

# AGENDA



## Extraordinary Meeting of Council



*We're with you*

Wednesday, 1 May 2024

Council Chambers, Wingecarribee Shire Council

68 Elizabeth Street, Moss Vale at 3:30 PM

## **MEETING NOTICE**

An Extraordinary Meeting of Wingecarribee Shire Council will be held in Council Chambers at Wingecarribee Shire Council Civic Centre, 68 Elizabeth Street, Moss Vale on Wednesday 1 May 2024 at 3.30pm.

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

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

[Public Forum Application Form | Wingecarribee Shire Council \(nsw.gov.au\)](#)

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## **Council Chambers**

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

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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 Chambers 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 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.

**6 ADMINISTRATOR MINUTES  
7 REPORTS**

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**7.1 Draft 2024/25 Operational Plan, Budget and 2024-2034 Resourcing Strategy for Public Exhibition**

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**Report Author:                   Manager Governance and Corporate Performance  
Authoriser:                       Acting Director Corporate Strategy and Resourcing**

**PURPOSE**

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This report presents Council’s draft 2024-25 Operational Plan and Budget, draft 2024/25 Fees and Charges schedule and draft 2024-2034 Resourcing Strategy to be endorsed for public exhibition for 28 days.

**OFFICER’S RECOMMENDATION**

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**THAT Council:**

- 1. Endorse the draft 2024/25 Operational Plan and Budget, draft 2024/25 Fees and Charges schedule and draft 2024-2034 Resourcing Strategy to be placed on public exhibition for a minimum of 28 days.**
- 2. Note a further report will be presented at an Extraordinary Meeting of Council meeting on 26 June 2024 to consider submissions received during the public exhibition period and to adopt the 2024/25 Operational Plan and Budget, 2024/25 Fees and Charges schedule and 2024-2034 Resourcing Strategy.**
- 3. Endorse the Guidelines for the Community Waste Disposal Assistance Scheme to be placed on public exhibition for 28 days.**

**REPORT**

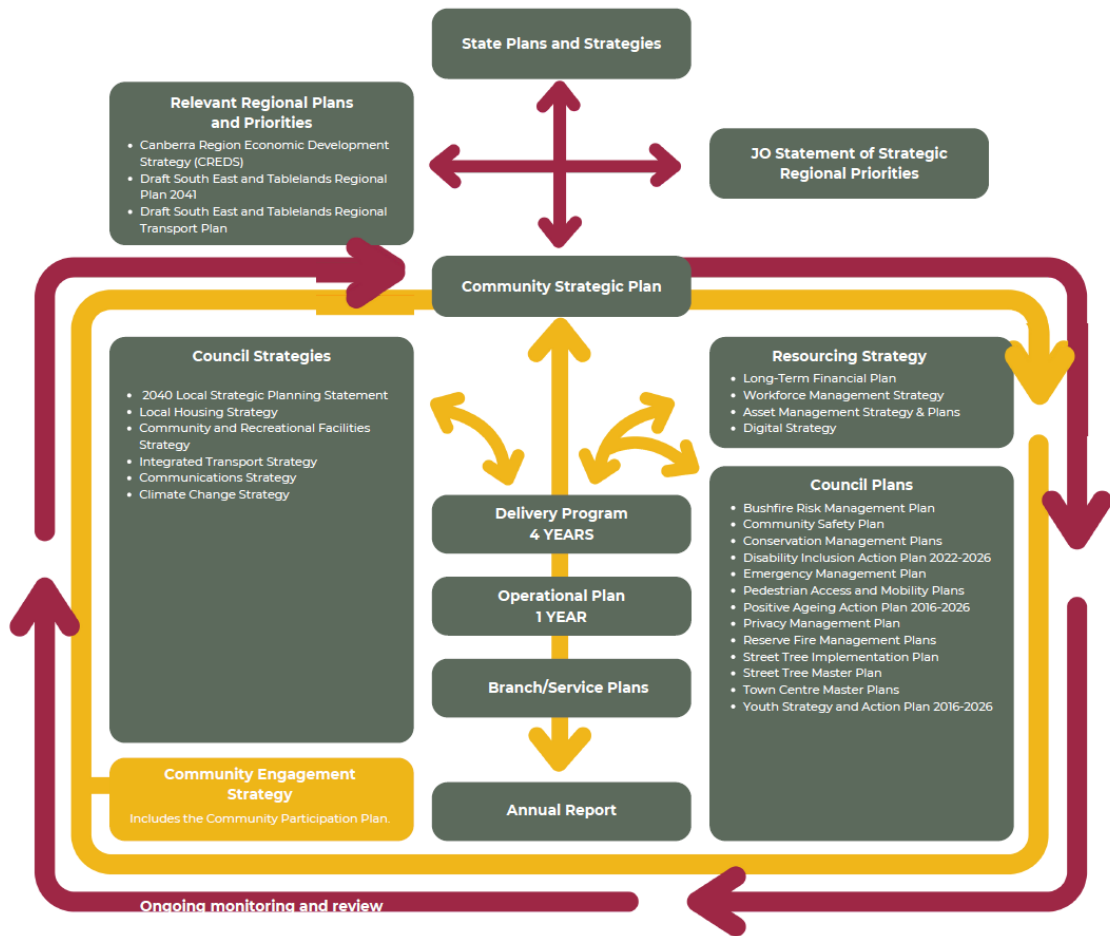
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**BACKGROUND**

The Integrated Planning and Reporting Framework provides councils in NSW the opportunity to work with their communities to develop long, medium-and short-term plans. These plans detail how the community’s vision, aspirations and priorities will be delivered via projects and services.

The Framework is a legislative requirement which forms part of the *Local Government Act 1993* (the Act). Figure 1, below, provides an overview of Council’s Integrated Planning and Reporting Framework.

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Council is required to annually develop an Operational Plan, Budget, Revenue Policy and Fees and Charges to meet its responsibilities under the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2021* (the Regulation).

The draft 2024/25 Operational Plan and Budget outlines the services, priority actions and projects to be delivered in the financial year and how, and to what level, these activities will be resourced. It is a companion document to Council’s Delivery Program 2023-2025 which sets out the principal activities and core business to be delivered by Council between now and the end of June 2025. Working together, these plans help to progress the vision and goals in our Community Strategic Plan: Wingecarribee 2041.

All councils in NSW are required to have an Operational Plan which addresses community priorities, supports the commitments in the Delivery Program and ensures the Council remains financially sustainable, responsible and accountable.

The Draft Operational Plan and Budget is informed by Council’s Resourcing Strategy, a medium to long term plan which considers the financial commitment, infrastructure, technology, and people required to deliver services to the community and achieve Council’s strategic objectives. The Resourcing Strategy includes Council’s:

- Long Term Financial Plan
- Asset Management Strategy
- Digital Strategy

## **AGENDA OF THE EXTRAORDINARY MEETING OF COUNCIL WEDNESDAY 1 MAY 2024**

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- Workforce Management Strategy

Further details of these plans and strategies are outlined below.

### **REPORT**

A review of Council's Resourcing Strategy and development of the annual Operational Plan and Budget has now been completed. Details on proposed key deliverables for 2024/25 financial are detailed below along with proposed key changes in for the 2024/25 Budget, Fees and Charges and Revenue Policy.

#### **Draft 2024 – 2034 Resourcing Strategy**

The Community Strategic Plan (CSP) is a whole of community plan in which all levels of government, business and educational institutions play an important role in delivering on the community vision and aspirations for the Shire.

The purpose of the Resourcing Strategy is to articulate how Council intends to allocate its resources to deliver services and implement the strategies set out in the CSP. It focusses, in detail, on matters which are the responsibility of Council and how the resources allocated will deliver the objectives under its responsibility. The Resourcing Strategy includes:

- Long Term Financial Plan 2024-2034 -
- Asset Management Strategy 2024-34.
- Digital Strategy 2023-2025.
- Workforce Management Strategy 2023-25.

A review of Council's Resourcing Strategy has been undertaken and a draft is included in **Attachment 1** to this report. The review has seen the financial in Council's Long Term Financial Plan align with the draft 2024/25 Operational Plan and Budget over a ten-year period. These financial assumptions have been incorporated in the Asset Management Strategy to ensure that documents are aligned. Minor changes have been made to the Digital Strategy and Workforce Management Strategy to align to the Long-Term Financial Plan and Asset Management Strategy. These strategies align to the draft 2024/25 Operational Plan and Budget.

#### **2024/25 Operational Plan and Budget**

The draft 2024/25 Operational Plan and Budget has been prepared in response to the CSP and in consideration of Council's Resourcing Strategy. The documents outline the services and projects Council will deliver to work towards achieving the goals of the CSP.

Some key highlights from contained within 2024/25 Operational Plan and Budget include:

- Completion of the Southern Highlands Animal Shelter and SES Facility
- Upgrades to sewerage treatment plants at Moss Vale and Bowral
- Drainage improvements in Burradoo
- Renewal of Ferguson Crescent Bridge Mittagong
- Construction of Yerrinbool public toilets
- Renewal of Centennial Oval Playspace Bowral
- Remediation of Welby landfill
- Preparation for the September 2024 Local Government Elections

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- Development of a 12-month program for onboarding and the professional development of Councillors
- Preparation of the Bundanoon Place Plan, and Preparation of Town Centre Masterplans for Moss Vale and Mittagong
- Final year of the expanded pothole maintenance crews costing for the 2024/25 financial year (with funds being returned to the capital renewal works from 2025/26 in the Long-Term Financial Plan)
- Coordinate an event with the local Nepalese community that supports and celebrates social cohesion
- Preparation of place profiles for Berrima, Penrose and Colo Vale
- Completion of the review of the Youth Strategy and Action Plan to improve outcomes in key areas including housing and wellbeing
- Upgrade the reuse and upcycling centre to the RRC to improve the customer experience and as part of our focus on sustainability and the circular economy.

The draft 2024/25 Operational Plan and Budget will see Council continue to deliver a number of services to the community and commence and deliver infrastructure projects.

The draft 2024/25 Operating Budget for 2024/25 will see a total operating expenditure budget is approximately \$162M that has been allocated to provide services to the community and maintaining vital infrastructure to ensure the public is provided with safe infrastructure.

	2023/24 Original Budget (\$,000)	2023/24 Q3 Budget (\$,000)	2024/25 Draft Budget (\$,000)	\$ Movement	% Movement
<b>Income from Continuing Operations</b>					
Rates & Annual Charges	94,292	94,192	99,465	5,173	5.49%
User Charges & Fees	24,039	23,949	26,086	2,047	8.51%
Interest & Investments Revenue	4,752	8,862	8,400	3,648	76.76%
Other Revenues	2,729	3,837	3,454	724	26.53%
Grants & Contributions - Operating	9,693	3,795	11,718	2,025	20.89%
Grants & Contributions - Capital	24,873	33,750	41,141	16,268	65.41%
Total Income from Continuing Operations	160,379	168,385	190,264	29,886	18.63%
<b>Expenses from Continuing Operations</b>					
Employee Costs	47,715	46,304	50,146	2,430	5.09%
Borrowing Costs	433	470	730	297	68.56%
Materials & Services	45,730	55,733	56,427	10,697	23.39%
Depreciation Amortisation Impairment	43,098	43,098	50,720	7,622	17.69%
Other Expenses	3,642	3,491	3,579	-63	-1.72%
Loss / (Gain) on Disposal of Assets	0	0	0	0	0.00%
Total Expenses from Continuing Operations	140,617	149,095	161,602	20,984	14.92%
<b>Operating Result from Continuing Operations</b>	19,761	19,289	28,663	8,901	45.04%
<b>Net Operating Result from Continuing Operations excluding Grants &amp; Contributions used for Capital Purposes</b>	-5,112	-14,460	-12,479	-7,367	144.12%
<b>FTE (Full Time Equivalent Employees)</b>	481.6	481.6	491.25	9.65	2.00%



Council's consolidated draft 2024/25 Operating Result (before Capital Revenue) has been reduced to a deficit of approximately \$12.5M, relating to an increase in depreciation from revised asset revaluations conducted in the 2022/23 financial year and forecast revaluations proposed for the 2023/24 financial year. This increase will have an impact on Council's ability to maintain existing service levels in renewing and upgrading its assets whilst the rate peg is a modest increase at 4.6% whilst growth in depreciation is expected to be 17.79% (subject to asset revaluations that will be conducted as a part of the 2023/24 end of financial year statements). Council will continue to advocate the NSW State Government to reform the rate pegging system whilst trying to establish efficiencies in bridging the gap between rates growth and inflation. This is critical as Council's infrastructure related service levels will diminish as funding shortfalls eventuate due to the widening gap between the increase in expenditure relative to increases in revenue. This is compounded by the large geographic area that the Shire covers (equivalent to 35 Metropolitan Local Government Areas) and extensive transport network that spans the equivalent of travelling from Moss Vale to Gympie, all funded by a modest rates base. These challenges will need to be addressed in the coming years to ensure that Council remains financially sustainable in delivering the expected service levels to the community and ensuring its asset conditions do not deteriorate.

Other key movements are increases in Interest and Investment Revenue relating to forecast interest rates remaining higher than originally budgeted in the 2023/24 financial year, primarily attributed to Council's Water and Sewer Funds. Capital Grants and Contributions have increased in the 2024/25 financial year as Council continues to deliver works on its Sewage Treatment Plant (STP) upgrades. Other key movements include an increase in Borrowing Costs as Council borrows money to fund the Back of House Refurbishment and Animal Shelter/SES upgrade. Materials and Services have also increased, predominately due to increase in Waste related costs. The increase in waste related costs is funded by the Domestic Waste Management Charge, as waste disposal prices continue to increase well above inflation.

There has also been considerable financial pressure on Council's Water and Sewer funds, both impacted by large scale capital works over the next four (4) years. These works are required to be completed to ensure further development and growth of the Shire. These large-scale capital projects will be partially funded by loans and require Council to increase revenue by 7% in 2024/25 (and subsequently by 5% in future years) to cover the increased loan repayments, cover inflation of materials and depreciation and ensure that the funds remain cash positive throughout the duration of the Long-Term Financial Plan. The sewer charge increases would have been substantially higher if grant funding of approximately \$31 million was not secured to partially fund the Moss Vale and Bowral STP upgrades.

In providing this draft 2024/25 budget position, Council's unrestricted working capital surplus is forecast to be \$304K. Subsequently, the unrestricted working capital position will reduce by \$250K as employers covered by the Local Government (State) Award 2023 must pay permanent full-time employees who have at least 12 months continuous service an additional payment of 0.5% of the employee's annual salary system rate of pay or \$1,000.00 (whichever is the greater). Eligible part-time employees are entitled to the payment on a pro-rata basis, based on the regular ordinary hours worked. The estimated impact of this will be approximately \$250K on Council's general fund and \$50K on Councils Water and Sewer Fund. This additional \$300K has not been included in the current financials due to the timing of the announcement.

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Further details can be found within Council’s draft Operational Plan and Budget 2024/25, by Principal Activity included in **Attachment 2**. Further detailed commentary on key budget movements relative from the 2023/24 original budget to the draft 2024/25 budget can be found at **Attachment 3**.

**Four Year Capital Works Program**

Council has a busy schedule of capital works proposed for the next four years. The following is a list of priority projects planned to be worked on during the 2024/25 financial year.

Project Name	Construction Period	Total Project Budget	2024/25 Budget
Moss Vale STP Upgrade	2023/24 – 2025/26	\$67.02M	\$27.45M
Bowral STP Upgrade	2022/23 – 2025/26	\$57.45M	\$21.15M
Southern Highlands Regional Animal Shelter & SES	2023/24 – 2024/25	\$10.08M	\$4.28M
Welby Landfill Remediation	2024/25 – 2025/26	\$17.20M	\$4.13M
Ferguson Crescent Bridge Renewal	2024/25	\$2.89M	\$2.65M
Sunninghill Ave Burradoo Drainage	2023/24 – 2024/25	\$1.87M	\$1.4M
David Wood Playspace	2024/25	\$1.42M	\$1.29M
Pavement Rehabilitation Bowral Street, Bowral	2024/25	\$1.15M	\$1.15M
Retford Farm Detention basin	2023/24 – 2024/25	\$6.15M	\$845k
Road Asphalting Elizabeth Street, Moss Vale	2024/25	\$660k	\$660k
Priestly St Culvert Renewal	2023/24 – 2024/25	\$875k	\$585k
Robinson St Culvert Renewal	2023/24 – 2024/25	\$680k	\$475k
Road Asphalting Lackey Road, Moss Vale	2024/25	\$380k	\$380k
Yerrinbool Public Toilets	2024/25	\$320k	\$300k
Pavement Rehabilitation: Banksia Street and Orchid Street Colo vale	2024/25	\$300k	\$300k
New Shared Path: Crimea Street Willow Vale	2024/25	\$250k	\$250k
Playspace Renewal – Centennial Park Bowral	2024/25	\$200k	\$200k
Welby Mountain Bike Trail Refurbishment	2024/25	\$50k	\$50k

Some of these projects will continue into the 2025/26 financial year due to the scale of works required to have them delivered.

A financial summary of the four-year capital works program by asset class is listed below.

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Summary by Asset Class	CURRENT	CURRENT	4 YEAR CAPITAL PROGRAM SUMMARY BY ASSET CLASS				4 Year Budget Total
	Original Budget 2023/24	Quarter 3 2023/24	Budget 2024/25	Budget 2025/26	Budget 2026/27	Budget 2027/28	
<b>Plant &amp; Equipment</b>	2,029,576	2,079,572	4,622,000	3,231,850	3,144,231	4,038,854	15,036,935
<b>Office Equipment</b> e.g. stationery and supplies, minor office equipment and ICT accessories.	2,025,000	2,588,524	2,335,000	1,285,000	942,000	1,402,400	5,964,400
<b>Land Improvements depreciable/Open Space/ Recreational</b>	129,000	1,807,809	5,699,000	9,170,000	7,205,630	1,350,000	23,424,630
<b>Buildings</b>	8,163,225	9,358,470	11,207,558	5,150,558	2,225,000	2,300,000	20,883,116
<b>Other Structures</b>	4,607,838	8,938,122	27,500	-	-	-	27,500
<b>Roads, Bridges &amp; Footpaths</b>	24,570,395	28,245,709	14,278,486	11,950,000	13,100,000	13,475,000	52,803,486
<b>Stormwater Drainage</b>	9,515,000	10,021,741	7,655,000	6,800,000	600,000	600,000	15,655,000
<b>Water Supply Network</b>	4,870,000	5,822,412	8,695,000	26,992,393	27,048,093	24,385,905	87,121,391
<b>Plant &amp; Equipment Water</b>	400,000	400,000	645,000	312,950	580,049	359,936	1,897,935
<b>Sewerage Network</b>	27,075,000	27,331,620	53,228,329	68,170,546	37,425,000	16,775,000	175,598,875
<b>Plant &amp; Equipment Sewer</b>	600,000	600,000	350,000	335,250	572,741	412,109	1,670,100
<b>Swimming Pools*</b>	-	226,116	177,000	230,000	240,000	250,000	897,000
<b>Library Books</b>	184,000	173,995	184,000	184,000	184,000	184,000	736,000
<b>Other</b>	-	270,137	343,751	343,751	343,751	343,751	1,375,004
<b>Total</b>	<b>84,169,034</b>	<b>97,864,227</b>	<b>109,447,624</b>	<b>134,156,298</b>	<b>93,610,495</b>	<b>65,876,955</b>	<b>403,091,372</b>

In providing the four-year capital works program, a detailed program of capital works is appended to the 2024/25 Operational Plan and Budget. The detailed program now provides a schedule of roads, footpaths and draining works, specific to location and financial year over a 4-year period.

**Staff Establishment and New Salary System**

Councils full time equivalents has increased by almost 10 FTE, from 481.6 to 491.25 as it looks to address the risk of an aging workforce by introducing a number of trainee positions. The approach in addressing this risk has been to convert vacant officer level roles with two trainees, resulting in an increasing in headcount in some areas, whilst limiting the financial impact in addressing this risk. Council is also mitigating risks in the Development and Regulatory Services branch, where additional resources have been created, including additional trainees and cadets, to reduce the reliance on contractors in the 2024/25 financial year.

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	2023/24 Original Budget (\$,000)	2023/24 Q3 Budget (\$,000)	2024/25 Draft Budget (\$,000)	2024/25 FTE Movement	2024/25 % Movement
<b>Full Time Equivalents</b>					
Civic Leadership	10.00	10.00	10.00	0.00	0.00%
People and Culture	9.00	9.00	9.00	0.00	0.00%
Strategic Outcomes	8.40	8.40	8.40	0.00	0.00%
Community Life and Libraries	21.60	21.60	23.00	1.40	6.48%
Development and Regulatory Services	39.60	39.60	45.60	6.00	15.15%
Environment and Sustainability	18.00	18.00	18.00	0.00	0.00%
Waste and Resource Management	22.00	22.00	23.05	1.05	4.77%
Business and Property Services	21.10	21.10	21.30	0.20	0.95%
Financial Services	24.50	24.50	24.50	0.00	0.00%
Governance & Corporate Performance	15.00	15.00	15.00	0.00	0.00%
Information and Customer Services	36.40	36.40	33.90	-2.50	-6.87%
Assets	25.20	25.20	25.60	0.40	1.59%
Project Delivery	26.00	26.00	26.00	0.00	0.00%
Shire Presentation	136.90	136.90	137.90	1.00	0.73%
Water Services	67.90	67.90	70.00	2.10	3.09%
<b>Full Time Equivalents</b>	481.60	481.60	491.25	9.65	2.00%

The 2024/25 is the first full financial year where the recently adopted Salary System allocated within the budget to each principal activity. The review of the Salary System is a legacy matter (over a decade), that has been addressed during the 2023/24 financial year, with the new system adopted in March 2024. The new Salary System is part of Council’s overall attraction and retention strategy to remain competitive in the local government industry. Other key aspects of the Salary System that were included are:

- Introduction of a Reward and Recognition System
- Introduction of an opt-in High Performance Payment Program
- Revised Performance Feedback Development Program

With Council’s number of vacancies, the new Salary System will position Council more competitively within the highly competitive recruitment market.

**2024/25 Draft Fees and Charges**

The draft 2024/25 Fees and Charges have been prepared to ensure they align with their respective pricing categories (contained within the Fees and Charges schedule) and the schedule can be found **Attachment 4**. Key considerations in preparing the draft 2024/25 Fees and Charges schedule are as follows:

- Each Fee and Charge has been considered on case-by-case basis and indexed accordingly. An initial application of 7% was applied to non-statutory fees and charges and each fee was reviewed in accordance with its pricing category.
- 106 new fees and charges are proposed to be introduced for the first time in the 2024/25 financial year, with 38 existing fees proposed to be discontinued to align fee structures to services provided. The new and deleted fees predominately relate to Bowral Memorial Hall, Tulip Time, Cemeteries and Planning.

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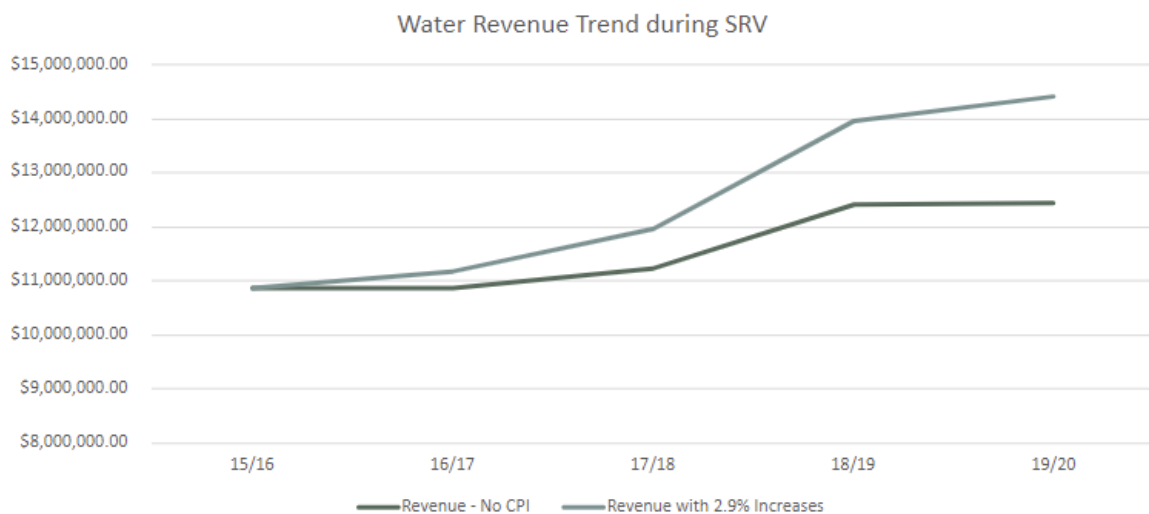
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- 34 fees have increased by more than 10% to ensure they align within their relevant pricing category.
- 26 fees have increased by less than 4% to also ensure that they align within their pricing category.

Further details of these fee movements can be found at **Attachment 5**.

As outlined earlier in the report, Water and Sewer related fees and charges are proposed to be increased by 7% (and subsequently 5% in future years of the LTFP). The 7% ensures that Council's Water and Sewer funds both remain financially sustainable over the term of the LTFP whilst funding a number of large-scale capital projects that are required to enable the sustainable growth of the Shire.

During the 2016/17- 2019/20 Special Rate Variation increased, which saw rates increased above the rate peg to fund infrastructure renewals and maintenance, water charges were not indexed during these four (4) financial years. The graph below demonstrates the revenue trends between the indexed and non-indexed revenue trajectory. Due to the increases being frozen for a period of four years, Water charges will now need to be increased higher than inflation to ensure the Water Fund is sustainable in the LTFP.



**\* Increase in No CPI scenario relates to increase water usage**

The longer-term revenue increase in the Water Fund is now 5% within the LTFP contained within the Resourcing Strategy.

Where Statutory Fees and have not been determined by the relevant agency, these will be updated in due course as administrative adjustments within the draft 2024/25 Fees and Charges schedule.

**2024/25 Proposed Rates and Annual Charges**

In November 2023, IPART, who determines each Council's rates peg increase, provided Council with a 4.6% rate increase for the 2024/25 financial year. This is made up of a core rate peg of 4.5% and a population growth factor of 0.1% which provides for costs associated with population growth in the Shire. The purpose of the rate peg is to provide Councils with increased rates revenue to cover inflationary pressures. The rate peg of 4.6% has again fallen short of covering increases in

depreciation and other construction related materials and services which will impact Council's ability to maintain its infrastructure network adequately.

In addition to this, the Domestic Waste charges and Water and Sewer charges are proposed to be increased by 7% for the 2024/25 year. The waste related increase is related to the volatile pricing within the waste industry that will see a substantial increase in waste disposal in the 2024/25 financial year. It is anticipated that the Domestic Waste Charge will increase higher than inflation over the next couple of years until the waste charges are at full cost recovery to ensure the Domestic Waste fund is financially sustainable and will be reviewed annually. All funds collected for Domestic Waste purposes can only be spent on providing domestic waste related services and any unspent funds remain in the Domestic Waste Reserve.

#### Moss Vale South Rating Subcategory

The Moss Vale South Rating subcategory was established prior to the 2020/21 year to recover the "additional costs associated with a higher standard of public amenity, streetscaping and passive open space to be provided within" the Chelsea Gardens and Coomungie Precinct (now referred to as the Ashbourne Estate).

There are currently no properties in this subcategory.

As an application for a special rate variation was not submitted at the time, the introduction of this subcategory only resulted in a reapportionment of how rates were calculated from the various categories of Council's rating structure rather than generating additional income to fund these works.

Legal advice obtained has confirmed that the Moss Vale South subcategory most likely does not meet the legal requirements of section 529 of the Act and therefore was not the appropriate way to collect rates to fund these works as:

- The land does not meet the definition of 'rural residential land'.
- The land cannot be considered to be a centre of population; and
- There are not "*significant differences .... in relation to access to or demand for, or the cost of providing, services, or infrastructure*" between the Estate and other immediately surrounding land.
- The subcategory does NOT reference a geographical name (i.e. Moss Vale South is not a suburb recognised by the Geographical Names Board).

It is also not clear (based on available records) if any ratepayers impacted by the new subcategory were properly informed of its proposed introduction which therefore provided them with no opportunity to either oppose its introduction or at least provide feedback on the proposal.

Based on the legal advice provided, the Moss Vale South rating subcategory be removed from Council's rating structure.

A new policy position has also been included within the Revenue Policy, to ensure that when a New Living Area is being proposed (or currently being developed) that Council officers are to investigate the feasibility of applying for a special rate to fund the service levels through a special rate variation. This will ensure that existing rates payer will not have a financial burden in providing additional service levels to New Living Areas. There are no new proposed special rate variations in the 2024/25 Revenue Policy.

### New Subdivisions and Part Year Rating

The rating year commences on the 1 July and notices are required to be issued by the 31 July. The rating year ends the following 30 June.

Where land(s) that have been levied rates is subsequently subdivided:

- The Valuer General (the 'VG') cancels the valuation of the subdivided property(s).
- The VG issues valuation(s) for the newly created properties.
- These new valuation(s) are used to calculate the permissible income for the following rating year.
- The newly created properties are not individual rated until the following 1 July.

As New Living Areas are proposed to come online as they are subdivided and developed, the current rating practise of not rating newly subdivided properties until the following 1 July means that this increased demand is not matched by a proportionate increase in the rates paid.

It is proposed to introduce part year rating from 1 July 2024 where:

- Any land that is created by a subdivision is rated from the commencement of the quarter following the registration of the subdivision.
- An adjustment be made to the rates levied on the subdivided land up to the end of the quarter following the registration of the subdivision.

In response to the proposed new Living Areas proposed to be commissioned in the 2024/25 financial year, an Operational Plan key priority has been included to investigate options to support the communities being established in the New Living Areas, including Ashbourne Estate. This result of introducing part year rating should result in a favourable increase in rating revenue for Council with any budgetary changes reported as a part of the quarterly budget review process.

### **2024/25 Unfunded Priorities**

In adopting the 2021/22 Operational Plan, Council resolved to include the Unfunded Priorities list in future budgets. Council officers have conducted a thorough review and updated the list to remove any projects that have been included in the Operating Budget, four-year capital works program or realignment to strategies and plans. This includes removing a number of unfunded infrastructure projects which have now been superseded by the updated Asset Management Strategy. This has resulted in a list of unfunded works of approximately \$134.6M predominately made up of \$125M for Moss Vale By Pass which is proposed to be funded by future grant opportunities. Further details can be found at **Attachment 6**.

### **Financial Assistance**

In developing the draft 2024/25 Operational Plan and Budget, the following have been included by means of financial assistance in accordance with section 356 of the Local Government Act 1993:

- Council will provide financial assistance for the operations of the Ngununggula Regional Art Gallery during the 2024/25 financial year of \$500,000 (plus GST) in accordance with the Council endorsed funding agreement. The Ngununggula Regional Art Gallery focuses on visual arts, education, artistic practice and cultural voice with programs representing the region and beyond through significant exhibitions, artist-led projects, live events, workshops, artist talks, collaboration and cooperation with local schools, and public

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programs. This contribution has been made in lieu of Council providing this as a direct service to the public.

- The Community Assistance Scheme aims to build capacity, encourage participation and support initiatives that promote partnerships and working together to maintain our community and its assets. The Community Assistance Scheme provides the opportunity for eligible applicants to apply for a donation of up to \$600 or a grant of up to \$7,000. The total funds available for this program is \$105,000 with final distribution of grants approved by the Council. The total amount includes one-off funding in 2024/25 of \$10,000 for the Southern Highlands Jazz (SH! Jazz) to provide a jazz event in the villages of Yerrinbool, Canyonleigh, Balmoral Village, Penrose and Burrawang. Funding is dependent on all documentation being provided in line with the Council's grants and governance requirements.
- The Rates, Water and Sewerage Access Subsidy Scheme aims to provide relief to non-for-profit entities, religious bodies and registered charities who satisfy certain criteria. The Scheme provides the following assistance:
  - 50% of the total annual rate levy (excluding any domestic waste charges) up to a maximum annual amount of \$500.
  - 50% of the total annual water and sewer access charges up to a maximum annual amount of \$500.
  - 100% of the total annual rate levy (excluding any domestic waste charges) to those providers of community hall facilities identified in the report to Council on the 21 February 2024, namely:
    - Kangaloon Hall Incorporated.
    - Avoca Community Advancement Co-op Society.
    - Robertson School of Arts.
    - Burrawang School of Arts.
    - Colo Vale Community Centre.
    - Balmoral Village Hall.

All assistance will be provided by way of an offset applied directly to the relevant rates and/or water accounts. The total funds available for this program is \$60,000 and applications must be made via the online form available on Council's website during September. Where the total value of applications exceeds the total funds available, the amount per application may be reduced to ensure the funding allocation is not exceeded.

- The Waste Disposal is a program that provides financial assistance to others (including charitable, community and sporting organisations and private individuals) for the disposal of waste incurred through their operations and/or services they provide to the community. The program encourages the development of responsible and sustainable resource recovery, and waste disposal. It encourages participation and supports community initiatives that promote partnerships and collaboration. The program is capped at a dollar amount of \$55,000 per annum for the 2024/25 financial year. The proposed guidelines can be found at **Attachment 7** and will be publicly exhibited for 28 days.

Further information on Financial Assistance can be found within the Revenue Policy of the draft 2024/25 Operational Plan and Budget.



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### **COMMUNICATION AND CONSULTATION**

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#### **Community Engagement**

Under section 405 of the Act, Council is required to place the draft 2024/25 Operational Plan and Budget on public exhibition for a period of not less than 28 days. Council is also required to give public notice of the public exhibition period.

The draft Operational Plan will be placed on public exhibition from 3 May to 2 June 2024. A project page will be established on Council's community engagement platform 'Participate' and hard copies of the draft Operational Plan will also be made available for inspection at Council's Civic Centre and libraries.

Residents will have an opportunity to make a submission by:

1. Submission Form available on 'Participate'
2. Emailed to [mail@wsc.nsw.gov.au](mailto:mail@wsc.nsw.gov.au); or
3. Hand delivered to Council's Civic Centre at the address provided above; or
4. Posted to Wingecarribee Shire Council, PO Box 141, Moss Vale NSW 2577.

Public notice of the exhibition period will be provided via the following means:

- eNewsletter 'Your Shire' distributed to registered subscribers.
- Notification to community contacts including village associations and chambers.
- Social media posts
- Media release

During the public exhibition period Council will be holding 'Local Matters Forums', these forums will provide an opportunity for residents to connect directly with Council staff to learn more about the draft Operational Plan and Budget 2024/25 and will be held at the following locations:

- Southern Villages – Tuesday 30 2024 at Penrose Hall from 5.30 pm to 7.00 pm
- Eastern Villages – Thursday 2 May at Robertson CTC from 5.30 pm to 7.00 pm
- Western Villages - Wednesday 8 May 2024 at New Berrima Hall from 5.30 pm to 7.00 pm
- Mittagong, Bowral and Moss Vale - Tuesday 7 May 2024 at Bowral Memorial Hall from 5.30 pm to 7.00pm

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

Council's Executive and Management team contributed to the development draft 2024/25 Operational Plan and Budget and review of the draft 2024 – 2034 Resourcing Strategy.

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

Office of Local Government's Integrated Planning and Reporting Guidelines were consulted during the development of the Community Strategic Plan.

A Council briefing session was held as part of an Extraordinary Meeting of Council on 27 April 2024, at this meeting Council resolved into Committee of the Whole to allow managers to brief Council on the draft Operational Plan and Budget. This session also provided an opportunity for members of the public to ask questions of staff in relation to these plans.

**SUSTAINABILITY ASSESSMENT**

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**Environment**

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

**Social**

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

**Broader Economic Implications**

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

**Culture**

There are no cultural issues in relation to this report.

**Governance**

The Integrated Planning and Reporting Guidelines issued under section 406 of the Local Government Act 1993, require that all NSW councils have a,

- Resourcing Strategy that must include provisions for long-term financial planning, workforce management planning and asset management planning and that copy of the adopted components of the Resourcing Strategy on its website.
- Operational Plan that is adopted before the beginning of each financial year, detailing the activities and actions to be undertaken by the council during that year to achieve the Delivery Program commitments.

It is also required that Long Term Financial Plan and Operational Plan be publicly exhibited for at least 28 days and submissions received by Council in that period must be considered before the final adoption of the documents.

This report ensures that Council is complying with its requirements under the Integrated Planning and Reporting Framework.

**COUNCIL BUDGET IMPLICATIONS**

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The 2024/25 Operational Plan and Budget has adequate funding sources to deliver the 2024/25 services and projects.

**RELATED COUNCIL POLICY**

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Community Engagement Policy

**CONCLUSION**

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This report recommends to the public exhibition draft Operational Plan 2024/2025 including Budget, Revenue Policy and Fees and Charges and the draft Resourcing Strategy 2024 – 2034 for a minimum period of 28 days.

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**ATTACHMENTS**

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**Under Separate Cover**

1. Resourcing Strategy 2024-2034 [**7.1.1** - 79 pages]
2. Draft 2024/25 Operational Plan and Budget for Public Exhibition [**7.1.2** - 244 pages]
3. Draft 2024/25 Budget at Level 4 (with Commentary) [**7.1.3** - 115 pages]
4. Draft 2024/25 Fees and Charges for Public Exhibition [**7.1.4** - 111 pages]
5. Draft 2024/25 Fees & Charges Variation Summary [**7.1.5** - 68 pages]
6. Draft 2024/25 Unfunded List [**7.1.6** - 7 pages]
7. Guidelines - Community Waste Disposal Assistance [**7.1.7** - 6 pages]

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## **7.2 Land and Environment Court Appeals and the Local Planning Panel**

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

**Authoriser: Director Communities and Place**

### **PURPOSE**

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The purpose of this report is to respond to Council’s resolution from the Ordinary Meeting of Council held 17 April 2024 in relation to Development Applications and informing Council on matters before the Land and Environment Court and policies around the management of appeals including the use of the Wingecarribee Local Planning Panel.

### **OFFICER’S RECOMMENDATION**

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#### **THAT:**

- 1. The report on Land and Environment Court Appeals and the Local Planning Panel notification be noted.**
- 2. Advice be sought on the management of appeals from the Local Planning Panel.**
- 3. A further report be brought back to Council once advice has been received from the Local Planning Panel.**

### **REPORT**

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#### **BACKGROUND**

At the Ordinary Meeting of Council held 17 April 2024, Council resolved that:

*“The General Manager report to the Extraordinary Council Meeting on 1 May on a mechanism to inform Council on matters before the Land and Environment Court and policies to ensure that they are not simply outsourced. Such a report to include (but not be limited to) the role of the Local Planning Panel and delegations to the General Manager that can be enacted on the recommendations of the Panel, its Chairperson or legal representatives.”*

At the Ordinary Meeting of Council on 24 March 2021, Council resolved to establish a Local Planning Panel for the Shire and appoint an Interim Advisory Planning Assessment Panel to make recommendations on Development Applications required to be determined by Council and all Planning Proposals and other planning matters as included in Schedule 1 of the Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents dated 30 June 2020.

Council then formally constituted a Local Planning Panel and this was confirmed by the Department of Planning, Industry and Environment (DPIE) at that time. The requirement for Council to have a Local Planning Panel is now part of the *Environmental Planning and Assessment Regulation 2021*.

At the Extraordinary Meeting of Council on 28 July 2021 Council resolved to adopt the name “Wingecarribee Local Planning Panel” (WLPP) for its Local Planning Panel.

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A local planning panel consists of four members: a chair, two independent expert members and a community representative. If a council is required to constitute a local planning panel, which Wingecarribee Shire Council is, it must appoint chairs and independent expert members approved by the Minister for Planning and Public Spaces (Minister).

Community representatives are recruited, selected and appointed by councils.

Mayors, councillors, property developers and real estate agents are not eligible for appointment to Local Planning Panels. Local Planning Panels are bound by a code of conduct.

The current members of the Local Planning Panel are in place until 30 June 2024.

The Local Planning Panel:

- determines DAs that would have been referred to Council for determination under Part 4 of the Environmental Planning and Assessment Act 1979
- advises Council on any planning proposal that has been prepared or is to be prepared by the Council under section 3.33 and that is referred to the panel by the Council; and
- advises Council on any other planning or development matter that is to be determined by the Council and that is referred to the Panel by the Council.

The NSW Department's *Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents* dated 6 March 2024 provides that in the local government area for Wingecarribee Shire Council, the LPP is to determine DAs involving development of a kind specified in Schedule 1 of that direction. This excludes most DA which can be determined by delegated senior professional planning officers.

Council currently has fourteen (14) Land and Environment Court (LEC) appeals on hand which it must respond to in accordance with the requirements set out by the LEC. There are additional matters that relate to development compliance matters or cost claims that are not included in the fourteen (14) appeal matters. Council officers do take advice from the legal representatives on Council's adopted legal panel as part of these proceedings.

Section 8.15(4) of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides:

*"If the determination or decision appealed against under this Division was made by a Sydney district or regional planning panel or a local planning panel, the council for the area concerned is to be the respondent to the appeal but is subject to the control and direction of the panel in connection with the conduct of the appeal. The council is to give notice of the appeal to the panel."*

### **REPORT**

In the case of a Development Application which was refused (or granted consent subject to certain conditions) by the Local Planning Panel (LPP), the Panel need to control and direct the appeal.

Council officers and experts prepare the Statements of Facts and Contentions, attend and participate in the Section 34 conciliation conference and hearings as required, but cannot settle or agree to matters which would instead be reported back to the Panel in a closed briefing session for their directions.

Few appeals relate to actual refusals (or determinations) by the Local Planning Panel. Where an appeal is made against a deemed refusal of a DA, the determination appealed against, has not

“been made” by the LPP and as such Council (as the consent authority) is deemed to have refused that Application.

Legal advice has been sought to confirm that this is correct.

As such, deemed refusal appeals are not subject to the control and direction of the LPP, even if those applications would have been referred to the LPP for determination had an appeal not been lodged. However, given that the DA may have been referred to the LPP for determination, it might be considered best practice for Council to notify the LPP of any such appeal.

In circumstances where a DA has been (or was to be) referred to the LPP, but has not yet been determined by the LPP, if an appeal is lodged against a deemed refusal in the meantime the LPP:

- could determine the DA by granting consent which would likely mean that the appeal would be discontinued (or the appeal continues against any conditions imposed on the consent);  
or
- could refuse the DA.

It is recommended that this be confirmed with the LPP. It is also recommended that the LPP provide advice on how it would like to control and direct appeals for which it determined and has subsequently been appealed.

It is also recommended that advice be sought from the LPP on the most appropriate way to inform Council of Appeals, which could include a quarterly report on outstanding matters.

#### Managing Appeals

Once an Appeal has been lodged against either an actual or deemed refusal Council must prepare a Statement of Facts and Contentions (SOFC). The SOFC follows a specified format and is to be filed by a specific date (the third last working day before the first directions hearing). There is typically a short turnaround between being notified of an Appeal and the first directions hearing (usually around 28 days after the date the appeal was filed) which means the SOFC needs to be prepared in a short timeframe.

Unless there are compelling reasons why the matter is not suitable for a Conciliation, it will be listed for a Conciliation Conference.

Depending on the issues in the case, there may need to be a need for expert evidence, such as the opinion of a town planner or an engineer. Council currently utilises external experts as part Appeal matters, given current resourcing and availability to manage these time-consuming matters whilst still providing day to day services to the remainder of the community.

Council could choose to establish a Panel of technical expert witnesses for the fields of ecology, heritage, bushfire, flooding, acoustics, traffic, urban design and social impact assessment which could be assessed by the LPP and then endorsed by Council. This would assist to control costs for Appeals and mean that only experts which are endorsed by the LPP and Council are utilised. It is recommended that this option be presented to the LPP for further advice.

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### Guidelines for the WLPP

Based on the above, it is recommended that a specific set of guidelines be prepared for the WLPP and that the WLPP provide input into the guidelines.

The guidelines could set out procedures relating to Appeals under the control and direction of the WLPP as well as appeals against deemed refusals that would have been determined by the WLPP.

## **COMMUNICATION AND CONSULTATION**

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### **Community Engagement**

Not applicable.

### **Internal Communication and Consultation**

It is recommended that further consultation and advice be sought from the WLPP in relation to the guidelines for the WLPP and in relation to the management and control of appeals before the LEC.

### **External Communication and Consultation**

Not applicable.

## **SUSTAINABILITY ASSESSMENT**

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### **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**

Apart from the issues raised above in the body of this report, further governance issues will be raised with the Wingecarribee Local Planning Panel to seek their advice and then reported back to Council as part of a comprehensive report.

## **COUNCIL BUDGET IMPLICATIONS**

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Costs associated with Land and Environment Court appeals have a significant impact on Council's budgets. Advice will be sought from the Wingecarribee Local Planning Panel on processes and

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procedures to minimise Council's costs and this will then be reported back to Council to inform a policy position around how Appeals should be managed into the future.

**CONCLUSION**

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This report has responded to a resolution of Council from the Ordinary Meeting of Council held 17 April 2024 in relation to Development Applications and informing Council on matters before the Land and Environment Court and policies around the management of appeals including the use of the Wingecarribee Local Planning Panel. Advice is to be sought from the Local Planning Panel and a further report is to be provided to Council.

**ATTACHMENTS**

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Nil



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### **7.3 132 Burradoo Road, Burradoo Update on Council Purchase of Land**

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

#### **PURPOSE**

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To provide an update in relation to Council's proposed purchase of 132 Burradoo Road, Burradoo (being Lot 13 in deposited plan 716085).

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

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**THAT Council note the update on the purchase of the 132 Burradoo Road, Burradoo noting that the land has been sold to another purchaser and noting that there is no dwelling entitlement on the land.**

#### **REPORT**

---

##### **BACKGROUND**

On 21 February 2024 Council resolved (MN 2024/19):

*THAT Council:*

- 1. Authorise the General Manager to proceed with the purchase of 132 Burradoo Road to be used for the purposes of Sewer related activity for a price of \$700,000 + GST.*
- 2. Delegate authority to the General Manager and Administrator to execute under the Common Seal of Council any agreement, plan, real property dealing or any other document in respect of the proposed purchase of Lot 13 in Deposited Plan 716085 referred to in resolution 1 above.*
- 3. Delegate authority to the General Manager to execute on behalf of Council any other document associated with the purchase of Lot 13 in Deposited Plan 716085 referred to in Resolution 1 above which does not require the affixing of the Common Seal.*
- 4. Approve the budget adjustment to the 2023/24 Budget, to allocate \$720,000 from Sewer Fund Reserves, to fund the acquisition and associated costs of Lot 13 in Deposited Plan 716085 being 132 Burradoo Road, Burradoo at the next quarterly budget review.*

The property adjoins the Bowral Sewage Treatment Plant (STP) on Burradoo Road, Burradoo as shown in **Attachment 1** to this report. The intention of the purchase of land at 132 Burradoo Rd, Burradoo was a strategic decision, to future proof the STP by providing land for expansion if, and when, required. The parcel of land at 132 Burradoo Rd, Burradoo does not have any dwelling entitlements.

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### **REPORT**

The formalisation of Council's offer for the purchase of 132 Burradoo Road, Burradoo, commenced after Council resolved to purchase the property on 21 February 2024. A letter of offer was sent to the landowner's representative offering to purchase the property at 132 Burradoo Road, Burradoo for \$700,000 plus GST and requesting a contract for sale.

On 15 March 2024, Council received a letter from the landowner indicating acceptance of Council's offer. That same week Council was contacted by the conveyancer acting on behalf of the landowner, advising the contract for sale was being prepared and would be forwarded to Council's solicitor once finalised. The contract was provided to Council's solicitor late on Wednesday 27 March 2024.

Whilst Council's solicitor was undertaking a review of the contract, the vendor's representative contacted Council (April 5, 2024) to advise that the landowner had received a higher offer for the land from a competing purchaser. Whilst the representative for the landowner did not disclose the amount of that offer, the representative indicated that the offer was above one million dollars (\$1,000,000). The representative further advised that the landowner was looking to exchange contracts without delay and that, if Council wished to submit a higher offer, it would need to do so within the next couple of business days.

As previously reported to Council, a valuation was obtained for the land attributing a value of \$630,000 (with a suggested price range of \$560,000 and \$690,000). Given the resolution of Council, the representative for the landowner was advised that Council was unable to change its offer or position without further resolution of Council.

Council officers have followed up with the representative of the landowner and have received confirmation that contract for the sale of the property at 132 Burradoo Road Burradoo have been exchanged with the competing purchaser.

Council officers will continue to monitor the sale of 132 Burradoo Road, Burradoo, noting that the resolution from the 21 February 2024 Council meeting will not be fulfilled due to circumstances that have eventuated outlined above. It is recommended that Council note the report and if any further changes occur, a further report will be provided to Council as an update.

### **COMMUNICATION AND CONSULTATION**

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#### **Community Engagement**

Not applicable.

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

Executive

Project Delivery

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

Council's legal representative

Landowner's representatives

### **SUSTAINABILITY ASSESSMENT**

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#### **Environment**

There are no environmental issues in relation to this report.

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**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**

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The funds required for the purchase of 132 Burradoo Road, Burradoo are no longer required and will remain in the Sewer Fund Reserve.

**RELATED COUNCIL POLICY**

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None identified.

**CONCLUSION**

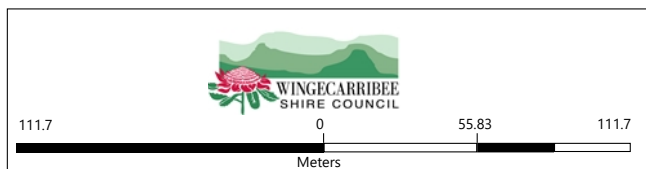
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This report is to provide an update in relation to the proposed purchase of 132 Burradoo Road, Burradoo.

**ATTACHMENTS**


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1. Attachment 1 - Report 132 Burradoo Road Burradoo [7.3.1 - 1 page]



132 Burradoo Road Burradoo

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



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## **7.4 3 Soma Avenue Bowral - Update**

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

### **PURPOSE**

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To provide Council with further advice in relation to the acquisition of part, 3 Soma Avenue, Bowral.

### **OFFICER'S RECOMMENDATION**

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**THAT** a further report be provided to a future meeting of Council following registration of the required plan of acquisition at NSW Land Registry Services to commence compulsory land acquisition of part 3 Soma Avenue, Bowral.

### **REPORT**

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#### **BACKGROUND**

On 17 April 2024 Council resolved (MN 2024/92):

*Council note the Soma Avenue Bowral Report, and the matter be deferred to the Extraordinary Meeting 1 May 2024.*

Further information was requested on the information required and associated delegations to commence a compulsory land acquisition process. This report outlines the information requested.

#### **REPORT**

At the meeting on 17 April 2024, further information was requested seeking advice if the acquisition of part 3 Soma Avenue, Bowral needed to be reported back to Council, or if the General Manager could be delegated authority to commence the compulsory land acquisition process.

Prior to Council commencing a compulsory **land** acquisition, a plan of acquisition, creating a separate registered lot (and registered deposited plan) for the land to be acquired, must first be lodged with NSW Land Register Services. Council officers have instructed a registered surveyor to prepare the required plan of acquisition for registration at NSW Land Registry Services. This plan will create a separate lot and deposited plan for the land to be acquired. Council's surveyor has advised that the registered deposited plan should be available in mid-May 2024.

Once the parcel of land has been registered with the NSW Land Register Services, a Council resolution is required to commence compulsory land acquisition. Upon finalisation of the registered lot and deposited plan, the matter will be reported back to the following Council meeting to commence compulsory land acquisition. The decision to move to compulsory acquisition as soon as possible has also been requested by the landowner's spouse.

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**COMMUNICATION AND CONSULTATION**

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**Community Engagement**

None required.

**Internal Communication and Consultation**

None required.

**External Communication and Consultation**

Council's legal representative.

**SUSTAINABILITY ASSESSMENT**

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**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**

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There are no budgetary implications resulting from this report.

**RELATED COUNCIL POLICY**

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Nil.

**CONCLUSION**

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This report is presented to provide an update in relation to the acquisition of part, 3 Soma Avenue, Bowral, noting the information and delegations required to commence compulsory land acquisition.

**ATTACHMENTS**

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Nil

**8 MEETING CLOSURE**