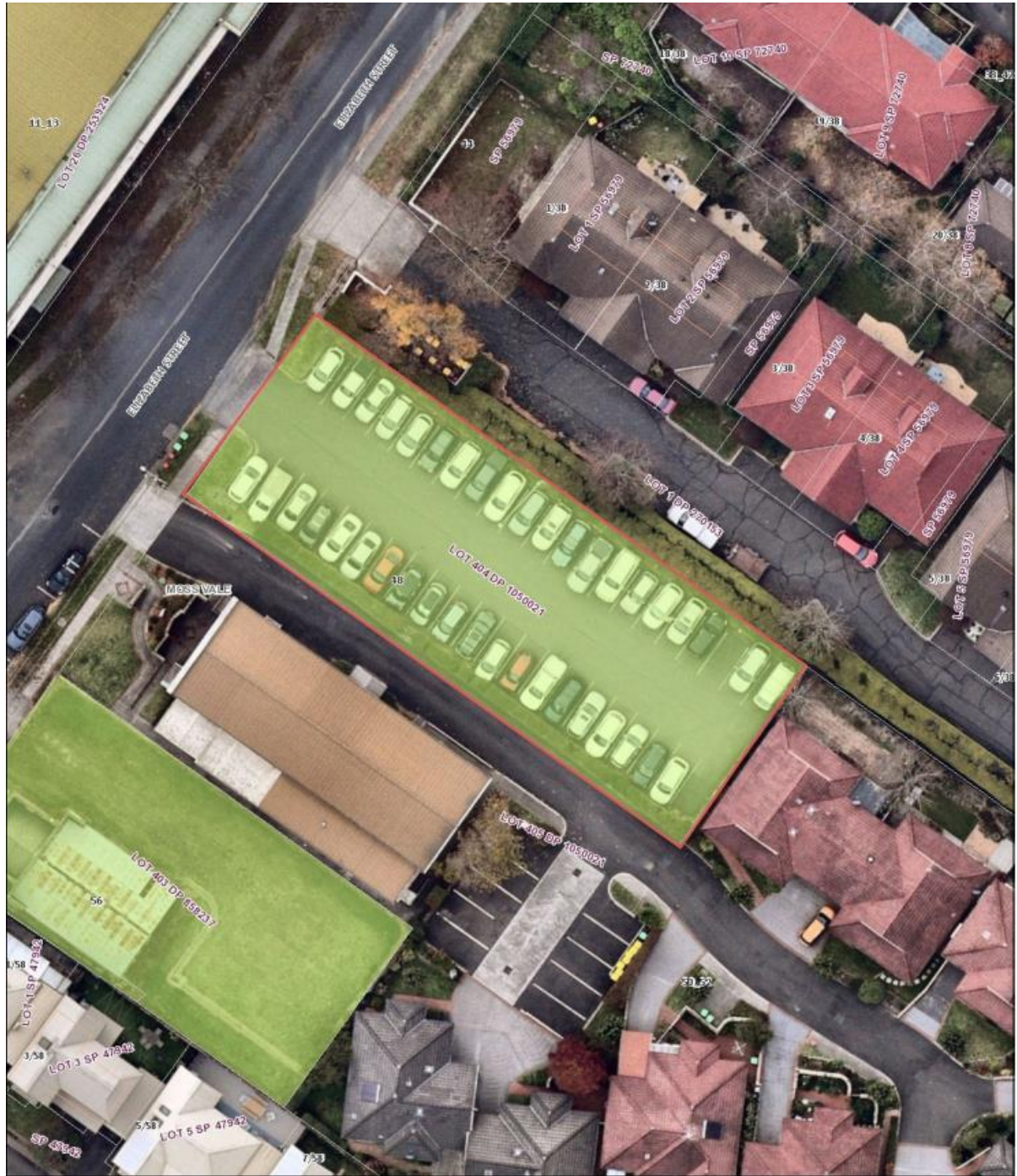
Since this report was prepared a number of other parking options, such as parking utilised by Council staff at the Oval, was delivered.

Whilst much of this parking is time limited, there is also all-day parking available in two other carparks on Elizabeth Street.

The land has potential for multiple residential units, which would suit the location.

Pre-sale due diligence for this property will include market appraisal/valuation and clarification of the maximum development potential of the property, given the zoning and adjoining uses.

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Below is an aerial map of additional carparks within the vicinity of this carpark, outlining the number of spaces available:



In addition to the above carpark, there is also street parking (including all day parking) available on Elizabeth Street and Donkin Avenue, Moss Vale.



Officers acknowledge that the parking provided by this lot provides a valuable (free) service to surrounding businesses in providing additional shop front parking by allowing staff parking on Council Operational Land. However, Officers feel that the land has a significant value and proceeds from sale will be used for a higher and more valuable purpose as part of the aims and strategies set as part of the Property Investment Policy.

NEXT STEPS

It is proposed that:

- Council undertake a 28-day public notification period in relation to the disposal of the properties.
 - If any objections are received in relation to a specific property above, a further report be forwarded to a future Ordinary Meeting of Council for determination regarding that particular property.
 - If there are no objections relating to a specific property during the period of public exhibition, then:
- Council officers actively investigate each property in terms of its market value by obtaining a valuation for each property.
- External reports (if required) be commissioned as part of this exercise.

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- Quotes for agent's commission be obtained from three (3) separate real estate agents operating in the vicinity of each property to assist in establishing the costs associated with the sales.

On completion of this work:

- Real estate agents providing value will be selected and the properties placed on the open market for sale.
- Following sale, the sale proceeds will be transferred to the Investment Property Reserve, with future Council reports to target reinvestment of the proceeds, consistent with Council's Property Investment Policy and Strategy.

In accordance with the information contained in this report, it is recommended that Council authorise the sale of the following properties:

1. 8 Ethridge Street Mittagong (being Lot 2 DP 860768 and Lot 2 Section 43 DP 1374).
2. Vacant land, Wilkinson Street Berrima (being Lot 21 DP 552150).
3. 56 Elizabeth Street Moss Vale (being Lot 403 DP 858237).
4. 48 Elizabeth Street Moss Vale (being Lot 105002).

COMMUNICATION AND CONSULTATION

Community Engagement

The properties proposed for divestment are operational land. Divestment of the properties is in line with Council's Property Investment Strategy and Property Investment Policy which was publicly advertised prior to adoption.

Internal Communication and Consultation

Executive

External Communication and Consultation

Property Consultant

SUSTAINABILITY ASSESSMENT

Environment

Increased revenue will support delivery of the key elements of Council's Community Strategic Plan 2031: Leadership, People, Places, Environment, Economy.

Social

Diversification of income by creation of a property investment portfolio will support Council's financial sustainability for future generations. Investment in property assets that support positive social and environmental outcomes will be targeted. Investment in the Wingecarribee LGA will support positive employment creation.

Broader Economic Implications

Property development is essential for the Wingecarribee Shire. It delivers economic benefits, creates jobs, infrastructure, and community outcomes. Creation of a property investment portfolio

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will provide opportunities for investment within the Wingecarribee LGA where there is opportunity to support the economic diversity of the LGA.

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

Creation of the Property Investment Portfolio is intended to enhance and diversify Council's long term income, thereby having a positive long-term benefit on Council's budget. The net proceeds of sale will be retained and held to establish Council's Property Investment Portfolio in line with Council's Property Investment Policy and Property Investment Strategy.

RELATED COUNCIL POLICY

Property Investment Policy adopted 15 February 2023.

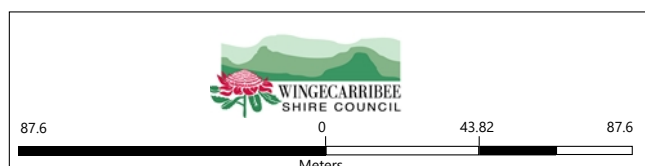
CONCLUSION

To enable establishment of Council's Property Investment Portfolio to ensure long term sustainability and create an alternate revenue stream for Council, it is imperative that a resolution be made to allow Council to commence the required processes so that these assets can be liquidated promptly.

Completion of this process will allow accurate forecasting of likely sales revenue and marketing strategies to be determined. Should Council adopt the recommendations in this report, a competitive quotation process for real estate agents etc would commence, with the intent to progress all sites to market as soon as possible. Market conditions are likely to be reasonable for any planned divestments in the later part of 2023, as currently envisaged.

ATTACHMENTS

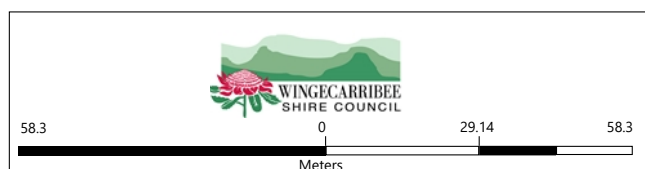
1. Ethridge Street Mittagong [**9.2.1** - 1 page]
2. Wilkinson Street Berrima [**9.2.2** - 1 page]
3. 56 Elizabeth Street Moss Vale [**9.2.3** - 1 page]
4. 45 Elizabeth Street Moss Vale [**9.2.4** - 1 page]



Wingecarribee Shire Council

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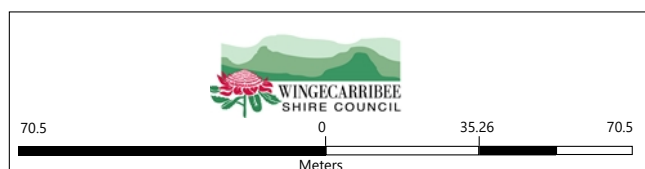


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9.3 Destination Sydney Surrounds South Visitor Servicing Report

Report Author: Salomon Kloppers
Manager Business & Property

Authoriser: Carmel Foster
Director Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to advise Council on the findings of the Visitor Servicing Report commissioned by Destination Sydney Surrounds South (DSSS), utilising Wingecarribee Shire Council as the pilot organisation.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Note the Destination Sydney Surrounds South Futureproofing Visitor Servicing in NSW using Wingecarribee as a pilot Report (the Report)**
- 2. Adopt the following recommendations of the report:**
 - a. Establish a Visitor Economy Advisory Panel (VEAP) to provide industry advice on the visitor economy industry including the Visitor Information Centre and endorse the Terms of Reference as contained in Attachment 3;**
 - b. That the Southern Highlands Visitor Information Centre (VIC) continues to deliver services in the current physical location;**
 - c. That, subject to receiving budgetary allocation (proposed for 2024/25 budget), a refreshed Southern Highlands Destination Strategy 2020-2030 is delivered following consultation with the VEAP and other stakeholders and considers the following details within the Report:**
 - i. Improving *sense of place* for visitors at the Centre by developing its visitor experience to attract more travellers;**
 - ii. Growing the premium local brand merchandising offer and increasing merchandise revenue;**
 - iii. Continuing to explore commercialisation possibilities.**
- 3. Include a request for budget to refresh the Southern Highlands Destination Strategy 2020-2030 Plan as part of the budgetary adjustments to be put to Council during the September Quarterly budget review.**

REPORT

BACKGROUND

Background: Destination Sydney Surrounds South

Destination Sydney Surrounds South (DSSS) is one of seven Destination Networks (DNs) formed as a result of the review by Destination NSW (DNSW) into the effectiveness and structure of regional tourism industry organisations. Destination Networks are 'administration zones' responsible for delivering on the NSW Government Visitor Economy Strategies.

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The key function of DSSS is regional destination management focused on building industry capability, facilitating experience and product development and influencing decisions on important infrastructure and developments that will support the growth of the visitor economy.

DSSS has a lead role in facilitating and coordinating the partnerships required to deliver on the recommendations identified in each of the Strategic Imperative action plans it has developed.

These include helping destinations optimise visitor servicing for the region. Indeed, this is a strategic priority for the state's peak body for tourism, Destination NSW, as well. Properly handled visitor information services can increase spend, lengthen stay and drive dispersal within areas and regions.

Wingecarribee Shire is one of the five LGAs which make up the DSSS footprint. Wingecarribee Shire Council (WSC) manages the Southern Highlands Welcome Centre in Mittagong which provides visitor servicing and retail for local businesses.

Background: Southern Highlands Visitor Information Centre

Council operates the Southern Highlands Visitor Information Centre (VIC) located in Mittagong. The VIC is an accredited centre. "Accreditation" sets the benchmark of industry standards for Accredited Visitor Information Centres (AVICs) in the execution of their services and strives to continually improve and innovate in the delivery of visitor information services for domestic and international visitors travelling throughout NSW.

Accreditation allows the VIC amongst others to:

- Display the recognition signage – yellow cursive 'i' on blue background;
- Access industry support from contracted AVIC Program Manager;
- Be listed as an AVIC on Destination New South Wales Get Connected Program;
- Access specific training for staff;
- Be included on the DNSW and Hema Maps; and
- Be able to install NSW Main Road directional signage to the VIC.



To achieve and maintain accreditation, visitor centre's needs, amongst other things, to:

- Ensure that staffing includes permanent staff with relevant qualifications;
- Collect and provide specific visitor statistics monthly to AVIC;
- Participate in an annual audit with AVIC;
- Meet requirements in terms of operational protocol and procedures;
- Undertake specific industry engagement;
- Meet minimum signage standards;
- Be included on the Australian Tourism Data Warehouse (ATDW);
- Undertake visitation research;

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- Comply with the minimum hours of operation: at least 360 days for year for a minimum of 42 hours per week, including at least 4 hours on both Saturdays and Sundays;
- Offer Services including:
 - Displaying a regional map covering the area within a 2-hour driving radius;
 - Provide current knowledge of our region and neighbouring regions;
 - Maintain information on coming events in our region;
 - Maintain and provide information on attractions, accommodation, dining and other visitor amenities;
 - Provide local, regional and statewide information in response to visitor enquiries.
- Provide a booking service for customers;
- Sell relevant merchandise; and
- Undertake brochure management.

The yellow “i” allows Councils team to access a well-known brand and thereby have a ready audience to market the region to. A number of Government initiatives and bodies also focus on the visitation economy allowing Council to access those networks more readily.

Background: Futureproofing Visitor Servicing in NSW

In early 2022, My Travel Research (MTR) was commissioned to deliver a Visitor Servicing Report (the Report) by Destination Sydney Surrounds South (DSSS). DSSS commissioned the Report using Wingecarribee as a pilot which involved two workshops with industry, staff and community groups. The intention behind the study was to inform visitor economy and tourism policy going forward across the broader region.

A key purpose of this study was to aid WSC in effectively designing visitor servicing, thus providing a valuable evidence base to drive the next generation of visitor servicing across the DSSS footprint and inform decision-making at the state level.

The Report sought to investigate:

- What is current and emerging good practice in visitor servicing globally?
- To what extent is this thinking contextual i.e. related to specific locations or experiences as opposed to universal? If contextual, what thinking, models and examples are best suited to WSC and the broader DSSS footprint?
- What can be applied more widely to help NSW achieve its goal of being the premier visitor economy in the Asia Pacific by 2030?
- How can existing assets within WSC (the Southern Highlands Visitor Information Centre) and broader DSSS region (the Southern Gateway Centre among others) be used to drive advantage for the LGA and region?
- How do we achieve an outcome for WSC that supports innovation but engages the broader industry and other key stakeholders?
- How do we align physical locations with broader visitor servicing needs?
- How do we ensure that our decisions align with our strategies to 2030 and beyond?
- The above suggests that a key consideration across all these questions will be to understand – what does success look like?

The Report was delivered during March 2023. Council Officers considered the report not only for the recommendations made, but also for guidance as to how the broader findings can inform the future management and possibly business model of DSH.

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The final Report was made publicly available in May 2023 and the findings were presented to industry and stakeholders who attended a briefing and workshop on Wednesday 26 July 2023. Minutes attached in Attachment 2.

REPORT

Recommendations of the Report

The Report was commissioned focussing on the entire New South Wales visitor servicing sector. As a result, the Recommendations of the Report are not solely aimed at WSC. The report contains some suggestions that are not practical for a community of our size or which would require resources in excess to what is available to WSC. However, Council Officers are in support of the main and secondary recommendations. The Report had a single main recommendation to the broader industry which is:

To retain a physical visitor servicing capability, but with a significant restructuring to make it more relevant to 21st century visitor needs.

In support of the above, the Report continues to make the following proposals which are supported:

- Redefine the strategic purpose of the visitor centre;
- Plan for better asset utilisation;
- Greater engagement with stakeholders;
- Greater online and offline integration;
- Greater commercialisation; and
- Review staffing strategies.

Proposed Destination Southern Highlands Actions

After considering the recommendations of the report and taking on board stakeholder feedback from the consultations undertaken in July and August, the following work streams are proposed, and may be worked upon concurrently.

1. The Visitor Information Centre (VIC) remains in its current physical location but continues to develop its visitor experience that will attract more travellers and create greater commercialisation.

The aim is to work collaboratively with the various parts/sectors of the visitor economy industry and to explore attractions and experiences at the VIC to create a sense of place with premium local brand merchandising.

This work will follow the adoption of a refreshed Southern Highlands Destination Strategy 2020-2030 and the Business Strategic Plans to set structures, budgets and deadlines around, but it is felt that the VEAP could make a valuable contribution to shape the development of the revised strategy and make recommendations regarding budget. This work will also inform the contents of the Business Plan.

There are elements that could be included for budgetary consideration (funding to be sought from general revenue) without awaiting the adoption of the business plan. One such project may be to relocate the entry of toilets to within the building. Not only would that lead to a better level of service and experience, but it would facilitate additional retail and interaction between staff and travellers. This modest change is expected to significantly increase the number of travellers through the facility.

Funding for this will be requested after consultation with the VEAP at the appropriate time. It is anticipated that the funding source will be General Revenue from additional merchandising sales and event surpluses.

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Gateway Welcome signage may also be investigated once discussed with the VEAP and greater industry.

One of the responses received during the stakeholder consultation noted that the physical presence and the face-to-face services delivered as part of the bricks and mortar presence should be reconsidered. Financial analysis prepared by the Finance Officers notes that should the VIC be closed, a net operational cost of \$152,101 could possibly be saved [this amount includes surpluses from merchandising and booking commissions]. A commensurate reduction in service to visitors and the local tourism industry will however result. Council Officers believe that the monetary cost of providing these services is good value for money.

However, during the consultation with industry, respondents not only supported the provision of a physical location, but 68% of all respondents requested the VIC to increase its “sense of place” as an example. This was in line with the main recommendation of the Report.

2. Establish a Visitor Economy Advisory Panel (VEAP)

A key change in the business model is the establishment of a structured stakeholder consultation framework. Local Governments utilise a number of structures such as Advisory Committees, Reference Groups, Tourism Boards, Development Corporations and more. These structures all reflect the local conditions, maturity and complexity of the environment.

For WSC, it is proposed that a Visitor Economy Advisory Panel (VEAP) be formed. The group can advise Council and the organisation, but not make any decisions. It is proposed that members are endorsed by Council.

The VEAP is proposed to be established with an adopted Terms of Reference (Attachment 4) with DSH performing secretariat duties. The aim of this Panel would be to bring together industry nominated parties from important sectors of the local economy by having the following members:

Sector of the market to be presented by stakeholders from:	Number of participants from that sector
Accommodation sector	2
Attractions/activities	1
Arts and culture	1
Tourism focussed food producers	1
Winery, brewery, distillery or similar sector	2
Tourism related events	1
Restaurant sector	1
Council (Administrator/Mayor, Councillors)	3
Council Officers (Director Corporate Strategy and Resourcing, Coordinator Tourism & Events)	2

Council staff and the DSSS General Manager (currently Shannan Perry-Hall) will attend as appropriate.

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The panel is proposed to meet quarterly with membership ratified by Council and formal minutes to be presented to Council.

In the consultation it was evident in the broad industry consultation that the majority of stakeholders supported a panel made up of persons that have experience in operating successful businesses in various sectors. The intention is that a panel with broad industry experience can advise the branch best. Returns show that those consulted was overwhelmingly eager to see members having successful and current tourism operation experience.

Normally an outflow of the requirement in the Business Plan to ensure consultation, it is proposed to establish this group first. The reasons are:

- There is virtually no cost in establishing the advisory Panel;
- It provides a body that can be included in consultation with regards to the refreshed Southern Highlands Destination Strategy 2020-2030, ensuring that a broad range of stakeholders are included in plans;
- It provides a reference panel for the establishment of the proposed Business Strategic Plan;
- Through reporting to Council via Minutes and KPI's, it will provide Council with an independent source of information as to how the progress of the establishment and delivery of the plans are progressing, in addition to potential important industry, market and community insights.

The VEAP will meet quarterly (supported by industry – see Attachment 4 named “Survey Results”), or more often as a working group on certain projects.

3. Update Tourism Strategy (Southern Highlands Destination Strategy 2030).

The current tourism strategy (Southern Highlands Destination Strategy 2020-2030) (the Strategy) was established during 2018 and adopted during 2020.

New research, including those cited in the Report highlight how many factors have now changed. New technologies, different work roles (in the digital economy) and generational change in expectations of work have led to a changing way that work and leisure are mingled: the rise of “bleisure” travel and digital nomads. Although these trends grew more visible during the COVID-19 pandemic, they were already experiencing strong growth prior to that. Others have changed the way in which users seek to engage with tourism related activities. As a result, it proposed to refresh the Destination Southern Highlands Strategy.

It is anticipated that, with the assistance of not only the VEAP but also the broader industry, the Strategy will inform the Destination Southern Highlands Business Plan, resourcing/work plans and budgets for years to come.

4. Destination Southern Highlands Business Plan

The proposal is to establish a three-year business development path for Destination Southern Highlands with costed plans, programs and measures to contribute to the Southern Highlands Destination Strategy 2020-2030. These will include consultation structures around aims and plans, events, reporting of financial information and actions taken, workforce strategies, site master plans, campaigns, funding, staffing and more.

For clarification, this will result in a medium term workplan for Destination Southern Highlands. This does not replace any Council Strategic Planning, merely sets a guide for the Branch to make business progress against.

This business plan could be delivered in conjunction with the Southern Highlands Destination Strategy 2030, but considering that no such plans exist at present, officers feel that it is advantageous to await the aims and goals that will be included in the Southern Highlands

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Destination Strategy 2030 prior to considering what impact those would have on the organisation that has to deliver those.

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A program of works

Table 1 details the above more succinctly. Considering the above, the following workplan is proposed:

	Workstream 1: Centre to remain open and expand service to experience	Work Stream 2: Engagement	Workstream 3: Regional Tourism Strategy	Workstream 4: Destination Southern Highlands Business Plan *
Aim	expand the visitor service to include visitor experiences that includes opportunities for greater commercialisation	Greater industry and community engagement	Redefine regional tourism strategic purpose and plans	Establish a three-year development path for Destination Southern Highlands with costed plans, programs and measures to contribute to the Southern Highlands Destination Strategy 2020-2030
Project/ action	Explore attraction and experience at the VIC to create a sense of place and premium local brand merchandising	Establish the Visitor Economy Advisory Panel (VEAP)	Update the Southern Highlands Strategy 2020 - 2030	Establish a Business Plan for Destination Southern Highlands
Timeline (depending on resources received from WSC)	Three months after establishing VEAP. Proposals to be generated by and consulted to the VEAP	One month	Six months from receiving funding	6 months from establishment of the Southern Highlands Strategy 2020 – 2030 and funding received
Estimated cost	Proposals may range from cost-less to significant.	Within current budget	\$50,000 budget adjustment in FYE 2024 Budget Review 1. It is anticipated that increased merchandising sales and event surpluses will result in an end of year nil budget impact.	In-house delivery

Table 1

*Strategies are usually longer-term documents. Considering the report recommendations, a “short-step” business plan was proposed to ensure that opportunities currently presenting themselves could be taken advantage of.

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Current resources

Servicing the visitor economy through Destination Southern Highlands currently has the following approved budget for Financial Year Ending 2024:

Item	Net costs that can be attributed to the VIC physical location.			Net Total	Net costs of services that are provided at the VIC that are not connected to the building.*
		Income	Expenses		
Visitor Information Centre cost and expenses incurred as part of servicing walk-in visitors	Net surplus on merchandise sales	\$61,000		\$150,112	
	Booking income	\$89,943			
	Physical building		\$31,239		
	Staffing of walk-in visitor support services		\$269,816**		
Management and organisational overhead cost					\$111,676
Tourism services for industry such as campaigns, collateral creation, brochures etc.					\$281,253
Cost of Events (denoted by brackets to indicate that a net surplus is produced from this function).					(\$57,528)
Subtotal of cost to Council				\$150,112	\$335,403
Total net cost to Council					\$485,515

Table 2

* The Tourism and Events Department, including Destination Southern Highlands operate from the VIC. Should the service no longer be provided as a physical centre a number of costs would remain. The \$335,403 represents tourism services for industry such as campaigns, brochures, website etc., as well as surplus from events.

** Minimum requirements in terms of levels and hours of staffing exist to retain AVIC accreditation. This amount represents the costs of managing and staffing the facility to that standard.

From Table 2, less than a third of expenses are driven by the service having a physical presence. Should the physical location no longer be provided, merchandising, direct booking and other services would no longer be offered.

COMMUNICATION AND CONSULTATION

Community Engagement

The findings, recommendations and resultant proposals were shared with the stakeholders of Destination Southern Highlands and the Visitor Information Centre.

In addition, a stakeholder consultation session was held on Wednesday 26 July 2023 and attended by Suzie Presswell (on behalf of Business Southern Highlands), Brigid Kennedy (Grow Southern Highlands), Randall Walker, Mark Bourne (Key Stakeholders Group), Shannan Perry-Hall (General manager Destination Sydney Surrounds South) as well as the author of the Report, Carolyn Childs.

Minutes of the meeting are attached in Attachment 2.

Subsequent to the above meeting, an industry consultation process was followed. This process saw a survey produced and shared with 1,143 businesses, of which:

- 516 opened the email
- 26 clicked into the email

Two reminders were sent to businesses - the second reminder was emailed as there was a glitch in the online system used to communicate with businesses and because of this the deadline was extended to 9am Wednesday 30 August 2023. The Survey was live from 15 August to 30 August 2023 (15 days).

The Coordinator Tourism & Events, also spoke personally to 16 individual stakeholders, including those who attended the 26 July meeting to invite further feedback.

20 Stakeholders responded to the survey and one email was received. All feedback is compiled in Attachment 4. In addition, two written submissions were received (attached in the table).

Following is a summary of responses to the survey:

VISITOR SERVICING REPORT SURVEY SUMMARY

A detailed list of responses is included in the attachments and following is summary:

1. GREATER INDUSTRY AND COMMUNITY ENGAGEMENT

- 85% Support establishing a Visitor Economy Advisory Panel
- 63% Support quarterly meetings
- 45% Support the VEAP comprising industry sub-sector members (25% Supported skills- based members and 27% commented but did not answer)

2. LEVERAGE OPPORTUNITIES FOR GREATER COMMERCIALISATION AT THE SOUTHERN HIGHLANDS VISITOR INFORMATION CENTRE (VIC)

- 85% Support continuing to explore premium local brand merchandising
- 80% Support exploring a product range such as "Taste of the Southern Highlands"

3. TRANSITION FOR VISITOR SERVICE TO VISITOR EXPERIENCE AT THE VIC

- 50% Support the VIC to becoming more of a 'visitor experience' rather than a 'visitor service' (30% said no and 20% commented but did not answer)
- 68% Supported exploring attractions/experiences at the VIC to create a 'sense of place'

4. REDEFINE STRATEGIC PURPOSE

- 70% Supported redeveloping the tourism component of the Destination Strategy
- 80% Supported reducing the length of tourism strategy from 10 to 3 years

5. ONCE READING THE DRAFT TERMS OF REFERENCE FOR THE VEAP

- 63% Supported an Industry Sub-Sector model

The complete survey results are attached to this report.

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Internal Communication and Consultation

The Report was widely circulated to Council staff.

External Communication and Consultation

The report focusses on a specific part of the business fraternity and tourism sectors. Members of those and their representatives were consulted with. This report carries details of those consulted with.

A stakeholder consultation session was held on Wednesday 26 July 2023 and attended by Suzie Presswell (on behalf of Business Southern Highlands), Brigid Kennedy (Grow Southern Highlands), Randall Walker and Mark Bourne (Key Stakeholders Group).

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

It is important that Destination Southern Highlands and the Visitor Information Centre focus on what is needed to meet WSC's organisational goals. It is believed that the introduction of an advisory Panel would facilitate the interaction, collaboration and information sharing not only between Council and the industry, but also between the industry members themselves. As a result, it is believed that the economic benefits may be substantial.

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

A number of future budgetary implications would result as Officers implement the workplan stemming from the recommendations of the Report. These are un costed at present however increasing revenue from merchandising and event activities will reduce any negative financial impact. These would include:

Workstream 1: Centre to remain open and expand service to experience

The future budgetary cost will vary depending on the measured proposed to Council and adopted subsequently in consultation with the VEAP.

Work Stream 2: Engagement – establishing a VEAP

Establishing the VEAP does not cause budgetary or financial liabilities on Council.

Workstream 3: Southern Highlands Destination Strategy 2020-2030

Officers estimate that this work will not cost more than \$50,000.

Workstream 4: Destination Southern Highlands Business Unit Strategy

Officers are confident that this work may be delivered in-house, with a modest amount of external support.

RELATED COUNCIL POLICY

There are no impacted Council Policies.

CONCLUSION

This report notes the Destination Sydney Surrounds South Futureproofing Visitor Servicing in NSW using Wingecarribee as a pilot Report and its main recommendations. The report also notes direct and indirect consultation with industry leading to the following conclusions:

- The Southern Highlands Visitor Information Centre, at Mittagong, remains open and continues to service the industry and visitors.
- That the VIC investigate:
 - Improving *sense of place* for visitors at the Centre by developing its visitor experience to attract more travellers;
 - Growing the premium local brand merchandising offer and increasing merchandise revenue;
 - Continuing to explore commercialisation possibilities.
- A Visitor Economy Advisory Panel be created to consider and advise Wingecarribee Shire Council on plans and measures to deliver outcomes for the local industry.
- A refreshed Southern Highlands Destination Strategy 2020-2030 be established to guide program delivery along with Destination Southern Highlands Business Unit Plan to ensure delivery.

Significant stakeholder engagement and consultation was conducted during the creation of the independent report, as well as subsequent to its release.

Officers are proposing a workplan derived in consultation with stakeholders. This workplan will be the focus of future budgetary requirements detailing funding sources. Each of the elements of the workplan will be recommended to be adopted at that time.

ATTACHMENTS UNDER SEPARATE COVER

1. Visitor Servicing Report DSSS WSC May 2023 [**9.3.1** - 67 pages]
2. Visitor Servicing Report Survey Responses [**9.3.2** - 33 pages]
3. Minutes Visitor Servicing Meeting 26 07 2023 [**9.3.3** - 9 pages]
4. WSC Terms of Reference for VEAP [**9.3.4** - 8 pages]

9.4 Draft Customer Experience Charter and Standards for Public Exhibition

Report Author: George Harb
Chief Information Officer

Authoriser: Carmel Foster
Director Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to formally present and seek Council's endorsement of the Draft Customer Experience Standards and Charter for it to be placed on exhibition.

By endorsing the draft Customer Experience Standards and Charter, Council establishes clear levels of service and quality-of-service delivery. Council is committed to providing a consistently positive customer experience to our valued community members and aligning our processes with the highest standards of customer service excellence.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Endorse the Draft Customer Experience Standards and Charter for Public Exhibition.**
- 2. Continue to maintain active participation in the National Local Government Customer Service Network Inc. This involvement provides valuable opportunities for benchmarking and peer learning, facilitating continuous improvement and the necessary adjustments to enhance our customer service standards.**
- 3. Place the Draft Customer Experience Standards and Charter on Public Exhibition for 28 days and should submissions be received bring a further report back to Council.**

REPORT

BACKGROUND

In recent years, there has been a significant shift in the way local government entities are perceived by their communities. Evolving community expectations, coupled with the demand for enhanced customer experiences, requires Council to proactively approach the changing customer needs and expectations.

REPORT

To meet these changing expectations and ensure transparent and efficient governance, Council recognised the need for Customer Experience Standards and a Charter. The Draft Customer Experience Standards and Charter not only align with our strategic goals and Council's objectives in the WSC Roadmap but also enables benchmarking against good practices to continuously improve our customer service processes. Furthermore, staff engagement is crucial in this journey, as we aim to create a culture that is customer-centric and committed to providing exceptional service. By endorsing the Draft Customer Experience Standards and Charter, we take a significant step toward meeting our community's evolving expectations, fostering transparency, and reinforcing our dedication to exceptional customer service and efficient operations.

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The development and implementation of the Draft Customer Experience Standards and a Charter are essential steps for our Council in response to several critical factors and imperatives:

- **Community Expectations**
- **Enhancing Customer Experiences**
- **Benchmarking with Best Practices**
- **Alignment with Strategic Goals**
- **Continuous Improvement**
- **Transparent and Accountable Governance**
- **Staff Engagement**

The need for Customer Experience Standards and a Charter arises from the evolving landscape of community expectations, the Council's commitment to exceptional service delivery, the desire to benchmark against best practices, and the alignment with Council's strategic objectives. These Standards and Charter will serve as guiding principles to ensure that the Council's operations remain responsive, efficient, and dedicated to meeting the needs of the community it serves.

Additionally, it is recommended that Council continues to maintain its active participation in the National Local Government Customer Service Network Inc. This involvement provides valuable opportunities for benchmarking and peer learning, facilitating continuous improvement and the necessary adjustments to enhance our customer service standards.

COMMUNICATION AND CONSULTATION

Community Engagement

Council will implement a regular review process. This process should involve actively gathering feedback from the community through online platforms like "Have Your Say" and during various community engagement events. Additionally, continuous engagement with staff should be maintained to assess the overall impact and effectiveness of the Draft Standards and Charter in improving the customer experience.

Internal Communication and Consultation

Internal communications regarding the development and implementation of the Draft Customer Experience Standards and a Charter were conducted collaboratively with Council's management and executive teams. While extensive workshops were not held, targeted briefings and information sessions ensured that key stakeholders were well-informed and engaged.

Council's leadership was actively involved in discussions, providing valuable insights and feedback during the development phase. Their support and endorsement underscored the significance of these initiatives in aligning with community expectations and enhancing the overall customer experience.

Through this collaborative and focused approach to internal communications, Council's management and executive teams played a pivotal role in driving the successful development, endorsement, and integration of the Draft Customer Experience Standards and a Charter within our organization. Their engagement has been instrumental in promoting a customer-centric culture, benefiting both our community and staff.

External Communication and Consultation

The Draft Customer Service Charter and Standards will be placed on Public Exhibition for a period of 28 days.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

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Social

The primary focus of the Draft Customer Experience Standards and a Charter is to enhance the quality-of-service delivery. By setting clear standards and expectations, Council ensures that services are delivered efficiently, effectively, and with an elevated level of quality.

Broader Economic Implications

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

Culture

There are no cultural issues in relation to this report.

Governance

There are no Governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no Budget Implications in relation to this report.

RELATED COUNCIL POLICY

Nil

CONCLUSION

The development and implementation of the Draft Customer Experience Standards and a Charter aligns with Council's strategic goals, supporting community engagement, efficient service delivery, and transparent governance. These initiatives serve as guiding principles that empower our staff to deliver exceptional customer service and creates a culture where customer-centricity is at the core of our operations.

The Draft Customer Experience Standards and Charter provide the structured framework to enable Council to excel in delivering exceptional customer service, meeting community expectations, and fostering a culture of continuous improvement. By endorsing the Draft Customer Experience Standards and Charter it supports Council's objectives in achieving our customer-centric objectives.

ATTACHMENTS

1. Draft Wingecarribee Shire Council Customer Experience Charter 2023 [**9.4.1** - 2 pages]
2. Draft Wingecarribee Shire Council Experience Standards 2023 [**9.4.2** - 2 pages]

Customer Experience Charter







Wingecarribee Shire Council (Council) strives to provide a positive experience to Customers at every opportunity.

Council is committed to delivering programs and services with a strong customer experience focus. Our staff are committed to being open, honest, fair, and accountable in all our dealings with Customers and strive to provide timely, efficient and consistent services.

Our Customer Experience Charter outlines standards we will use to deliver professional, reliable, and consistent customer experiences that meet your expectations.

Our Commitment to you

You can expect that we will

 <p>Tailor our response to your needs and provide you with the information you require</p>	 <p>Do what we say we will do and update you if we are unable to meet our commitments</p>	 <p>Actively measure and monitor our performance against the Customer Experience Standards</p>
 <p>Treat you with respect, integrity and honesty</p>	 <p>Provide consistent and clear information across our communication channels</p>	 <p>Actively pursue continuous improvement and understand the needs of our customers now and into the future</p>


Our people will

 <p>Greet you in a friendly way and identify ourselves</p>	 <p>Be open and transparent about our processes</p>	 <p>Communicate clearly and in plain language</p>	 <p>Be experienced and knowledgeable</p>
 <p>Treat every customer equally and sensitively</p>	 <p>Focus on helping you find solutions to your needs</p>	 <p>Take responsibility for answering your enquiry</p>	 <p>Have systems in place to protect your confidential information</p>

Customer Experience Standards

Our Service We Will	Our Standard
Answer your telephone call to the Customer Service Contact Centre	80% of the time within 180 seconds
Return your call	1 working day
Acknowledge receipt of your email	1 working day
Respond to your letter or email	10 working days
Acknowledge all Customer Service Requests	5 working days
Provide an update or notify of completion of Customer Service Requests	15 working days
Greet you at the Customer Service Counter	Within five minutes on average


If you use our digital services, you can expect




To contact us when and where it is convenient for you



The website to be easy to use, with clear navigation and content so you can find what you need quickly



That you can access our online services at anytime



That if you sign up to receive our information you always have the option to unsubscribe

To allow us to help, we expect you will



Treat us with mutual respect and behave in a courteous matter



Provide us with information that is timely, accurate and complete



Work with us to solve and reach problems



Contact us if you believe we have made an error or acted inappropriately




Provide us with honest, constructive feedback on our service

Feedback


Feedback includes compliments, complaints, suggestions or any information about our program delivery, services or performance.

Feedback and complaints can be made through or our online feedback form, by phone, in writing, by email or in person.


Whilst most problems can be resolved quickly, there are times when detailed investigation is required. We will keep you informed of the progress if this is the case. If you are still dissatisfied with the response you have received, you may ask for a review of our handling of the matter. The review process will determine if we acted according to our policies and guidelines.




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Civic Centre,
68 Elizabeth Street,
Moss Vale, Nsw 2577



mail@wsc.nsw.gov.au



02 4868 0888



Service Standards



General (red) waste bin - Weekly (optional fortnightly service available)
 Garden organics (green) waste bin - fortnightly
 Recycling (yellow) waste bin - fortnightly
 Missed general waste service - next business day
 Missed green waste service - 3 days
 Missed recycling waste service - 2 days
 Bulky waste collection service - annually



Assessment of development applications (assumes State authority response within 21 days of referral):

- Fast Track Development Type - 50 days
- General Development Type – 80 days
- Major Development Type - 150 days



Planning Certificate - 5 days
 Rates (603) Certificate - 5 days
 Complying Development Certificate - 20 days
 Construction Certificate - 20 days
 Drainage Diagram - 5 days
 Fire Safety Certificate - 10 days
 Outstanding Notices and Orders - 10 days
 Swimming Pool Compliance Certificate - 10 days



Process your pension rebate - 10 days



Pothole repair (>50mm deep) - maintained under a standard schedule that may change due to weather and other factors.
 Replacement street sign - 20 days
 Unsealed roads - maintained under a standard schedule that may change due to weather and other factors.



Respond to urgent incidents - 24 hour
 Inspect a street or reserve tree - 20 days
 Application to prune/remove trees on private property - 30 days



Respond to urgent incidents - 24 hours.
 Respond to routine incidents - 3 days
 Contained animal pick-up – 1 day










Respond to urgent incidents - 24 hours



Illegal dumping on Council land - 10 days to investigate, removal timeframe subject to incident



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 Amenities and facilities maintenance	Amenities cleaning (high-use facilities) - daily Monday-Friday, weekends during summer Amenities cleaned reported issues - 2 days Public garbage bins - maintained under a standard schedule that may change due to weather and other factors
 Abandoned vehicles	Respond to urgent incidents - 24 hours Respond to non-urgent – 5 days, timeframe subject to incident
 Parking complaints	Respond to urgent safety incidents - 24 hours Respond to non-urgent safety incidents - 5 days
 Parks and open spaces (subject to weather)	Sports field - maintained under a standard schedule that may change due to weather and other factors. Outer sports field - 7 times a year Community parks - maintained under a standard schedule that may change due to weather and other factors
 Overgrown property	Overgrown private property - 1 week to investigate, timeframe subject to incident
 Environment	Respond to urgent pollution incidents - 24 hours
 Water and sewer	Respond to urgent incidents - 24 hours Respond to non-urgent incident - 5 days

Timeframes are in business days, are subject to change, and can be dependent on factors that are beyond our control, including severe weather incidents, withholding of information and special circumstances.



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Civic Centre,
68 Elizabeth Street,
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mail@wsc.nsw.gov.au



02 4868 0888

9.5 Draft Resource and Waste Strategy for Public Exhibition

Report Author: **Ambre Thompson**
Coordinator Resource Recovery Centre Operations

Authoriser: **Adan Davis**
Director Communities and Place

PURPOSE

The purpose of this report is present to Council an overview of the Resource and Waste Management Strategy and seek endorsement for the draft Resource and Waste Management Strategy to be placed on public exhibition.

OFFICER'S RECOMMENDATION

THAT:

- 1. Council endorse the draft Resource and Waste Management Strategy and it be placed on Public Exhibition for a period of 28 days.**
- 2. A report to Council be prepared for adoption of the Resource and Waste Management Strategy following the conclusion of the Public Exhibition period.**

REPORT

BACKGROUND

The Wingecarribee community generates over 30,000 tonnes of waste materials each year. The population of around 52,000 is spread across numerous population centres. The community has identified the importance of planning initiatives to support waste minimisation and resource management. All members of the community create waste materials and there is a broadly accepted responsibility to value sustainable waste management practices.

The *Resource and Waste Management Strategy (Strategy)* sets a pathway to support environmental and economic sustainability for the community. Council has engaged with the community, considered policy and strategic settings, and reviewed current operations, services, and facilities in developing the Strategy and action plan to guide Council and the community for the next decade.

The *2018 National Waste Policy: Less Waste, More Resources*¹ provides a framework for collective action by businesses, governments, communities, and individuals until 2030. The *2018 National Waste Policy* seeks to embody a shift in thinking towards a circular economy including the need for better resource-efficient systems, products, and services to avoid waste, conserve resources and maximise the value of all materials.

Five overarching principles underpin waste management in a circular economy. These include:

1. avoid waste
2. improve resource recovery
3. increase use of recycled material and build demand and markets for recycled products
4. better manage material flows to benefit human health, the environment, and the economy

¹ National Waste Policy Less Waste, More Resources 2018. Copyright Commonwealth of Australia 2018.

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5. improve information to support innovation, guide investment and enable informed consumer decisions.

The *NSW Waste and Sustainable Materials Strategy 2041*² set broad directions for NSW waste management. Relevant strategic directions include that households be provided with a food and garden organics diversion system by 2030. Targets have been adopted in the *NSW Strategy*, as set out in the *National Waste Policy Action Plan*. The NSW Strategy relies on local councils contributing to meeting these targets.

The key result areas and aims for the *NSW Strategy* remain:

1. increase recycling rates³ to
 - 70% for municipal solid waste
 - 70% for commercial and industrial waste
 - 80% for construction and demolition waste
2. increase waste diverted from landfill to 75%.

Council's *Wingecarribee 2041 Community Strategic Plan* includes ideas specific to waste management, including for the community to:

- a. work collaboratively to reduce pollution and its impact in the environment.
- b. develop partnerships and implement education programs that enable people to live sustainably.
- c. minimise waste through education, promotion of alternatives and prosecute illegal dumpers.
- d. maximise recovery of resources from the waste stream.
- e. support circular economy initiatives.
- f. collaborate to reduce carbon emissions.

Council has also adopted a *Council Emissions Reduction Plan*⁴ which recognises that landfilling contributes to the production of greenhouse gases; and notes the opportunities to recycle and repurpose waste.

Wingecarribee Shire Council undertook significant community engagement in the development of this *Strategy*. The community provided invaluable feedback and aspirations through online surveys⁵ and workshops⁶. Many aspects of Council's waste management services and operations were identified for comments, suggestions, and review. Engagement with the community is particularly important when Council is reviewing current services.

The results of the various engagements undertaken have identified the following strategic objectives nominated by residents:

1. divert more waste from landfill
2. find solutions for managing waste plastics
3. increase opportunities for a broader range of materials to be recycled
4. actively work to reduce waste generation
5. recover food waste for composting and re-use

MUNICIPAL WASTE MANAGEMENT

Households across the Wingecarribee area are responsible for a significant proportion of Council's waste to be managed. Council provides kerbside collection services for garbage, recycling, and garden organics. Material managed by Council at the Moss Vale Resource Recovery Centre also needs to be considered in

² NSW Waste and Sustainable Materials Strategy 2041. Stage 1: 2021 – 2027. NSW Dept of Planning, Industry and Environment. June 2021

³ from a 2010–11 baseline (Municipal 52%, C&I 57% and C&D 75%)

⁴ This policy was in draft at the time of issue.

⁵ Bulky waste survey. Your say Wingecarribee June 2022 (1,204 engaged participants). Waste Management Strategy January 2023 (331 engaged participants). Resource Recovery Centre Your Say Wingecarribee June 2022 (139 participants).

⁶ Community workshops conducted in Renwick and Moss Vale February 2023.

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overall waste generation totals. *Table 1* below provides a snapshot of the materials being generated by the community, together with overall resource recovery performance for the community.

Households – Kerbside	Wingecarribee households	NSW comparison
Mixed Waste	8,344 tonnes p.a. or 8.2 kg/HH/week	11.63 kg/HH/week
Recyclables	4,544 tonnes p.a. or 4.5 kg/HH/week	3.82 kg/HH/week
Organics	6,840 tonnes p.a. or 7.1 kg/HH/week	5.65 kg/HH/week
Households generation	19,728 tonnes	-

Table 1- Municipal Waste comparison data

The diversion of waste from land fill has undergone positive increases in recent years to 54% 2022/23 and compares very favourably to the NSW average of 46%⁷. Continued efforts and focused waste initiatives are required to bridge the gap to meet the targets adopted in the NSW Waste and Sustainable Materials Strategy to increase waste diverted from landfill to 75%.



Figure 1- Waste diversion performance

The Wingecarribee community is tracking comparatively well, however, focussed efforts will be needed to ensure waste is minimised and resources are captured through the waste management systems. Household waste generation compares favourably across each mixed waste, recycling and organics collected. The additional waste materials delivered to the Resource Recovery Centre need to be managed to increase the overall waste diversion rate.

DEVELOPMENT OF THE RESOURCE AND WASTE MANAGEMENT STRATEGY

In developing this *Resource and Waste Management Strategy*, Council has considered the existing settings governing waste management and reviewed how the community has performed. Extensive background information has been reviewed, together with consultation and planning to identify and concentrate the importance of key areas to be addressed.

The *Resource and Waste Management Strategy* has been developed in response to:

- the policy, legislative and regulatory context
- Council’s existing relevant plans
- the results of community consultation to guide the *Strategy* drafting
- Council’s existing waste management data and a review of waste material composition
- Relevant market research and analysis

The existing services and related resource recovery performance, within this context, is the backdrop that leads into this new strategic outlook. The new direction for Wingecarribee is answered through the

⁷. NSW Local Government Waste and Resource Recovery Data Report 2020-21. June 2022

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identification of how the community will decide to act next. Directions for Wingecarribee's resource and waste management have been garnered from considering obligations, opportunities and needs. Key *Strategy* directions have been developed to ensure the community's views can be addressed, within existing or reasonable resources.

Council's strategic direction is designed to create opportunities within the constraints of a broad range of obligations. These obligations include:

1. management of residential waste, including the kerbside collections; and the processing/disposal of the collected waste (for garbage, recycling, organics and bulky clean-up waste);
2. influencing commercial waste generators to improve resource recovery;
3. ensure Council's own generated waste is suitably managed;
4. management of Council's waste management assets;
5. target building and construction waste generators and provide improved opportunities to recovery resources;
6. understanding regulatory obligations and ensure compliance responsibilities are addressed in accordance with timing requirements;
7. providing suitable community communications and education;
8. participate in, and respond to, adopted regional strategies;
9. adequately plan and resource the agreed programs and waste management actions.

Council has determined strategic directions. The strategic directions provide opportunities for improved waste management, such as, targeting waste materials for recovery. Each *Strategy* direction then allows for management objectives.

The following *Resource and Waste Management Strategy* directions were established:



Circular Economy- *Waste management circular economy principles guide communities to become active in pursuing solutions for improved resource management. Keeping materials in circulation rather than creating waste will require a shift in mindset and transitional steps. Once there is a clear understanding of the materials to be managed, the actions for transforming the community to be circular can be designed and followed.*

Resource Recovery- *Resource recovery success depends on not only the collection systems for recycling and recovery of waste materials, but also on the proper use of the systems to minimise levels of contamination. Wingecarribee can improve resource recovery outcomes by capturing all materials where solutions for their reprocessing is available. Optimising the collected materials will improve recovery outcomes.*

Waste Responsibilities- *Waste responsibilities for local councils are wide ranging and increasingly complex. Facility compliance responsibilities, service procurement, budgeting, and community engagement each have multi-faceted demands for Council to plan for and manage. Strategies need to respond to the vast responsibilities to be managed by Council and directions can be set for proper management of the various responsibilities.*

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The *Strategy* directions, together with their related objectives are noted in the following table:

Direction: Circular Economy	Direction: Resource Recovery	Direction: Waste Responsibility
Align with regional, NSW and national strategies including strategies to target waste streams not yet recovered e.g. FOGO, plastics etc	Pursue a staged resource recovery rate/target through adopting the NSW targets – to minimise waste, divert more waste from landfill and improve resource recovery	Address Council's infrastructure and assets requirements, including understanding and managing all compliance responsibilities, for the medium to long term
Promote and reinforce circular strategies, language and change approaches as relevant to WSC's waste materials	Implement systems to capture the widest possible range of materials for recovery	Resource and control costs for value for money outcomes – implement services efficiencies to address other directions
Identify and participate in viable circular economy, avoidance and re-use project initiatives, including utilising the RRC and Southern Highlands Innovation Park (SHIP) to embrace resource recovery and the circular economy	Progress strategies within well-developed communications and education activities that raise awareness and drive behavioural change (including contamination management)	Identify and implement opportunities to manage problem waste management
Implement waste management collection and processing services suitable – through the most appropriate suite of services – to achieve circular outcomes	Seek operational efficiencies and maintain quality controls, to ensure the highest order re-use of materials	Seek opportunities for innovation in the recovery of residual waste as an alternative to landfilling, that are cost effective and environmentally responsible
Support long term investment in circular responses and regional solutions – allowing flexibility to capture new waste materials where a recycling solution can be provided	Develop strategies and work with all stakeholders to influence and support improvements in recovering a broad range of waste materials e.g. construction and demolition waste	Assess and develop new strategic partnerships where opportunities will support Council's other strategic directions
Review and update relevant Council policies to align waste services with circular pursuits	Broaden services to provide opportunities for additional waste materials to be recycled	Participate and contribute to regional strategies – such as, litter reduction efforts and respond to illegally dumped waste challenges

STRATEGY TARGETS

Wingecarribee adopts the targets set in the National Waste Policy and adopted in the NSW Waste and Sustainable Materials Strategy, as applicable. Within the Wingecarribee community, these translate to local targets through local objectives and can be summarised as:

1. reducing total waste generated on a per capita basis by 10% during the life of this *Strategy*
2. implement programs to aim for 80% resource recovery overall by 2030
3. provide organics waste recovery systems, once services are available, to halve organics landfilled
4. identify how to phase out problematic and unnecessary plastics as soon as possible.
5. where possible, promote the use of recycled content to increase local re-use of resources.

Targets will be pursued through local and regional programs. Additional pursuits will also be aligned with broader strategy endeavours such as advocating for suitable waste management infrastructure and joining in regional efforts to combat illegal dumping.

The *Resource & Waste Management Strategy* will be implemented by Council across the identified directions through staged timelines and action plans.

STRATEGY DRIVERS AND DIRECTION

The delivery of this *Strategy* is planned to address the various identified drivers through objectives that comprehensively respond to the strategy directions. Dynamic actions will be the method by which Council and the community join to reach the local targets. *Figure 2* below illustrates the strategy development and directions:

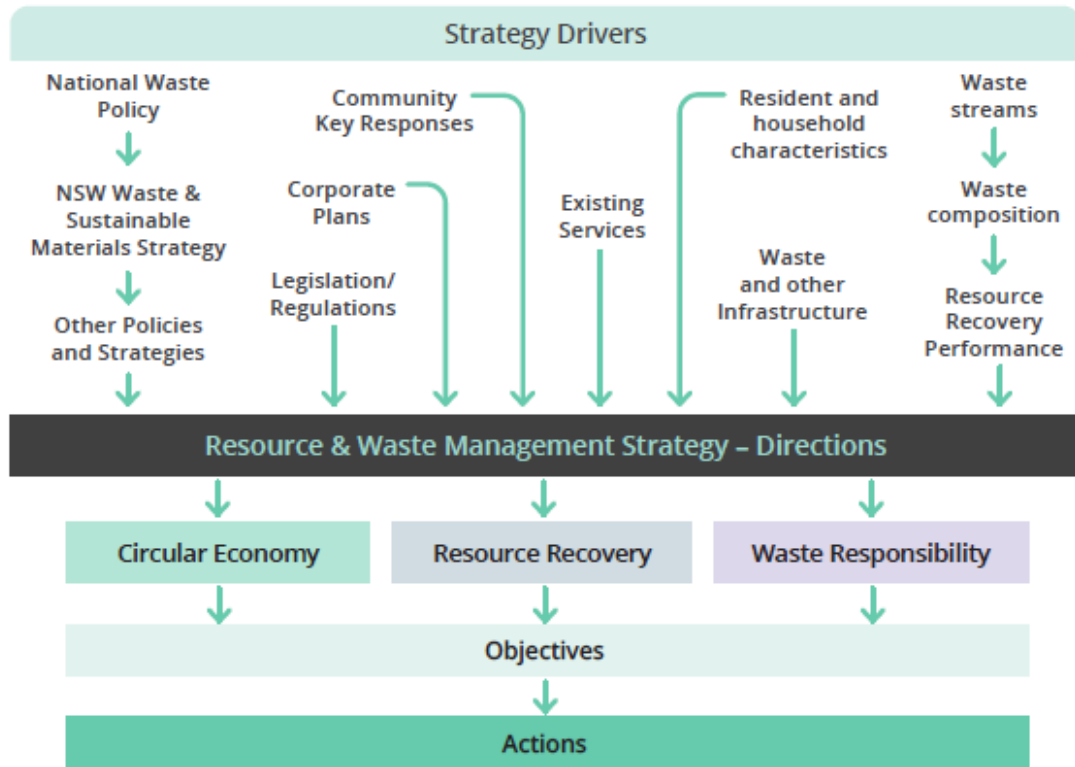


Figure 2- Strategy Development and Directions

STRATEGY DEVELOPMENT

The actions to be undertaken to deliver this *Resource and Waste Management Strategy* are designed to respond to the identified directions, within the resources of the community, for changes over the medium to long term.

Each strategic action will guide Council to implement and achieve the various steps required to improve resource recovery, waste management and services to the community. Details of each strategy direction and the related local characteristics for adopting each are explored further. Finally, the directions of the *Strategy* are sub-categorised to arrange actions and timelines for implementation. Table 3 below summarises the sub-categories from which local actions are developed:

Strategic direction subcategories	
A	Circular Economy direction
A.1	Waste and circular economy
A.2	Circular materials
A.3	Manage new or problem waste
B	Resource Recovery direction
B.1	Capturing resources
B.2	Contamination management
B.3	Influence all waste generators
C	Waste Responsibility direction
C.1	Services
C.2	Facilities
C.3	Continue education and communications
C.4	General compliance and waste management data

ACTION PLAN

The action details 78 key actions and their associated delivery timeframe over the coming 10 years that are critical in delivering against in achievement of the strategy. These Action were required will be incorporated into Councils Long Term Financial Plan (LTFP) for waste services and have been designed to be agile to adopt to the changing legislative and community expectations over the coming 10-year period.

Following the adoption of the waste strategy the Directions and objectives will form the basis of the operational plan and delivery plan for waste services.

Each of the Actions has been assessed based upon the impact on the services, community, and the actions’ ability to influence change.

Action Impact		
Low	Medium	High
16	21	41

The timing of the actions has been assessed based upon the timing of implementation, focused effort and or the realisation of the benefit form the action.

Action Timeframe		
Short (0-3 years)	Medium (3-7 years)	Long (>7 years)
22	48	8

STRATEGY PERFORMANCE

The performance of the strategy will be measure through the following key parameters:

- A. Increase to landfill diversion rate to 80%
- B. reducing total resident waste generated by 10% per person by 2030
- C. Completion of specific Strategy Actions

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- D. Resident satisfaction of waste services, and
- E. Viability of the waste services as determined by the LTFP.

COMMUNICATION AND CONSULTATION

Community Engagement

A key focus throughout the development of the strategy has been the engagement of the community. And the capturing of resident waste needs and expectations for materialisation within the strategy and action plan.

Community residents have contributed to the development through:

- A. Bulky waste survey. Your say Wingecarribee June 2022 (1,204 participants).
- B. Resource Recovery Centre Your Say Wingecarribee June 2022 (139 participants).
- C. Waste Management Strategy January 2023 (331 engaged participants)
- D. Community workshops conducted in Renwick and Moss Vale February 2023 (20 participants).

Internal Communication and Consultation

The financial team have been consulted and performed analysis on the Waste Services Long Term Financial Plan (LTFP) for both the funding of the Strategy and modelling of changes to waste management costs.

SUSTAINABILITY ASSESSMENT

Environment

The Strategy has a direct impact on the aligned objectives within the *Environment and Climate Change Policy* (draft)

Social

The social benefits linked to the strategy are underpinned by the principles of maintenance of service levels, improving customer satisfaction, improved access to waste facilities to residents across the shire.

Broader Economic Implications

The Strategy sends a clear message as for the vision and aspirations for the shire in relation to embracing the circular economy and resource recovery. It places us as an ideal partner for circular economy technology and provides leadership opportunities in the development of the Southern Highlands Innovation Precinct.

Culture

There are no cultural issues in relation to this report.

Governance

The Strategy is to be placed on public exhibition for 28 days prior to a final review and recommendation for adoption by Council.

COUNCIL BUDGET IMPLICATIONS

Financial Services were asked to reforecast the adopted 2023/24 Long-Term Financial Plan (LTFP) of Council's Domestic Waste Management Fund (DWM) to model potential impacts associated with:

- increased waste disposal costs
- increased waste collection costs (anticipated)
- Implementation of the RRC Masterplan,
- Introduction of FOGO
- continuation of the BWCS, and

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- Maintenance of a \$2.5 million balance within the Domestic Waste Management Reserve within the LTFP.

The adopted 2023/24 LTFP has been updated to reforecast the financial capacity of the DWM to incur the increased costs. The reforecast LTFP was developed to minimise the impact on customers by funding the increased costs utilising existing cash reserves and applying a consistent percentage increase in the DWM charge in each year of the LTFP.

A 4.00% increase on top of the adopted LTFP indexation for revenue has been applied to each year of the LTFP.

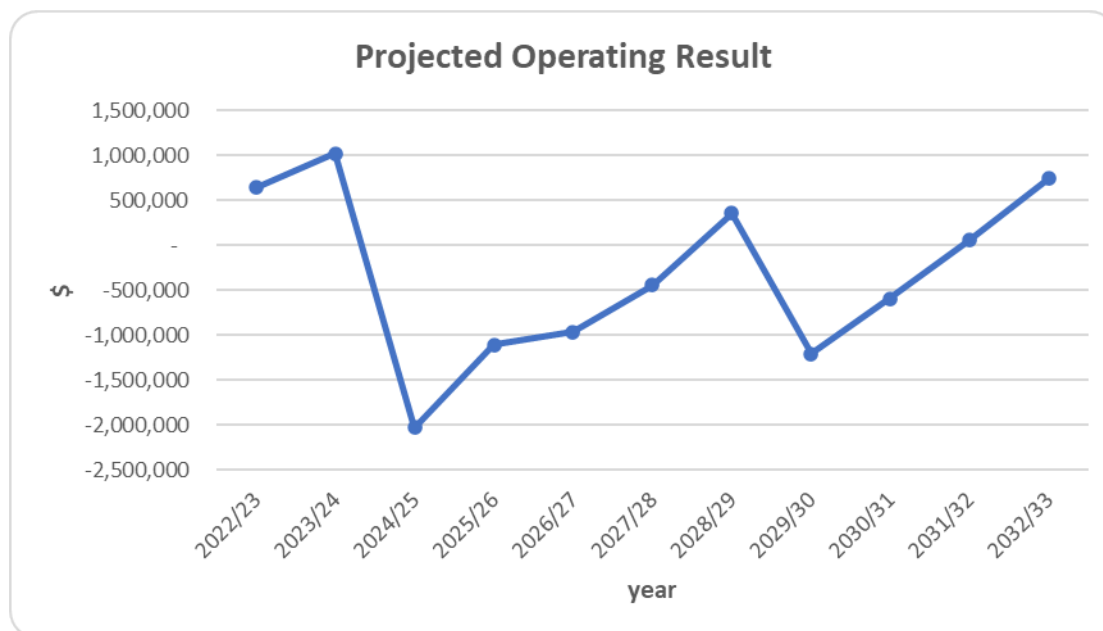
The DWM cash reserve balance is projected to stay above \$2.5 million for the term of the LTFP which is considered adequate.

	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33
Revenue indexation – adopted LTFP	7.30	3.00	2.50	2.50	2.00	2.00	2.00	2.00	2.00	2.00
Further indexation – updated LTFP	0.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00
Total revenue indexation	7.30	7.00	6.50	6.50	6.00	6.00	6.00	6.00	6.00	6.00

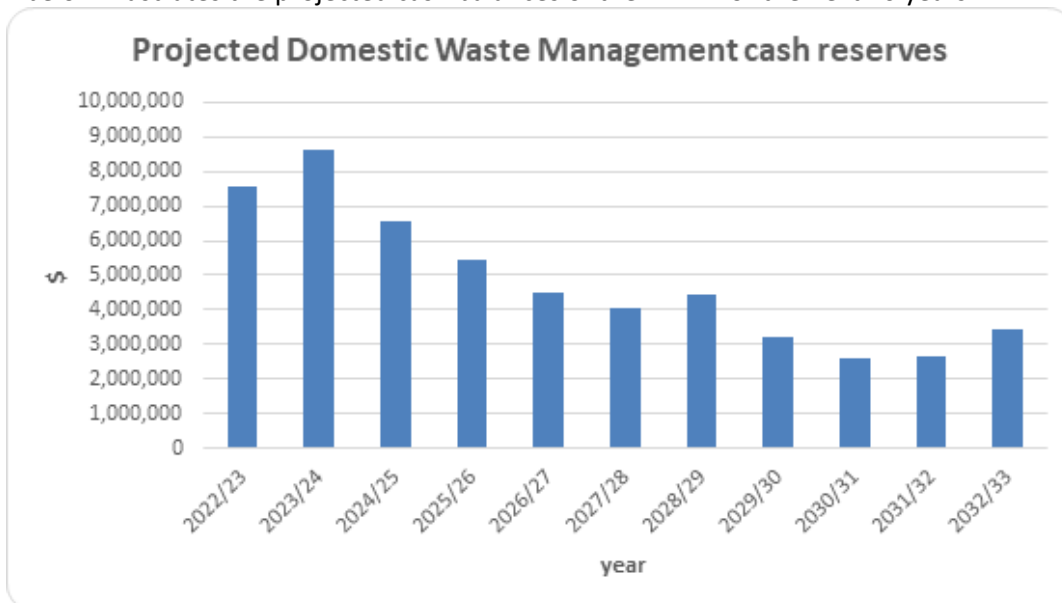
The DWM reserve is healthy with a projected balance of \$7.5 million on 30 June 2023.

This existing cash reserve can be utilised to assist in covering the increased costs of waste disposal and collection rather than having a spike in revenue in year 2024/25. This will mean that the DWM Fund will operate in deficit from 2024/25 to 2030/31 which will reduce the projected reserve balance to \$2.6 million.

From 2031/32 the DWM Fund will start to generate surpluses again and replenish the DWM reserve with a project balance of \$3.4 million at the end of 2032/33. After considering the increased waste disposal/collection costs and increase in revenue, the operating performance of the DWM reports deficits for several years to minimise the financial impact to customers. The operating result returns to sustained surpluses from 2031/32.



The graph below illustrates the projected cash balances of the DWM for the next 10 years.



The modelling of the LTFP does not include any of the potential improvements in operating costs, cost to deliver services that are anticipated to be implemented over the coming 2-3 years or grant funding that may be or become available. The operations benefits will be incorporated from year 5 of the LTFP once the benefits and magnitude of savings have been realised.

RELATED COUNCIL POLICY

Council's *Wingecarribee 2041 Community Strategic Plan* includes ideas specific to waste management, including for the community to:

- a. work collaboratively to reduce pollution and its impact in the environment.
- b. develop partnerships and implement education programs that enable people to live sustainably.
- c. minimise waste through education, promotion of alternatives and prosecute illegal dumpers.
- d. maximise recovery of resources from the waste stream.
- e. support circular economy initiatives.
- f. collaborate ... to reduce carbon emissions.

CONCLUSION

Council has engaged with the community, considered policy and strategic settings, and reviewed current operations, services, and facilities in developing the draft Strategy. The draft Strategy sets the direction for improved waste management and identifies actions that will guide Council and the community for the next decade in creating a more sustainable shire.

ATTACHMENTS UNDER SEPARATE COVER

1. Draft Wingecarribee Waste Strategy At A Glance [9.5.1 - 4 pages]
2. Draft Wingecarribee Waste Strategy and Action Plan [9.5.2 - 49 pages]

9.6 Reuse Shop 'Reviva' Operational Model

Report Author: Ambre Thompson
Coordinator Resource Recovery Centre Operations

Authoriser: Adan Davis
Director Communities and Place

PURPOSE

The purpose of this paper is to advise Council on the current lease status of the Reuse 'Reviva' Centre and provide an overview of the operational models that Council could adopt in the operation of the Reuse 'Reviva' Centre.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Approve the Reuse 'Reviva' functions be insourced into the Waste and Resource Recovery Team in order to achieve the following:**
 - a. An increase in material diversion away from landfill by a significant level.**
 - b. Enhance the financial inflows into Councils operating budget.**
 - c. Enable harmonisation and compliance with NSW Resource Recovery frameworks.**
 - d. Enable increased compliance with the 2019 National Waste Action Plan.**
- 2. Acknowledge the work performed by Resource Recovery Australia over the past 10 years in the operation of the centre and in their efforts to support the reuse of material and the diversion of waste from landfill.**

BACKGROUND

The Resource Recovery Centre Environmental Protection Authority licence requires the diversion of waste from going to landfill.

Through the operations of Reviva Centre Council offers to the community an opportunity for waste product to be removed from the waste stream and recycled and on sold to the community, reducing waste destined to landfill. These items may include furniture both indoor and outdoor, household items, tools and building products and electrical items. This initiative is a key element in meeting the EPA and NSW government target for a 70% diversion from landfill.

The current provider has had a lease over the operations for the past ten (10) years, with the current lease due to expire in March 2024. Council approved the transfer of lease from the current lessee Mission Australia to Resource Recovery Australia (Great Lakes Community Resources incorporated) for the lease of the premises known as 'Reviva Facility', part 205 Berrima Road, Moss Vale in Council meeting 25 November 2015 (MN 649/15).

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The initial five (5) year lease term between Council and the Resource Recovery Australia expired on the 24 March 2018. Clause 25 of the lease provided for an option to enter a further five (5) year lease. Council elected to enact this extension option on 30 November 2017.

At the Ordinary Meeting of Council on Wednesday 20 July 2022, Council resolved (MN 2022/153) for Council to enter into a (1) year lease (terminating in 2024) with Resource Recovery Australia for the occupation of the 'Reviva Centre' located within the Resource Recovery Centre, 205 Berrima Road, Moss Vale.

The current lease term is due to expire on 24 March 2024. The conditions of the lease require Council to give notice of intent no sooner than 12 months prior to expiry date and no later than six months before the expiry date.

There are significant challenges and changes for local government in preparing and transitioning to a new waste paradigm as envisaged by the NSW Government's Waste and Sustainable Materials Strategy 2041 (WaSM) and as a result Council is positioned at a pivotal time in the provision of waste management services within the community. The development of a new waste strategy and key waste management contracts will need to focus on the WaSM and deliver on a 'circular economy' model, which employs not only waste management, but is a model of production and consumption, which is where the reuse centre plays a pivotal part in sharing, reusing, repairing, refurbishing, and recycling existing materials and products as long as possible.

The following table represents the visitor numbers to the Reviva Centre over the previous 3 years and the numbers are returning to pre-covid levels.

Table 1- Reviva visitors

Year	Total	Ave/ day
2020/21	23,514	65.32
2021/22	13,443	37.34
2022/23 (YTD) 31 May	20,526	61.3

1. CONTINUATION OF OUTSOURCED MODEL

Under the current outsourced model, Council has very limited involvement and influence over operations, including integration and alignment with waste projects and initiatives, community involvement or alignment with the draft waste strategy.

The current lease costs for the 'Reviva' facility to Community Resources Ltd produces and annual lease rental of \$15,690.32. This is the only income received from the current outsourced model.

This model reduces the risk for Council as the lessee must run a self-sustaining business that operates within the parameters agreed with Council.

Benefits

- lessee pays fixed lease amount.
- lessee holds all relevant operational insurances.
- lessee competes its workforce planning and can reduce/increase staffing, as required.
- lessee supplies and manages all operational equipment.
- lessee can run and support volunteers, work for the dole and other programs.
- lessee invests in community engagement.
- lessee holds all the risk if income is not achieved.

Risks

- the profit generated remains with the lessee.
- tender process required.

The following alternate operational models have been explored.

2. FEE FOR SERVICE

This model increases the control for Council as a Contractor is appointed to deliver set services.

Benefits

- the revenue generated through the Reviva remains with Council, via direct deposit or reduced monthly fee for service amount.
- set operational days and staffing levels.
- set Key Performance Indicators (KPI's).
- monthly meetings and reporting to Council.
- profit remains with Council if income is greater than fee for service.
- contractor can run and support volunteers, work for the dole and other programs.

Risks

- additional expense if income is less than monthly fee for service.
- no lease fee/ fixed return.
- other community engagement programs/activities outside of contract would be an additional expense.
- tender process must be followed.
- additional expense for operational equipment.
- limited influence over the operational costs.

This model is hard to access as Council has no visibility over the current lease's revenue or operating costs. It is noted that with this model Council would ever only receive the difference between the revenue and the operational costs.

3. PROFIT SHARE

This model sits between the above two options as both parties share the risk versus reward components.

Benefits

- the revenue generated through the Reviva remains with the contractor for operational expense.
- contractor competes its workforce planning and can reduce/increase staffing, as required.
- contractor supplies and manages all operational equipment.
- contractor can run and support volunteers, work for the dole and other programs.
- monthly meetings and reporting to Council.
- greater return for both parties if income is exceeded.

Risks

- no lease fee/ fixed return.
- other community engagement programs/activities outside of contract would be an additional expense.
- tender process must be followed.
- if income is not achieved, no return to Council and a loss to Contractor.
- limited influence over the operational costs.

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Note, any continuation of an outsourced model would require an open market procurement process to ensure a transparent process and that any provider/operational model aligns with the requirements of Council.

4. INSOURCED MODEL

The adoption of an insourced model will provide the Council with:

- the greatest opportunity to adopt a circular economy approach.
- maximise the potential diversion of waste from landfill and minimise the expense.
- ensure alignment with the draft waste strategy and initiatives.
- allow engagement with the broader community in reuse initiatives.
- maximise the potential profit from the centre.
- provide greater resource capacity across the RRC operations and Reuse functions.

Council would need to recruit appropriate resources to staff the facility including a team leader, responsible for the rostering, social media, marketing, and reuse programs and two (2) permanent part time shop attendants.

This model allows the participation of community members/associations through volunteers, engaging and supporting local associations and clubs in waste minimisation and diversion such as gardening groups and men's sheds. The model could also support community programs such as work for the dole.

If Council were to adopt an insourced model the incumbent would need to be notified in accordance with the terms of the contract and recruitment of staff would need to occur from January 2024 to ensure capacity was available from March 2024 and ensure that there is a smooth transition of services. The recruitment focus would be the attraction and retention of existing contractors' staff to limit impact to individuals and retain knowledge.

A legal opinion has been sought in relation to the ownership of current stock with ownership residing with the lessee. This will be a key part of the transition planning as it offers both benefits and risks to the facility, if the current stock is not transferred to Council the lessee will be responsible for removal and/or disposal.

The insourced model would allow Council to review the branding, layout and functionality of the 'reuse' facility.

COMMUNICATION AND CONSULTATION

Community Engagement

Public consultation occurred on elements of the Reuse 'Reviva' facility through the Resource Recovery Centre survey. The survey was provided to the community through the "your Say" platform from Wednesday 2 November 2022 and ran until Wednesday 23 November 2022.

The project page received 293 visits with 138 completing the online survey.

Although most feedback focused on operational issues associated with improving the user experience, the high appetite for residents to use the reuse facility was noted.

Community engagement will continue through social posts of products from the centre and in combination with waste education programs and initiatives.

Internal Communication and Consultation

Council's Executive and Finance Team have been consulted on the potential operational models and their associated benefits and Risks.

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SUSTAINABILITY ASSESSMENT

Environment

The maintenance of a reuse facility has significant environmental benefits to the community through the diversion of waste to landfill. The function diverts over 300 tonne annually.

Social

Each of the operational models have considered the social impacts to the community. Regardless of the model adopted, it needs to be noted the value that the community and volunteers make in the contributing to a vibrant facility and the customer experience and value. Although volunteers are not costed as part of this analysis it is important to recognise the effort needed to ensure that they are valued.

The adoption of an insourced model will allow Council to provide community leadership and engagement, the minimisation of waste through reuse, dovetails with our educational campaigns on waste diversion and allows the support of employment models for the supported employment within the community.

Broader Economic Implications

The broader economic implications are the savings in the waste disposal costs directly attributed to the waste being recovered and reused by the community, this couples with the compounded environmental costs of reusable waste ending up in landfills.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The focus is for the Reuse 'Reviva' function be a standalone profit centre. To assess the future operational income and expenses and determine potential profitability of insourcing the centre three scenarios were modelled. This was done to test different assumptions, noting that limited information is available on the revenue generated by the lessee over the past 10 years.

All three models delivered an increased profit to Council in the medium to long-term over the current fixed \$15,000 per annum revenue. This includes the conservative scenario which simply projected forward the known revenue Council generated in the years prior to the lease with inflation and modest growth.

It is expected that there would be an initial loss in the 2023/24 financial year and a negative impact to General Revenue budget of \$30k. Year 1 (2023/24) operating loss includes labour \$98k and \$19k operational costs allow for operational site changes and a point-of-sale system. The timing of recruitment is critical in the minimisation of labour costs and in the smooth transition of services.

From an overall budget perspective, however, the initial 2023/24 budget deficit will be offset in labour savings within the RRC Operations and Domestic Waste budgets. In addition, there will be savings to the council operating budget due to the reduction in landfill costs and EPA levy liabilities which will also offset any anticipated losses thereby making the review cost neutral for the current financial year. Ongoing operational general revenue budget allocations will need to be established from 2024/25 financial year onward, along with the setting of revenue targets and waste diversion targets to offset the operational costs.

RELATED COUNCIL POLICY

All the proposed models are in alignment with the following Council Policies:

- Community Strategic Plan 2041 and in particular:

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- Goal 4.3.1 Minimise waste through education, promotion of alternatives and prosecution of illegal dumpers.
- Goal 4.3.2 Maximise the recovery of resources from the waste stream.
- Goal 4.3.3 Support circular economy initiatives that minimise both resource production and consumption.
- Draft Environment and Climate Change Strategy
- Draft Waste and Resource Recovery Strategy

CONCLUSION

It is recommended that the Reuse 'Reviva' functions be insourced into the Waste and Resource Recovery Team. The insourced model will provide Council with:

- the greatest opportunity to adopt a circular economy approach.
- maximise the potential diversion of waste from landfill.
- ensure alignment with the Draft Waste Strategy, education strategy and initiatives.
- allow engagement with the broader community in reuse initiatives.
- maximise the potential profit from the centre, and
- provide greater resource capacity across the RRC operations and Reuse functions.

ATTACHMENTS

Nil

9.7 Bulky Waste Collection Report 2022/23

Report Author: Ambre Thompson
Coordinator Resource Recovery Centre Operations

Authoriser: Adan Davis
Director Communities and Place

PURPOSE

The purpose of this report is present to Council an update on the bulky waste service provided to residents in 2023 and outline the timing for confirmation on the bulky waste service delivery model.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Note the report.**
- 2. Be provided with a further report on the bulky waste collection model options and the preferred model.**

REPORT

BACKGROUND

Prior to 2022, Council provided a bulky waste kerbside collection service under a user pay system. This was reflected in the waste collection contract which facilitates two collection cycles per year, where bookings are taken, and payment made prior to residents using the service.

At the Council meeting held on the 12 May 2021, the draft Operational Plan and Budget was adopted for the purposes of public exhibition. Incorporated into this resolution was the following (MN 125/21):

That Council staff provide further information regarding a free biannual kerbside collection service as part of the post exhibition report of the draft 2021/22 Operational Plan and Budget.

At the Council meeting held on 28 July 2021, Council staff presented service options and costs for the provision of one (annual) bulky waste kerbside collection service to eligible residents who currently receive a domestic waste management service. The adopted recommendations included a resolution that (MN 218/21):

- 1. Council adopt Option One in relation to the Bulk Waste Kerbside Collection Service, that Council formally vary its existing Waste Collection Contract to include a Bulk Waste Kerbside Collection rate of \$22.28 + GST per premise on all 19,500 premises.*
- 2. Council vote expenditure of \$1,437,000 (Inclusive of Disposal Costs) as part of the September Quarterly Review of the 2021/22 Budget to fund this service, with the funding to be sourced from the Domestic Waste Management Cash Reserve.*
- 3. Council determine the collection dates for the 2021/22 financial year with its external waste collection contractor and that this information be communicated to all residents through Council's communication channels.*

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4. Council provide a letterbox pamphlet to all eligible residents within two weeks of the collection cycle to notify all residents of the availability of this service.
5. Council include provision for a bi-annual bulk waste collection service within the next waste collection contract specifications, which will commence 1 July 2024
6. Council commission an independent review of its Domestic Waste Management Cash Reserve to ensure that the potential requirement to increase the domestic waste management annual charge is considered in the lead up to the new contract period.

A Domestic Waste Management Reserve Review was completed by Finch Consulting in September 2021. The Review confirmed that if the Domestic Waste Management Charge increases by 5% for FY2023 and FY2024, as assumed in Council’s Long-Term Financial Plan, Council will be able to both fund the bulky waste kerbside collection service and grow the Domestic Waste Management Cash Reserve.

REPORT

Commencing in January 2022, Council provided a bulky waste clean-up collection service for residents with a domestic waste service funded through the Domestic Waste Reserve. Residents were not required to pre-book the service and were notified by letterbox drop a fortnight prior to the commencement of the pick-up in their area. The collection was scheduled across 5 zones with collection within each zone taking 2 weeks.

Following the initial Bulky Waste collection, several changes were made to the 2023 service including:

1. Reduction of the size of the collection areas thereby increasing the number of different collection areas;
2. Reduction of the time available to place items out for collection;
3. Enforcement of strict adherence to the 2 cubic meters per household;
4. Limiting mattress collection to one per household;
5. Communication of the changes to residents effectively through Council’s communication channels, focusing on mail outs and social media in line with the bulky waste survey results;
6. Improvement of contractor reporting and technology; and
7. Improvement of the customer service reporting through the new CRM system.

The following table outlines the revised zones and delivery schedule to remove conflicts with events within the shire.

Table 1: Collection zones and timing

Zone	Date	Area
1	30/01/2023 - 5/02/2023	Bundanoon, Penrose, Wingello
2	6/02/2023 - 12/02/2023	Sutton Forest, Werai, Exeter, Moss Vale (Western Side of Argyle Street)
3	13/02/2023 - 19/02/2023	Moss Vale (Eastern Side of Argyle Street)
4	20/02/2023 - 26/02/2023	Burradoo, Berrima, Medway, New Berrima
5	27/02/2023-5/02/2023	East Kangaloon, Glenquarry, Kangaloon, Avoca, Burrawang, Fitzroy Falls, Robertson, Wildes Meadow
6	6/03/2023 - 12/03/2023	East Bowral (Eastern Side of South Road)
7	13/03/2023 - 19/03/2023	Bowral (Western Side of South Road)
8	20/03/2023 - 26/03/2023	Mittagong, Welby, Woodlands
9	27/03/2023 - 2/04/2023	Aylmerton, Balaclava, Braemar, Renwick, Willow Vale
10	3/04/2023 - 9/04/2023	Balmoral, Buxton, Alpine, Colo Vale, Hilltop, Yerrinbool

Unfortunately, in reversing the schedule it left one of the larger areas for collection last, which compounded issues with large waste volumes, resource shortages and increased travelling times for waste disposal all adding to the delays in the service provision.

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Bulky Waste collection summary

The following tables outline both the 2023 program performance and comparison against the 2022 program.

The number of eligible premises has increased as a result of population growth.

Table 2: Number of Eligible Premises

2022	19,674
2023	19,926

The participation rate for 2023 was 71% and down from the 85% experience the during the 2021/22 campaign.

Table 3: Participation Rates

2022	16,769	85%
2023	14,127	71%

The following table provides a direct comparison of the waste volumes generated as part of the program. Of note, the average weight per property is higher than average but this probably a reflection of the change from a prebooked to a scheduled service. The typical range is around 40-50kg per property.

Table 4: Waste collection Summary

Waste type	2022	2023
Bulky waste sent to landfill	1,265.11 tonne	998.38 tonne
Scrap metal recycled	192.15 tonne	224 tonne
Mattresses recovered	1,880	1274
Waste per resident (participating)	75.44 kg	70.78 kg

The Collection cost comparison (Table 5) compares the cost of undertaking the service in 2023 against that of the previous year. The 2023 collection costs have increased due to inflation in the collection costs, disposal costs, mattress recycling costs and with the addition of the costs associated with the management of illegal dumping throughout the program. Previously these costs were not captured.

Table 5: Collection Costs comparison

Waste type	2022	2023
Collections	\$516,630	\$562,501
Waste Disposal	\$344,743	\$307,001
Metal Haulage	\$11,367	\$15,758
Mattresses	\$72,380	\$66,866
Illegal dumping	N/A	\$7,480
Loss of RRC revenue	Not considered	\$140,800
Total	\$945,120 (ext GST)	\$ 1,086,092 (ext GST)

Note- Not captured within the costs was Council employee effort within the RRC team as a result of resolving customer complaints, collection of missed collections and illegal dumping. It is estimated that on average 10-15 hours per week needed to be dedicated to resolve these issues.

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Table 6 provides the detailed costing of the 2023 collection service.

Table 6: 2023 collection cost detail

Service	Rate (ex GST)	Amount	Cost
Collections	\$28.2295	19,926	\$562,501
Waste Disposal	\$307.50	998.38 tonnes	\$307,001
Haulage (metal)	\$70.35	224 tonnes	\$15,758
Mattresses	\$41.25	1274	\$52,552
Additional/ illegal dumping	\$85	88	\$7,480
Loss of Revenue	\$440	320 tonnes	\$140,800
Total Cost			\$1,086,092

Note- for 2023 the loss of revenue as a result of decreased inert waste volumes from customer drop. For the quarter Jan- March (which coincides with the BWCS) the inert waste stream experienced a 54% reduction in waste volumes (320 tonne) compared to the previous quarter.

The revenue from the sale of scrap metal has been significantly impacted by the market commodity price for ferrous metal (with a reduction of \$110/ tonne).

Table 7: Revenue from Scrap metal

Service	Rate	Amount	Revenue
2022 Metal	\$396 per tonne	192.15 tonne	\$76,091
2023 Metal	\$286 per tonne	224 tonne	\$64,064

Improved reporting (through ECM) for the 2023 program enabled the tracking and resolution of reports (Table 8). During 2023, Council experienced a 10-fold increase in the number of reports compared to 2022. Reports were both a mixture of residents and proactive community members utilising Snap, send solve.

Table 8: Illegal dumping complaints

2022	21
2023	359

During the 2023 service, 426 notices of non-collection/ Unaccepted waste (Table 9) were issued where residents placed out items in contravention to the guidelines. This waste was left on the kerbside and often resulted in complaints from the resident, along with claims that a different household placed the unaccepted items on their pile of waste. There were several piles that continued to grow based upon opportunistic dumping. Of these non-collection notices Moss Vale Township contributed 123 notices alone, followed by Bowral with 60 and Hilltop with 38 notices.

One such location was Cnr Teudts & Penrose Rd were a pile developed over 50m long.

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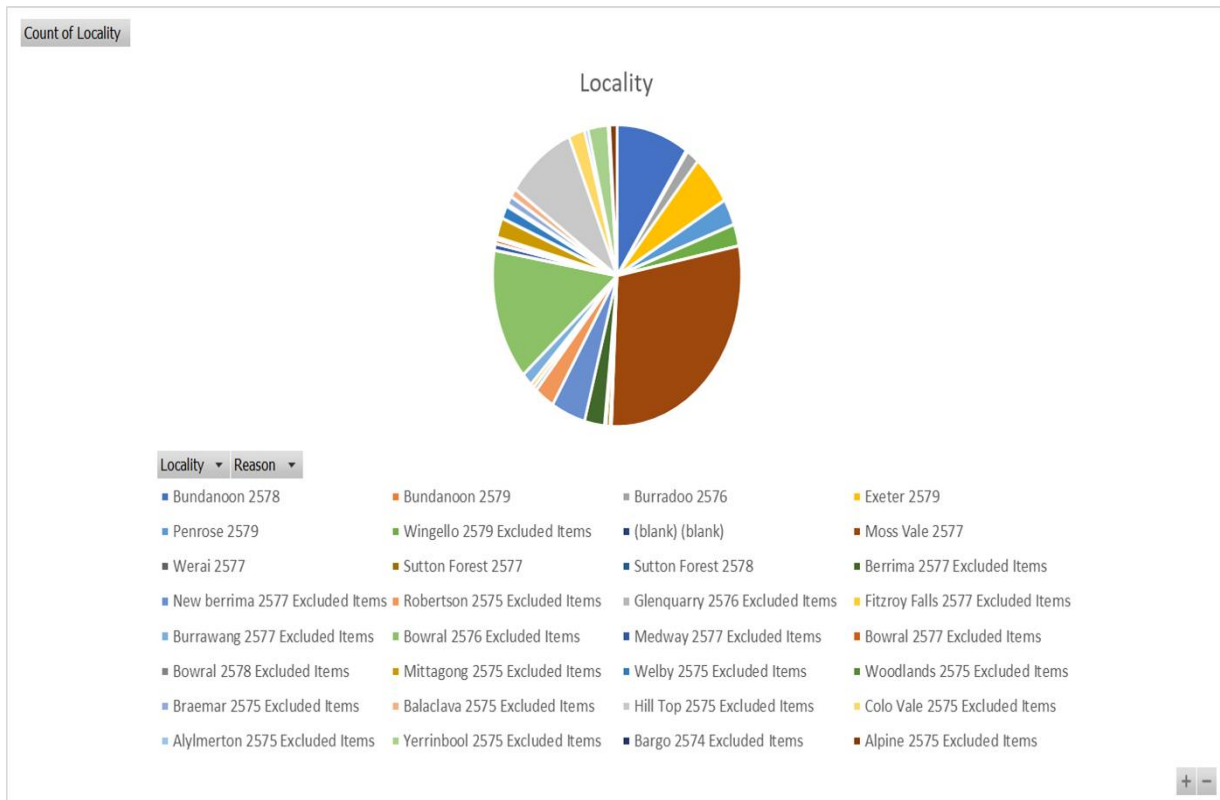


As a result, Council undertook over 120 additional collections contributing to the costs of the service utilising contractors and our own staff to resolve the issue for the community as quickly as possible. This approach was undertaken due to the low likelihood of the successful identification of the owner of the waste.

Table 9: Non-Compliant items

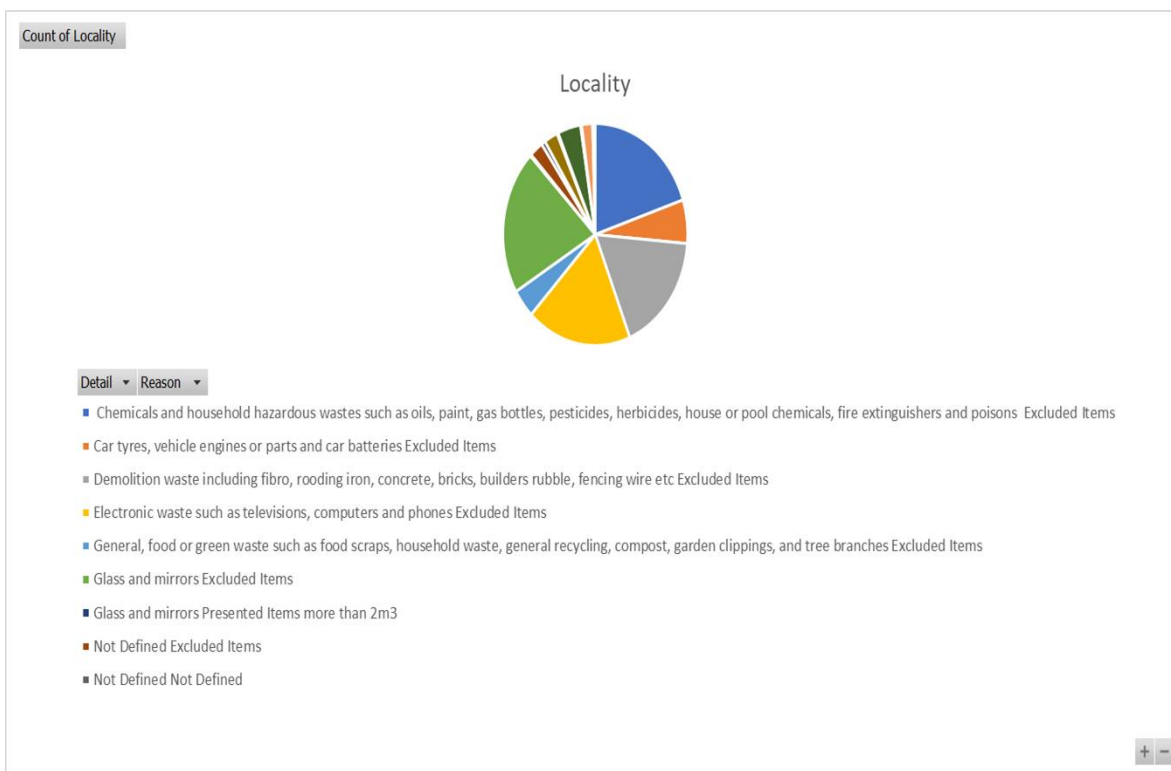
2022	N/A
2023	426

The following is a graphical representation of the non-collection notices issued across the shire. Of note was the continual decline in the numbers across the shire from week 4/5. This is attributed to resource issues and is not representative of actual non-collection issues.



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The following graph is a representation of the types of waste that was non-compliant with the waste collected as part of the BWCS.



Throughout the coverage of the BWCS JR Richards received 1646 calls to their call centre (Table 10). This represents a 100% increase to call volumes over a standard month outside of the BWCS period. This created significant strain on the resourcing and adversely impacted the level of customer service due to the time required to process and follow-up with the customer.

Table 10: JR Richards phone inquiries

2023	1646
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Waste Diversion Rate/ Recovery

In 2022, less than 20 per cent of material collected through Council’s bulky waste service was recycled. Metals and mattresses were collected separately and recycled while the remaining items were sent to landfill. Undertaking a bulky waste collection in this manner decreases our waste diversion percentage by 3.6%.

In 2023 recycling increased slightly to 21.5%, due to the low recycling percentage the bulky waste collection program has adversely impacted Councils waste diversion rate decreasing it by 2.8% (based on a projected total waste volume of 35,000).

Bulky Waste Service Model Analysis

Council has engaged the Services of Professional consultant David McKinley from Abraxa to provide a detailed report on the adoption of Bulky waste services models across local government, the risks and benefits and recommend a model of best practice. This paper in conjunction with the bulky waste/ waste strategy surveys, the formation of a draft waste strategy and confirmation of a disposal facility as part of Project 24 a separate paper be developed for Council on the future delivery model for Bulky waste and the funding model to be adopted.

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COMMUNICATION AND CONSULTATION

Community Engagement

The community have been engaged and provided feedback through the 2022 Bulky Waste Survey and the 2023 Waste Strategy Survey. This feedback has been incorporated into the Draft Waste Strategy and incorporated into the Bulky Waste Service Model Review.

SUSTAINABILITY ASSESSMENT

Environment

The undertaking of a Bulky Waste collection in the matter undertaken in 2022 and 2023 results in a significant amount of waste going to landfill.

Social

There are no social issues in relation to this report.

Broader Economic Implications

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

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The Bulky Waste Collection Service for 2023 was funded from the Domestic waste reserve, resulting in a reduction to the reserve and did not impact the Domestic Waste Charge for residents. Careful consideration of the Bulky Waste Service model needs to occur to ensure Council and the community receives 'best value' moving forward considering the escalation in waste management costs that will be experienced in the coming 5-year period.

RELATED COUNCIL POLICY

The future adoption of a Bulky Waste Collection Model needs to be consistent with the principles and objectives of Councils:

- *Draft Environment and Climate Change Policy*
- *Draft Resource and Waste Management Strategy*

CONCLUSION

Although the 2023 Bulky Waste collection Program can be seen as a success in removing unwanted items from the community, it again experienced a high number of inquiries and complaints and the model resulted in 80% of waste collected going to landfill.

The future of the Bulky waste Collection Service needs to be reviewed to identify best practice and ensure that service provides equal access for residents and delivers "best value" for the community.

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ATTACHMENTS

Nil

9.8 Revolving Energy Fund Annual Report

Report Author: Barry Arthur
Manager Environment and Sustainability

Authoriser: Adan Davis
Director Communities and Place

PURPOSE

This report provides an update on the achievements of Council's Revolving Energy Fund for the 2022/23 financial year.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Note the energy and financial savings achieved through projects completed under the Revolving Energy Fund**
- 2. Approve the transfer of \$31,405.94 from Council's electricity budget to the Revolving Energy Fund for the 2022/23 financial year.**

REPORT

BACKGROUND

Council established the Revolving Energy Fund (REFund) in 2012 as a mechanism to generate ongoing funding for projects that reduce Council's billed energy consumption. Savings in billed energy from REFund projects are reinvested back into the fund until the initial project cost is fully repaid. After this time the electricity budget for the particular facility benefits from the reduced energy costs. As the REFund is replenished, it is then used to fund future energy projects across Council. A report is provided to Council annually detailing project savings and recommendations on the transfer amount back into the REFund.

Examples of REFund projects include solar installations and lighting upgrades. It should be noted that additional energy efficiency and renewable energy projects are implemented outside of the REFund and are outside of the scope of this report.

To date, REFund projects have resulted in over 2037 megawatt hours of solar generated and used onsite, saving \$395,836.81 on electricity bills and reducing our greenhouse gas emissions by 1831 tonnes of carbon dioxide. (note: only half of the year of emissions savings)

REPORT

Council has implemented 11 energy projects through the REFund.

Table 1. below presents an overview of the energy and resulting financial savings achieved for the 2022/23 financial year for active REFund projects. The financial savings represent the amounts to be transferred from each facility's electricity budget into the REFund.

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Seven REFund projects have now been completely repaid and are not included in Table 1. There are two projects that will be making their final instalment repayment to the REFund this year, Moss Vale Library (Civic Stage 2) lighting and Moss Vale Memorial Aquatic Centre Pool LED lighting, see details in table below.

Table 1. REFund repayments for 2022/23					
Project Name	Initial Project Completion	Initial Project Cost	Financial Savings 22/23 FY	Energy savings and solar energy generated and used on site (kWh) 22/23 FY	Greenhouse Gas savings (tCO ² e) 22/23 FY
Moss Vale Library Lighting Final Repayment 2023	2017	\$3,300	\$420.00	2,883	2.59
Moss Vale Depot Solar 25kW Final Repayment 2024	2018	\$37,728	\$7343.70	23,421.54	21.08
Moss Vale Aquatic Centre LED Upgrade Final Repayment 2023	2022	\$4,280.59	\$1177.09	14,430	12.99
Moss Vale Civic Centre Solar 99 kW Final Repayment 2026	2021	\$87,000	\$22,465.15	96,659.36	86.99
Total			\$31,405.94	137,393.90	123.65

FUTURE REVOLVING ENERGY FUND PROJECTS

Future projects currently being investigated include:

- Further LED streetlighting upgrades with Endeavour Energy
- Energy heat pumps of thermal panels at aquatic facilities to reduce reliance on gas
- Further solar panel installations on Council facilities
- Further LED lighting upgrades, where identified.

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COMMUNICATION AND CONSULTATION

Community Engagement

Not applicable

Internal Communication and Consultation

Finance Branch have been consulted in the preparation of this report, providing a a review of methodology and calculations.

External Communication and Consultation

Not applicable

SUSTAINABILITY ASSESSMENT

Environment

The REFund has a positive impact on the environment. The fund is a mechanism to generate ongoing funding for energy efficiency projects and increases renewable energy use.

Social

There are no social issues in relation to this report.

Broader Economic Implications

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

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

This relates to the 2022/2023 financial year and the electricity costs associated for that period. The \$31,405.94 amount is the budget savings generated by the associated Revolving Energy Fund projects. This will be restricted to the Revolving Energy Fund for the implementation of future projects.

RELATED COUNCIL POLICY

Nil

CONCLUSION

Council's Revolving Energy Fund has been successfully operating since 2012. 11 projects have been completed to date.

The value of financial savings attributed to Revolving Energy Fund projects for the 2022/23 financial year is \$31,405.94. Approval is sought to transfer the total into the Revolving Energy Fund enabling further energy management projects to be implemented.

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ATTACHMENTS

Nil

9.9 Part 25 Shierlaw Road, Robertson (being part of Lot 194 in Deposited Plan 751302) - Proposed Acquisition

Report Author: Natasha Woods
Property and Project Officer

Authoriser: Salomon Kloppers
Manager Business & Property

PURPOSE

This report seeks Council approval to acquire land for road purposes.

The acquisition is required to resolve an encroachment of the formed 'Shierlaw Road' upon privately owned land.

The affected property is part 25 Shierlaw Road, Robertson (being part Lot 194 in Deposited Plan 751302) and is referred to in the report as 'the land'.

OFFICER'S RECOMMENDATION

THAT:

1. Council accept the owner's offer of \$80,000.00 plus valuation and legal fees as the compensation payable for the acquisition of part 25 Shierlaw Road Robertson (being part Lot 194 in Deposited Plan 751302).
2. If the acquisitions referred to in Item 1 cannot be negotiated by agreement, Council resolve to:
 - a. acquire the land by compulsory acquisition under sections 186 and 187 of the Local Government Act 1993 (NSW) and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW);
 - b. approve the making of an application to the Minister of Local Government for the issue of a proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the Land AND THAT Council request that the Minister for Local Government approve a reduction in the notification period from ninety (90) days to sixty (60) days;
 - c. approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the land.
3. Council affix the Common Seal of Council to any documents required to be sealed for acquisition of the land for road purposes referred to in Item 1 above **AND THAT** authority be delegated to the General Manager and Mayor/ Administrator to execute those documents.
4. Upon acquisition of the land referred to in Item 1 above, the land be classified operational land.

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REPORT

BACKGROUND

At its meeting held on the 10 February 2021, Council considered a report in relation to the acquisition of land forming part 25 Shierlaw Road, Robertson (being part Lot 194 in Deposited Plan 751302), for road purposes. Council resolved (MN 25/21):

1. *THAT the Acting General Manager be delegated authority to negotiate with the owner of part 25 Shierlaw Road Robertson (being part Lot 194 in Deposited Plan 751302) for the acquisition of part of the land known as part 25 Shierlaw Road, Robertson (being part Lot 194 in Deposited Plan 751302) for the purpose of road.*
2. *THAT if the acquisition referred to in Resolution 1 cannot be negotiated by agreement Council resolves to:*
 - a. *acquire the Land by compulsory acquisition under sections 186 and 187 of the Local Government Act 1993 and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW).*
 - b. *approve the making of an application to the Minister of Local Government for the issue of a proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the Land AND THAT Council request the Minister for Local Government approve a reduction in the notification period from ninety (90) days to sixty (60) days;*
 - c. *approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect of the Land.*
3. *THAT Council affix the Common Seal of Council to any documents required to be sealed for the Land referred to in Resolution 1 above AND THAT authority be delegated to the Mayor and Acting General Manager to execute those documents.*
4. *THAT authority be delegated to the Mayor and Acting General Manager to execute on behalf of Council any documents associated with the compulsory acquisition of the Land referred to in Resolution 1 above that do not require the Common Seal of Council.*
5. *THAT upon acquisition, the Land is classified as Operational land.*

Further, on Wednesday 21 September 2022, Council considered an additional report in relation to the acquisition of land being part 25 Shierlaw Road, Robertson (being part Lot 194 in Deposited Plan 751302) for road purposes. Council resolved as follows (MN 2022/209):

THAT:

1. *Council accepts the owner's offer of \$63,030 plus valuation and legal fees as the compensation payable for the acquisition of part 25 Shierlaw Road Robertson (being part Lot 194 in Deposited Plan 751302).*
2. *The General Manager be delegated authority to negotiate with the owner of 392 Belmore Falls Road, Robertson for the acquisition of part 392 Belmore Falls Road, Robertson (being part Lot 200 in Deposited Plan 751302) for the purpose of road AND THAT compensation be negotiated within 10% range of formal valuation plus road infrastructure and valuation and legal fees.*
3. *The acquisition of land referred to in Resolution 1 and Resolution 2 above be funded through the Property Operations Budget.*
4. *If the acquisitions referred to in Resolution 1 and Resolution 2 cannot be negotiated by agreement Council resolves to:*

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- a. *acquire the land by compulsory acquisition under sections 186 and 187 of the Local Government Act 1993 (NSW) and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW);*
 - b. *approve the making of an application to the Minister of Local Government for the issue of a proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the Land AND THAT Council request that the Minister for Local Government approve a reduction in the notification period from ninety (90) days to sixty (60) days;*
 - c. *approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the land.*
5. *Council affix the Common Seal of Council to any documents required to be sealed for acquisition of the land for road purposes referred to in Resolution 1 and Resolution 2 above AND THAT authority be delegated to the General Manager and Mayor/ Administrator to execute those documents.*
 6. *Authority be delegated to the General Manager and Mayor/Administrator to execute on behalf of Council any documents associated with the acquisition of the land for road purposes referred to in Resolution 1 and Resolution 2 above that does not require the Common Seal of Council.*
 7. *Upon acquisition of the land referred to in resolution 1 and 2 above, the land be classified operational land.*

Attachment 1 to this report is an aerial map of the Land (the area to be acquired shown in red).

Attachment 2 provides the survey of the areas of encroachment.

Subject to final survey, the approximate areas of acquisition is 2,067sqm (shown in purple hashing in **Attachment 2**).

As outlined in the report to Council on 10 February 2021, Council received correspondence from the legal representative acting for the owner of the Land advising that a road survey had been obtained which revealed an encroachment of the formed road upon their client's property.

The survey also indicates that there are further portions of the formed road reserve within neighbouring private properties being Lot 200 DP 751302, 392 Belmore Falls Road, Robertson and Lot 305 DP 751302, 477 Belmore Falls Road, Robertson.

Concerns have been raised by the property owner regarding responsibility for the public utilising the road whist formed on the private properties.

A request has also been received by the property owner that Council either acquire the areas of encroachment on Lot 194, Lot 200 and Lot 305 or construct the road within the legal road reserve.

Both acquisitions of land from Lot 200 and Lot 305 were reported to Council 21 September 2022 (MN2022/209) and 11 October 2022 (MN2022/224) respectively.

REPORT

Following the resolution of Council on 21 September 2022, a letter was provided by Council to the legal representative of the owner advising of the resolution of Council to acquire part of their client's property and that of the adjoining neighbours to rectify the encroachment of the road reserve, in accordance with their offer and requirements.

In response to Council's correspondence, a letter was received from the legal representative of the owner stating that the valuation reports that the offer is based on, are out of date, and that they will not be in a position to consider the totality of the offer until they have opportunity to verify market value by way of obtaining an updated valuation.

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An updated opinion of market value was received from the legal representative for the affected property owner which indicated a considerable increase in compensation payable in accordance with Section 55(a) of the *Land Acquisition (Just Terms Compensation) Act 1991*.

Council also received an updated opinion of market value from its valuer which indicated an increase in market value, however not to the extent of the opinion received from the affected property owner's legal representative.

Negotiations have taken place over some months, to reach an amicable resolution and to agree on compensation payable that represents fair market value.

The market value agreed upon by both parties is set out as follows:

1.	S55(a) Market Value	
	Total market value	\$80,000.00
2.	S55(D) Disturbance	
	Legal Costs	\$10,000.00
	Valuation Fees	<u>\$1,237.50</u>
	TOTAL	\$91,237.50

Council investigated and sought additional advice to determine if the acquisition of land was still feasible, based on the compensation value above as opposed to constructing the road in the legal road reserve.

Council's Assets Branch has undertaken a re-assessment and estimated the current depreciated replacement cost for the road reserve to be formed within the current legal road reserve.

The calculations provided indicated that the depreciated value of the road reserve, given the challenges faced on site, still outweigh the cost of acquiring the land (even though there has been an increase in compensation payable) due to the complexities of the site (eg. vegetation and topography) and would likely cost more than originally estimated in 2022.

The alignment of the legal road reserve would also create a poor traffic outcome for the location.

LAND ACQUISITION PROCESS

Pursuant to the Land Acquisition Guidelines published by the Office of Local Government, Council must allow at least six (6) months to negotiate in good faith with the affected owners of the Land.

Every endeavour is made to acquire land by agreement, to avoid having to proceed via the compulsory acquisition process. This report recommends that authority be delegated to the General Manager to negotiate acquisition of the Land.

In the interim, a Plan of Acquisition will be prepared on behalf of Council by a registered surveyor and lodged with NSW Land Registry Services for registration against the title to the Land.

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COMMUNICATION AND CONSULTATION

Community Engagement

Not applicable.

Internal Communication and Consultation

Manager Assets

Asset Systems Officer

External Communication and Consultation

Legal Representative – Landowner

Valuer

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report. Acquisition of the lands as outlined in this report rather than formation of the road within the registered road reserve will ensure the ECC contained within the registered road reserve will be preserved.

Social

There are no social issues in relation to this report.

Broader Economic Implications

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

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

Costs associated with the land acquisition of part 25 Shierlaw Road, Robertson (being part Lot 194 DP 751302) will be funded through the Property Development Reserve.

Further, both additional acquisitions of land to rectify the encroachment of the road reserve from adjoining neighbours located at:

- Lot 200 DP 751302, 392 Belmore Falls Road, Robertson; and
- Lot 305 DP 751302, 477 Belmore Falls Road, Robertson.

will also be funded through the Property Development Reserve.

RELATED COUNCIL POLICY

Nil.

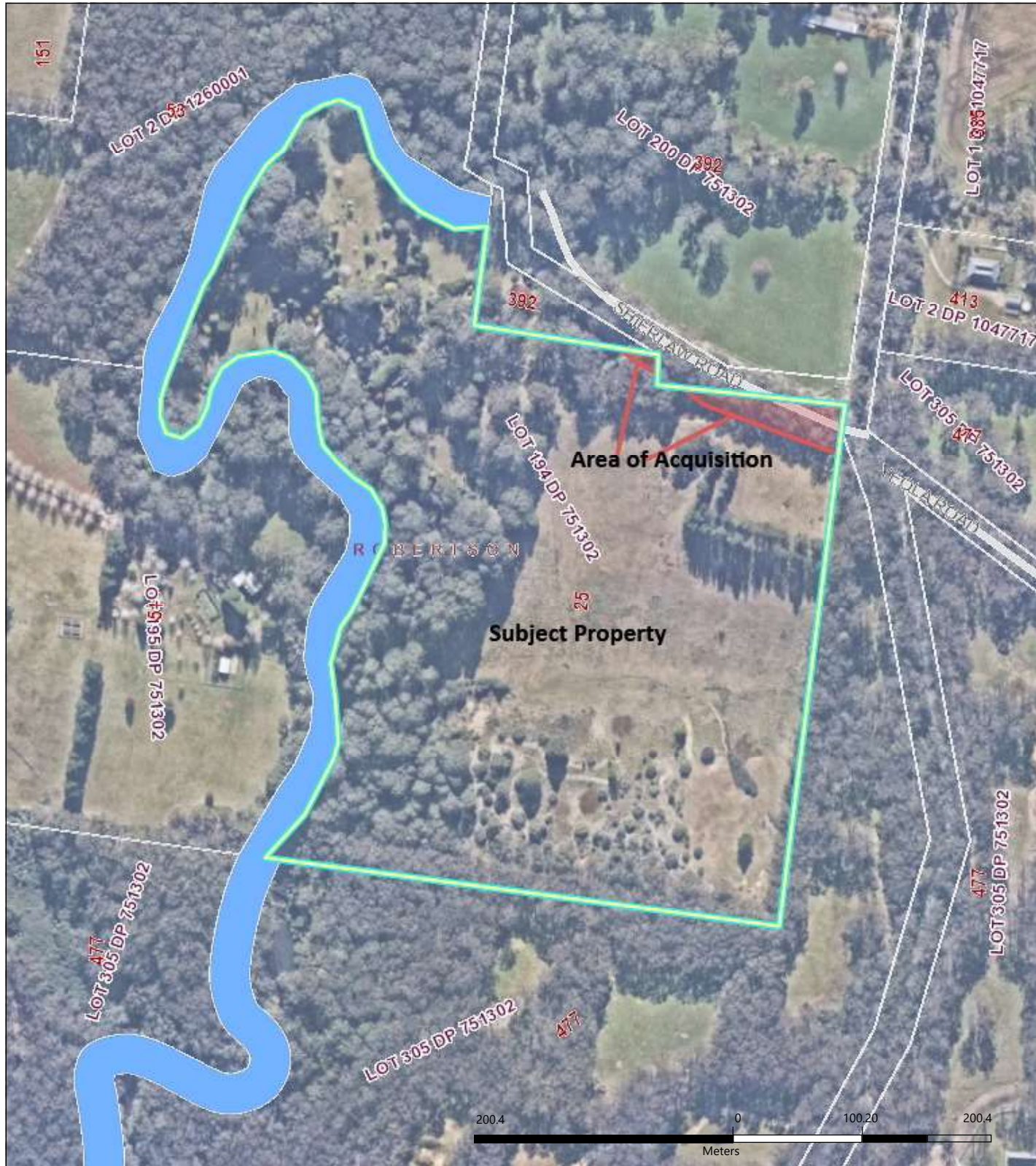
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CONCLUSION

It is recommended that Council adopt the recommendations contained in this report to enable rectification of the road encroachment onto privately owned property.

ATTACHMENTS

1. Attachment 1 - Aerial 25 Shierlaw Road Robertson [**9.9.1** - 1 page]
2. Attachment 2 - Survey of Areas of Encroachment [**9.9.2** - 1 page]

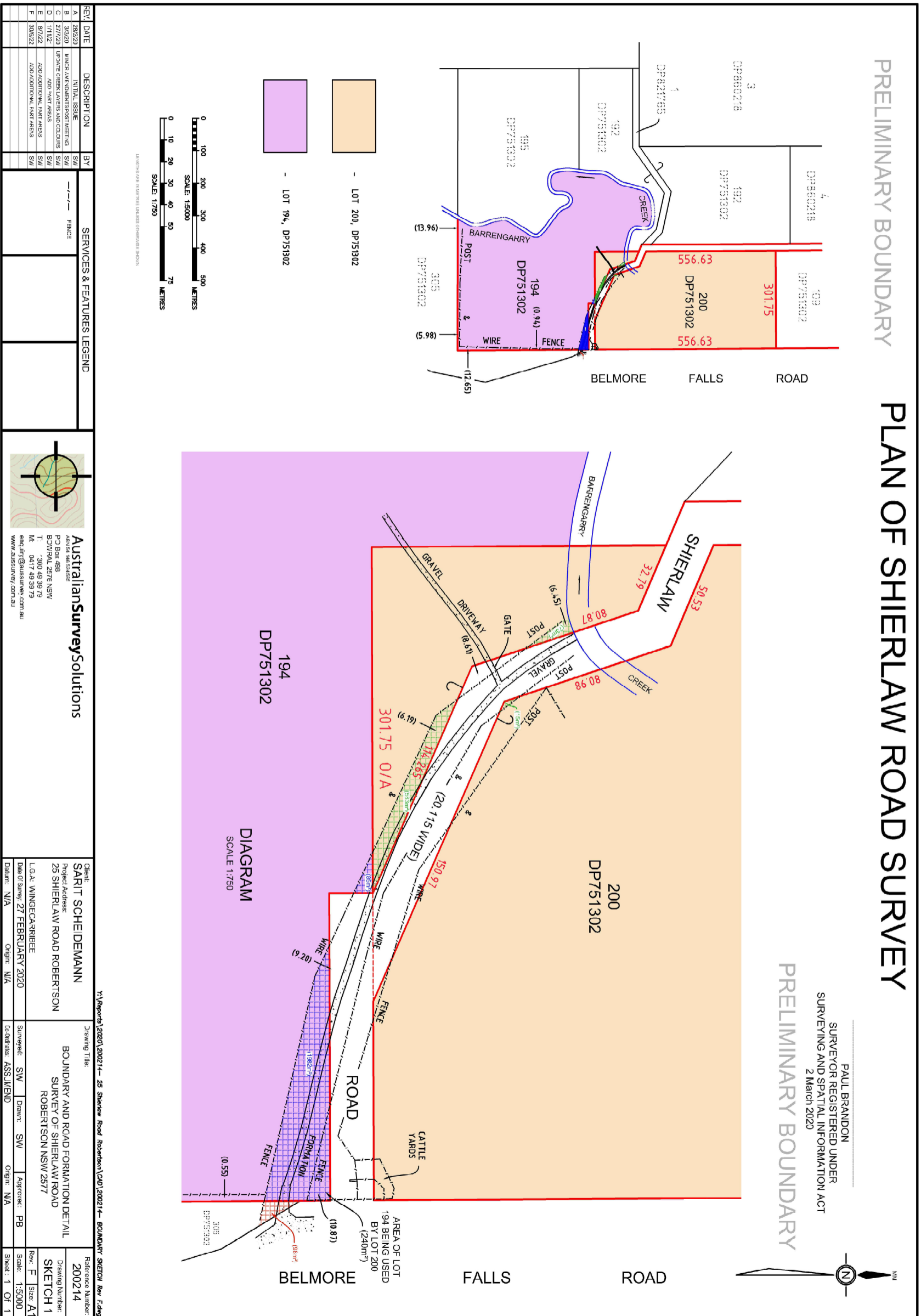


25 Shierlaw Road, Robertson

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9.10 1325 Old South Road, Bowral - Acquisition of Easement for Water Main

Report Author: Julie-Anne Beardsmore
Property and Project Officer

Authoriser: Salomon Kloppers
Manager Business & Property

PURPOSE

This report seeks Council approval to acquire an easement for the purpose of Water Main. The easement is required for the installation of a water main as identified in Council's Water Masterplan 2020.

The proposed easement to be acquired is over the property known as "Retford Park", Old South Road, Bowral being Lot 221 Deposited Plan 1206897 which is owned by The National Trust of Australia (New South Wales).

OFFICER'S RECOMMENDATION

THAT:

1. The General Manager be delegated authority to negotiate with the owner of "Retford Park", Old South Road, Bowral being Lot 221 DP1206897 ("Lot 221") for the acquisition of an Easement for Water Main (3 metres wide) and that compensation be negotiated within 10% range of independent valuation.
2. If the acquisition referred to in Item 1 cannot be negotiated by agreement, Council resolve to:
 - a. Acquire the easement by compulsory acquisition under Section 186 and 187 of the *Local Government Act 1993* and in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*;
 - b. Approve the making of an application to the Minister for Local Government for the issue of a proposed Acquisition Notice under the *Land Acquisition (Just Terms Compensation) Act 1991* with respect to the easement AND THAT Council request the Minister for Local Government approve a reduction in the notification period from ninety (90) days to sixty (60) days;
 - c. Approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under the *Land Acquisition (Just Terms Compensation) Act 1991* with respect of the Easement.
3. Council affix the Common Seal of Council to any documents required to be sealed for the acquisition of Easement referred to in Item 1 AND THAT authority be delegated to the General Manager and Administrator to execute those documents.
4. Authority be delegated to the General Manager to execute on behalf of Council any documents associated with the acquisition of the Easement referred to in Item 1 above that do not require the Common Seal of Council.

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REPORT

BACKGROUND

Council has identified, through Council's Water Master Plan 2020, that the existing water supply to the Retford Park Estate East (drawn from Kimberley Drive Reservoir) is inadequate. There is no existing asset that is being replaced. This augmentation is a new supply asset to enable re-routing of the Retford Park East Estate to the East Bowral Reservoir supply.

A relatively small (140,000 litre) tank was originally constructed to service only those properties in Kimberley Drive and Mansfield Road, Bowral. Recent development in the area has put additional strain on this tank and the supplying pump station at Horderns Road, Bowral.

The purpose of this project is to help alleviate those issues by transferring the properties within Retford Park East to the East Bowral Reservoir. The Master Plan also identified a shortfall in supplying fire flow to this area during high demand periods. The main sizing (DN250 200mm internal) has been selected to ensure fire flow is achievable within the zone.

The new main will be laid using open trench construction techniques. The main will be installed using PE PN16 DN250 piping with a total length of 530m. The main will require 4 hydrants and 4 stop valves to be cut in to enable proper isolation.

An aerial map of the affected property is shown in **Attachment 1**. The approximate location of the proposed easement is shown in blue.

The position of the easement is also shown on the plan of proposed easement for Water Main prepared by Richard Cox Surveyors Pty Limited which is shown in **Attachment 2**.

REPORT

Council's Project Officer Renewals – Water Services has made initial contact with a representative of the affected landowner to discuss the proposed acquisition, including attendance at an on-site meeting to discuss the project.

Discussions with the landowner's representative have indicated that the property owner is supportive of the project in principle, pending negotiations.

The proposed Easement will be located immediately south of an existing right of access, 5 metres wide, before partially extending across this right of access, before then reverting to a position along the existing lot boundaries within Lot 221.

The proposed Easement for Water Main is 3 metres wide. The proposed water main will be positioned at a depth of 800 mm where the land is outside the right of access and 1,100 mm where the main will be located within the right of access.

The Easement will have an area of approximately 1,099 square metres, subject to final survey.

Formal valuation has been obtained from a independent registered valuer to assess the likely compensation payable to acquire the Easement for Water Main. The valuer has assessed compensation at \$10,625.00.

EASEMENT ACQUISITION PROCESS

Pursuant to the Land Acquisition Guidelines published by the Office of Local Government, Council must allow at least six (6) months to negotiate in good faith with the affected property owner. However, this requirement is not required for acquisition of an easement.

In any event, every effort is made to acquire the Easement by agreement, to avoid having to proceed via the compulsory acquisition process. This report recommends that authority be delegated to the General Manager to negotiate acquisition of the land. In the event that agreement cannot be reached following

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good faith negotiations, a further report will be forwarded to a future meeting of Council to formally resolve to proceed with the acquisition of land via the compulsory process.

COMMUNICATION AND CONSULTATION

Community Engagement

Consultation with the broader community is not considered appropriate. This is an administrative matter between Council as acquiring authority and the owner of the affected property.

Internal Communication and Consultation

Project Officer Renewals – Water Services.

External Communication and Consultation

Property owner.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

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

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

Costs associated with the easement acquisition will be funded through Council's Water Fund – Development of Water MP Stage 1.

RELATED COUNCIL POLICY

None identified.

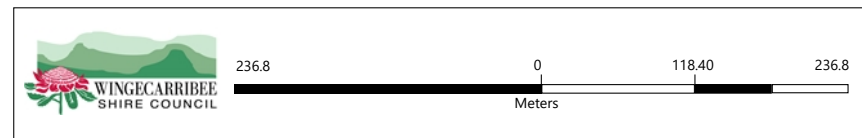
CONCLUSION

It is recommended that Council adopt the recommendations made in the report to enable negotiations for acquisition of the required easement for Water Main to progress.

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ATTACHMENTS

1. Attachment 1 [**9.10.1** - 1 page]
2. Survey Drw. No. 2328-2 - Richard Cox [**9.10.2** - 1 page]

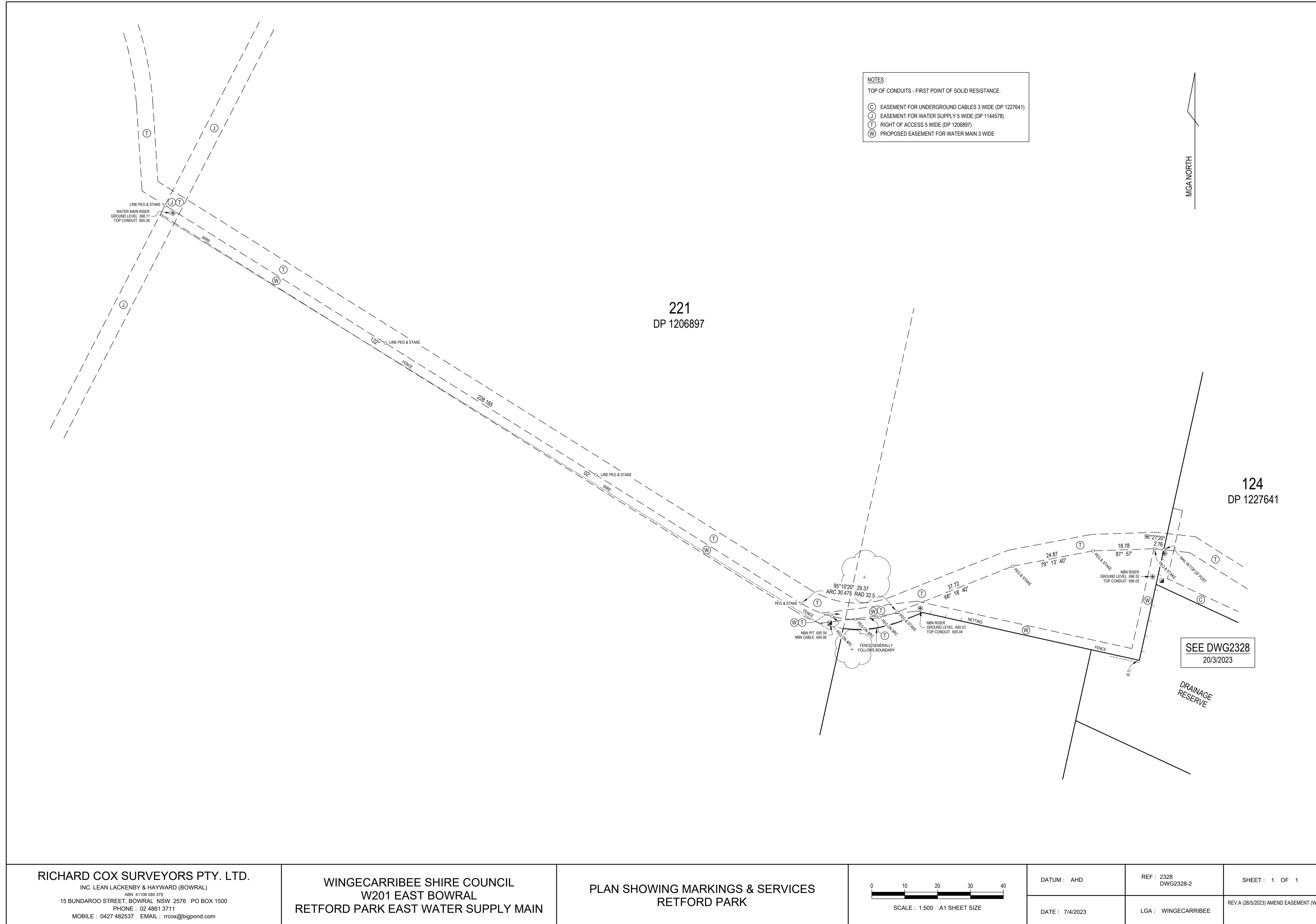


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9.11 Part 801 and 848 Range Road, Glenquarry - Acquisition of Land for Road Purposes

Report Author: **Natasha Woods**
 Property and Project Officer

Authoriser: **Salomon Kloppers**
 Manager Business & Property

PURPOSE

This report seeks Council approval to acquire land for road purposes. The acquisition of land is required for the widening and upgrade of part of Range Road, Glenquarry.

The properties the subject of this report include:

- Part Lot 100 in Deposited Plan 1134172 being 801 Range Road, Glenquarry;
- Part Lot 11 in Deposited Plan 596095 being 848 Range Road, Glenquarry.

The subject properties are collectively referred to in this report as “the properties” unless identified individually.

OFFICER’S RECOMMENDATION

THAT:

1. **The General Manager be delegated authority to negotiate with the owners of:**
 - **Lot 100 in Deposited Plan 1134172 being 801 Range Road, Glenquarry;**
 - **Lot 11 in Deposited Plan 596095 being 848 Range Road, Glenquarry.**

for the acquisition of part of those lots for the purpose of road AND THAT compensation be negotiated within 10% range of independent valuation.
2. **If the acquisition of referred to in Item 1 cannot be negotiated by agreement, Council resolve to:**
 - a. **Acquire the land by compulsory acquisition under sections 186 and 187 of the *Local Government Act 1993* and in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*.**
 - b. **Approve the making of an application to the Minister of Local Government for the issue of a proposed Acquisition Notice under the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* with respect to the land AND THAT Council request the Minister for Local Government approve a reduction in the notification period from ninety (90) days to sixty (60) days;**
 - c. **Approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* with respect of the land.**
3. **Council affix the Common Seal of Council to any documents required to be sealed for the acquisition of land referred to in Item 1 AND THAT authority be delegated to the Mayor/Administrator and General Manager to execute those documents.**
4. **Authority be delegated to the Mayor/Administrator and General Manager to execute on behalf of Council any documents associated with the acquisition of the land referred to in Item 1 above that do not require the Common Seal of Council.**

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5. Upon acquisition the land be classified as Operational Land.

REPORT

BACKGROUND

Council has identified segments of road pavement along Range Road, located between George Emery Lane and Tourist Road, Glenquarry to be in extremely poor condition.

Poor drainage, failed asphalt surface and narrow road width contributed to the dilapidated status of the road.

To facilitate the required road widening, road reconstruction and drainage works, the acquisition of small slithers of land from several adjoining properties is required.

On Wednesday 21 June 2023, Council considered a report for the acquisition of land from adjoining properties to the Range Road, Mittagong – Road Rehabilitation and Widening Project. Council resolved (MN 2023/416):

THAT:

1. *The General Manager be delegated authority to negotiate with owners of:
Lot 100 in Deposited Plan 1134172 being 801 Range Road, Glenquarry;
Lot 12 in Deposited Plan 596095 being 890 Range Road, Glenquarry;
Lot 211 in Deposited Plan 812823 being 911 Range Road, Glenquarry; and
Lot 210 in Deposited Plan 812823 being 931 Range Road, Glenquarry
for the acquisition of part of those lots for the purpose of road AND THAT compensation be negotiated within 10% range of independent valuation.*
2. *If the acquisition referred to in Item 1 cannot be negotiated by agreement, Council resolves to:
 - a. *acquire the land by compulsory acquisition under sections 186 and 187 of the Local Government Act 1993 and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW).*
 - b. *approve the making of an application to the Minister of Local Government for the issue of a proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the land AND THAT Council request the Minister for Local Government approve a reduction in the notification period from ninety (90) days to sixty (60) days;*
 - c. *approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect of the land.**
3. *Council affix the Common Seal of Council to any documents required to be sealed for the acquisition of land referred to in Item 1 AND THAT authority be delegated to the Mayor/Administrator and General Manager to execute those documents.*
4. *Authority be delegated to the Mayor/Administrator and General Manager to execute on behalf of Council any documents associated with the acquisition of the land referred to in Item 1 above that do not require the Common Seal of Council.*
5. *Upon acquisition the land be classified as Operational land.*

REPORT

The Range Road, Mittagong – Road Rehabilitation and Widening Project commenced construction in March 2023, with works due for completion in December 2023.

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Construction works on site have identified the need for the road design to be refined, to accommodate environmental factors of the site. These factors include:

- Formation of an embankment, that would render a portion of private land unusable due to the steep grade of the batter slope. The grade of the batter slope requires the fencing to be located at the top of the slope, instead of the bottom, resulting in the need to acquire an additional 332.247 sq m of land from Lot 100.
- Retention of a large eucalypt tree which is defined as a habitat tree. The road has been realigned to accommodate the tree, resulting in the need to acquire 89.655 sq m of land from Lot 11.

Accordingly, the above factors have resulted in the need to acquire additional portions of land for completion of project. The land to be acquired from each property the subject of this report (subject to final survey) is approximately:

Affected Property	Area of Land to be Acquired
Lot 100	332.247 sq m (overall total 459.983 sq m)
Lot 11	89.655 sq m

An aerial map of each property is shown in **Attachment 1 and 2**. A layout of the road reconstruction works/design plan is shown in **Attachment 3 and 4**.

Formal valuation has been obtained from a registered valuer to assess the likely compensation payable to acquire part of each of the properties for road purposes. The valuer has assessed compensation as follows:

Affected Property	Compensation (exclusive of GST)
Lot 100	\$11,600.00 (overall total \$16,100.00)
Lot 11	\$1,350.00

Council has made initial contact with the affected landowners to discuss the proposed acquisitions, including attendance at an on-site meeting, to discuss the project.

Discussions with landowners have indicated that each property owner is supportive of the project in principle, pending negotiations.

LAND ACQUISITION PROCESS

Pursuant to the Land Acquisition Guidelines published by the Office of Local Government, Council must allow at least six (6) months to negotiate in good faith with the affected owners of the land.

Every effort is made to acquire land by agreement, to avoid having to proceed via the compulsory acquisition process. This report recommends that authority be delegated to the General Manager to negotiate acquisition of the land. In the event that agreement cannot be reached after six (6) months of good faith negotiations, a further report will be forwarded to future meeting of Council to formally resolve to proceed with the acquisition of land via the compulsory process.

In the interim, a Plan of Acquisition will be prepared on behalf of Council by a registered surveyor and lodged with NSW Land Registry Services for registration against the title to the land.

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COMMUNICATION AND CONSULTATION

Community Engagement

Consultation with the broader community is not considered appropriate. This is an administrative matter between Council as acquiring authority and the owners of the affected properties.

Internal Communication and Consultation

Project Manager – Capital Projects

External Communication and Consultation

Property Owners

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

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

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

Costs associated with the land acquisitions will be funded through Council's Range Road, Mittagong – Road Rehabilitation and Widening Project.

RELATED COUNCIL POLICY

None identified.

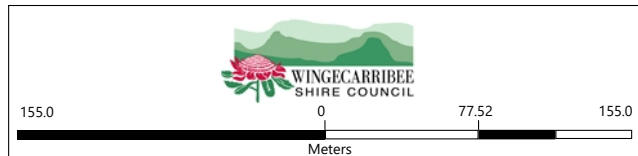
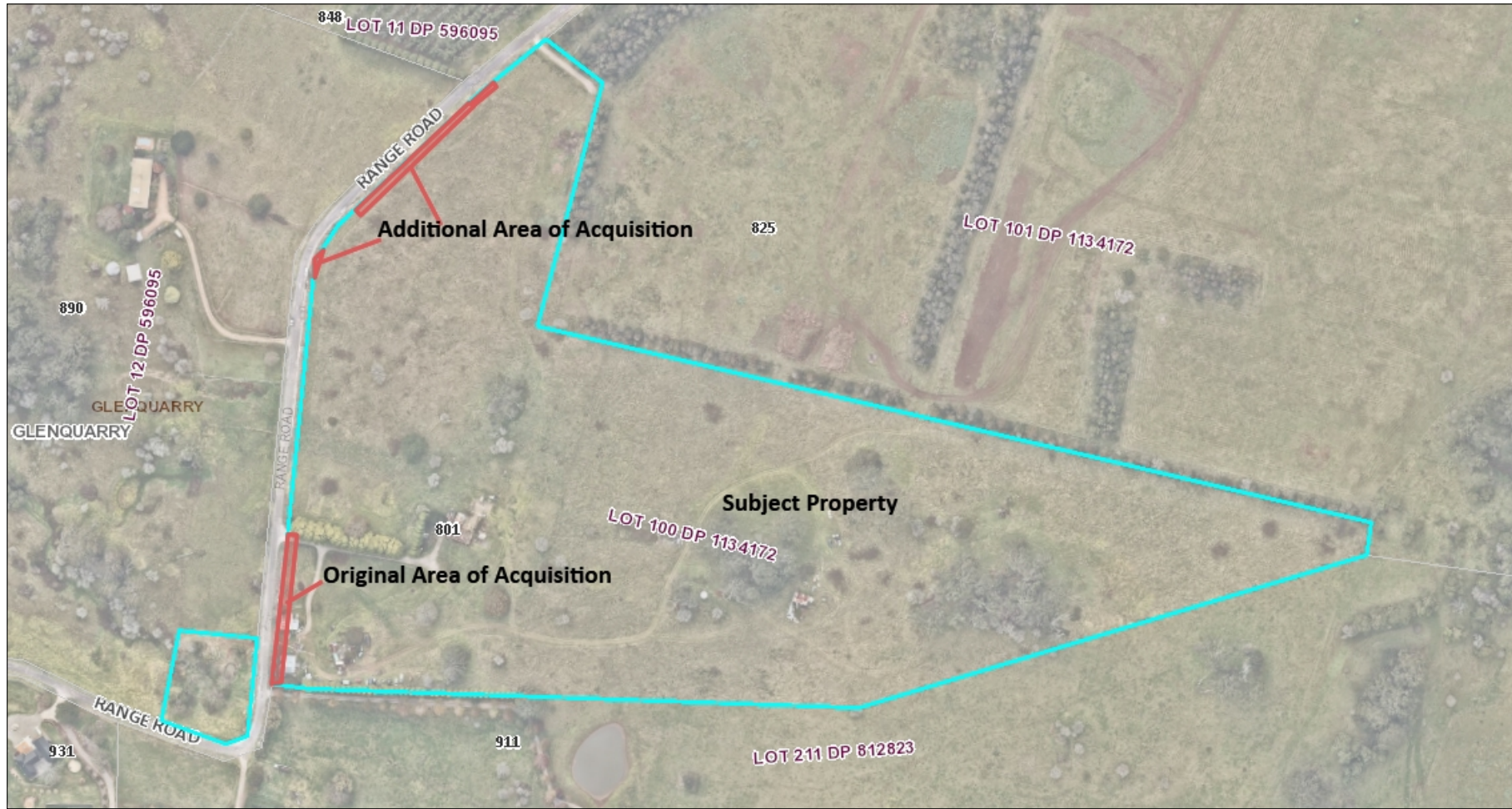
CONCLUSION

It is recommended that Council adopt the recommendations made in this report so that negotiations for acquisition of the required land can progress.

ATTACHMENTS

1. Aerial - 801 Range Road Glenquarry [**9.11.1** - 1 page]
2. Aerial - 848 Range Road Glenquarry [**9.11.2** - 1 page]
3. Design Concept Plan - 801 Range Road Glenquarry [**9.11.3** - 1 page]
4. Design Concept Plan - 848 Range Road Glenquarry [**9.11.4** - 1 page]


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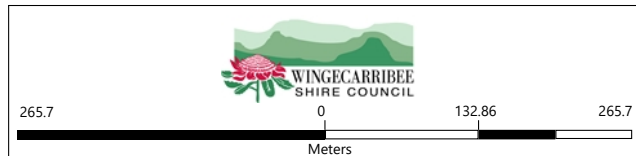
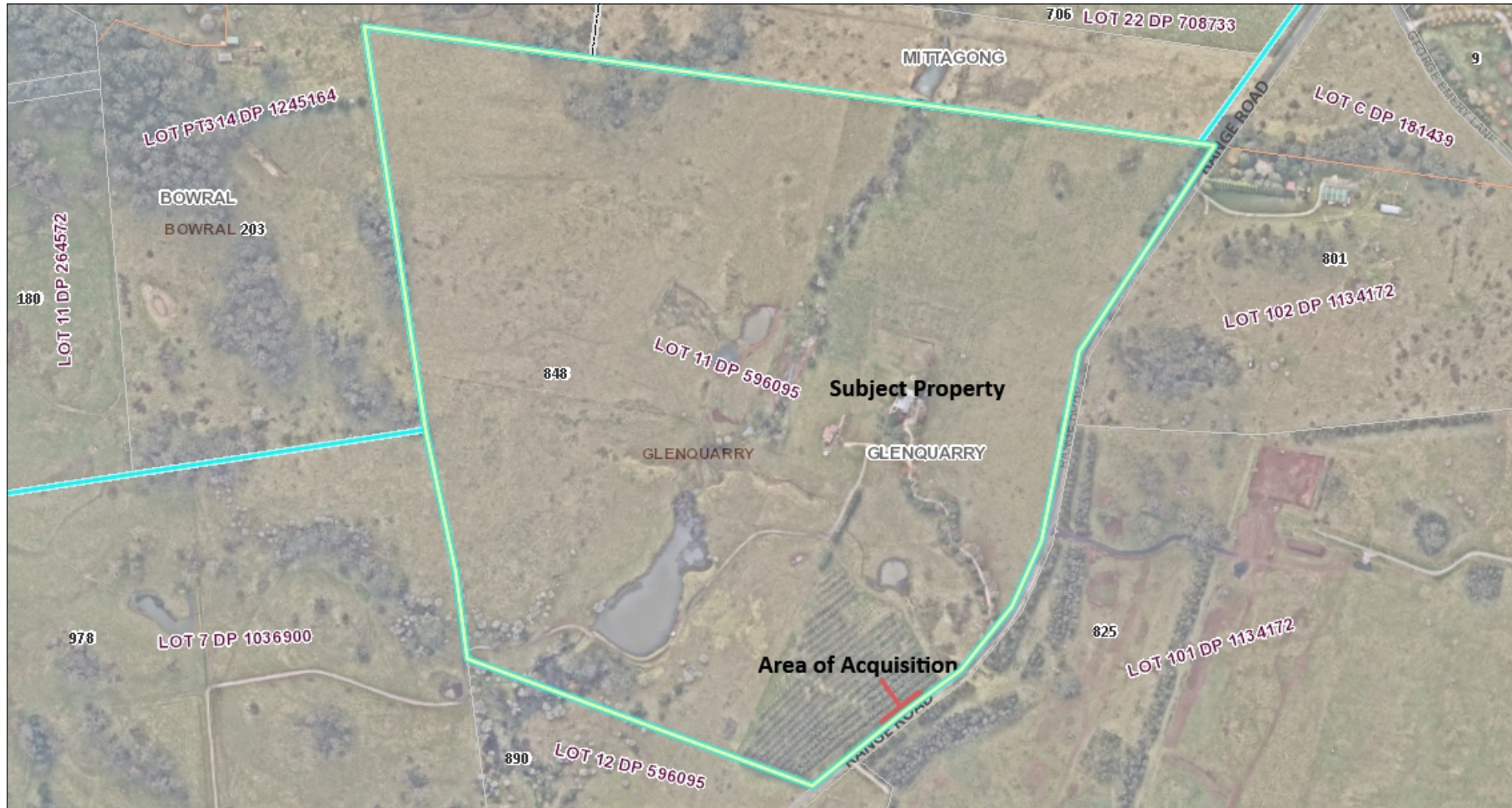
801 Range Road Glenquarry

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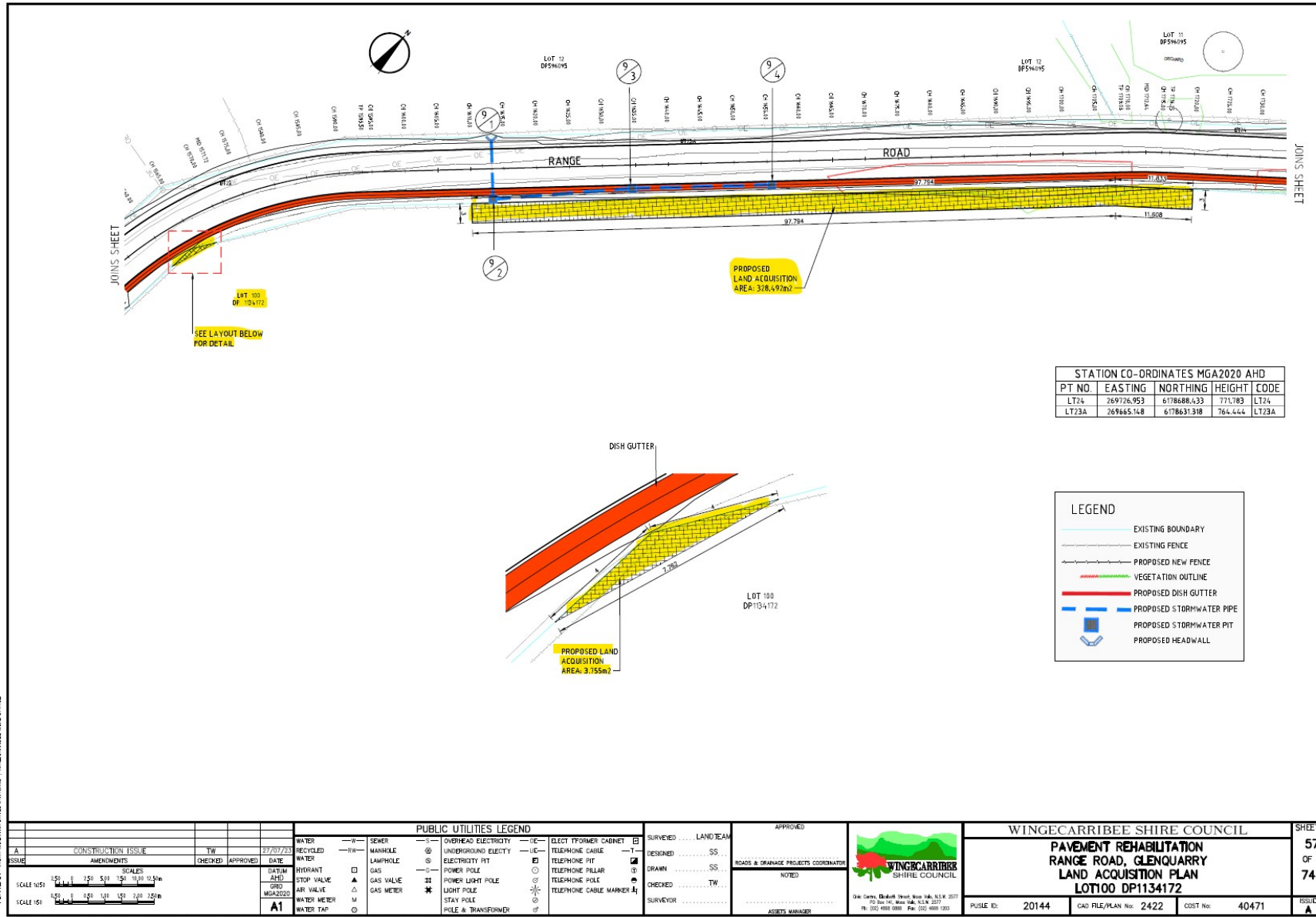


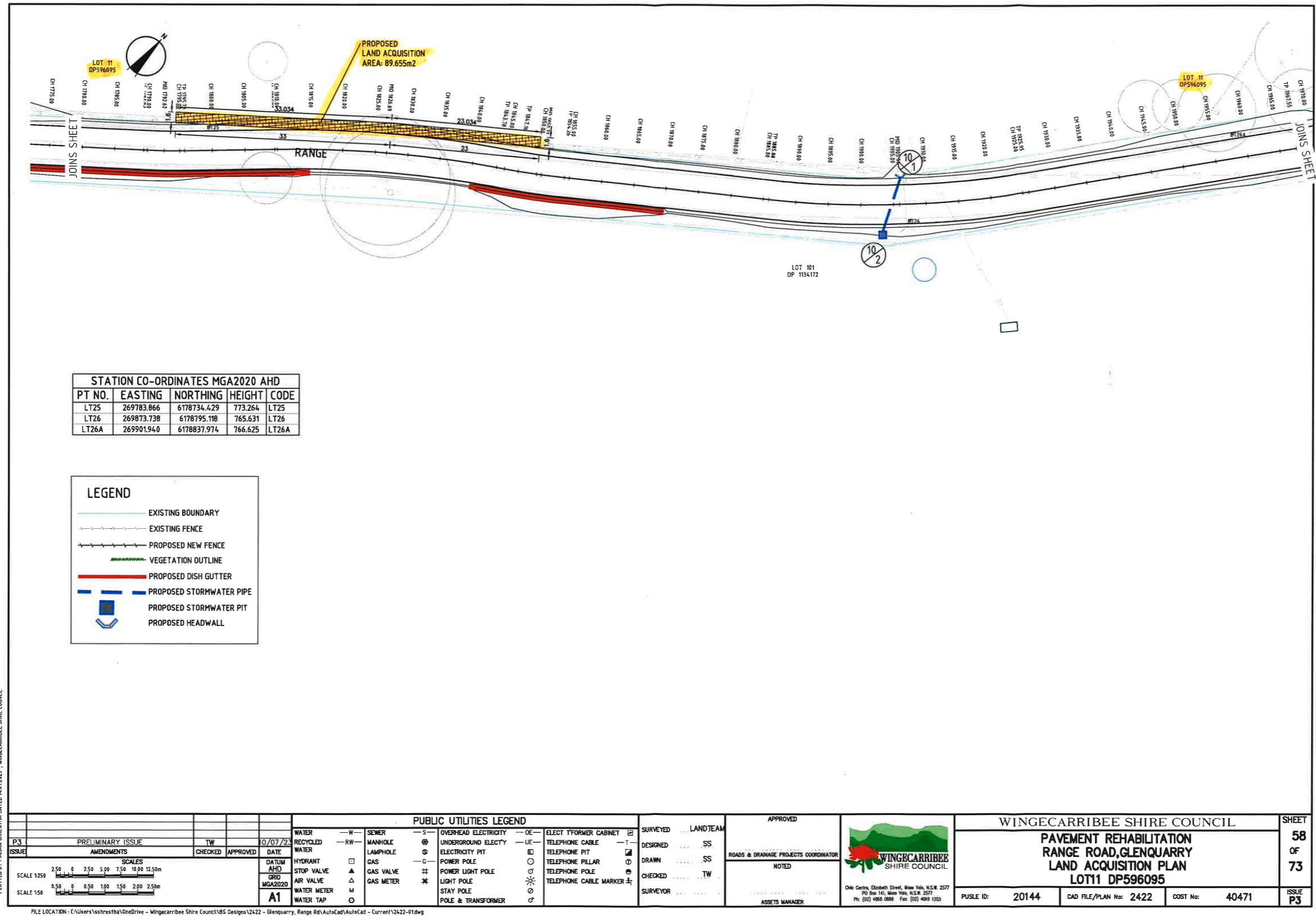
848 Range Road Glenquarry

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9.12 Meryla Road, Bowral - Proposed Closure of Road Reserve

Report Author: Julie-Anne Beardsmore
Property and Project Officer

Authoriser: Salomon Kloppers
Manager Business & Property

PURPOSE

To seek Council approval for the closure and subsequent sale of Meryla Road, Bowral.

OFFICER'S RECOMMENDATION

THAT:

- 1. Pursuant to Part 4 Division 3 of the *Roads Act 1993* Council, as roads authority, formally approve the closure of the road reserve known as Meryla Road, Bowral AND THAT upon closure, the newly created lot be classified as Operational Land pursuant to the *Local Government Act, 1993*.**
- 2. Following the closure of the road reserve, the General Manager be delegated authority to negotiate the sale of the newly created lot/s.**
- 3. The General Manager and Administrator/Mayor be delegated authority to execute under the Common Seal of Council any agreement, plan, real property dealing or any other document in respect of the proposed closure and sale of the road reserve referred to in Item 1 above.**
- 4. Authority be delegated to the General Manager to execute on behalf of Council any other documents associated with the road closure and sale referred to in Item 1 above which do not require the affixing of the Common Seal of Council.**

REPORT

BACKGROUND

The Council owned road reserve, known as Meryla Road, Bowral, has been identified as surplus with the potential for closure and future sale.

At its meeting held on 17 August 2022, Council resolved as follows: (MN 2022/183).

THAT:

- 1. Council endorse the application for closure of Meryla Road, Bowral.*
 - 2. Council give a minimum twenty eight (28) days public notice of its intention to close the Council road reserve referred to in Resolution 1 above AND THAT if any objections are received, a further report be forwarded to a future ordinary meeting of Council for determination.*
 - 3. If there are no objections received by Council during the period of public exhibition, that pursuant to Part 4 Division 3 of the Road Act 1993, Council as roads authority formally approve the closure*
-

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of the road reserve referred to in Resolution 1 above and that upon closure the newly created lot will be classified as Operational Land pursuant to the Local Government Act, 1993.

4. *The General Manager and Administrator be delegated authority to execute under the Common Seal of Council any agreement, plan, real property dealing or any other document in respect of the proposed closure of the road reserve referred to in Resolution 1 above.*
5. *Authority be delegated to the General Manager to execute on behalf of Council any other document associated with the road closure referred to in Resolution 1 above which does not require the affixing of the Common Seal of Council.*

REPORT

The road reserve, the subject of this report adjoins Moss Vale Road, Bowral and has an area of approximately 1,300 sqm (subject to final survey) and is shown shaded red in **Attachment 1** to this report.

The road reserve is surrounded by land zoned R3 Medium Density Residential with a minimum lot size of 1,000 sqm.

Following Council resolution on 17 August 2022, the proposed road closure was placed on public exhibition from 7 September 2022 to close of business on 7 October 2022.

Further, Council has undertaken the following legislative requirements under the *Roads Act, 1993*:

- Two (2) double sided temporary public notice signs were erected on the site of the area of proposed closure, one at each end of the road reserve. The notice signs remained in place during the period of public exhibition.
- The proposed closure was advertised on Your Say Wingecarribee.
- The relevant notifiable authorities were given notice in writing of the proposed road closure.
- Neighbour notifications were sent to thirty-one (31) residents/businesses in the vicinity of the road reserve proposed to be closed.

During the period of public exhibition, six (6) submissions of objection were received. A summary of the submissions received is provided below:

Item No.	Feedback	Council Response
M. Brown Planning Strategies On behalf of Conceal Pty Ltd Bowral	We wish to advise that we act for Conceal Pty Ltd, owner of Lot 24 DP 713573, Nos 31-33 Loftus Street, Bowral. On 1 June 2016, a Development Application (DA 16/0445) was lodged with Wingecarribe Shire Council for the construction of a residential complex containing 42 units, including basement level carparking spaces and landscaping of the land. The application also involved the subdivision of the land to create three lots. As part of the subject land (31-33 Loftus Street) was flood affected, the proposal required the railway culverts under Main Southern Railway Line to be upgraded and provision of an emergency egress to Meryla Road onto Moss Vale Road (refer to plan	Legal advice was sought which has advised that Meryla Road is not reasonably necessary for public use. The property is known as and rated as Loftus Street Bowral and Loftus Street is this property's access point. The owner of the property at 31-33 Loftus Street, Bowral would need to make alternative arrangements discounting the use of Meryla Road for access.

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	<p>below). This involved the construction of a bridge crossing over the riparian corridor and the construction of Meryla Road.</p> <p>The proposed development incorporated an emergency flood access route from Meryla Road which is situated above the flood planning level. This emergency flood access would enable emergency services vehicular access to the site if an incident occurred during an extreme flood event (i.e. a medical emergency).</p> <p>The Development Application was refused on 19 February 2018. As a result of the refusal, Conceal Pty Ltd commenced legal proceedings (2018/97935) in the Land & Environment Court (“L&E C”) on 8 March 2018. In respect of the culvert upgrade, it was proposed that to the L&E C that this requirement be conditioned as “Deferred Commencement” consent. However, the L&E C did not agree with such a condition being imposed and subsequently refused the application.</p> <p>However, the draft Without Prejudice Conditions provided to the L&E C required the construction of the crossing and upgrade of the Meryla Road. The plans below show the extent of flooding within the immediate area under current circumstances and the outcome of the construction of the box culverts and the improved flood conditions for properties upstream in a 1% AEP Flood Event. the construction of the culverts provides a significant benefit to such properties. However, access from the development site to Loftus Street is still impacted, hence the need for the emergency access to Meryla Road and to Moss Vale Road in such events.</p> <p>Development Application 22/0012 was lodged with the Council for the construction of the box culverts and development consent granted on 10 September 2021. The construction of the box culverts has commenced.</p> <p>It is the intention to re-lodge the same development application with Wingecarribee Shire Council, now that the construction of</p>	<p>Additionally, if the property were placed on the open market for sale following closure, the adjoining owner would have the same opportunity as anyone else to purchase the land if they so wished to do so (at Council’s discretion and subject to negotiations).</p>

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Item No.	Feedback	Council Response
	<p>the box culverts has commenced. This application will propose the bridge crossing and construction of Meryla Road, which Council Town Planners and Engineers require to undertaken for the development.</p> <p>It is clear that the result of the construction of the box culverts has a significant outcome for adjoining residents with the rear section of some of these properties flood free in such flood events. Indeed, during the L&E C proceedings, the residents requested the Court to approve that application in order to resolve the flooding issues on their properties. Indeed, one of the outcomes of the construction of the box culverts is that Meryla Road is flood free.</p> <p>As such, we petition Council not to close Meryla Road and potential sale as a result of the land being Operational Land and noting the current zoning is R3 Medium Density under the provisions of Wingecarribee Local Environment Plan 2010.</p> <p>The closure of the road and potential sale to another party will have significant impacts on the proposal to construct units on the subject property.</p>	
<p>Endeavour Energy</p>	<p>Endeavour Energy’s electronic mapping system shows that overhead power lines are located within a part of the proposed road cluster for closure. Therefore, Endeavour Energy have a formal objection to the closure. We have the following requirements:</p> <p>An easement for overhead power lines 9 wide to be created in the name of Epsilon Distribution Ministerial Holding Corporation.</p> <p>The cables will need to be located electronically to determine their exact position. Endeavour Energy will require a copy of the location survey.</p> <p>Future lot consolidation must not sever the easement site longitudinally.</p> <p>Once the easement is created or relocated, Endeavour Energy will remove their objection.</p>	<p>Noted.</p> <p>An easement for Endeavour Energy’s power lines will be created when Council’s surveyors draft the plan of first title creation.</p>

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Item No.	Feedback	Council Response
<p>H. Dykstra of H & D Roofing Bowral</p>	<p>I object to closure of Road called Meryla Rd Bowral. This is an unmaintained track/road which is maintained by residents living in this area. So I cannot see a logical reason why Council would want to close this Road.</p> <p>Could Council give reasons for this road closure. Why?</p>	<p>Meryla Road has been identified as surplus with the potential for closure and future sale.</p>
<p>C. Ghassibe of River Blue Estates Pty Ltd Bowral</p>	<p>On 14/06/2022 we lodged DA with reference PAN-234127, Section 68 with reference S68-2022-11074 and Section 138 with reference RA-2022-4801 for demolition of existing dwelling and construction of multi dwelling housing at 519 Moss Vale Road, Bowral. The site has frontage to the unmade road reserve being Meryla Road that interacts with Moss Vale Road. Neither 519 or 521 Moss Vale Road have driveway access onto Moss Vale Road and both access their properties from Meryla Road. A previous DA for four dwellings at 519 Moss Vale Road was approved by Council in December 2013 under LUA 13/0532.</p> <p>All four proposed dwellings at 519 Moss Vale Road will be accessed off Meryla Road, not Moss Vale Road and therefore the proposed development includes the construction of suitable vehicular access within the Meryla Road road reserve. The development site has frontage to Moss Vale Road. The proposed development addresses the provision of the state policy by proposing site access for the four dwellings to be via Meryla Road rather than directly onto Moss Vale Road. Such an arrangement is considered to be the safest and most efficient development outcome.</p> <p>Furthermore, the proposed DA with reference PAN-234127 has already progressed through most of Council and external departments without any issues raised to owners. The closure of the Meryla Road road reserve would severely impact the current access for both 519 and 521 Moss Vale Road Bowral properties as well as any future development proposals.</p>	<p>Legal advice received by Council notes that Meryla Road is not reasonably required for public use, whether for present or future needs, and access to the property is reasonably practicable from Moss Vale Road.</p> <p>The road is not required for continuity of an existing road network. The road connects to Moss Vale Road however is not required as a means of access to any other public road network.</p> <p>Comment was sought from Transport for NSW during the period of public exhibition and they have advised that they have no objection to the closure of Meryla Road Bowral.</p> <p>The owner of the property at 519 Moss Vale Road, Bowral would need to make alternative arrangements for any development (if possible) without use of Meryla Road as access (ie. via the land that they own).</p> <p>The property is known as and rated as 519 Moss Vale Road, Bowral (not Meryla Road).</p> <p>Additionally, if the property were placed on the open market for sale following</p>

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Item No.	Feedback	Council Response
		closure, the adjoining owner would have the same opportunity as anyone else to purchase the land if they so wished to do so (at Council's discretion and subject to negotiations).
<p>N. Hesford of Stacks Law Firm On behalf of M.J. Clark Bowral</p>	<p>Stacks Law Firm act for the owner of 521 Moss Vale Road, Bowral.</p> <p>Client viewed the public notice regarding the proposed closure of Meryla Road, Bowral which was published on a sign at the entrance to Meryla Road.</p> <p>Client's land adjoins Meryla Road, but client has not received a copy of the notice which is required to be given under section 38B(1)(b)(i) of the <i>Roads Act 1993 (NSW)</i>.</p> <p>Client purchased his property on 23 May 2022 with the sole intention of developing the property.</p> <p>Client's property has enjoyed uninterrupted access to Moss Vale Road through Meryla Road for over a century. This is a fact our client relied on in recently purchasing the property. The proposed closure would substantially detrimentally impact client.</p> <p>This letter is a submission of formal objection to the closing of the road made under section 38C of the <i>Roads Act 1993 (NSW)</i>.</p> <p>Client is in the process of preparing a Development Application for the construction of a duplex on the property ("Draft DA"). A draft plan which will accompany the proposed development application is enclosed.</p> <p>Client's development application will be consistent with the nature of other surrounding developments and with the current R3 zoning of the area.</p> <p>If the road is closed and consequently the development does not proceed, the value of client's property will substantially reduce and your actions in closing the road will cause client substantial loss and damages.</p>	<p>Notification letter was posted to the property owner at his Cunjurong Point address on 6 September 2022.</p> <p>Legal advice received by Council notes that Meryla Road is not reasonably required for public use, whether for present or future needs, and access to the property is reasonably practicable from Moss Vale Road.</p> <p>The road is not required for continuity of an existing road network. The road connects to Moss Vale Road however is not required as a means of access to any other public road network.</p> <p>Legal advice further notes that the Road is a public road, meaning that the owner has a right to access the Road as a member of the public. Should an owner be able to make an application for a prescriptive easement over a public road, any owner who has owned land for 20 years adjoining a public road would be able to claim an easement over the public road.</p> <p>It is not Stacks client who has been continually using the Road for access. Their client purchased the property in May 2022. Therefore, continuous use of the Road is unable to be established by the applicant. They cannot rely on prior</p>

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Item No.	Feedback	Council Response
	<p>We are instructed there is also a development application number 22/1915 for a neighbouring property which requires access through Meryla Road for four proposed residences. Closure of the road will also prevent this development.</p> <p>If it becomes necessary, client will oppose closure of the road and seek a declaration from the Supreme Court of NSW on the basis that client has a prescriptive easement.</p> <p>Client meets the elements of a prescriptive easement for access being:</p> <ul style="list-style-type: none"> (a) There is an existing right for client to use the land for access; (b) The right has been used with the implied consent of the council, being a public road; and (c) Client can reasonably establish continuous use of the road for a period in excess of 20 years. 	<p>parties to be able to establish a chain of continuous use.</p> <p>The owner has no right or basis to be able to make an application to the Supreme Court for an easement by prescription.</p> <p>Comment was sought from Transport for NSW during the period of public exhibition, and they have advised that they have no objection to the closure of Meryla Road Bowral.</p> <p>The owner of the property at 521 Moss Vale Road, Bowral would need to make alternative arrangements for any development (if possible) without use of Meryla Road as access (ie. via the land that they own).</p> <p>The property is known as and rated as 521 Moss Vale Road, Bowral (not Meryla Road).</p> <p>Additionally, if the property were placed on the open market for sale following closure, the adjoining owner would have the same opportunity as anyone else to purchase the land if they so wished to do so (at Council's discretion and subject to negotiations).</p>
C. Harper Wright Burradoo	As a resident of Burradoo and regular pedestrian user of Meryla Road, I trust that if the road is closed, pedestrian access will remain open. The road is a useful link from Moss Vale Road to Railway Parade. When it is not too muddy, I use the link once or twice a week. It is a useful amenity.	<p>Meryla Road has been identified as surplus with the potential for closure and future sale.</p> <p>Additionally, there is alternate access in the vicinity of the road reserve where pedestrian access can be utilised to Railway Parade.</p>

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The only property the road reserve provides (secondary) access to is 31-33 Loftus Street Bowral (Lot 24 DP 713573). It is noted however that this property's main access is via Loftus Street, Bowral.

The three (3) properties that adjoin the area of road reserve are all addressed as either Loftus Street or Moss Vale Road, Bowral and none of these properties rely on Meryla Road for access.

Legal advice received by Council notes that Meryla Road is not reasonably required for public use, whether for present or future needs, and access to the adjoining properties is reasonably practicable from Moss Vale Road and Loftus Street.

Further, the road is not required for continuity of an existing road network. The road connects to Moss Vale Road, however, is not required as a means of access to any other public road network.

Council's Development Assessment Planner has advised that if a property has public road access and this access is physically suitable, eg. provided with a driveway or similar, then this is sufficient for all purposes including emergency vehicles.

This report is submitted for consideration of the submissions and final decision in relation to the requested road closure. The report recommends that Council resolve to formally approve the road closure pursuant to authority delegated to it under Part 4 Division 3 of the *Roads Act, 1993* for future sale.

COMMUNICATION AND CONSULTATION

Community Engagement

Public notice of the proposed road closure was provided for a period of twenty eight (28) days on Your Say Wingecarribee, by sign boards on site and in the Council Libraries.

Council also issued notice of the proposed closure to property owners (in excess of 30) in the vicinity of the road reserve.

Internal Communication and Consultation

The relevant Council officers have been consulted and invited to comment in relation to the proposed closure of the road reserve. There were no internal submissions objecting to the proposed closure.

External Communication and Consultation

Adjoining owners. Comments are described in this report.

Statutory authorities.

Transport for NSW was contacted by Council during the consultation period and have advised that they have no objection to the road closure.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

Closure of the road reserve would serve to prevent antisocial and dangerous behaviour in the area and would prevent illegal dumping whilst still maintaining access to surrounding properties.

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Broader Economic Implications

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

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There will be minor budget implications which relate to surveying and registration fees. These expenses will be funded through available budgets for property related matters.

RELATED COUNCIL POLICY

Permanent Road Closure and Road Lease Policy.

CONCLUSION

There are no properties rated to Meryla Street Bowral. All adjoining properties have street addresses of Moss Vale Road or Loftus Street and have access from those streets/roads.

Legal advice has confirmed that Meryla Road is not reasonably necessary for public use. Whilst the road reserve proposed for closure connects to Moss Vale Road, is not required as a means of access to any other public road network. The property is not needed to provide access to any other property.

Comment was sought from Transport for NSW during the period of public exhibition. Transport for NSW have advised that they have no objection to the closure of Meryla Road Bowral.

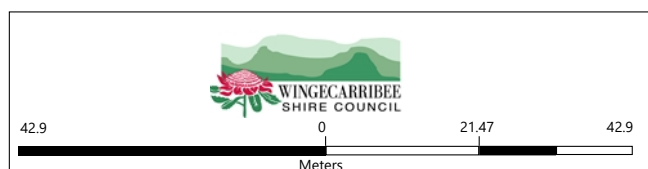
Additionally, if the property were placed on the open market for sale following closure, subject to negotiation, any of the adjoining owners would have opportunity to purchase the land if they so wished to do so.

Accordingly, it is recommended that Council resolve to formally approve the road closure pursuant to authority delegated to it under Part 4 Division 3 of the *Roads Act, 1993*.

Following the closure of the road reserve, it is recommended negotiations be undertaken, at Council's discretion, for sale of any newly created lot.

ATTACHMENTS

1. Attachment 1 Meryla Road [**9.12.1** - 1 page]



Wingecarribee Shire Council

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9.13 Councillor Portal - Demonstration

Report Author: George Harb
Chief Information Officer

Authoriser: Carmel Foster
Director Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to introduce the Councillor Intranet (Portal) as a tool for Council and outline the anticipated advantages it offers. These advantages include consolidating information, promoting collaboration among councillors, ensuring a secure platform, and facilitating transparent information distribution. The report intends to highlight the substantial positive influence the Councillor Intranet will provide on Council operations, reaffirming Council's focus on efficient governance. In conjunction with this report, a presentation will be delivered during the Council meeting.

Additionally, Council officers will provide a demonstration of the Councillor Portal.

OFFICER'S RECOMMENDATION

THAT Council receive and note the report.

REPORT

BACKGROUND

At the August Ordinary Council meeting the Administrator requested:

"At the September 2023 Council Meeting a demonstration be given of how the elected members portal will operate."

The Council's primary focus is on revitalising community engagement, elevating service standards, and establishing an agile and responsive organisational framework. In alignment with these objectives, the Council officers are actively working on implementing a Councillor Portal, designed to provide Councillors with a centralised resource hub, readily accessible during their Council engagements. Beyond enhancing convenience, this initiative aims to streamline processes, reduce costs, and save time for council officers.

The project team initiated the portal design phase in August 2023, with the target of completing it by December 2023. This proactive approach reflects Council's commitment to realising these vital improvements efficiently and effectively.

REPORT

The delivery of a Councillor Portal for Councillors and Council Staff is expected to provide the following features and benefits:

- **Structured Access to Information:** Councillors will have access to essential information in a structured and consistent manner, enabling them to effectively carry out their roles and make well-informed decisions from the outset of their term.

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- **Enhanced Understanding of Council Operations:** The portal will facilitate Councillors' comprehension of critical Council information, policies, and procedures.
- **Councillor Induction Support:** It will support the efficient delivery of the Councillor Induction program for both newly elected and returning Councillors.
- **Digital Transition for Council Papers:** The portal will facilitate the digitised delivery of Council papers, reducing paper usage supporting sustainability, increasing delivery efficiency, and allowing Councillors to make personalized annotations in a centralized location.
- **Enhanced Team Collaboration:** Councillors will operate within a governing body that functions as a strong, collaborative team.
- **Security and Data Protection:** The portal will provide robust security measures and Data Loss Protection (DLP) for confidential papers, preventing unauthorized access and distribution.
- **Empowering Councillors:** It will empower Councillors with easy access to key information, enabling them to excel in their roles.
- **Efficiency Gains for Council Staff:** Council staff will experience improved business processes, resulting in increased efficiency.
- **Effective Council Staff Support:** Council Staff will be able to support Councillors more efficiently and effectively.

The Key priorities are:

- **Document Repository:** Establishing a centralised repository for essential documents, reports, policies, and local government bylaws, ensuring easy access for Councillors.
- **Efficient Meeting Management:** Enhancing meeting management by providing Councillors with access to upcoming meeting details, including agendas, minutes, and relevant documents.
- **Accessibility and Compliance:** Ensuring the portal aligns with accessibility standards and legal requirements, promoting inclusivity and transparency.
- **Cost-Efficiency:** Realising cost savings for local governments through reduced expenditures on physical mailings and office-related expenses, thus ensuring long-term financial sustainability.
- **Streamlined Document Management:** Utilising the portal as an efficient document management system, simplifying the organization and maintenance of critical records.

In conclusion, these key priorities for a dedicated Councillor Intranet underscore the Council's dedication to effective governance, transparency, and resource optimisation. They cannot be effectively integrated into the public website due to the imperative need for heightened security, controlled access, improved operational efficiency, compliance with legal standards, long-term cost savings, and streamlined document management. The Intranet serves as a specialised, secure platform that caters specifically to the unique requirements of Councillors and staff, ensuring easy access to critical documents, meeting details, and discussions for authorised personnel.

Moreover, the digitisation of forms for Councillors further necessitates this separation, as these forms may contain sensitive and confidential data that require special handling. While transparency is valued, certain information must be safeguarded to protect privacy and adhere to legal requirements, striking a balance between openness and responsible data management.

Additionally, it is crucial to note that there is information pertinent to the roles of Councillors, such as details related to the Canberra Region Joint Organisation (CRJO), Local Government New South Wales (LGNSW), Catchment Management Authorities (CMAs), and the NSW Electoral Commission (NSWEC), which is not publicly available on the Council's website. This information is essential for Councillors' operational matters, and the Intranet provides the appropriate platform for secure and controlled access to these critical external resources, further enhancing the Council's commitment to effective governance.

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 20 SEPTEMBER 2023

COMMUNICATION AND CONSULTATION

Community Engagement

Not required

Internal Communication and Consultation

The project's internal stakeholders encompass key individuals within our organisation, including:

- General Manager
- Director Corporate Strategy
- Manager Governance and Corporate Performance
- Chief Information Officer

Additionally, our project team is composed of subject matter experts, including:

- Project Specialist
- Business Solutions Implementations Manager
- Coordinator Governance
- Governance Officers
- Executive Officer
- Executive Assistant to the Administrator and General Manager
- Business Solutions Training Officer
- Coordinator Corporate Systems
- Coordinator Corporate Information

The team has consistently convened to conduct thorough discussions. These conversations have been centred around extracting valuable insights from past experiences in engaging with councillors, including the challenges encountered and the successes achieved. Furthermore, these interactions have enhanced our understanding of critical processes related to supporting councillors, governance, and risk management.

External Communication and Consultation

Not required

SUSTAINABILITY ASSESSMENT

Environment

There will be environmental benefits realised through the new paper lite process.

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 Councillor Intranet project represents a crucial component of our ICT (Information and Communications Technology) Roadmap Project and associated budgetary allocations. This initiative marks the second phase of the Formal Contract Agreement under Councillor Intranet Contract Number 6340/21.49. Its associated project costs were carried over into the current reporting period as part of the expenditure revotes approved during the August Council meeting. These adjustments enabled the allocation of funds of \$79,875 from the 2022/23 budget to the 2023/24 budget, ensuring the successful completion of planned project activities.

RELATED COUNCIL POLICY

Code of Conduct, Code of Meeting Practice, Councillor Expenses and Facilities Policy

CONCLUSION

In conclusion, the Councillor Portal offers numerous advantages, promising significant benefits for Council. This technology will provide a range of positive outcomes.

The portal will establish transparent processes and will contribute cultivating positive working relationships among Councillors. Moreover, Councillors will be empowered with a comprehensive understanding of key legislation, policies, and procedures, enabling them to make well-informed decisions.

The portal will provide accessibility for Councillors to essential information will lead to efficiency gains for Council Staff through streamlined processes. Furthermore, the adoption of paper-lite practices underscores Council's commitment to environmental responsibility by reducing paper usage and waste.

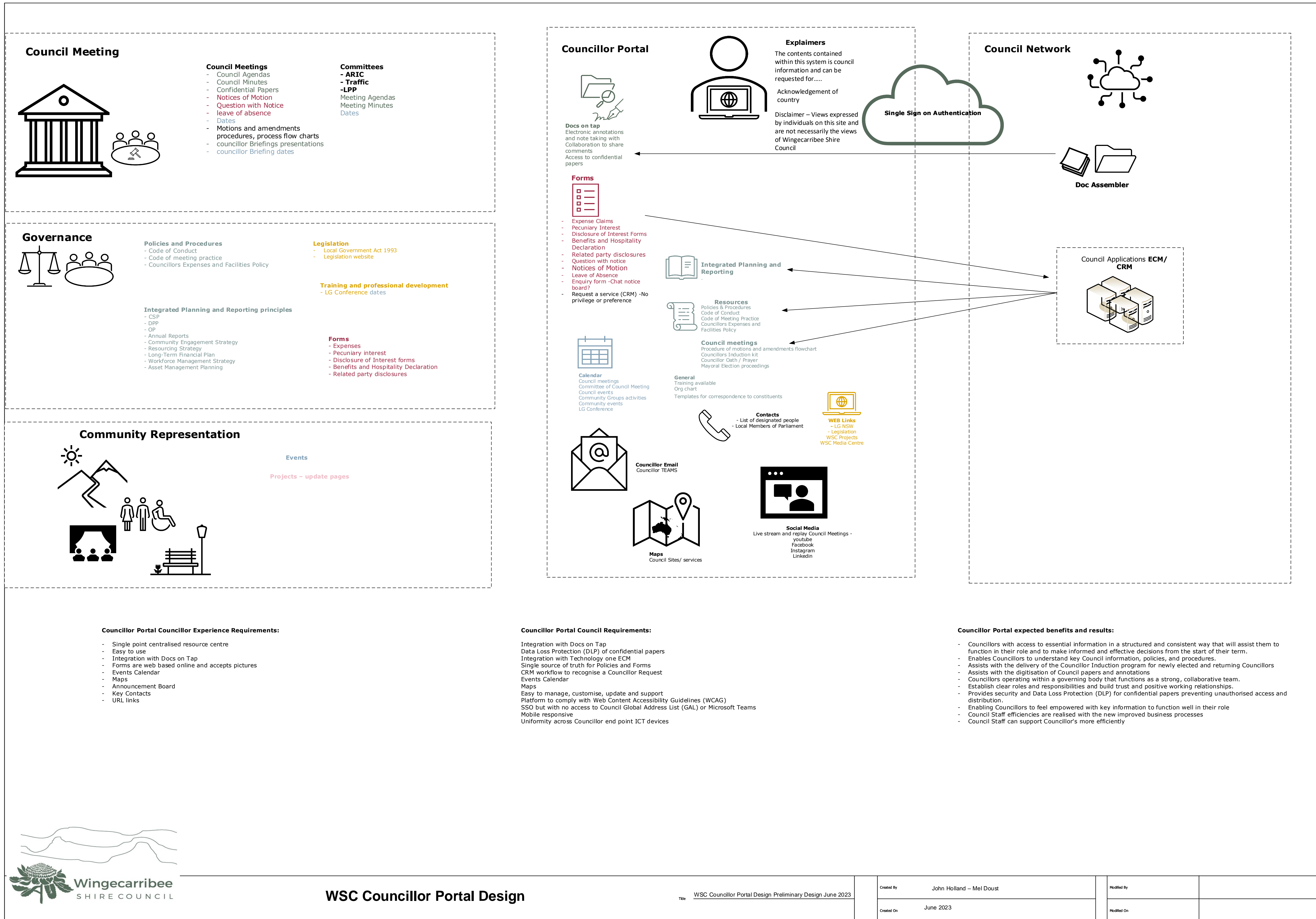
Additionally, it is important to note that there is information pertinent to the roles of Councillors, such as details related to the Canberra Region Joint Organisation (CRJO), Local Government New South Wales (LGNSW), Catchment Management Authorities (CMAs), and the NSW Electoral Commission (NSWEC), which is not publicly available on the Council's website. This information is essential for Councillors' operational matters, and the Intranet provides the appropriate platform for secure and controlled access to these critical external resources, further enhancing the Council's commitment to effective governance.

Lastly, the optimisation of the delivery of Councillor Business Papers will yield cost savings, ensuring responsible financial management. These anticipated benefits collectively signify Council's focus on efficiency, sustainability, and responsible stewardship of resources.

The Councillor Portal is one of the tools in Council's digital transformation to streamlining Council's operations, promoting collaboration, transparency, and sustainability.

ATTACHMENTS

1. Preliminary Design July 5 (1) [**9.13.1** - 1 page]



WSC Councillor Portal Design

Title	WSC Councillor Portal Design Preliminary Design June 2023		Created By	John Holland – Mel Doust	Modified By	
	Created On	June 2023	Modified On			

9.14 Mittagong Playhouse - Development CIV, Approval Pathway and Significance

Report Author: Adan Davis
Director Communities and Place

Authoriser: Lisa Miscamble
General Manager

PURPOSE

The purpose of this report is to advise on the calculation of the cost of the Mittagong Playhouse project restoration and refurbishment development, the correct planning approvals pathway and then heritage significant of the Mittagong Playhouse site, in response to the Council resolution of the 16 August 2023.

OFFICER'S RECOMMENDATION

THAT Council receive and note the report.

REPORT

BACKGROUND

At the Ordinary Meeting of Council held on 16 August 2023, the following was resolved:

THAT Council:

1. *Note the Expression of Interest submission to the federal Growing Regions Fund seeking \$4M in grant funding in relation to the Mittagong Playhouse Restoration and Refurbishment project.*
2. *Endorse the funding strategy to fund \$4M of the Mittagong Playhouse Restoration and Refurbishment project through loans, with General Revenue efficiencies to be sort as part of the 2024/25 budget process to fund the loan repayments.*
3. *Continue to advocate for additional funding from state and other funding sources to supplement the grant and loan funding allocated to the Mittagong Playhouse Restoration and Refurbishment project.*
4. *A further report be provided at the next meeting of Council on the Mittagong Playhouse to address the:*
 - a. *cost of the project*
 - b. *planning approvals pathway*
 - c. *heritage significance of the three parts of the site*

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REPORT

A question was raised during the public forum of the Ordinary Meeting of Council on Wednesday, 16 August 2023 which raised a discrepancy in relation to the estimated cost of the Development Application (DA) for Mittagong Playhouse development at the time of lodgement of the development application (DA), and the development not being referred to the Regional Planning Panel for determination.

GROSS PROJECT COST vs. CAPITAL INVESTMENT VALUE

It is acknowledged that an error had been made by the Architect managing the project on behalf of Council when they entered the development cost into the NSW Planning Portal at the time of lodgement. That amount reflected the total project cost estimate at the time.

Consistent with policy and best-practice for ensuring probity where a Council is the landowner, the application was referred to an independent external assessment planner and would be reviewed and determined by an independent panel (either Local or Regional Planning Panel).

Upon completing their initial assessment of the application, the independent assessment planner requested that the applicant (Council's architect project manager) submit a registered Quantity Surveyors detailed cost estimate report to confirm the Capital Investment Value (CIV) of the project. This is a common practice to request such evidence for this scale of development.

CIV is used for the purposes of determining development application fees and the relevant determination authority. The NSW Department of Planning and Environment define how Capital Investment Value (CIV) is to be calculated under the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) and certain State Environmental Planning Policies (Planning Circular PS 21-020).

The Quantity Surveyors detailed report (QS report) was subsequently submitted to the independent assessment planner and determined the CIV of the development to be \$4.86m. The Quantity Surveyor's report CIV estimate is provided at **Attachment 1**. This CIV correctly excluded costs such as GST, decanting/relocating costs, commissioning costs, theatre furnishing costs, and allowances for contingencies and cost escalation (due to inflation). Some of these costs were included in the gross project costs that had been placed on the Portal reflecting the amount of \$5.02m.

PLANNING PATHWAY AND DETERMINING BOD

As the QS report capital investment value was below the \$5m threshold, the DA was correctly referred to the Local Planning Panel for determination, not the Regional Planning Panel. It is noted that both Panels are independent of Council staff and there would be little time difference between them, and in principle, no difference in the decision outcome.

The DA was approved by the Local Planning Panel in June 2023.

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During the 18 months since the DA was lodged, construction costs Australia-wide have escalated substantially. As a result, the total project cost has increased and it is now estimated that \$8m will be required to deliver a ready-to-use and fit-for-purpose contemporary performance and community facility, with increased seating capacity.

As construction costs continue to balloon Australia-wide Council is committed to securing the additional funding needed to deliver the co-designed future vision for Mittagong Playhouse, and hand a vastly improved facility for live theatre back to our community, as quickly as possible.

A heritage listed building of great architectural and cultural significance for our Shire, the closure of Mittagong Playhouse has been deeply felt by the community. A serious structural fault necessitated the venue's closure in late 2019 for the safety of community members. The Wingecarribee community has since clearly communicated to Council that the restoration and re-opening of Mittagong Playhouse is a priority.

HERITAGE LISTING & HISTORY

The heritage listing extends to the entire site. The heritage significance of the site comprises three parts, or layers of significance:

- the former Mittagong Shire Council Building (item no. I193),
- the School of Arts (item no. I144), and
- the Memorial Hall (item no. I270).

The former Mittagong Shire Council Building was included in the list of heritage items in the Illawarra Regional Environmental Plan No. 1 which was gazetted on 11 April 1986 and subsequently included in the Wingecarribee Local Environmental Plan 1989 which was gazetted on 12 January 1990. The School of Arts and Memorial Hall were added to the heritage list through amendment no. 81 to the Wingecarribee Local Environmental Plan 1989, gazetted on 27 November 1998. This was the same amendment that introduced the wider Mittagong Conservation Area in which the property is situated.

The three parts of the building were constructed in different periods commencing with the School of Arts building, a two-storey brick building built on the site in 1899 by Alfred Grono. In 1911, the Memorial Hall was built at the rear of the School of Arts building and was constructed of reclaimed stone sourced from the Fitz Roy Iron Works site in Mittagong.

In 1949, the Mittagong Shire Council, which was at that time located in a former factory building in Regent Street, Mittagong, was seeking to expand and required new premises. So too at that time the Hall, built nearly 40 years earlier, was in need of enlargement. An agreement was reached between the School of Arts Committee and Mittagong Shire Council to use the School of Arts site to build a new Council Chambers which would include an enlarged hall.

The new Council building was remodelled when the School of Arts building was around the 50+ year old and architect Eric Nicholls (former architectural partner of Walter Burley Griffin) was engaged to design the structure. The new Mittagong Council Chambers building, which incorporated a new and widened Memorial Hall, was completed in 1954 with the official opening of the Council Chambers occurring on 10 December, and the Hall officially opened in June 1955.

All three parts are significant, and the layers together tell the story of Mittagong's evolution and past (both the former Shire and the village).

COMMUNICATION AND CONSULTATION

Community Engagement

There are no community engagement implications associated with this report.

Internal Communication and Consultation

There are no internal communication or consultation implications in relation to this report.

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External Communication and Consultation

A media release was communicated on the 18 August, following the Council meeting, clarifying to the community the difference between the two cost figures (gross project cost and CIV) and the planning pathways for determination. Further correspondence will be sent to the speaker at the Council meeting of 16 August 2023, advising of the heritage significance as detailed in this report.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

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

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications for Council in relation to this report.

RELATED COUNCIL POLICY

There are no budget implications for Council in relation to this report.

CONCLUSION

The referral of the application at the time to the Local Planning Panel for determination, rather than the Regional Planning Panel, was correct based on the Quantity Surveyors Capital Investment Value estimate of \$4.86m. Construction costs Australia-wide have escalated substantially and as a result the total project cost has increased and is now estimated at \$8m.

The heritage significance of the Playhouse site comprises three parts (or layers or significance), being: the former Mittagong Shire Council Building, the School of Arts, and the Memorial Hall. All three parts are significant and should be conserved.

ATTACHMENTS

1. Mittagong Playhouse QS Report Extract - CIV Estimate [**9.14.1** - 2 pages]

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 20 SEPTEMBER 2023**

**Registered* Quantity Surveyor's Detailed Cost Report
[Development Cost in Excess of \$500,000]**

*A member of the Australian Institute of Quantity Surveyors

DEVELOPMENT APPLICATION NO. LUA _____

COMPLYING DEVELOPMENT CERTIFICATE APPLICATION NO. LUA _____

CONSTRUCTION CERTIFICATE NO. LUA _____

DATE: 27/06/2022

APPLICANT'S NAME:

APPLICANT'S ADDRESS:

DEVELOPMENT ADDRESS:
114/116 Main St, Mittagong NSW 2575

DEVELOPMENT DETAILS:

Gross Floor Area – Commercial	1068 m ²	Gross Floor Area - Other	N/A
Gross Floor Area – Residential	N/A	Total Floor Area	1,068 m ²
Gross Floor Area – Retail	N/A	Total Site Area	1,209 m ²
Gross Floor Area – Car Parking	Existing	Total Car Parking Spaces	10
Total Development Cost	\$5,346,000		
Total Construction Cost	\$5,016,000		
Total GST	\$486,000		

ESTIMATE DETAILS:

Professional Fees	\$ 330,000	Excavation	N/A
% of Development Cost	6.2%	Cost per sqm of site area	N/A
% of Construction Cost	6.6%	Car Park	Existing
Demolition and Site Preparation	\$ 161,700	Cost per sqm of site area	N/A
Cost per sqm of site area	\$ 151/m ²	Cost per Space	N/A
Construction – Commercial	\$ 4,854,300	Fit-out – Commercial	Included
Cost per sqm of commercial area	\$ 4,545/m ²	Cost of per m ² of commercial area	N/A
Construction Residential	N/A	Fit-out – Residential	N/A
Cost per sqm of residential area	N/A	Cost per m ² of residential area	N/A
Construction – Retail	N/A	Fit-out – Retail	N/A
Cost per sqm of retail area	N/A	Cost per m ² of retail area	N/A

I certify that I have:

- ✓ Inspected the plans the subject of the application for development consent or construction
- ✓ Prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors.
- ✓ Calculated the development costs in accordance with the definition of development costs in Clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices.
- ✓ Included GST in the calculation of development cost.
- ✓ Measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQRS Cost Management Manual Volume 1, Appendix A2.

Signed: 

Date: 27/06/2022

Name: Hedley Bouwer-Smith

Position and Qualifications: Senior Quantity Surveyor, MAIQS CQS

**MITTAGONG PLAYHOUSE
CAPITAL INVESTMENT VALUE**

27/06/2022

ELEMENTS		COST / M2	TOTAL
	FECA (M2)	1,068	
DEMOLITION		\$ 138	\$ 147,000
HAZARDOUS MATERIAL REMOVAL		\$ 98	\$ 105,000
SUBSTRUCTURE		\$ 17	\$ 18,000
COLUMNS		\$ 47	\$ 50,000
UPPER FLOORS		\$ 181	\$ 193,000
STAIRCASES		\$ 24	\$ 26,000
ROOF		\$ 183	\$ 195,000
EXTERNAL WALLS & WINDOWS		\$ 157	\$ 168,000
EXTERNAL DOORS		\$ 20	\$ 21,000
INTERNAL WALLS & SCREENS		\$ 128	\$ 137,000
INTERNAL DOORS		\$ 50	\$ 53,000
WALL FINISHES		\$ 162	\$ 173,000
FLOOR FINISHES		\$ 124	\$ 132,000
CEILING FINISHES		\$ 301	\$ 321,000
FITMENTS		\$ 325	\$ 347,000
HYDRAULIC SERVICES		\$ 148	\$ 158,000
MECHANICAL SERVICES		\$ 384	\$ 410,000
FIRE PROTECTION		\$ 105	\$ 112,000
ELECTRICAL SERVICES		\$ 295	\$ 315,000
TRANSPORTATION SYSTEMS		\$ 123	\$ 131,000
THEATRE COST - GROUP 1		\$ 417	\$ 445,000
EXTERNAL WORKS		\$ 48	\$ 51,000
NETT CONSTRUCTION COST (NCC)		\$ 3,472	\$ 3,708,000
PRELIMINARIES	18%	\$ 625	\$ 667,000
MARGIN	5%	\$ 173	\$ 185,000
GROSS CONSTRUCTION ESTIMATE		\$ 4,270	\$ 4,560,000
PROFESSIONAL FEES (AS ADVISED)			\$ 300,000
AUTHORITY FEES & CHARGES			Excluded
DECANTING, RELOCATION & COMMISSIONING			Excluded
THEATRE COST - GROUP 3			Excluded
FF & E			Excluded
ESCALATION			Excluded
CONTINGENCIES			Excluded
CAPITAL INVESTMENT VALUE (EXCL. GST)		\$ -	\$ 4,860,000
GST			\$ 486,000
CAPITAL INVESTMENT VALUE (INCL. GST)			\$ 5,346,000

9.15 Open Access Information in Relation to Development Applications

Report Author: Adan Davis
Director Communities and Place

Authoriser: Lisa Miscamble
General Manager

PURPOSE

The purpose of this report is to detail the types of information relating to development applications which could be made openly available for public viewing via the development application tracker on the Council website, for Council consideration. The report provides an indication of the level of risk, proposed mitigation measures and resource implications.

OFFICER'S RECOMMENDATION

THAT:

1. In addition to the standard Development Application lodgement documentation, neighbour notification records, website notice, external authority consultation documentation, Local Planning Panel decisions and assessment and determination documentation currently available on Council's website, the following low risk information be made openly available via the Development Application tracker system in relation to Development Applications (except in circumstances where there is a valid overriding public interest reason against disclosure of specific details):
 - a. Internal floor plan layout
 - b. Public submissions
 - c. Formal correspondence and requests for additional information
 - d. Applicant and owner correspondence received
 - e. Additional supporting documentation including reports and amended plans
 - f. Final internal referral advice and specialist consultant advice
2. Information be released through social and traditional media to communicate the new policy on open information and Development Application documentation, as well as the upcoming system changes, to landowners, future applicants, builders and designers.
3. Council's Development Application checklists and guidance information on the website be updated to reflect the new policy on open information and Development Application documentation, including clarifying that for residential development the requirements for floor plan detail are only what is necessary to assess the application, being:
 - Room layout, partitioning and windows and doors
 - Existing and new proposed areas and any demolition works
 - Room dimensions and floor areas
 - Proposed broad use of each room, being living area, bedroom or non-habitable
4. A further report be presented to Council to review the 'Notification of Development Proposals Policy' 2018 to be consistent with this resolution and the Community Participation Plan within the adopted 'Community Engagement Strategy' 2023.

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REPORT

BACKGROUND

Council, as part of its continuous improvement program is committed to improving the functionality of its systems and information available for customers and the community in relation to development and other applications. Earlier this year the integration of inbound communication from the NSW Planning Portal was completed and the progress event (or stages) on Council's Development Application tracker were revised.

These enhancements allow Council to exceed the minimum requirements of the NSW Department of Environment and Planning when publishing DAs and associated documents to the web.

In relation to accessibility of information, Council considered a report at its meeting held on 19 April 2023 in relation to making Council records more accessible to residents and less reliant on GIPA requirements, and a further report on 19 July 2023, more specifically in relation to Development Application (DA) information being made openly available on Council's website. Council subsequently resolved at this time:

"THAT the matter be deferred to allow direct input from the Administrator and the Administrator be authorised in consultation with the General Manager to obtain third party assistance in accordance with the Council's procurement policies."

REPORT

The *Government Information (Public Access) Act 2009 (NSW)* (GIPA Act) directs Councils to make 'open access information' publicly available unless there is an overriding public interest consideration against disclosure of the information. This includes a direction to publish open access information on the Council's website (DA tracker), or otherwise making it readily available free of charge. 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) 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 provided at **Attachment 1**.

In summary, the Information Commissioner's Guideline indicates that proposed DAs are relevant to community interests, public disclosure facilitates community participation and accountability, and publishing DA information provides the public with transparent information about the decision-making process and considerations.

These are all valid reasons in support of disclosing DA information together with associated documentation. With any disclosure of information, there is an associated level of risk to be considered and, as far as practicable, mitigated. Council has sought external legal advice on the level of associated risk areas of defamation, copyright and privacy, as well as potential mitigation measures.

The following documentation is currently made openly available to public access on Council's website, via the DA tracker or Local Planning Panel business papers:

- **DA lodgement documentation** – statement of environmental effects, site survey plan, architectural plans and elevations, supporting technical reports and documentation (except archaeological report detailing site location).
- **Community notification documentation** – neighbour notification record, Council website notice.
- **Record of Local Planning Panel decisions** – resolution and reason for decision.
- **Notice of determination.**

In addition to the current documentation published on the tracker, the following is considered to be 'standard' information and commonly made openly available on Council DA trackers, or on the NSW Planning Portal:

- **DA lodgement documentation** – application form, owner's consent, political donations and gifts disclosure.

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- **Authority advice or concurrence documentation** – referral letter, authority advice or concurrence.
- **Assessment officers report.**

The following documentation is generally made available for viewing on request via an informal request, consistent the *Government Information (Public Access) Act 2009*:

- Internal floor plan layout
- Public submissions
- Internal referral advice
- Specialist consultant advice
- Council requests for additional information
- Applicant and owner correspondence received
- Additional supporting documentation and/or amended plans

A sample survey of DA Trackers for 10 councils throughout the State has been performed to ascertain what other Council's make openly available and what might be considered 'best practice'. The results are provided in **Attachment 2** to this report.

Legal Advice and Risk Analysis

Legal advice obtained by Council considered the potential extent of information being contemplated for disclosure and publication on Council website (DA tracker system) against the risk areas of defamation, copyright, privacy and GIPA Act and public interest considerations.

The advice recommended the following practical measures to ameliorate or virtually eliminate potential risk:

- ensure access to documents in the DA tracker is "read-only" or "view only" to prevent actual copying and reproduction.
- devote resources to reviewing internal records (formal internal advice and delegated authority assessment reports) for defamatory material before making them available in the tracker.
- have in place procedures to notify applicants, applicants' consultants and objectors that their personal information contained in documents submitted to Council will be available for disclosure to members of the public on the tracker, including:
 - Notification letters provided to potential objectors before they make their submission, and
 - A gateway through which persons making submissions via Council's website can only pass by acknowledging that they are supplying personal information voluntarily.
- redact personal information (such as full email addresses and phone numbers) from submissions before making them publicly accessible on the tracker.

With the recommended measures in place, the legal advice and risk analysis found the following information to be a 'low risk' to make available on Council's website (DA tacker):

- DA lodgement documentation
- Internal floor plan layout
- Community notification documentation
- Public submissions
- Council requests for additional information
- Applicant and owner correspondence received
- Additional supporting documentation and/or amended plans
- Authority advice or concurrence documentation
- Internal referral advice
- Town planner assessment officers report
- Notice of determination

The advice confirms that disclosure of the objector's name and address (the address being relevant to the grounds of objection) would be permissible under subsection 18(1)(a) (of the Privacy and Personal

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Information Protection Act 1998) because the identity and addresses of each is directly related to the purpose for which it was collected.

It is noted that Section 10.14 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that the applicant for a development consent who is not entitled to copyright of a document that is part of the process is taken to have indemnified all persons (including the Council) using the document for the purposes of the Act against any claim or action in respect of breach of copyright of the document. This indemnification, however, does not extend to plans or information supplied for pre-DA lodgement advice.

Public Access to Information and Privacy Guidelines

The Information and Privacy Commission NSW *Guideline for Personal Information in Development Applications* (in **Attachment 1** to this report) provides some clarity on Councils' obligations generally under the GIPA Act with respect to the disclosure and the publication of personal information on council websites. It states:

- The GIPA Act and the GIPA Regulation require local councils to publish the information they hold about DAs on their websites.
- 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 (in the particular circumstances).
- Agencies are directed to make open access information publicly available on their website or via an alternative means free of charge.
- The GIPA Regulation prescribes the following DA information as 'open access information' to be proactively released and available on Council websites (unless there is an identified overriding public interest against disclosure of the particular information):
 - submissions received on DAs
 - heritage consultant reports
 - tree inspection consultant reports
 - acoustics consultant reports
 - land contamination consultant reports
 - town planner assessment reports
 - records of decisions made on or after 1 July 2010
- Personal information should be treated as a consideration against disclosure, but the fact that open access information contains personal information is not an absolute barrier to its release on Council websites.

Council has the ability to redact certain personal information or detail from submissions before uploading to the DA tracker on the website. It is considered that only the personal information which is relevant to the consideration of a submission would generally need to be made public. These being the person's name (to confirm the legitimacy of the submission) and their address (to understand the context of their submission and potential impacts).

Other personal information can be redacted from submissions, such as: email addresses, phone numbers, signatures and photos of people.

This approach is consistent with the Guidelines and the case law *Donnellan v Ku-ring-gai Council* [2013] NSWADT 115 (at [39] and [42]), where 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.

In relation to name and address, there may be particular circumstances where it is appropriate to redact and suppress these by request, due to an overriding public interest consideration, such as with a protected person or individuals who would be at risk because of the nature of their work.

A Statutory Declaration request to suppress information under Privacy and Personal Information Protection Act will be made available on Councils website.

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Public interest considerations against disclosure under Section 14 of the GIPA Act, to be considered upon request to suppress information, can include (amongst other things) where disclosing such would:

- prejudice the effective exercise of an agency's function in relation to security
- prejudice a law enforcement investigation
- reveal the identity of an informant
- endanger the life, health or safety of a person
- endanger the security of a system for protecting a place, property or vehicle
- contravene an information protection principle
- prejudice the conservation of a place or object of cultural heritage value

Public Access to Information and Copyright

Public disclosure of plans, reports, statements of environmental effects and other supporting documentation submitted with a DA facilitates:

1. community participation, allowing an understanding of intensity, impact and compliance and of informed submission to a proposal; and
2. accountability, providing the public with transparent information about the decision-making process and considerations.

This includes floor plans showing the internal configuration of residential dwellings, which has not been made openly available for viewing in Wingecarribee Shire in the recent past.

It is advised that although it is common for floor plans to show greater detail, the level of detail required on residential floor plans at DA stage only needs to be what is necessary to assess the proposal in relation to its intensity, potential impacts and compliance with development controls. This level of residential floor plan detail required for assessment, and that is also relevant to neighbour or community assessment, is:

- Room layout, partitioning and windows and doors
- Existing and new proposed areas and any demolition works
- Room dimensions and floor areas
- Proposed broad use of each room – living area, bedroom or non-habitable room

While it may be volunteered by an applicant, it is not necessary that floor plans detail the fittings, furnishings, cabinetry, nor the type of living area (such as lounge, dining, kitchen, living, theatre, etc.). Clarifying such in Council's DA checklist and guidelines may go some way to addressing concerns or desires for owner privacy and maintaining intellectual property. It is noted that Council can also consider a request to further suppress floor plan layout for a particular application where there is an overriding public interest, such as for example a high security facility.

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, by using copyright material without permission of the copyright owner.

In the case of plans and documents submitted with a DA are considered openly available public documents and copyright owner consent can reasonably be assumed. To the extent that Council is taken to be indemnified against any claim or action. Council's obligation is to make open access information available in a way that would not readily allow actual copying and reproduction and would not constitute an infringement of copyright.

Of the 10 councils surveyed, half make internal residential floor plans available for viewing and half do not. It is considered to be constructive and relevant for neighbours and the wider community to be able to view floor plans which can be electronically published in a read-only format.

Public Access and Defamation

Advice received confirms that a successful defamation claim against Council for comments made in a public submission is unlikely and relatively low risk, particularly if notice is given that submissions to Council will be available to members of the public on the tracker. Nevertheless, Council's insurer has confirmed that there is protection in place for defamation under various insurance schemes.

INFORMATION TO BE MADE OPENLY AVAILABLE

Considering the guidance and advice above, concluding comments are made below on each of the types of information or documentation which Council could make openly available on the DA tracker.

Internal floor plan layout

This is appropriate to be made openly available for viewing on the DA tracker with low risk mitigated by publishing in a read-only format. The level of residential floor plan detail need only be what is required for assessment.

Public submissions

This is prescribed open access information that can be made openly available for viewing on the DA tracker with appropriate notification in letters and on the website, and the redaction of personal information, other than names and addresses. The redacting of personal information (email addresses, phone numbers, signatures and photos of people) from submissions would involve additional administrative work and cost. However, this would be offset by savings in processing requests for access to information under the GIPA Act in relation to DAs. For the reasons outlined earlier in this report, it is generally not necessary to redact names as is currently the practice.

Formal correspondence and requests for additional information

This is formal correspondence and section 12 of the GIPA Act strongly favours disclosure of such information.

Applicant and owner correspondence

Similar to general public submissions, this is prescribed open access information that can be made openly available for viewing on the DA tracker with appropriate notification in the letter acknowledging receipt of the application and on the website.

Additional supporting documentation including reports and amended plans

This information should be treated in the same manner as the original documentation submitted with the application for lodgement and as such should be made openly available for viewing on the DA tracker with low risk mitigated by publishing in a read-only format.

Internal referral advice and specialist consultant advice

Legal advice to Council recommends that, under Section 14 (e) and (f) of the GIPA Act, there is public interest against disclosure of internal referral advice and specialist consultant advice on the grounds that disclosure of the information could be reasonably expected to:

- 1. reveal a deliberation or consultation conducted, or an opinion, advice or recommendation given, in such a way as to prejudice the deliberative process of government or an agency (Council).*
- 2. prejudice the effective exercise by an agency (Council) of the agency's (Council's) functions.*

It is considered, however, that this would not be the case if the internal or specialist consultant advice were the final advice, reviewed by the assessment officer and published to the website at the same time as the town planner's assessment report.

Pre-lodgement material

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. Nor did it appear that any of these Councils

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make pre-lodgement advisory notes available. The indemnification under Section 10.14 of the Environmental Planning and Assessment Act 1979 (EP&A Act) does not extend to pre-lodgement material.

Under the public interest test, publication of pre-lodgement material would reasonably be expected to negatively prejudice the supply to Council of confidential information, prematurely reveal a deliberation of Council or its Local Planning Panel and prejudice the effective exercise of the Council's development assessment and determination functions.

It is also commented that the proactive release of pre-lodgement notes, even at DA determination or Local Planning Panel or determination stage, may discourage pre-DA lodgement meetings and advice.

Other records

A phone log, with the appropriate redaction of personal information such as phone numbers, could be made available in the future once a system is established to easily capture and produce a report of the data.

TIMEFRAME FOR IMPLEMENTATION

The changes to the information posted to the development application tracker, considered in this report, will involve a period of transition. It will require changes to application checklists and guidelines, communication to notify customers, change to internal processes and responsibilities, and additional administrative resourcing in the Development Assessment and Regulation team for redacting personal information from submissions. Until integration of systems are completed, it will also require additional administrative resources for sorting and uploading the additional information to the development application tracker.

Should Council resolve to proceed with making the additional information available on the DA tracker, as recommended, the following timeframes are anticipated for implementation:

Start October	Mid October	End October	End November
Open information notice on notification letters and website	Council report to amend Council 'Notification of Development Proposals' policy Communication of changes to community Update checklists and guidelines	Commence posting of internal floor plans Commence posting of RFIs / formal correspondence Commence posting of applicant / owner correspondence, amended plans and additional documents	Commence posting of public submissions Commence posting of final internal referral advice and specialist consultant advice

COMMUNICATION AND CONSULTATION

Community Engagement

Community engagement was not required.

Internal Communication and Consultation

This matter has been consulted internally with Council's Chief Information Officer, Manager Governance and Corporate Performance, Manager Development Assessment and Regulation and Executive.

External Communication and Consultation

External legal advice on risk was sought from Council's solicitors.

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 considerations identified in this report. These include Council's obligations under the GIPA Act 2009 to make 'open access information' publicly available on its website, unless there is an overriding public interest consideration against disclosure of particular information, and appropriately considering and managing the risk areas of defamation, copyright, privacy associated with other State and Commonwealth legislation.

COUNCIL BUDGET IMPLICATIONS

There will be increased administrative cost associated with redacting specified personal information from submissions, and increased vetting of internal advice. However, these costs would be offset by savings in processing requests for access to information under the GIPA Act in relation to DAs.

RELATED COUNCIL POLICY

This report deals with the matter of Council's policy position in relation to the extent of open information to be made available for public viewing on the Council's website (DA tracker). Council's Privacy Management Plan is relevant to the consideration of this report.

CONCLUSION

Considering the proposed measures to appropriately manage privacy, copyright and defamation, and the resulting low level risk, it would be appropriate to increase the extent of information made openly available for public viewing on Council's website (DA tracker), to include internal floor plan layout, public submissions, formal correspondence and requests for additional information, applicant and owner correspondence received, additional supporting documentation including reports and amended plans and final internal referral advice and specialist consultant advice.

ATTACHMENTS

1. Guideline 3_-_ For Local Government personal information in development applications n 9 fy B 9 vhw [**9.15.1** - 17 pages]
2. Council Development Application Tracker Information Sample Survey Res [**9.15.2** - 1 page]



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.¹

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

¹ 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*² on the IPC's website at 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.³ 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”.⁴
6. Clause 3 of Schedule 1 to the GIPA Regulation (Additional open access information–local authorities)⁵ 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:

² 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>

³ GIPA Act, section 6(2).

⁴ GIPA Act, section 18(g).

⁵ 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.⁶

⁶While 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,⁷ 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:
 - o names and addresses of the applicants, owners and people who lodge submissions
 - o personal and business contact details
 - o signatures of DA applicants and people making submissions
 - o photos of property and people
 - o financial details of the applicant
 - o 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.

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.

⁷ 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.⁸
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.

⁸ 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

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(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,⁹ 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.¹⁰ This is a significant qualification to the mandatory release requirement in section 6 of the GIPA Act.

⁹ GIPA Act, section 6(1).

¹⁰ *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 case¹¹
 - 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 Act¹²
 - iii. the mandatory release requirement in section 6 does not apply when the public interest balance falls against disclosure¹³
 - 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 disclosure¹⁴
 - 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.¹⁵

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

¹² *McEwan v Port Stephens Council* [2018] NSWCATAP 211 at [42].

¹³ *McEwan v Port Stephens Council* [2018] NSWCATAP 211 at [41].

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

¹⁵ *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.¹⁶
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.¹⁷
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.

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

¹⁷ *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”.¹⁸ 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,¹⁹ or a targeted campaign.²⁰
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)²¹ 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.²²

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

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

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

²¹ GIPA Act, clause 3(b).

²² 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.²³ 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.

²³ 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

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**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 20 SEPTEMBER 2023**

Council Development Application Tracker Information Sample Survey Results					
Council	Submissions available on Council website (Tracker)	Submitters personal information redacted	Residential floor plans / room layout	Assessment report	Referral advice
Bayside	Yes	Yes	No	Some	No
Blue Mountains	No	n/a	No	No	No
Burwood	No	n/a	Yes	No	No
Camden	No	n/a	Yes	No	No
Canterbury Bankstown	No	n/a	Yes	No	No
Central Coast	No	n/a	No	Some	No
Liverpool	No	n/a	No	Yes	No
Mosman	Yes	No	Yes	Yes	External
Northern Beaches	Yes	Yes	Yes	Yes	Yes
Upper Hunter	No	n/a	No	No	No

9.16 School Community Service Award Donations

Report Author: Meredith Lea
Community Development Officer

Authoriser: Kathryn Baget-Juleff
Manager Community Life & Libraries

PURPOSE

The purpose of this report is to seek Council's approval to implement a streamlined process for the annual Community Service Awards donation for local primary and secondary schools in the Wingecarribee Shire.

OFFICER'S RECOMMENDATION

THAT:

- 1. All schools in the Wingecarribee Shire be invited to participate in an annual school-based Community Service Award program**
- 2. Council administer this Community Service Award program and provide awards, consisting of a gift card and certificate, to be presented by a Council representative at each participating school's end of year presentations.**

REPORT

BACKGROUND

Council's financial records show that donations have been provided to various public schools, without a transparent process for encouraging schools to apply for donations. Records show that these donations are distributed under the broad category of an 'annual prize giving ceremony'.

In 2022, the following schools received cheques for \$60.

- Avoca Public School
- Berrima Public School
- Bundanoon Primary School
- Burrawang Public School
- Exeter Public School
- Colo Vale Public School
- Glenquarry Public School
- Hill Top Public School
- Kangaloon Public School
- Penrose Public School
- Robertson Public School
- Wingello Public School

In 2022, the following schools received cheques for \$125.

- Bowral Public School
 - Bowral High School
-

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- Mittagong Public School
- Moss Vale Primary School
- Moss Vale High School

While some schools contact Council to request their annual donation, many do not, however if the school had historically received a donation, they would be sent a cheque regardless.

The *Grants, Donations and Sponsorships Policy*, adopted by Council on 16 November 2022, outlines that donations must align with the outcomes identified in Council's Community Strategic Plan, Delivery Program and Operational Plan. This policy further stipulates in section 2.3.6 that 'Not-for-profit organisations, registered charities, unincorporated community groups and individuals may apply to Council for a general donation'. There is currently no mention of schools in this policy and as such, the process for administering donations to schools is lacking transparency.

REPORT

A streamlined and efficient process is necessary for the administration of donations to local schools. Formalising the delivery of a school-based Community Service Awards program, through which Council's donations are administered, would increase the transparency and accountability of these donations. It would also support more school students to benefit from Council's donations by expanding Council's current donations to all schools in the area, including private schools and schools for specific purposes.

It is proposed that a Community Service Award would be awarded to one student from each school in the Wingecarribee Shire Local Government Area. For schools covering both primary and secondary years groups, a total of two nominations will be sought: one from years K-6, and another from years 7-12. Nomination criteria would be provided to schools, outlining that the intention of the Awards are to acknowledge and reward students who have demonstrated a commitment to community service and their school community.

The awards would consist of a gift card (\$50 for primary school students, \$100 for secondary school students) and a certificate from Council. These awards would be presented by a Council representative at each school's end of year presentations.

The following processes would be established to support the administration of the school-based Community Service Award donations.

- July/August: Ensure Council's budget supports the administration of the Community Service Award donations.
- September: Send communications to schools inviting them to participate in the Awards. Information will be sought relating to the student nominated including the reason for nomination, and the details of any end of year awards presentations.
- September/October: Make arrangements for the presentation of the Community Service Award. Liaise with school staff to arrange Council representatives to present the award.
- October/November: Develop and print certificates, order gift cards and prepare acknowledgements for schools to sign upon receipt of certificates and gift cards.
- November/December: Council representatives to attend schools to present awards.

COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement has been conducted on this report.

Internal Communication and Consultation

This matter has been discussed by the Manager Community Life and Libraries and members of the Community Development Team.

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External Communication and Consultation

No external communication or consultation has been conducted on this report.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

The changes being proposed in this report would make the donations process more equitable by ensuring all schools have equal access to information and an equal opportunity to apply for donations to recognise the contributions of their students.

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

The changes being proposed in this report would support greater accountability and transparency of Council decision-making and distribution of donations.

COUNCIL BUDGET IMPLICATIONS

Council has an annual budget allocation of \$4000 for these donations. While expanding the donations to cover all schools in the Wingecarribee Shire will have an implication on the budget, this can be managed by slightly reducing the amount received by each school (\$50 for primary school students and \$100 for secondary school students).

RELATED COUNCIL POLICY

Grants, Donations and Sponsorships Policy, version 1.0.

CONCLUSION

It is recommended that all schools in the Wingecarribee Shire be invited to participate in an annual school-based Community Service Award program to be administered by Council. In addition to administering this Community Service Award program, it is recommended that Council provide awards, consisting of a gift card and certificate, to be presented by a Council representative at each participating school's end of year presentations.

ATTACHMENTS

Nil

9.17 Bowral Classic Sponsorship Request

Report Author: Salomon Kloppers
Manager Property & Services

Authoriser: Carmel Foster
Director Corporate Strategy & Resourcing

PURPOSE

The purpose of this report is to consider the sponsorship request received from the Bowral Classic cycling event (Yaffa Media).

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Enter into a one year sponsorship agreement with Yaffa Media, who own and operate the Bowral Classic to the value of \$10,000 for the 2023 event and payable from the investment income budget.**
- 2. Undertake a 28 day public notification period in relation to the provision of one a year sponsorship payment of \$10,000 under section 356 of the Local Government Act 1993.**

REPORT

BACKGROUND

The Bowral Classic is one of four Australian Cycling Classics or Gran Fondo experiences managed by Bicycling Australia/Yaffa Media. Each event offers a challenging day riding through some of Australia's most picturesque regions, attracting cyclists from around Australia.

The event has been running in Bowral since 2016. In 2022, the event was held over two days on the weekend of the 15 and 16 October 2022. For the 2022 event, Wingecarribee Shire Council (WSC) waived fees to the value of \$6,348.82 as resolved in the Council Meeting of 16 November 2022.

REPORT

Bowral Classic has requested sponsorship of \$10,000 based on the criteria in the Wingecarribee Shire Council Grants, Donations and Sponsorships Policy (Policy) (adopted at the Council Meeting on 16 November 2022).

They have requested a one (1) year sponsorship agreement.

The Policy states that Sponsorships must contribute to one or more of the following outcomes:

- Create a valuable strategic alliance for Council;
- Promote Council's reputation, brand and community vision;
- Provide extensive coverage and promotional/publicity opportunities across a range of media outlets; or

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- Provide an opportunity for measurable economic, social, recreational, environmental and/or cultural benefits to Council and the Wingecarribee Shire.

The Policy identifies a range of possible contributions, ranging from “Lowest” to “High”. The request for assistance of \$10,000 represents a *Medium level of contribution to an individual event or activity* and requires:

- Moderate presence on marketing collateral related to the event or activity;
- Moderate recognition on social media platforms related to the event;
- Opportunity for physical presence at event; or
- Event tickets.

ECONOMIC IMPACT

Based on behaviours Yaffa Media have seen at their previous events, and noting local tourism patterns, Yaffa Media have estimated the expected economic benefit that the 2023 Bowral Classic will bring to the local Bowral region.

It is estimated that, a single Bowral Classic visitor will, on average, spend \$438 on their visit to Bowral in one day.

As visitors on average spend 2 nights in the event area, this means their 4,000+ visitors will spend over \$3,504,000 in two days.

Whilst Yaffa Media estimates may not be achieved, officers do agree that the event does contribute greatly in terms of economic and social value.

Based on Spendmapp data, the Bowral Classic 2022 generated an additional \$182,000 spend in the region, although this amount does not include accommodation as it is generally booked online in advance and not via EFTPOS.

Whilst spending on accommodation is not available, anecdotal feedback from the Mittagong Visitor Information Centre confirms that accommodation providers require a two-night minimum booking for this event and that the entire region was booked out (based on calls from the event organiser and riders looking for last minute accommodation).

Booking.com is the most popular booking platform in the country and lists 116 properties for the 2024 dates, it would be safe to assume that it would total in the millions, given that many properties have multiple rooms.

COUNCIL SUPPORT OF CLASSIC EVENTS

EVENT	RIDER #'s	COUNCIL SUPPORT
Snowy Classic	1,500	\$10K Event Grant to cover council fees + \$10K Sponsorship to attract visitors to the region
Mudgee Classic	2,000	Waive all fees to the value of \$10K
Noosa Classic	1,500	\$25K sponsorship + contribution to marketing costs for out of region attendees
Bowral Classic	3,500	\$6,348.82 waiver of fees in 2022 *

*Although the Bowral Classic is the largest by far of all Yaffa Media’s cycling event, Wingecarribee Shire Council supports the event least compared to other Councils where their other events are held however Council does expend budget to ensure the roads are in good condition for the event which can range from \$80,000 to \$150,000.

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Should financial support not be provided, it is possible that the Classic may not return to the region. Our region has fierce competition regarding alternative locations, closer to major population centres, in equally iconic surroundings. As an example, the Central Coast is the same distance from Sydney and currently does not have a major cycling event. The Blue Mountains could also prove a threat.

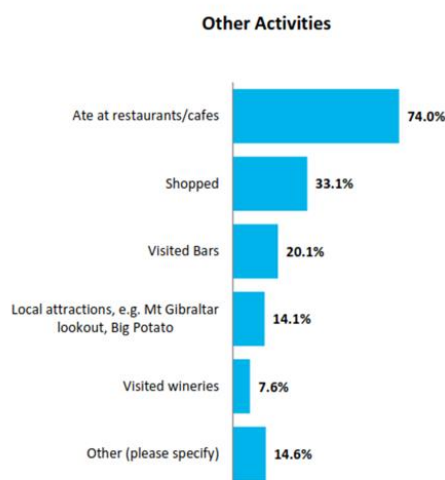
The Bowral Classic event offers a great opportunity to encourage repeat visitation by riders. Statistics in 2022 show that 89% of riders are aged over 40 and 64% have an income of over \$100K.

Furthermore, the age of the riders aligns with our food and wine target audience and 79% of 2021 riders responded positively when asked of their intent to return to the Southern Highlands within 12 months of the event. A further 17% said they would consider returning within the next 12 months and only 3% responded negatively. This would suggest that riders are coming back with family and friends to spend more time and money, as well as promoting the Southern Highlands by positive word of mouth which is the most powerful form of advertising.

BOWRAL CLASSIC RIDERS

The following information was gathered by Destination NSW, the State Government tourism body. It reports that a significant number of Bowral Classic riders participated in other activities including eating at restaurants/cafes and shopping.

Activities

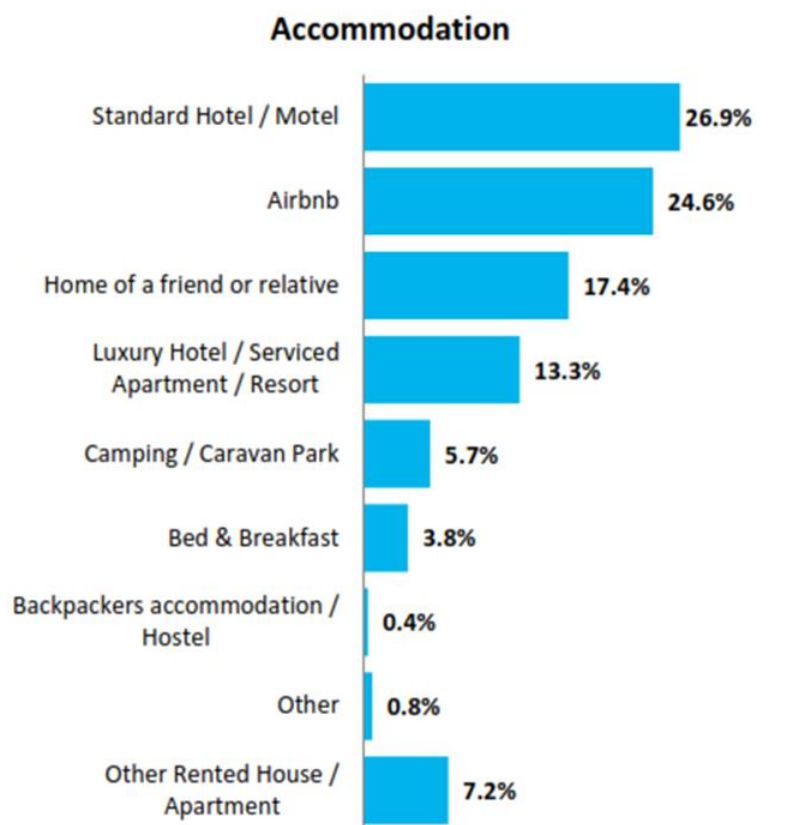


Q. What other activities did you and/or your accompanying friends/family enjoy whilst in the Southern Highlands region? - multiple-response question; online only; n=369
"General attendee / spectator" and "Other" respondents only

Research undertaken by DNSW – October 2022
2022 Bowral Classic Online Survey



There is a misconception that Bowral Classic riders stay with family and friends, rather than paid accommodation in hotels, motels etc. The following data shows that this is not the case and that 81.9% stay in paid accommodation and only 17.4% stay with friends or relatives.



POSITIVE EXPOSURE FOR BOWRAL AND THE SOUTHERN HIGHLANDS

The Southern Highlands benefits from exposure on Bicycling Australia’s social media channel with 35,000+ followers as well as access to over 11,500 followers across “The Classics” social media channels. These pages have considerable reach (802,182 Facebook reach and 101,150 Instagram) In addition, it also means that a large target market audience are seeing the Southern Highlands.

The Southern Highlands also receives exposure via e-newsletters to 15,000 email subscribers via “The Classics” and 14,000+ Bicycling Australia subscribers.

MEDIA EXPOSURE FOR THE SOUTHERN HIGHLANDS

The Bowral Classic received \$331,888.97 in media value, promoting the Southern Highlands event and this also promotes the region. The Bowral Classic purchased local media by way of a radio campaign on 2ST and print advertising in Highlife magazine,

BOWRAL CLASSIC SUPPORTS CHARITIES

The Bowral Classic encourage all riders to fundraise for a charity they are passionate about. To date, across all of our events, riders have raised over \$400,000 for charities of their choice – Cancer Council, Chris O’Brien Lifehouse, RUOK?, The Kids Cancer Project – just to name a few.

COMMUNITY BENEFIT AND SUPPORT

The community benefit of the Bowral Classic is significant. Many fans line the streets to watch the elite riders, many of them children who aspire to become the champions of tomorrow. The riders are made up of 7% from the (greater) region and bike riding contributes to a healthier and happier lifestyle for our community.

The organisers engage local community groups to assist with their Traffic Control Services (Marshalls). Yaffa Media pays Marshalls who donate their income to their community group. Specifically, the Bowral Classic 2022:

- Approximately 130 volunteers from the Southern Highlands community take part in the event. There was also a group of Oxley College students who volunteered their time as part of their Duke of Edinburgh community service requirement.
- The three largest community groups were Bowral Mittagong Rotary, Mittagong Girl Guides and Moss Vale Lions Club.
- Yaffa Media paid approximately \$10,000 in donations to community groups.
- Yaffa Media paid approximately \$20,000 in casual wages to residents who worked at the event.
- All the food stalls at the event were from within the region

COMMUNICATION AND CONSULTATION

Community Engagement

During 2022, a consultation process for the fee waiving request was initiated through *Your Say Wingecarribee* website for a period of 28 days. Twenty-six submissions were received, ten supported waiving the fees and fourteen opposed waiving the fees. Two commented but did not state support or opposition. Council proceeded to waive the fees on account of the economic benefit to the region as well as to ensure a repeat event.

Internal Communication and Consultation

Not applicable.

External Communication and Consultation

Not applicable.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

Attracting an event such as the Bowral Classic has a number of social benefits. In addition to promoting a healthy lifestyle, it also provides an attraction to the community.

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Broader Economic Implications

Agreeing to a sponsorship of \$10,000 will ensure the return of the Bowral Classic, injecting significant amounts of direct spend, as well as return visitation to our region.

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There will be a budgetary impact of \$10,000 on the Destination Southern Highlands Investment Income budget.

RELATED COUNCIL POLICY

Grants, Donations and Sponsorships Policy (Document Reference 326540), adopted 16 November 2022.

CONCLUSION

This report provides an overview of the positive impact the Bowral Classic has on the Southern Highlands financially and from a community perspective and request that funding certainty be provided to ensure the return of the event in 2024. Cycling/bikes was identified as a unique selling point (USP) in the draft CR&FX and Council is currently looking at leveraging into the future with Wollongong and cycling.

ATTACHMENTS

Nil

9.18 Christmas Activations 2023

Report Author: Kathryn Baget-Juleff
Manager Community Life & Libraries

Authoriser: Adan Davis
Director Communities and Place

PURPOSE

The purpose of this report is to inform and seek endorsement from Council of the proposed program of Christmas Activations across Wingecarribee Shire for 2023. The proposed Christmas Activation program is aimed at re-energising the Christmas spirit to spread cheer across the Shire in many ways, big and small. The program consists of free or low-cost activities for the community to participate in.

OFFICER'S RECOMMENDATION

THAT Council endorse the program of Christmas Activations 2023.

REPORT

BACKGROUND

Council has an adopted budget of \$100,000 to provide Christmas activities in the Wingecarribee Shire. In 2022, the total budget spent was \$103,500 and Council provided:

- 3 x 6.5m Christmas trees delivered and installed in three town centres (Moss Vale, Bowral and Mittagong) and older council owned trees installed in 3 villages (Robertson, Bundanoon, Berrima)
- Design and printing of the Christmas flags
- Security Camera for Bowral Christmas Tree
- Civic Centre decorations
- Light up Christmas Tree events and school student vouchers in Moss Vale, Bowral and Mittagong
- Connect Church Moss Vale Community Christmas Carols – provision of sound equipment
- Council provided funding for village associations (beyond the main street business areas) across the Shire to put towards community led Christmas festivities including those on Council owned/managed land.

In early 2022, Council undertook engagement with the community on Christmas trees in the Shire. The survey opened on 11 February and closed on 23 February 2022. A total of 269 community members responded to the survey. The key themes that emerged through this survey in 2022 were:

- Timing of Lighting of the Christmas Tree events be reviewed
- Christmas tree in Moss Vale be relocated to Leighton Gardens
- Christmas Tree in Mittagong be relocated to Winifred West Park
- Increase street decorations and lighting

In December 2022, Council also received anecdotal feedback from the community concerned about the increased cost of hiring trees.

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The cost associated with the hire of Christmas trees and installation has increased in 2023. Council has received quotes to hire 3 x 6.5m trees and the cost to hire, install and deliver these trees in Bowral, Moss Vale and Mittagong is \$56,100. Due to the increased cost of hire, Council also considered the cost of hire, installation, and delivery of one tree in Bowral. The cost to hire and install was \$18,700 for a 6.5 metre tree and \$32, 976 for an 8-metre tree.

In addition to the increased cost of tree hire, Council resolved to increase funding to the Festival of Lights in 2023 from \$15,000 to \$25,000.

Taking these factors and community feedback into consideration, Council considered new options to celebrate and recognise Christmas 2023 across the Shire.

REPORT

The Christmas Activations program provides a significant opportunity to demonstrate the Shires unique identity, heritage and community values and set a new standard in Christmas experiences for Wingecarribee Shire.

The proposed activations provide a coordinated festive season of activities, programs, and attractions across the Shire. The objective of the activations is to:

- Create a festive atmosphere across the Shire
- Create a sense of inclusiveness and community

Table 1: Christmas Activations Program 2023 outlines the proposed activations, locations and associated costs.

Table 1: Christmas Activations Program 2023

Activation	Proposed budget	Location
Festival of Lights	\$25,000	Bowral
Christmas installations <ul style="list-style-type: none"> • Solar Fairy lights / uplighting • Yarn bombing on trees (in partnership with CWA's and schools/community groups) • Decorations made by local students/community organisations 	\$20,000	Moss Vale – Leighton Gardens Mittagong – Winifred West Park Bowral - Main Street
Installation of Christmas Flags in main town centre streets	\$5,000	Bowral, Mittagong, Moss Vale
Christmas Activation Grants – This grants program is a place-based initiative, funding village associations to deliver events and activities that bring people together in local villages. It also includes the option of solar fairy lighting for the villages \$3,000 going to the larger villages (Berrima, Bundanoon, Burrawang, Hill	\$31,000	Villages

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Activation	Proposed budget	Location
Top and Robertson) and \$2,000 to smaller villages.		
Make and Create Sustainable Workshops including: <ul style="list-style-type: none"> - Decorations - Cards and tags - Storytimes 	\$5,000	Across the Shire
Festive Pop-Up Carols In partnership with local choirs the community will be surprised by festive carols in parks, outside libraries, villages.	\$8,000	Across the Shire
Christmas Outdoor Movies	\$2,000	Moss Vale Mittagong Bowral
Giving Tree Support local families in need this Christmas by donating to the Council's Giving Tree. As part of a charity initiative with the St Vincent de Paul Society, the Shire will have a tree at Civic to place your donation.	In kind	Civic – Moss Vale
Elf on the Shelf Trail A free family and child friendly program to find Santa's helpers out and about in Council facilities. There will be 6 elves and a Christmas trail map for children and families to find the elves. Includes small prizes	\$1,500	Council operated facilities such as libraries, pools,
Promotion and marketing – development of Christmas program trail to promote throughout the community	\$2,500	
TOTAL	\$100,000	

In addition to the above program Council will be promoting 12 days of Sustainable Christmas through our social platforms and e-newsletter.

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COMMUNICATION AND CONSULTATION

Community Engagement

Council invited the Village Associations, GROW Southern Highlands and Business Southern Highlands to discuss the proposed options for Christmas Activations 2023 across the Shire.

The key themes that emerged from this consultation were:

- To move away from the hire of Christmas trees in the main centres due to the cost, security and sustainability
- Preference was given to use of solar lights and working with the community to decorate existing trees or if there was a need for a tree in Bowral to have a 'real; tree' sourced from a local Christmas Tree farm
- Increase the Christmas Village Grants program and include option to utilise funds to purchase solar lights that could be used on a hall or garden area in the village
- Pop up Christmas Carols and the Make and Create sustainable series will be well received
- Consideration be given to have a common Christmas thread across the Shire in the future

As part of this consultation Berrima Village Association declined the installation of the existing Christmas Tree owned by Council for 2023.

Internal Communication and Consultation

A number of teams have been consulted on the proposed Christmas Activations 2023 including Tourism, Libraries, Environment, Waste and Shire Presentation.

External Communication and Consultation

Nil

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

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

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

Council has a budget of \$100,000 allocated for Christmas in the 2023/2024 operational budget. The proposed Christmas Activations program is within the budgeted allocation. The small Christmas Grants program for the villages will be delivered through smartygrants.

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RELATED COUNCIL POLICY

Nil.

CONCLUSION

Christmas is a important time for Wingecarribee residents, and through the proposed Christmas Activations program, Council has taken a placed based approach to spread the festive cheer right across the Shire. Council, in conjunction with a number of community groups, schools, creatives and village organisations, is planning a number of activities, programs and events which will provide for Christmas festivities to be enjoyed throughout the Shire.

ATTACHMENTS

Nil

9.19 Festival of Lights - Post Exhibition Report

Report Author: Salomon Kloppers
Manager Business & Property

Authoriser: Carmel Foster
Director Corporate Strategy and Resourcing

PURPOSE

This report provides feedback from the Public Exhibition period in relation to providing \$25,000 in funding for the Festival of Lights which is an increase of \$10,000 from 2022, and waiving fees and charges for the exclusive use of Corbett Gardens and the Senior Citizens Hall for the Festival of Lights event.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Endorse an amount of \$25,000 to be provided for the Corbett Gardens Festival of Lights subject to Council receiving the appropriate recognition for the use of public funds.**
- 2. Waive fees for the use of Senior Citizens rooms and the exclusive use of Corbett Gardens for the Festival of Lights event up to \$7,000.**

REPORT

BACKGROUND

At the Council meeting of the 19 July 2023, Council resolved:

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 approve an additional \$10,000 funding subject to the General Manager approving additional activities being incorporated into the Festival of Lights that provide a broader community benefit.*
- 6. 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 under section 610F of the Local Government Act 1993 and*

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the contribution of \$25,000 towards the Festival of Lights in accordance with Section 356 of the Local Government Act 1993.

7. *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.*

REPORT

At the Council meeting held on the 19 July 2023 Council requested a 28-day public notification period in relation to the provision of \$25,000 in funding and the waiving of hires fees up to \$7,000 for the Senior Citizens rooms and the exclusive use of Corbett Gardens for the Festival of Lights event. The submissions are included within the Consultation and Communication table below.

Event organisers have advised that the following activities will be happening over the month of December for the community:

- 1 December – Opening Night – Flick the Switch – Kids Activities
- 2 December – Angels in our Town Parade and Concert
- 7 December – BSH Networking Night 4pm to 10pm (ticketed)
- 7 December – Night Markets 5pm to 10pm
- 8 – 10 December – Food & Wine Festival (ticketed)
- 14 December – Southern Highlands Family Carols
- 15 December – A Celebration of Light – for our Nepalese & Indian community
- 16 December – Bop Till You Drop – Kids Disco
- 17– 25 December – Santas Grotto
- 24 December - Christmas Concert – C3 Church
- 31 December – NYE Concert 6pm to 1am (ticketed)

COMMUNICATION AND CONSULTATION

A consultation process was initiated through Your Say Wingecarribee for a period of 28 days between the 21 July 2023 to 18 August 2023.

There were 11 submissions received as per the table below.

Name	Do you agree with the Festival of Lights Contributions	Comment	Council Response
A Harring Renwick	Yes		Noted
A Sheehan Bowral	Yes		Noted
Kate Bowral	Yes		Noted
Robby R Bundanoon	Yes	Fantastic to see Diwali being celebrated. We need much more multicultural	Diwali in Nepal and India is celebrated using lights, candles and clay lanterns which aligns with the FoL.

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Name	Do you agree with the Festival of Lights Contributions	Comment	Council Response
		content being showcased in the shire.	
E Eggleston Bowral	Yes	This is such a brilliant community event. The money spent is worth the community spirit which soars at this time of year. It would be fantastic if something like this could be held in the middle of the year when it is cold and dark early.	Council holds community events throughout the year with different community focuses. For example, Seniors Week, Youth Week, school holiday programs and NAIDOC week.
R Bailey Bowral	Yes	This event provides enjoyment for all members of our community irrespective of their financial situation. This event brings great joy to many families and single people with friends and their families and showcases the sensitivity of the WSC to create memorable events in the community.	Noted
R Proudfoot Moss Vale	No	It's a shame that the Xmas festivities seem to be centred on Bowral. As an active member of the Moss Vale community I'd like to understand why a similar event couldn't be supported in Moss Vale? It would	Festival of Lights is facilitated by volunteers and Council is contributing funds to assist the event to become a regular annual event for the community. Should other volunteer groups wish to provide similar type events Council has a Community Assistance Scheme that provides funding for various different events and services. Council is also undertaking Christmas Activation activities which has been outlined in a

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Name	Do you agree with the Festival of Lights Contributions	Comment	Council Response
		benefit local businesses and the community and would help to activate Moss Vale precinct which is in need of more support than Bowral.	previous report.
K Frith Moss Vale	No	major event organisers should pay a contribution to use council facilities especially if they are 'for profit' ventures	Festival of Lights is facilitated by a volunteers and the majority of events are free for the public to attend.
R Lane Moss Vale	Yes	This will become destination event.	Noted
J Losurdo Bowral	Yes	Not enough acknowledgment or support towards C3 Destiny Church for putting on and running Santa's Grotto and Christmas Eve Carols which is a big part of the Christmas festivities. This may need to be looked at.	Council is able to recognise the C3 Church and Santa's grotto through social and media platforms and the Destination Southern Highlands Website and Event Calendar.
J Fitzpatrick Wingello	Yes		Noted

Community Engagement

Not applicable

Internal Communication and Consultation

Community Life and Libraries Manager

Community Development

External Communication and Consultation

Primarily through "Your Say Wingecarribee".

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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.

COUNCIL BUDGET IMPLICATIONS

The \$25,000 funding to be provided to the FoL will be provided from the Christmas Decorations Budget. The current budget for Christmas Decorations in 2023 is \$100,000.

RELATED COUNCIL POLICY

Not applicable.

CONCLUSION

It is recommended to provide \$25,000 in funding for the Festival of Lights and waive fees and charges for the exclusive use of Corbett Gardens and the Senior Citizens Hall for the Festival of Lights event.

ATTACHMENTS

Nil

9.20 Mount Gibraltar Unauthorised Mountain Bike Track - Review of Environmental Factors (REF)

Report Author: Shaun Robinson
Manager Assets

Authoriser: Karin Targa
Director Service and Project Delivery

PURPOSE

The purpose of this report is to provide Council with the draft Review of Environmental Factors for the unauthorised mountain bike trail in the north-east area of Mount Gibraltar Heritage Reserve and seek resolution on the on-going viability of the trail.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Accept the draft Review of Environmental Factors (REF), noting that:**
 - a. A section of the unauthorised mountain bike track is of significant environmental impact,**
 - b. Augmentation of the track would be required to minimise erosion and avoid private property, and**
 - c. Further specialist studies, of significant financial and time investment, would be required to enable a final REF determination under Division 5.1 of the Environmental Planning and Assessment Act (1979).**
- 2. Close and decommissions the unauthorised mountain bike track in the northeast area of Mount Gibraltar Heritage Reserve.**

REPORT

BACKGROUND

At Ordinary Council Meeting 21 June 2023, Council resolved (MN 2023/400):

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.*

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An internal procurement panel was subsequently established, comprising recreation, environment and independent stakeholders. A request for quote was released to several environmental consultancy groups, with the preferred consultant submission awarded the works at Ordinary Council Meeting 19 July 2023 (MN 2023/432):

THAT Council:

- 1. Endorse the engagement of Ecological Surveys and Planning for the completion of a Review of Environmental Factors on the unauthorised mountain bike trails in the northeast area of Mount Gibraltar Heritage Reserve, subject to the review being reported to the September Council meeting or an Extraordinary meeting if available earlier.*

REPORT

Following the resolution by Council at the Ordinary Council Meeting 21 July 2023 to engage Ecological Surveys and Planning (the Consultant), they were supplied with Council's Review of Environmental Factors (REF) template and other supporting documents, including the track audit by Iconic Trails which informed the interim signage measures.

In order to complete the REF, the Consultant undertook a detailed site inspection and reviewed relevant Council policies and plans, as well as State and Federal legislation.

The draft REF is comprehensive and highlights several environmental constraints and barriers to a potential final determination of 'not significant impact'. These constraints and barriers include:

- a) The two side trails crossing the spring-fed creek have been assessed as of significant environment impact and therefore these sections of the track cannot be approved through the REF process.
- b) An upper section of the track is located on private land (approximately 50m) and therefore cannot be approved through the REF and must be considered under the Wingecarribee Local Environment Plan 2010 (WLEP2010). This type of development is prohibited in C2 zoning (Environmental Conservation) as it doesn't meet the objectives of the land use zone. Therefore, the section of track on private land would need to be closed and the track relocated or decommissioned.
- c) The topography and undisturbed nature of the reserve are such that an Aboriginal Cultural Heritage Assessment is required to enable a final determination of the REF. This is a significant financial and time investment.
- d) The reserve is noted as being of both local and state heritage significance – with the curtilage incorporating the full reserve boundary. A Statement of Heritage Impact and Section 60 Application to Heritage NSW are required to enable a final determination of the REF.
- e) Works would be required along the full extent of the trail to minimise erosion and sediment runoff to satisfy NorBE (Neutral or Beneficial Effects on water quality) development requirements set by Water NSW.
- f) The reserve is Crown Land and therefore a Native Title assessment is required, which involves submission of proposals to, and collaboration with, the Local Aboriginal Land Council.
- g) The unauthorised mountain bike trails do not align with the draft Plan of Management (PoM) for the reserve. The draft PoM states that mountain biking is to be restricted to the fire trails alone.
- h) Inconsistency with other Council plans and strategies for example the Recreational Walking Tracks Strategy and Biodiversity Strategy (2003), which commit to the closure of unauthorised mountain bike trails.
- i) Delineation between public and private property is currently unclear, and if the track was to be retained then improved delineation may be required – then necessitating a boundary survey and pegs to clearly demarcate the public and private land.

In light of these constraints and barriers, the following can be concluded:

1. The two side trails crossing the spring-fed creek must be closed and decommissioned. The REF cannot approve this section.
2. If the upper section of the track was to be retained, approximately 50 metres of the trail would need to be relocated off private land – or purchase of the private land pursued. These options are

both of financial investment beyond that committed to review of the unauthorised trail. Relocation of the track would also require further environmental assessment.

3. The draft REF identifies that several specialist studies and track augmentation would be required to enable the *possibility* of a final determination of 'no significant impact' for the sections of the unauthorised trails that are outside of the areas described in Points 1 and 2. These studies and/or augmentations are:
 - a. Aboriginal Cultural Heritage Assessment.
 - i. Pending the outcome, an Aboriginal Heritage Impact Permit could be required.
 - b. Native Title Advice and Assessment
 - c. Statement of Heritage Impact and Section 60 Application
 - d. Augmentation of the trails to reduce erosion to meet NorBE requirements.

The completion of these additional studies and augmentation are of significant investment – both financially and time. It is also understood to be unlikely that these can all be navigated whilst still maintaining the 'no significant impact' result required to enable the final determination of the REF.

The draft REF identifies significant portions of the trail network that are not legislatively viable and a final determination of the remaining sections cannot be made unless further investment is made to pursue additional specialist studies. It is therefore recommended that Council close and decommission the unauthorised mountain bike trails in the northeast area of Mount Gibraltar Heritage Reserve.

If the closure is supported by Council, the interim warning signage will be updated with closure signage and sediment control measures will be implemented at the creek crossing whilst a procurement process is commenced for the decommissioning works.

In accordance with the resolutions of Ordinary Council Meeting 21 June 2023, Council is committed to the investigation and identification of alternative, more suitable, sites that could be utilised to provide further mountain biking opportunities in the Shire. Council will continue to collaborate with local mountain bike riders and mountain biking groups to ensure that any selected site and developed facility is fit for purpose and provides opportunity for both mountain biking riding but also partnering in the track creation and maintenance.

It is however acknowledged that the creation of further designated mountain bike facilities will be an extended process. The consideration of alternative sites is to be primarily achieved through the Natural Areas Recreation Activities Strategy (NARAS), however this item is itself awaiting funding opportunities. Council is also investigating potential opportunities in the augmentation of the existing Welby Mountain Biking Trails, as well as possible inclusion of a mountain bike facility within the Welby Tip Remediation Project – similar to how Northern Beaches Council and Waste Assets Management Corporation (WAMC) delivered the Bare Creek Mountain Bike Park. But again, final delivery of any facility will be subject to grant funding opportunities.

The Australian Mountain Biking Guidelines identify eight different types of mountain bike trails, which illustrates the variety of disciplines within the mountain biking sport. Trail types vary in terms of rider expertise and specialised equipment required, with gravity downhill trails requiring the highest level given the inherent risks resulting from their high speed and technical nature. Within the Shire, mountain bike riders can utilise the Welby Mountain Bike Trails, Wingello Mountain Bike Trail (within Wingello State Forest) and the fire trail network across Council's bushland and reserves. Other facilities like the Green Valleys Mountain Bike Park, Tahmoor DNA Dirt Jump Park and Cringila Hills Mountain Bike Park are also available in the surrounding local government areas. In the interim of the delivery of further mountain bike facilities, the mountain biking community of the Shire is encouraged to utilise and enjoy these facilities available both in and around the Shire.

COMMUNICATION AND CONSULTATION

Community Engagement

No Community engagement has been undertaken as part of the REF process.

Internal Communication and Consultation

Manager Environment and Sustainability

Coordinator Natural Resource Projects

External Communication and Consultation

Dr Steven Douglas – Ecological Surveys and Planning

SUSTAINABILITY ASSESSMENT

Environment

This report provides an assessment of the draft REF prepared by Ecological Planning & Surveys in relation to the unauthorised mountain bike trails in the northeast area of Mount Gibraltar Heritage Reserve.

Social

There are no social issues in relation to this report.

Broader Economic Implications

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

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The draft REF identifies that further specialist studies, and eventual track augmentation, could be pursued – however they are all of financial investment beyond that committed to this review of the unauthorised trails. It is understood to be unlikely that these further studies can all be completed whilst still maintaining a final REF determination of ‘no significant impact’ - which would be required to enable the retainment of the trails.

It is therefore not recommended that any further financial investment be made in investigation of the viability of mountain bike trails in this location.

RELATED COUNCIL POLICY

Community Strategic Plan – Wingecarribee 2041

Goal 2.1.4 Provide a range of sport, recreation and leisure services and facilities across the Shire.

Goal 4.1.1 Protect and enhance our native species, biodiversity, habitats and natural areas through a coordinated community, and all of government and approach.

CONCLUSION

The draft Review of Environmental Factors in relation to the unauthorised mountain bike trails in the northeast area of Mount Gibraltar Heritage Reserve has identified several constraints and barriers to any potential retainment – and so it is recommended that Council close and decommission the trail and continue to pursue further mountain biking opportunities elsewhere in the Shire.

ATTACHMENTS UNDER SEPARATE COVER

1. Aerial Image of Mount Gibraltar Heritage Reserve Unauthorised Trails [**9.20.1** - 1 page]
2. REF - Mount Gibraltar Heritage Reserve Unauthorised Mountain Bike Trails [**9.20.2** - 66 pages]

9.21 Colo Vale Railway Park - Allocation of Funds

Report Author: Shaun Robinson

Manager Assets

Authoriser: Karin Targa

Director Service and Project Delivery

PURPOSE

The purpose of this report is to seek Council's resolution for the allocation of funds from the sale of 42 Banskia Street, Colo Vale for the provision of further facilities at Colo Vale Railway Park.

OFFICER'S RECOMMENDATION

THAT Council allocate the balance of net proceeds from the sale of 42 Banskia Street, Colo Vale (\$327,000) to the upgrade of facilities at Colo Vale Railway Park.

REPORT

BACKGROUND

At the Ordinary Council Meeting of 15 June 2022, Council considered a report on the proposed allocation of proceeds from the sale of 42 Banskia Street, Colo Vale – that being \$28,500 allocated to Colo Vale Mens Shed and \$428,500 allocated to upgrade of Jurd Park play space. The subsequent resolution (MN 2022/124) was:

THAT the matter be deferred to allow further consultation on the location of the play space and possible further allocation towards the Men's Shed.

At the Ordinary Council Meeting of 14 December 2022, in the Administrator minute, it was resolved that \$130,000 be allocated to Colo Vale Mens Shed and that the Colo Vale Community Association would complete further consultation with their community in relation to potential park upgrades.

REPORT

As a result of a collaboration meeting held early December between Council and the Colo Vale Community Association (the Association), the Association completed consultation with the Colo Vale community on potential park upgrades in June 2023.

The primary method of consultation was through two community Facebook groups: *Residents of Colo Vale* and *Colo Vale Locals*. Significant support was shown for the proposed location of Colo Vale Railway Park, with 212 votes being received across two conceptual designs prepared by Moduplay at the request of the Association.

The consultation findings from the Association are attached to this report.

Transport Heritage NSW (THNSW) has been liaising with Council in their design and delivery of the Loop Line Project, which will see the railway between Buxton and Colo Vale reactivated with a weekly heritage train. As part of this project, THNSW has confirmed that only minor works are planned for the area

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surrounding the Colo Vale train station – primarily consisting of fencing of the railway tracks and rehabilitation of the existing station platform. No pedestrian level crossing will be constructed, with pedestrian access instead provided through an informal path around the perimeter of the train tracks (as the railway will terminate approximately 20 metres from Church Avenue).

It is understood that sufficient green space will remain within the rail corridor which could accommodate the provision of upgraded park facilities. The construction of any further facilities will require the establishment of a licence with Transport Asset Holding Entity (TAHE) - who are the landowners.

It is therefore recommended Council allocate the remaining balance of funds from the sale of 42 Banskia Street, Colo Vale, which is \$327,000, to the provision of upgraded park facilities.

It is intended that the final scope for the upgrade will be informed through a round of community engagement via the Your Say Wingecarribee website. The delivered works could incorporate a variety of options – and through this consultation the community will have the opportunity to consider the inclusion of public toilets, park furniture (BBQs, seating etc), play equipment (targeted to either younger or older children) or more active elements (the available space does limit the opportunity of these types of elements).

Given that the formalisation of a licence with TAHE across the land is likely to be an extended process, it is not envisaged that this community engagement will delay the commencement date of works occurring onsite.

COMMUNICATION AND CONSULTATION

Community Engagement

Colo Vale Community Association completed consultation with the Colo Vale community on potential park upgrades across the month of June 2023.

Internal Communication and Consultation

Chief Financial Officer

Coordinator Property Services

External Communication and Consultation

Colo Vale Community Association

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.

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Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The Colo Vale Railway Park Upgrade project will be fully funded by the remaining net proceeds (\$327,000) from the sale of 42 Banksia Street, Colo Vale.

RELATED COUNCIL POLICY

Community Strategic Plan – Wingecarribee 2041

Goal 2.1.4 Provide a range of sport, recreation and leisure services and facilities across the Shire.

CONCLUSION

The proceeds of the sale of 42 Banksia Street, Colo Vale provides Council with a unique opportunity to provide targeted investment in the liveability and recreational opportunities of the Colo Vale Community. In accordance with the consultation findings of Colo Vale Community Association, it is recommended that Council allocate all remaining proceeds from the sale to the upgrade of Colo Vale Railway Park.

ATTACHMENTS

1. Colo Vale Community Association - Consultation Findings [**9.21.1** - 1 page]

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COLO VALE COMMUNITY ASSOCIATION INC.

ABN 75 479 104 751

28 Railway Avenue, Colo Vale NSW 2575
Telephone 0400 728 395
www.colovalecommunity.org.au
Colo Vale Village Market

All correspondence to:
The Secretary
PO Box 280
Mittagong NSW 2575

8th July, 2023

Mr Shaun Robinson
Wingecarribee Shire Council,
P O Box 141
MOSS VALE NSW 2577

Dear Shaun,

I refer to discussions with Viv May, Lisa McCambie and our President, Elyse White regarding the Colo Vale community's attitude to a facility within the village for the benefit of the community.

Overall, the majority of the community have responded to a survey which resulted in a preference for the construction of a playground on land opposite the hall and towards the main road, Wattle Street.

They are aware council does not necessarily own this land and therefore, there may be difficulties working with the landholder to gain consent for such construction.

The main reason the community identified this parcel of land as the ideal location for a playground is the open nature to road users and pedestrians which may discourage antisocial behaviour.

Before progressing the design of the playground, your response and if necessary, your advice on the probability of negotiating an arrangement with the landholder to construct a playground on this land would be greatly appreciated.

Yours faithfully,

Sue Edney
Secretary



9.22 Sewer Rising Main Upgrade - Tender Evaluation

Report Author: Pearce Anderson
Senior Operational Program Engineer

Authoriser: Karin Targa
Director Service and Project Delivery

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the SPS-MT6 Sewer Rising Main Upgrade.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Accept the tender from Killard Infrastructure for the SPS-MT6 Sewer Rising Main Upgrade at a lump sum price of \$333,420 (inclusive of GST).**
- 2. Note the tenders received ranged from \$306,570 to \$780,785 (inclusive of GST).**
- 3. Delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.**

REPORT

BACKGROUND

The purpose of this project is to increase the size of the existing rising sewer main pipe which will increase the pump station flow capacity. Increasing the discharge pipe size increases the sewer pump station discharge capacity from 2.7L/s to 8.5L/s. This will assist in ensuring that the likelihood of a spill event to Nattai Rivulet is minimised as the emergency storage tank will be emptied more rapidly.

This project is coordinated with the reconstruction of the Devon Street/Robinson Street roadway and culvert as the road crossing the Nattai Rivulet was severely damaged by recent floods (and remains closed).

The existing sewer rising main was exposed by the stormwater flow and is currently suspended in mid-air without support. This represents a risk of uncontrolled raw sewage release to the environment in the event of pipe failure, therefore the reconstruction of the sewer rising main should proceed as a matter of urgency.

A redundant drinking water main was also exposed by the stormwater flow at the Nattai Rivulet crossing. It will be isolated, secured, and removed as part of the project.

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).

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ADVERTISING

The tender advertising period was from the 18 July 2023 to 8 August 2023 (21 days).

The tender was advertised as follows:

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

TENDERS RECEIVED

A total of eleven (11) tender submissions were received:

Company Name	Location	Postcode
About Time Plumbing	Moss Vale	2577
Berg Engineering	Gladstone	4680
Civil and Civic	Canberra	2609
Dunsteel Plant Services	Moss Vale	2577
Fluid Plumbing and Drainage Services	Penrith	2750
GHP Plumbing and Civil	Wetherill Park	2164
Killard Infrastructure	Goulburn	2580
Nova Civil	St Peters	2044
RA Smith Contracting	Moorebank	2170
Sevelle Building Services	Smithfield	2164
Whyte Civil	Strathfield	2136

LATE TENDERS

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

TENDER EVALUATION

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

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

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TENDER ROLES AND RESPONSIBILITIES

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

Role	Responsibility	Position
Evaluation Panel Chair	To manage the evaluation process and report to Council.	Project Manager Renewals
Evaluation Panel Member	Perform a detailed evaluation of the Tender Submissions.	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

SELECTION CRITERIA

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

Mandatory Criteria:

Mandatory Criteria
Public Liability - \$20 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Motor vehicle comprehensive insurance
Bank Guarantees (2 x 2.5% of Contract Value)
Compliance with QMS Accreditation

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

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Non-Cost Selection Criteria & Weighting:

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

Summary of Selection Criteria & Weighting:

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

NON-COMPLIANT TENDERS

Upon evaluation a total of four (4) tender submissions were determined to be non-compliant:

Company Name	Reason for Non-Compliance
About Time Plumbing	Mandatory Items missing from response
Berg Engineering	Mandatory Items missing from response
Dunsteel Plant Services	Mandatory Items missing from response
Sevelle Building Services	Mandatory Items missing from response

COMMENTS ON OVERALL EVALUATION OUTCOME

There was a highly competitive response to the tender opportunity with five suitable contractors within 10% of the price of the recommended contractor.

COMMENTS ON RECOMMENDED TENDER SUBMISSION

The recommended tender submission was of a high quality and rated particularly well on the Capability and Experience criteria relative to all others. They also topped the scores for the Specifications, Service, Support and Fit-for Purpose evaluation criteria.

COMMUNICATION AND CONSULTATION

Community Engagement

Affected residents will be notified by letter box drop or door knock or both where access may be temporarily impeded.

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Sewerage services will be continuously maintained throughout the works.

Internal Communication and Consultation

Manager Environment and Sustainability has been consulted in the preparation of the project Environmental Assessment.

The headworks operators will be kept informed of the works and will be called upon to isolate the pumps for the new connections to be made.

The Field Supervisor Water Network and Coordinator Water will be advised of plans and progress relating to the abandoned drinking water main.

Coordinator Roads and Drainage Projects and the relevant Project Manager for the Nattai Rivulet culvert and roadway reconstruction have been consulted regarding the rising sewer main upgrade works.

External Communication and Consultation

NSW Department of Planning and Environment - Crown Lands were requested to grant a Licence for both the pipeline upgrade works and the stormwater culvert and roadway reconstruction works. An Environmental Assessment was submitted along with the application fee. Licence 640138 was granted and subsequently signed by the Wingecarribee Shire Council General Manager and the Minister administering the Roads Act 1993. The annual rental fee for the Licence has been paid with an anniversary date of 23 August.

SUSTAINABILITY ASSESSMENT

Environment

The purpose of this project is to reduce the incidence of uncontrolled raw sewage release to the environment during high flow stormwater runoff events. This project will also eliminate the risk associated with the original rising sewer main being suspended in mid-air due to the erosion of the Devon Street roadway and culvert.

An Environmental Assessment has been conducted in conjunction with WSC Geocortex map sets. This project is claiming exempt development under the State Environmental Planning Policy (Transport and Infrastructure 2021), Division 18, Clause 2.127 titled Exempt Development. Clause (viii) states; 'maintenance or replacement of sewerage system components that does not increase capacity (or increases capacity only to a minimal extent)'. Likewise State Environmental Planning Policy (Transport and Infrastructure 2021), Division 24, Clause 2.162 titled Exempt Development. Clause (I) states; 'maintenance or replacement of water supply systems that does not increase capacity (or increases capacity only to a minimal extent)'. For this project, the pipework alignments are not altered, and the renewed pipes are effectively the same as the existing infrastructure.

The Nattai Rivulet is **not** considered Key Fish Habitat.

The proposed site is within (but unlikely to affect) landscape features (including within 200m of waters); and further, the site is completely within land considered 'disturbed land', examples include cleared of native vegetation, urban development and associated utilities and infrastructure.

AHIMS Web Service search, conducted on 17 August 2021; no Aboriginal sites are recorded in or near the worksite locations; and no Aboriginal places have been declared in or near the above locations. A further site specific AHIMS search conducted on 7 June 2023 showed no Aboriginal sites are recorded in or near the worksite locations; and no Aboriginal places have been declared in or near the above locations.

If Aboriginal objects are found when carrying out activities, work must stop, and Dep. Planning Industry and Environment will be notified (this may also include human remains); and Council's Project Manager must be notified.

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Social

For contractors to be considered for this construction project it is mandatory that their organisation has Quality Management Accreditation. This ensures the work is performed to a high standard of quality and safety.

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*.

COUNCIL BUDGET IMPLICATIONS

The tendered price is within the Council allocated budget for this project.

RELATED COUNCIL POLICY

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

CONCLUSION

It is recommended that Council accept the recommendations of this report and award the Tender to Killard Infrastructure. Placing a high priority on this work will reduce the risk of environmental harm caused by the release of raw sewage to the environment.

ATTACHMENTS

There are no attachments to this report.

9.23 Traffic Management Services - Tender Evaluation

Report Author: Aaron Baumeister
Coordinator Construction - People and Resources

Authoriser: Karin Targa
Director Service and Project Delivery

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for Traffic Management Services.

OFFICER'S RECOMMENDATION

THAT Council:

1. **Accept the Tenders from the successful contractors as outlined in this report to establish a panel contract for the provision of providing Traffic Management Services to Council for the period of five (5) years under the following categories:**
 - a. **Category 1 - Traffic Control Services:**
 - i. **Allied Traffic Management**
 - ii. **D&D Traffic Management Pty Ltd**
 - iii. **Platinum Traffic Services Pty Ltd**
 - iv. **Roadworx Surfacing Pty Ltd**
 - v. **Titanium Traffic Management Pty Ltd**
 - vi. **Traffic Logistics Pty Ltd**
 - b. **Category 2 - Traffic Control and Management Planning Services:**
 - i. **D&D Traffic Management Pty Ltd**
 - ii. **Go Traffic Pty Ltd**
 - iii. **Platinum Traffic Services Pty Ltd**
 - iv. **Stop Slow Traffic Control (NSW) Pty Ltd**
 - v. **Titanium Traffic Management Pty Ltd**
 - vi. **Traffic Logistics Pty Ltd**
2. **Note that the awarded contractors under this contract will be engaged in accordance with their tendered schedule of rates.**
3. **Delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.**

REPORT

BACKGROUND

Council conducted an open tender process for the purpose of establishing a contract to engage contractors on an ad hoc basis for providing traffic management services to Council to support the delivery of capital works Projects and implementation of Maintenance Programs.

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The tender invited contractors to submit rates for the following listed categories:

- Category 1 - Traffic Control Services
- Category 2 – Traffic Control and Management Planning Services

The initial contract will be for a period of five (5) years. During this period, Contractors will be given the opportunity to request annual rate variations leading up to the anniversary date for each year that the contract is in effect for.

Council has an important role in meeting its regulatory requirements for directing traffic around construction sites, accidents, road disruptions or other events required by Council for the purpose of ensuring efficient traffic movements and public safety and the prevention of traffic related accidents on roads and other shared ways such as driveways and pedestrian footpaths.

Historically Council engaged contractors under the Local Government Procurement Contract; Traffic Management Services (LGP113-2) however a decision was made for Council to tender for these services for the purpose of reviewing and benchmarking the market while maintaining probity and transparency.

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 25 July 2023 to 15 August 2023 (21 days).

The tender was advertised as follows:

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

TENDERS RECEIVED

A total of sixteen (16) tender submissions were received:

Company Name	Location	Postcode
A Plus Traffic Control Services Pty Ltd	Albion Park Rail, NSW	2527
All Districts Traffic Management Pty Ltd	Wetherill Park, NSW	2164
Allied Traffic Management	Yennora, NSW	2161
Crown Traffic Services Pty Ltd	Albion Park, NSW	2527
D&D Traffic Management Pty Ltd	Wollongong, NSW	2500
D Digian Company Pty Ltd	Horsley Park, NSW	2175
Direct Traffic Pty Ltd	Minto, NSW	2566
Evolution Traffic Management Pty Ltd	Banyo, QLD	4014
Go Traffic Pty Ltd	Glendenning, NSW	2761
Platinum Traffic Services Pty Ltd	Smeaton Grange, NSW	2567
Roadworx Surfacing Pty Ltd	Unanderra, NSW	2526

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Stop Slow Traffic Control (NSW) Pty Ltd	Woonona, NSW	2517
Titanium Traffic Management Pty Ltd	Unanderra, NSW	2526
TMPACS Pty Ltd	Nowra, NSW	2540
Traffic Logistics Pty Ltd	Unanderra, NSW	2526
Zivil Earthmoving Pty Ltd	Braemar, NSW	2575

LATE TENDERS

No late tender submissions were received.

TENDER EVALUATION

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

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

TENDER ROLES AND RESPONSIBILITIES

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

Role	Responsibility	Position
Evaluation Panel Chair	To manage the evaluation process and report to Council.	Coordinator Construction – People and Resources, Shire Presentation
Evaluation Panel Member	Perform a detailed evaluation of the Tender Submissions.	Maintenance & Contracts Engineer, Shire Presentation
Evaluation Panel Member Independent*	Perform a detailed evaluation of the Tender Submissions.	Project Engineer, Project Delivery
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, Finance & Procurement

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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
Professional Indemnity Insurance - \$5 million (Category 2)
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Comprehensive Motor Vehicle Insurance
<p>Compliance with the Schedule of Mandatory Criteria:</p> <ul style="list-style-type: none"> - Implement Traffic Control Plans (TCP) compliance (Category 1) - Traffic Controller (TCR) compliance (Category 1) - White Card compliance (Category 1) - Prepare a Work Zone Traffic Management Plan (PWZ) compliance (Categories 1 & 2) - Registered TFNSW Scheme Category G (Categories 1 & 2)

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
Community, Sustainable & Social (including local content)	10%
Capability & Experience	20%
Specifications, Service & Support, Fit for Purpose	15%
Quality Assurance & Innovation	10%
Work Health and Safety & Environment	10%
Total	65%

Summary of Selection Criteria & Weighting:

Criteria	Weighting
Total Non-Cost Criteria	65%
Total Cost Criteria	35%
Total	100%

NON-COMPLIANT TENDERS

Upon evaluation a total of five (5) tender submissions were determined to be non-compliant:

Company Name	Reason for Non-Compliance
A Plus Traffic Control Services Pty Ltd	Mandatory Items - Required Accreditations TFNSW Scheme
All Districts Traffic Management Pty Ltd	Mandatory Items – Required Insurance Requirements
Crown Traffic Services Pty Ltd	Mandatory Items - Required Accreditations TFNSW Scheme
D Digian Company Pty Ltd	Mandatory Items - Required Accreditations TFNSW Scheme
Zivil Earthmoving Pty Ltd	Mandatory Items - Required Accreditations TFNSW Scheme

TENDERED SUBMISSION PRICES

Awarded Contractors under this tender will be engaged in accordance with their schedule of rates submitted under the tender process for each category as required.

COMMENTS ON OVERALL EVALUATION OUTCOME

Twelve (12) out of sixteen (16) submissions that tendered for category 1 had passed the mandatory criteria and therefore considered conforming to be further assessed in accordance with their non-cost and cost weighted criteria. All 12 submissions had received a score above the non-cost weighted criteria threshold demonstrating that they were suitably qualified to be consideration for a contract under this tender process.

Eleven (11) out of fifteen (15) submissions that tendered for category 2 had passed the mandatory criteria and therefore considered conforming to be further assessed in accordance with their non-cost and cost weighted criteria. All 11 submissions had received a score above the non-cost weighted criteria threshold demonstrating that they were suitably qualified to be consideration for a contract under this tender process.

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COMMENTS ON RECOMMENDED TENDER SUBMISSION

On further consideration from the tender evaluation panel, the panel had agreed to award a panel size of six (6) for both contract categories in accordance with Council's operational requirements. Upon this decision, it is recommended for the following contracts to be awarded under the following tender categories:

Category 1 - Traffic Control Services:

1. Allied Traffic Management
2. D&D Traffic Management Pty Ltd
3. Platinum Traffic Services Pty Ltd
4. Roadworx Surfacing Pty Ltd
5. Titanium Traffic Management Pty Ltd
6. Traffic Logistics Pty Ltd

Category 2 - Traffic Control and Management Planning Services:

1. D&D Traffic Management Pty Ltd
2. Go Traffic Pty Ltd
3. Platinum Traffic Services Pty Ltd
4. Stop Slow Traffic Control (NSW) Pty Ltd
5. Titanium Traffic Management Pty Ltd
6. Traffic Logistics Pty Ltd

COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement took place for the purpose of conducting this tender.

Internal Communication and Consultation

Extensive consultation took place between Council's procurement area and operational areas. This consultation included scope, technical requirements, and evaluation methodologies.

External Communication and Consultation

Tenders are part of a commercial arrangement and all external communication was conducted in accordance with Council Conditions of Responding – Council Tenders.

Prior to the release of the tender, Council communicated with local traffic management providers for the purpose of encouraging local participation.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

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

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Culture

There are no cultural issues in relation to this report.

Governance

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

COUNCIL BUDGET IMPLICATIONS

Funding for traffic management services has been considered when developing maintenance programs and capital works programs in Council's annual budgets. Councils' total spend across traffic management services, for the 2022/23 financial year, was in excess of \$5,600,000 (GST inclusive).

RELATED COUNCIL POLICY

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

CONCLUSION

Council has a need to maintain traffic management services to ensure that Council can efficiently source various contractors on an ad-hoc basis for meeting Council's operational needs on delivering Council's capital works, events and maintenance programs.

ATTACHMENTS

There are no attachments to this report.

9.24 Amendment to Fees and Charges - Post Exhibition Report

Report Author: Carl Conrad
Acting Chief Financial Officer

Authoriser: Carmel Foster
Director Corporate Strategy and Resourcing

PURPOSE

At its ordinary meeting on 19 July 2023 Council resolved to place a series of amendments to the adopted 2023/24 Fees and Charges on public exhibition for a minimum period of 28 days.

The public exhibition period provided a further opportunity for the community to provide input into the amended fees and charges. This report includes all submissions received during the public exhibition period and council officer responses to these submissions for Council's consideration.

OFFICER'S RECOMMENDATION

THAT Council adopt the amended 2023/24 Fees and Charges outlined in Attachment 1 as publicly exhibited.

REPORT

BACKGROUND

At its ordinary meeting on 19 July 2023 Council resolved to place a series of amendments to the adopted 2023/24 Fees and Charges on public exhibition for a period of 28 days. For clarity, the relevant resolution from 19 July 2023 Council meeting (MN 2023/439) is included below:

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.*

REPORT

During the public exhibition period Council received 6 submissions, which are noted as follows:

Name	Agreement with Changes	Submission	Council Officer Response
Lyndal Moss Vale	No	Specifically category 3, Hall Hire. The recent listing of assets for the recreation strategy showed that the majority of our halls were in poor	The premise of the hall hire fees are based on a "user pays model" focusing on partial cost recovery and will assist Council

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Name	Agreement with Changes	Submission	Council Officer Response
		condition and worse. COUNCIL cannot insist on charging a competitive market rate for hall hire when facilities are run down and dirty.	in offering improved service delivery and facilities. The proposed fees are not profit-making. Fees are based on a commercial use fee, and then discounted for Community & Not for Profit Use and Health & Wellbeing Use.
Marisol Bowral	No	The fees for hall hire are too expensive. I would like to hold a concert for my very small dance group and I cannot afford the exuberant rates of over \$100 per hour.	<p>The premise of the hall hire fees are based on a “user pays model” focusing on partial cost recovery and will assist Council in offering improved service delivery and facilities. The proposed fees are not profit-making. Fees are based on a commercial use fee, and then discounted for Community & Not for Profit Use and Health & Wellbeing Use.</p> <p>Council has several community assistance and subsidy schemes to provide financial and in kind support to community and not for profit organisations.</p>
Steve M Bowral	No	Can council please provide a breakdown and justification for the \$16k fee for the Additional Building Information Certificate. As council staff are generally on salary (e.g. paid regardless), please provide a breakdown of the labor component in particular, outlining what is undertaken internally and what is outsourced so as to understand this. Thank you	The amended Building Information Certificate fee is \$1,600, not \$16,000. This proposed amendment seeks to correct a typographical error in a transparent manner due to the significance of the change, albeit a reduction. 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.

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Name	Agreement with Changes	Submission	Council Officer Response
A. Lemann Mittagong	No	<p>The amendments are missing something that I think is vital. We need to provide more incentive for people to build small, affordable homes in the Shire. Wingecarribee, along with the rest of the nation, is facing a housing crisis but Wingecarribee is in a worse situation than most of the country when it comes to affordable housing. Real estate is SO expensive in the Highlands relative to income that hundreds and hundreds of people are commuting into the Shire to work. We desperately need more affordable housing.</p> <p>For a while, Council had a policy, (possibly informal) of waiving developer contributions for secondary dwellings under 60sqm as a way to encourage smaller, more affordable, infill housing. I suggest that Council reinstate and formalise that policy and also look at other ways that we can help to reduce the cost and complexity of getting approval to build affordable housing.</p> <p>It is getting so difficult and expensive to build even the smallest granny flat that most people are put off by the idea. Making it easier and less expensive to get approval would encourage more people to consider it. Other councils have implemented a simplified, fast-track approval process for affordable infill projects with minimal fees. I suggest WSC do the same.</p>	<p>Council is mindful of the rising costs of housing and associated affordability challenges. However, it is also important to ensure that Council operate on the basis of at least partial cost-recovery for these services.</p> <p>Several of Council's Section 94 / Section 7.11 Developer Contributions Plans identify an exemption for the requirement to pay monetary contributions for granny flats / secondary dwellings, if these dwellings are equal to or less than 60m2.</p> <p>Council's Local Housing Strategy, adopted in July 2021, identifies an infill development target of 20% of all new development within the Shire. Council's Local Strategic Planning Statement includes a number of actions to achieve more affordable housing within the Shire, including the need to prepare an Affordable Housing Strategy.</p>
Anonymous Moss Vale	No	<p>The new business structured council has lost sight of the need to be of service not just make money. Some things are of need and Council should attempt to make these easier to access and afford</p>	<p>Council's applies a "user pays model" as part of the Fees and Charges and is largely based on a partial cost recovery, subsidising the cost of service delivery. The purpose of this is to ensure long term financial</p>

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Name	Agreement with Changes	Submission	Council Officer Response
			sustainability. Council has several community assistance and subsidy schemes to provide financial and in kind support to community and not for profit organisations.
J. Fitzpatrick Wingello	Yes		Thank you for your support on the amended Fees and Charges.

COMMUNICATION AND CONSULTATION

Community Engagement

A project page was established on Your Say Wingecarribee website (yoursaywingecarribee.com.au). Residents were provided the opportunity to complete an online form on the Your Say Wingecarribee project page or to make a submission by way of email or letter.

A total of 436 individuals visited the online consultation hub and 400 document downloads were recorded during 24 July 2023 to 28 August 2023.

Internal Communication and Consultation

Council officers contributed to the development of the amended fees and charges.

External Communication and Consultation

The proposed amendments were presented to Council and the community at the ordinary meeting of Council on 19 July 2023.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

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

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no expected budget implications of these amendments.

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RELATED COUNCIL POLICY

2023/24 Fees and Charges

CONCLUSION

The submissions received have been noted. The amendments are recommended to be adopted by Council as proposed with the amended rates to be applied with immediate effect upon adoption.

ATTACHMENTS

1. Public Exhibition- Amendments to Fees and Charges 2023/24 [**9.24.1** - 6 pages]

Wingecarribee SHIRE COUNCIL

Fees and Charges 2023/24

Proposed Amendments
for Public Exhibition



We're with you



The Wingecarribee Shire acknowledges the Gundungurra and Tharawal people as the traditional custodians of this land we now call the Wingecarribee Shire. We pay our respect to Elders both past, present and emerging.





PRICING POLICY PRINCIPLES
PROPOSED AMENDMENTS



Wingecarribee Shire Council

Pricing Policy Principles

Category 1 – Full Cost Recovery

- 1.1 Recovery of all direct and indirect costs associated with providing a service, including in some cases, making provision for future capital expenditure.

Category 2 - Partial Cost Recovery

- 2.1 Subsidised operations which are of benefit to the community as a whole, as well as individuals and in particular low income users.

Category 3 - Market Pricing

- 3.1 When Council provides a similar service "in competition" with other councils or agencies, e.g. sale yard fees, hall hire, etc., where people may go elsewhere if the fee is too high. This category also includes prescribed or recommended fees. Council will not use subsidies to aggressively price others out of the market or compete unfairly.

Category 4 - Rate of Return Pricing

- 4.1 Used for commercial activities.

Category 5 - Incentive Pricing

- 5.1 Where Council sets a fee structure to encourage people to "do the right thing" e.g. a scaled tariff that rewards low water consumers, library fines, etc.

Category 6 - Sewerage Pricing

- 6.1 Is not based on property values.
- 6.2 Collects revenue to fund the sewerage system from people who actually benefit from availability or use of Council's sewerage system.
- 6.3 Eliminates cross subsidies within the community.
- 6.4 Ensures Council derives sufficient income to:
 - i. Operate the sewerage system, irrespective of seasonal fluctuations.
 - ii. Provides for future capital expenditure and debt servicing.
- 6.5 Can be administered simply and cheaply and can be easily understood by the public.

Category 7 - Water Charging

- 7.1 Is not based on property values.
- 7.2 Collects revenue to fund the water supply system from the people who actually benefit from availability or use of Council's water supply.
- 7.3 Ensures Council derives sufficient income to operate the water supply system, irrespective of seasonal fluctuations and provides for capital and debt servicing.
- 7.4 Eliminates cross subsidies within the community.
- 7.5 Encourages conservation of water by having a scaled tariff that rewards low consumers.
- 7.6 Provides for future capital expenditure and debt servicing.
- 7.8 Can be administered simply and cheaply and be easily understood by the public.

Category 8 - Section 64 & Section 7.11 Contributions Pricing

- 8.1 To ensure Section 7.11 contributions accurately reflect the costs incurred by Council in providing infrastructure (roads, drains, sewerage, etc.), open space and recreational facilities, needed to meet the additional needs of the community created by new development and in doing so, ensure the local amenity does not diminish.

Category 9 – Prescribed Fees

- 9.1 Regulation or Act sets a maximum fee that can be charged.
Note: When the relevant Authority publishes new or modified Prescribed Fees and Charges, Council officers will make the necessary administrative changes to reflect these updates in Council's 2023/24 Fees and Charges. Any prescribed fees and charges currently not included in Council's Fees & Charges will be incorporated as an administrative change.

Category 10 – Services to be provided free of charge

- 10.1 No charge is levied by Council for services under this category.

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**Wingecarribee Shire Council
2023/24 Fees & Charges
Amendments for Public Exhibition**

Details	Adopted 2022/23 Unit	Adopted 2022/23 Fee Incl. GST *	Adopted 2023/24 Unit	Adopted 2022/23 Fee Incl. GST *	Proposed 2023/24 Unit	Proposed 2022/23 Fee Incl. GST *	Pricing Category #
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BUSINESS & PROPERTY SERVICES

4 TOURISM & EVENTS

Tulip Time

Tulips After Dark

Adult, Youth & Concession Admission	per person, per night	-	per person, per night	\$13.00	Split fee		1
Adult Admission	per person, per night	-	per person, per night	\$13.00		\$13.00	1
Youth (13-17 years) & Concession Admission	per person, per night	-	per person, per night	\$13.00		\$10.00	1

Other Event Fees

Arts & Culture

Art Studio Trail Participation Fee - per artist	per annum	\$156.60	per annum	\$55.00	per annum	\$165.00	2
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INFORMATION & COMMUNICATION TECHNOLOGY

10 COMMUNITY HALLS

General Conditions and Administration for Hall Hire

Hall Hire Cleaning Fees

Maintenance or cleaning (labour costs)	per hour	\$43.90	per hour	\$80.00	per hour	\$47.00	1
Additional cleaning costs – if additional cleaning required, hall in unfit state	per hour	\$104.40	per booking	\$150.00	per hour	\$112.00	1

STRATEGIC OUTCOMES

26 DEVELOPER CONTRIBUTIONS

Developer Servicing Plan (Section 64 Local Government Act 1993)

Re-assessment of Notice of Payment to provide updated contributions (i.e. CPI) and issue of revised NOP	per reproduction	\$160.80	per reproduction	\$170.00	remove fee		2
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PLANNING ASSESSMENT & REGULATION

30 BUILDING AND PLANNING CERTIFICATES AND SERVICES

Class 2 to 9 buildings - based on Floor area of building or part

Additional Building Information Certificate fees for Unauthorised Works (without required development consent or construction certificate)	new fee		per certificate	\$16,000.00	per certificate	\$16,000.00	1
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Proposed Amendments For Public Exhibition
Fees and Charges 2023/24

Availability

Fees and Charges 2023/24 is available on Council's
website

<https://www.wsc.nsw.gov.au/Council/Strategies-Plans/Integrated-Planning-Reporting/Integrated-Planning-and-Reporting>

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For further information contact

Governance Team
Civic Centre, Elizabeth Street,
Moss Vale NSW 2577
PO Box 141 Moss Vale NSW 2577
t: (02)48680888
e: mail@wsc.gov.au

ABN 49 546 344 354

wsc.nsw.gov.au

9.25 Code of Conduct - Proposed Amendments to Part 6 Relating to Gifts and Benefits

Report Author: Lynley Gardner
Governance Officer

Authoriser: Carmel Foster
Director Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to seek endorsement of the proposed changes to Part 6 of Council's Code of Conduct regarding gifts and benefits.

OFFICER'S RECOMMENDATION

THAT Council adopt the amended Code of Conduct at Attachment 1 and reduce the token value of gifts and benefits to \$20.

REPORT

BACKGROUND

It is proposed to amend Part 6 of Council's Code of Conduct (the Code), concerning Gifts and Benefits. Part 6 is based on the Model Code of Conduct for Local Councils in NSW (2020) issued by the Office of Local Government NSW (OLG).

Clause 6.1 of the Code defines a gift or benefit as something offered to or received by a council official or someone personally associated with them for their personal use or enjoyment.

Clause 6.2 of the Code specifies that a reference to a gift or benefit in Part 6 does not include:

- a) items with a value of \$10 or less
- b) a political donation for the purposes of the Electoral Funding Act 2018
- c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
- d) a benefit or facility provided by the council to an employee or councillor
- e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
- f) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events,

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training, education sessions or workshops

iii) conferences

iv) council functions or events

v) social functions organised by groups, such as council committees and community organisations.

Clauses 6.5 and 6.10 do not allow gifts or benefits that exceed \$50 in value to be accepted, subject to clause 6.8 that specifies where a gift cannot reasonably be refused or returned it must be surrendered to Council, unless the nature of the gift or benefit makes this impractical.

Clause 6.6 requires disclosure of the offer or receipt of a gift or benefit of any value other than one referred to in clause 6.2.

Clause 6.9 allows gifts and benefits of token value to be accepted. Gifts and benefits of a token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. This is less than is currently specified in the Model Code of Conduct issued by the OLG which defines token value as not exceeding \$100.

REPORT

The proposed changes to Part 6 of Council's Code of Conduct are to reduce the values specified above from \$50 to \$20 as follows:

- Clause 6.9 allows gifts and benefits of token value (being one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$20) to be accepted.
- Clause 6.10 does not allow gifts or benefits that exceed \$20 in value to be accepted.
- Clause 6.11 provides that gifts and benefits of more than token value includes a ticket value that exceeds \$20.
- Clause 6.12 does not allow gifts and benefits of token value from the same person or organisation, or associated person, during the same 12-month period to exceed \$20 in value.

The relevant changes are in Clauses 6.9 to 6.12 and have been highlighted in the attached draft. The changes comprise amending the dollar amount from \$50 to \$20.

A comparison of other Council's monetary limits in their respective Codes of Conduct is as follows:

Council	Token value
Wollongong City Council	Not exceeding \$50
Wollondilly Shire Council	Not exceeding \$50
Goulburn Mulwaree Council	Not exceeding \$100
Cumberland City Council	Not exceeding \$100
City of Sydney Council	Not exceeding \$100
Central Coast Council	Not exceeding \$100

A "thank you is enough" approach will be promoted to Council staff, community and suppliers along with education about the changes to the token value amount.

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COMMUNICATION AND CONSULTATION

Community Engagement

Nil.

Internal Communication and Consultation

Council's Executive provided input regarding the appropriate token value amount.

An internal communications plan will be developed to circulate to staff outlining the change to the Code of Conduct and the key message for staff being "A thank you is enough".

External Communication and Consultation

Nil.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

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

Culture

There are no cultural issues in relation to this report.

Governance

Council's Code of Conduct is based on the Model Code of Conduct for Local Councils in NSW (2020) from the Office of Local Government NSW.

COUNCIL BUDGET IMPLICATIONS

Nil

RELATED COUNCIL POLICY

Nil

CONCLUSION

It is recommended that Council's Code of Conduct be amended to reduce the token value of gifts and benefits to \$20.

ATTACHMENTS UNDER SEPARATE COVER

1. DRAFT Code of Conduct v 1.6 [**9.25.1** - 43 pages]

9.26 Investments Report - August 2023

Report Author: Damien Jenkins
Deputy Chief Financial Officer

Authoriser: Carmel Foster
Director Corporate Strategy and Resourcing

PURPOSE

This report presents Council's Cash Investment Portfolio held at 31 August 2023.

OFFICER'S RECOMMENDATION

THAT Council receive and note this Cash Investment Report as at 31 August 2023.

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 31 August 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 \$1,595,295 for the month to 31 August 2023.

The interest is attributable to each fund as listed in the table below.

Fund	YTD budget	YTD actual	Variance
General fund	370,000	552,963	182,963
Water Fund	205,367	530,330	324,963
Sewer Fund	216,667	512,002	295,335
Total	792,034	1,595,295	803,261

ATTACHMENTS

1. August 2023 - Investment Report Summary [**9.26.1** - 6 pages]
-

**Wingecarribee Shire Council
Investment Report Summary**

For the period ending 31 August 2023

List of Investments

Council's investment portfolio as at 31 August 2023 consists of the following investments:

INVESTMENT PORTFOLIO AS AT 31 August 2023						
Institution	Type	Amount	Interest Rate	Investment Term - Days	Maturity Date	% Investment Portfolio
MyState	Term Deposit	2,000,000	4.23%	364	1/09/2023	1.01%
BOQ	Term Deposit	8,000,000	4.41%	731	2/09/2024	4.04%
CBA	Term Deposit	5,000,000	4.20%	365	15/09/2023	2.52%
CBA	Term Deposit	5,000,000	4.89%	720	16/09/2024	2.52%
MyState	Term Deposit	4,000,000	4.61%	365	28/09/2023	2.02%
AMP	Term Deposit	2,500,000	4.60%	365	4/10/2023	1.26%
NAB	Term Deposit	2,000,000	4.20%	365	10/10/2023	1.01%
CBA	Term Deposit	5,000,000	4.48%	360	26/10/2023	2.52%
AMP	Term Deposit	2,500,000	4.70%	365	15/11/2023	1.26%
NAB	Term Deposit	5,000,000	4.30%	365	21/11/2023	2.52%
Auswide	Term Deposit	8,000,000	4.60%	365	30/11/2023	4.04%
CBA	Term Deposit	3,000,000	4.79%	364	5/01/2024	1.51%
CBA	Term Deposit	2,500,000	4.64%	365	16/01/2024	1.26%
GSB	Term Deposit	7,000,000	4.78%	365	30/01/2024	3.53%
GSB	Term Deposit	5,000,000	4.65%	365	6/02/2024	2.52%
GSB	Term Deposit	5,000,000	4.95%	365	17/02/2024	2.52%
CBA	Term Deposit	5,000,000	5.04%	365	22/02/2024	2.52%
ING	Term Deposit	10,000,000	4.98%	364	1/03/2024	5.05%
BankVIC	Term Deposit	5,000,000	5.00%	365	14/03/2024	2.52%
Judo	Term Deposit	3,000,000	4.75%	364	15/03/2024	1.51%
ING	Term Deposit	5,000,000	4.60%	364	22/03/2024	2.52%
AMP	Term Deposit	5,000,000	4.85%	366	26/04/2024	2.52%
Bendigo	Term Deposit	5,000,000	4.70%	364	26/04/2024	2.52%
Judo	Term Deposit	4,000,000	4.95%	364	3/05/2024	2.02%
GSB	Term Deposit	5,000,000	5.11%	365	21/05/2024	2.52%
GSB	Term Deposit	2,000,000	5.10%	365	23/05/2024	1.01%
Judo	Term Deposit	5,000,000	5.10%	365	29/05/2024	2.52%
ING	Term Deposit	7,000,000	5.10%	364	31/05/2024	3.53%
Judo	Term Deposit	5,000,000	5.70%	364	21/06/2024	2.52%
BankVIC	Term Deposit	5,000,000	5.65%	364	21/06/2024	2.52%
ING	Term Deposit	5,000,000	5.62%	365	27/06/2024	2.52%
MyState	Term Deposit	4,000,000	5.60%	364	28/06/2024	2.02%
GSB	Term Deposit	4,000,000	5.65%	364	28/06/2024	2.02%
AMP	Term Deposit	5,000,000	5.50%	364	26/07/2024	2.52%
CBA	Term Deposit	5,000,000	5.52%	365	2/08/2024	2.52%

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 20 SEPTEMBER 2023**

**Wingecarribee Shire Council
Investment Report Summary**

For the period ending 31 August 2023

INVESTMENT PORTFOLIO AS AT 31 August 2023						
Institution	Type	Amount	Interest Rate	Investment Term - Days	Maturity Date	% Investment Portfolio
CBA	Term Deposit	4,000,000	5.55%	365	7/08/2024	0.00%
CBA	Term Deposit	5,000,000	5.53%	365	20/08/2024	0.00%
CBA	Term Deposit	5,000,000	5.46%	364	23/08/2024	0.00%
CBA	Term Deposit	5,000,000	5.42%	365	27/08/2024	0.00%
CBA	Term Deposit	2,000,000	5.26%	365	29/08/2024	0.00%
CBA	Term Deposit	3,000,000	5.27%	365	30/08/2024	0.00%
CBA	Call Account	7,636,559	3.75%	NA	NA	0.00%
Bendigo	Call Account	1,005,312	3.90%	NA	NA	0.00%
AMP	31 Day Notice Ac	58	2.55%	NA	NA	0.00%
Total Investments		\$198,141,929				100.00%

Institution Legend

AMP = AMP Limited
ANZ = Australia & New Zealand Banking Group
Auswide = Auswide Bank
BQQ = Bank of Queensland
BDCU = Benima District Credit Union
Bendigo = Bendigo & Adelaide Bank
BankVIC = Bank Victoria

CBA = Commonwealth Bank of Australia
GSB = Great Southern Bank (formerly CUA)
IMB = IMB Bank
ING = ING Direct
ME = Members Equity Bank
MyState = MyState Bank

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

Wingecarribee Shire Council Investment Report Summary

For the period ending 31 August 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%	3.53%	7,000,000	YES	YES
CBA	A1+	40%	31.36%	62,136,559	YES	YES
ING	A1	25%	13.63%	27,000,000	YES	YES
AMP	A2	15%	7.57%	15,000,058	YES	YES
BOQ	A2	15%	4.04%	8,000,000	YES	YES
ME (acquired by BOQ)	A2	Combined with BOQ %		0	YES	YES
Bendigo	A2	15%	3.03%	6,005,312	NO	YES
MyState	A2	15%	5.05%	10,000,000	NO	YES
Auswide	A2	15%	4.04%	8,000,000	NO	YES
GSB	A2	15%	14.13%	28,000,000	NO	YES
BankVIC	A2	15%	5.05%	10,000,000	NO	YES
Judo	A3	10%	8.58%	17,000,000	NO	YES
Total			100.00%	198,141,929		

Portfolio Credit Limits

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

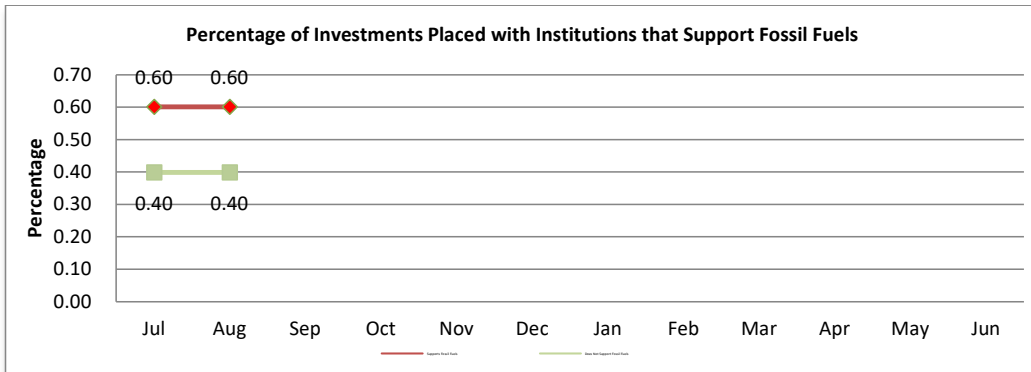
S&P Short Term Rating	Maximum %	Actual %	Invested \$	Policy Compliance
A1+	100%	34.89%	69,136,559	YES
A1	80%	13.63%	27,000,000	YES
A2	60%	42.90%	85,005,370	YES
A3	20%	8.58%	17,000,000	YES
Govt	25%	0.00%	0	YES
Total		100.00%	198,141,929	

**Wingecarribee Shire Council
Investment Report Summary**
For the period ending 31 August 2023

Non-Fossil Fuel Investment Preferecing

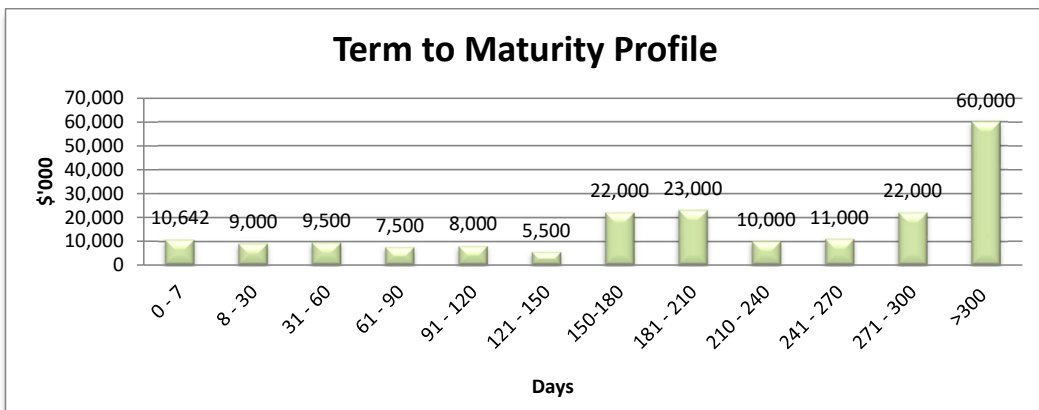
Council's adopted Investment Policy states a preference for placing funds with institutions that do not support the fossil fuel industry. The chart below identifies Council's percentage of investments placed with institutions that do not support the fossil fuel industry.

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

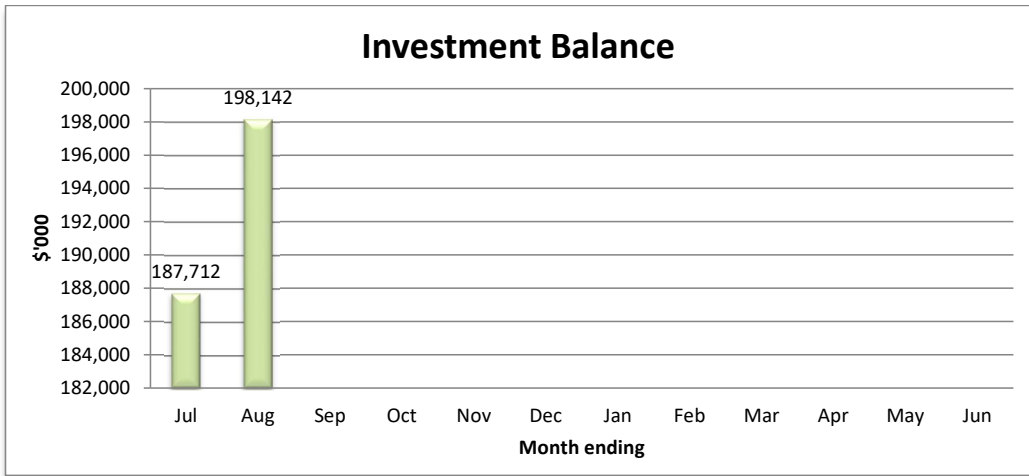
Investments have been placed giving due consideration to Council's liquidity requirements. Enough Working Capital is available to ensure Council continues to meet its ongoing cash flow requirements for operational and capital expenditure.



**Wingecarribee Shire Council
Investment Report Summary**
For the period ending 31 August 2023

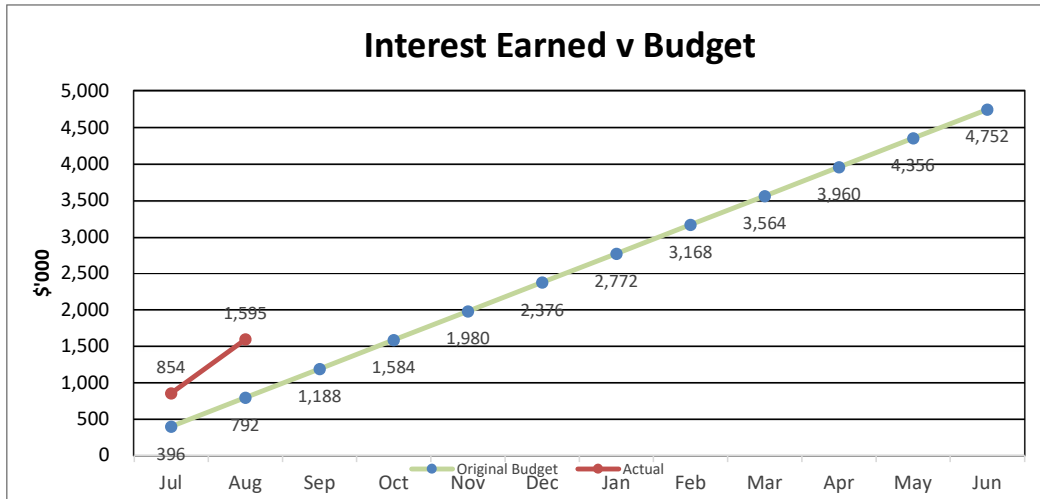
Portfolio Performance

Council's investment balance at the end of August 2023 was \$198.14 million. This has increased by \$10.4 million since the end of July 2023. The increase is due to rates instalments which were due at the end of August.



Interest Revenue

Council continues to seek the best available returns while managing the investment portfolio in accordance with Council's investment policy. Council is tracking above budget at the end of August by \$0.80 million.



Wingecarribee Shire Council Investment Report Summary

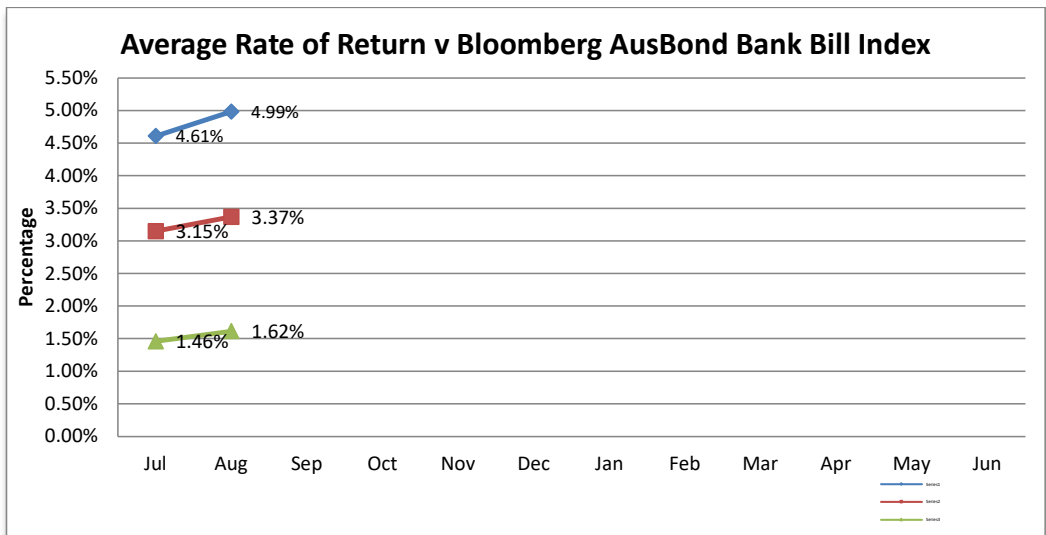
For the period ending 31 August 2023

Performance against Benchmark

Council's investment portfolio is benchmarked against the Bloomberg AusBond Bank Bill Index.

The average rate of return (ARR) achieved for August 2023 was 4.99% which has increased from July 2023. The Bloomberg AusBond Bank Bill Index for 1 year was 3.37%.

The margin against the Bloomberg AusBond Bank Bill Index was 1.62% for August 2023.



9.27 Traffic Committee - Minutes of 24 August 2023 meeting

Report Author: Elizabeth de Graaf
Administration Officer - Assets

Authoriser: Shaun Robinson
Manager Assets

PURPOSE

This report provides the Minutes of the Traffic Committee meeting held on 24 August 2023 and seeks Council's adoption of the relevant recommendations.

OFFICER'S RECOMMENDATION

THAT Council:

1. Receive and note the Minutes of the Traffic Committee meeting held on Thursday 24 August 2023.
2. Adopt recommendation numbers,
 - i. TC 2023/48, relating to DA 20/0227.03, 141 Yarrowa Road, Moss Vale – Traffic Signage and Line Marking for Ashbourne Stage 1,
 - ii. TC 2023/52, relating to Eridge Park Road, Burradoo – Footpath & Refuge crossing in the Roundabout at Kangaloon Road,
 - iii. TC 2023/53, relating to the proposed Car Parking at Bong Bong Common, Burradoo,
 - iv. TC 2023/54, relating to Parking Arrangements and Pedestrian Facilities associated with the Upgrade of Casburn Park, Wingello.

BACKGROUND

The Local Traffic Committee (the Committee) is established to provide advice to Council which enables Council to meet its responsibilities to Transport for NSW (TfNSW) as part of the powers delegated to it by TfNSW under the *Transport Administration Act 1988*.

The control of traffic functions delegated to TfNSW to Council are:

1. Regulation of traffic under Division 2 of Part 8 (Sections 116 to 119) of the *Roads Act 1993*;
2. Authorisation of prescribed traffic control devices covered under Division 1 Part 4 (Sections 50 to 55) of the *Road Transport (Safety & Traffic Management) Act 1999*; and
3. Authorisation of special event parking schemes under Division 2 of Part 5 (Clauses 122 and 123) of the *Road Transport (Safety & Traffic Management) Regulation 1999* on public roads other than classified roads.

The Committee is an independent technical advisory Committee that assists Council to fulfil its responsibilities.

In accordance with the Local Traffic Committee Terms of Reference and resolution of Ordinary Council Meeting 8 December 2021, Council has sub-delegated the traffic management powers relating to Items 2 and 3 as listed above to the General Manager. Traffic management powers relating to Item 1 cannot be sub-delegated.

As a general guide, the following matters relate to the respective Items:

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 20 SEPTEMBER 2023

- Item 1 – Permanent installation of traffic control devices like speed humps, medians & blisters. As well as street closures and formalisation of one-way streets;
- Item 2 – Regulatory signs and line marking; and
- Item 3 – Temporary closures for special events.

Furthermore, at Ordinary Council Meeting 16 August 2023 the following resolutions were made for in relation to further actions for Local Traffic Committee:

THAT:

- 2. To further demonstrate Council's commitment to open and transparent decision making the General Manager seek from LGNSW its industry policy on the webcasting of open sessions of traffic committee meetings.*
- 3. Council seek from the Minister for Transport the Government's policy on the installation on convex safety mirrors on regional and state roads.*
- 4. In relation to item 6.12, Berrima Market Place, parking arrangements, meeting 29 June 2023, clarification be sought from the Traffic Committee as to whether there is a statutory requirement for a traffic management plan in relation to the Coffee and Cars monthly events.*
- 5. The General Manager explore options for meetings of the traffic committee to have a more prominent presence on the Council's website.*

REPORT

Local Traffic Committee Meeting 24 August 2023

A Local Traffic Committee meeting was held on 24 August 2023. Traffic Committee recommendation numbers TC 2023/46, TC 2023/47, TC 2023/49, TC 2023/50, TC 2023/51, TC 2023/55, and TC 2023/56 from the items considered were eligible for approval under sub-delegation and so have already been approved.

All Committee recommendations for matters relation to Item 1 cannot be approved under sub-delegation and so are included for Council's formal resolution.

Resolutions of Ordinary Council Meeting 16 August 2023

In accordance with the resolutions of Ordinary Council Meeting 16 August 2023, letters have been sent to the NSW Minister for Transport and Local Government NSW requesting the polices on convex safety mirrors and webcasting of local traffic committee respectively.

The prominence of the Local Traffic Committee on the Council website has been investigated and it is concluded that its directory is consistent with that of the other two statutory committees of the Audit, Risk and Improvement Committee and the Section 355 Management Committees. The launch page for these three committees are then co-located with that of Council Meetings – and so it is understood to already be of high prominence. The Local Traffic Committee webpage includes all meeting agendas and minutes, as well as meeting dates and details on public participation opportunities.

In relation to clarification as to whether there is a statutory requirement from the Local Traffic Committee for a traffic management plan in relation to the Cars and Coffee monthly events, it is confirmed that there is not. One of the three delegations from TfNSW to the Local Traffic Committee is review and approval of traffic control measures for special events. TfNSW has developed a '*Guide to Traffic and Transport Management for Special Events*' (the Guide) which is to provide a common understanding across the stakeholders of NSW Police, local councils and TfNSW. The guide is available on the TfNSW website.

The guide identifies the four types of special events, providing examples for each:

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 20 SEPTEMBER 2023

- Class 1: is an event that impacts major traffic & transport systems and there is significant disruption to the non-event community.
 - For example: an event that affects a principal transport route in Sydney, or one that reduces the capacity of the main highway through a country town.
- Class 2: is an event that impacts local traffic and transport systems and there is low scale disruption to the non-event community.
 - For example: an event that blocks off the main street of a town or shopping centre but does not impact a principal transport route or a highway.
- Class 3: is an event with minimal impact on local roads and negligible impact on the non-event community.
 - For example: an on-street neighbourhood Christmas party.
- Class 4: is an event that is conducted entirely under Police control (but is not a protest or demonstration).
 - For example: a small march conducted with a Police escort

Reviewing the types of special events, it is concluded that the Cars and Coffee monthly event does not meet the definitions or examples for any of the event classes. This aligns with existing planning advice, in that although the Cars and Coffee event is an event – ‘event’ is a broad description that encompasses a range of activities. Events only require approval when they include distinct elements – and as the Cars and Coffee event is not a ticketed event and does not alter the usage of the road reserve (in that roads are not closed off, parking areas are not repurposed and there is no application for exclusive use), there is no relevant approval under the Roads Act 1993 nor in TfNSW’s delegation to Local Traffic Committee.

ATTACHMENTS UNDER SEPARATE COVER

1. Traffic Committee Agenda - 24 August 2023 redacted [**9.27.1** - 89 pages]
2. Item 6.11 Bowral Classic attachments [**9.27.2** - 143 pages]
3. Traffic Committee Minutes 24 August 2023 [**9.27.3** - 17 pages]

9.28 Country Mayors Association Meeting Minutes - 4 August 2023

Report Author: Jessica Kaiser
Executive Assistant to General Manager

Authoriser: Lisa Miscamble
General Manager

PURPOSE

The purpose of this report is to present the minutes from the Country Mayors Association Meeting held on 4 August 2023.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Note the minutes of the Country Mayors Association Meeting held on 4 August 2023 and Communique as provided as Attachment 1 and 2 respectively.**
- 2. Endorse the Country Mayors Association 2023 Election Priorities document as provided as Attachment 3.**

REPORT

Council is part of the New South Wales Country Mayors Association (CMA), an incorporated body formed to speak for the residents of regional and rural New South Wales.

Each member Council is represented by their Mayor and General Manager. The association meets quarterly or more often if the need arises.

The minutes of the meeting held on 4 August 2023 and supporting Communique are attached for information of Council.

The CMA also endorsed the 2023 Election Priorities Document at this meeting, which is also attached.

ATTACHMENTS UNDER SEPARATE COVER

- 1. CMA Minutes 2023 August 4 [9.28.1 - 11 pages]**
- 2. CMA - Communique - August 4 general meeting [9.28.2 - 4 pages]**
- 3. 230804 Country- Mayors- State- Election- Priority- March-2023 [9.28.3 - 22 pages]**

10 QUESTIONS WITH NOTICE

11 MEETING CLOSURE