

19 April 2018

Dear Councillor,

You are kindly requested to attend the **Ordinary Meeting** of Wingecarribee Shire Council to be held in **Council Chambers, Civic Centre, Elizabeth Street, Moss Vale** on **Tuesday 24 April 2018** commencing at **3.30 pm**.

Yours faithfully

Ann Prendergast
General Manager

SCHEDULE

3.30pm	Council Meeting begins
5.30pm	Questions from the Public to be read out
7.40pm	Closed Council

RUNNING SHEET

ORDINARY MEETING OF COUNCIL

held in the Council Chambers, Civic Centre, Elizabeth Street, Moss Vale
on Tuesday, 24 April 2018 at 3.30 pm.

Time	Item
3.30pm	Opening of meeting – please remind all present that mobile phones must be switched off before the meeting and that the meeting is tape recorded and the Council Chamber now has 24 Hour Video Surveillance.
	Acknowledgement of Country - Clr L A C Whipper
3.32pm	Opening Prayer – Pastor Donna Jensen, Connect Church Moss Vale
3.35pm	<ul style="list-style-type: none">• Apologies (<i>if any</i>)• Adoption of Previous Minutes – Wednesday, 11 April 2018• Business Arising (<i>if any</i>)• Declarations of Interest (<i>if any</i>)• Mayoral Minute -<ul style="list-style-type: none">Item 8.1 Staff MatterItem 8.2 Acknowledge the Achievements of Former Southern Highlands Athletes at the 2018 Commonwealth Games Athletes - Eliza Ault-Connell and Kaarle McCulloch• Public Forum – (<i>if any</i>)• Motion to move into Committee of the Whole - Clr G J Andrews• Visitor Item (<i>if any</i>)• Council Reports
5.30pm	Motion to move into Council and the Mayor resumes the Chair
5.30pm	Questions from the Public - <i>to be read</i> Continuation of Council Reports General Business Questions Questions with Notice Notices of Motion
7.40pm	Closed Council
8.00pm	Meeting Closed

Ann Prendergast
General Manager



Business

1. **OPENING OF THE MEETING**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **PRAYER**
4. **APOLOGIES**
5. **ADOPTION OF MINUTES OF PREVIOUS MEETING**
Ordinary Meeting of Council held on 11 April 2018
6. **BUSINESS ARISING FROM THE MINUTES**
7. **DECLARATIONS OF INTEREST** 1

8. **MAYORAL MINUTES**
 - 8.1 Staff Matter 2
 - 8.2 Acknowledge the Achievements of Former Southern Highlands Athletes at the 2018 Commonwealth Games Athletes - Eliza Ault-Connell and Kaarle McCulloch 3
9. **PUBLIC FORUM**

- COMMITTEE OF THE WHOLE**

10. **VISITOR MATTERS**
 - OPERATIONS, FINANCE AND RISK**
Nil
 - CORPORATE, STRATEGY AND DEVELOPMENT SERVICES**
Nil
11. **EN BLOC MOTION**

12. **OPERATIONS FINANCE AND RISK**
 - 12.1 Investment Report - March 2018..... 5
 - 12.2 Transfer of Land at Hill Top 12
 - 12.3 Tender for the Operation and Management Moss Vale War Memorial Aquatic Centre 19
 - 12.4 Salvation Army Red Shield Appeal Request for Sponsorship..... 24

13. **CORPORATE STRATEGY AND DEVELOPMENT SERVICES**
 - 13.1 Public Exhibition of the Draft Operational Plan and Budget 2018/19 28
 - 13.2 Contingency Fund Guidelines 45

Mayor to resume chair at 5.30 pm



COUNCIL MATTERS

14. GENERAL MANAGER

14.1 Legal Report 51

15. DELEGATE REPORTS

16. PETITIONS

Nil

17. CORRESPONDENCE FOR ATTENTION

Nil

18. COMMITTEE REPORTS

18.1 Management and Advisory Committee Reports 56

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018 58

19. QUESTIONS WITH NOTICE

Nil

20. NOTICES OF MOTION

20.1 Notice of Motion 11/2018 - Public Meeting 78

21. GENERAL BUSINESS

Nil

22. CLOSED COUNCIL

Moving into Closed Session 79

22.1 Tender for the Operation and Management Moss Vale War Memorial Aquatic Centre

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

22.2 Legal Report - Closed Council

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors), under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law and under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

22.3 Staff Matter

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors) and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

23. RESUMPTION OF OPEN COUNCIL

Resumption of Open Council

Adoption of Closed Session

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018



24. ADOPTION OF COMMITTEE OF THE WHOLE

25. MEETING CLOSURE

Our Mission, Our Vision, Our Values

OUR MISSION

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

OUR VISION

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

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

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

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

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

OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

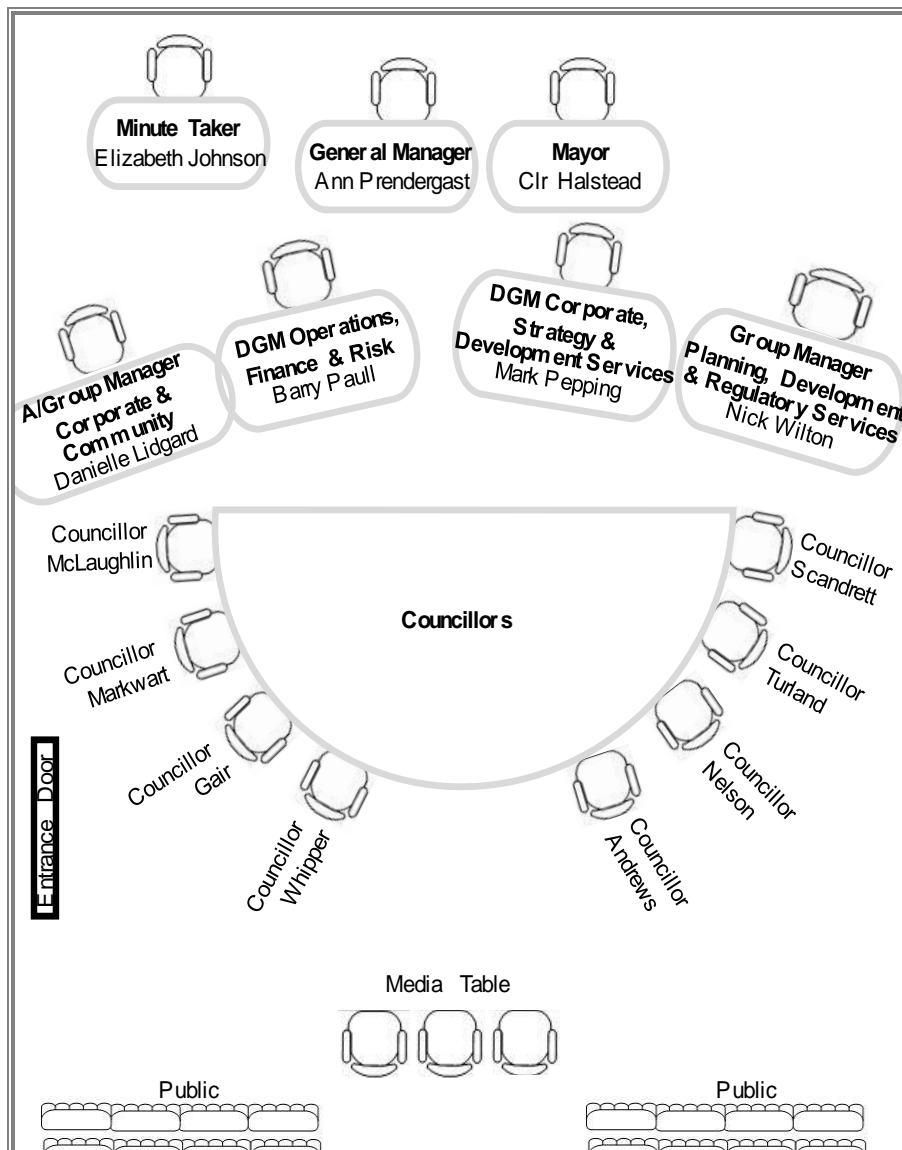
Council Chambers

Recording of Ordinary and Extraordinary Meetings of Council

As authorised by the *Local Government Act 1993*, Wingecarribee Shire Council records the proceedings of the Ordinary and Extraordinary Meetings of Council to ensure accurate transcription of resolutions.

Recording of meetings by members of the media is permitted only for the purpose of verifying the accuracy of any report concerning such meeting. Broadcasting of any sound recording is not permitted. Video recording is also not permitted. No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of Council without prior permission of the Council.

The Council Chamber now has 24 Hour Video Surveillance.



ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Traditional Custodians of this land and pay my respect to Elders both past and present. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today.

APOLOGIES

Nil at time of print.

DECLARATIONS OF INTEREST

101/3, 101/3.1

The provisions of Chapter 14 of the *Local Government Act 1993* regulate the way in which Councillors and 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.

8 MAYORAL MINUTES

8.1 Staff Matter

Reference: 102, 102/5
Report Author: Mayor

PURPOSE

The purpose of this report is to advise Council of a Staff Matter.

This matter is to be dealt with in Closed Council in accordance with s10A(2) of the *Local Government Act, 1993* under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than Councillors).

RECOMMENDATION

THAT the Staff Matter be presented as a verbal report in Closed Council – Item 22.4

ATTACHMENTS

There are no attachments to this report.

8.2 Acknowledge the Achievements of Former Southern Highlands Athletes at the 2018 Commonwealth Games Athletes - Eliza Ault-Connell and Kaarle McCulloch

Reference: 102
Report Author: Mayor

PURPOSE

The purpose of this Mayoral Minute is to acknowledge the achievements of former local athletes Eliza Ault-Connell and Kaarle McCulloch at the 2018 Commonwealth Games held on the Gold Coast from 4 to 15 April 2018.

RECOMMENDATION

1. **THAT Council acknowledges the achievements of former local resident and Paralympian Eliza Ault-Connell on her success in winning a Silver Medal in the wheelchair marathon held on Sunday, 15 April 2018 at the 2018 Commonwealth Games.**
2. **THAT Council congratulates former Highlands cyclist Kaarle McCulloch who produced outstanding results at the Commonwealth Games in winning one gold, one silver and one bronze medal.**

REPORT

At the Council Meeting held on Wednesday, 11 April 2018, Council wholeheartedly endorsed its support by moving the following motion:

THAT Council forward a message of support to Ms Eliza Ault-Connell who will be competing in the Wheelchair Marathon at the Commonwealth Games on Sunday 15 April 2018.

Eliza Ault-Connell is a former Chevalier College student who in 1997 contracted Meningococcal disease at the age of 16 years and at the time her parents made the life-saving decision to have both her legs amputated. Following on from that Eliza herself made the decision to have her fingers amputated to reduce the risk of re-infection. Eliza survived the disease and is now aged 39 and has three young children. She is now the Director of Meningococcal Australia.

Eliza was always a keen sportsperson and after surviving Meningococcal she went on to represent Australia as a wheelchair athlete at the Olympic Games, Paralympics and also the Commonwealth Games.

The Gold Coast Games hosted the largest integrated para-sport program in Commonwealth Games history and Eliza competed in the first ever women's T54 wheelchair marathon and was successful in winning a silver medal in that event.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

MAYORAL MINUTES



Another former Highlands cyclist, Kaarle McCulloch also competed at the Commonwealth Games, although in a different sporting arena to Eliza. Kaarle competed very successfully as part of the women's cycling team and won gold medals in the women's team sprint and 500 metres time trial, a bronze medal in the women's sprint and a silver medal in the women's keirin final. What a feat to win a total of four medals at one event.

It is an achievement to represent your Country so successfully at an event such as the Commonwealth Games and I congratulate Eliza and Kaarle on their success.

A handwritten signature in black ink, appearing to read "Ken Halstead".

Clr Ken Halstead

Mayor

Thursday 19 April 2018

ATTACHMENTS

There are no attachments to this report.

COMMITTEE OF THE WHOLE

12 OPERATIONS FINANCE AND RISK

12.1 Investment Report - March 2018

Reference:	2104
Report Author:	Deputy Chief Financial Officer
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to present Council's Investment Portfolio held at 31 March 2018.

RECOMMENDATION

THAT the information on Council's Investments as at 31 March 2018 be received and noted.

REPORT

In accordance with Part 9, Division 5, Section 212 of the *Local Government (General) Regulations 2005*, the Responsible Accounting Officer must provide Council with a written report setting out details of all money that Council has invested under section 625 of the *Local Government Act 1993*.

This report provides details of Council's Investment Portfolio as at 31 March 2018.

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

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

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

Interest earned from investments totalled \$2,640,788 for the nine (9) months to 31 March 2018.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

**REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE
AND RISK**



ATTACHMENTS

1. Investment Report Summary for March 2018



ATTACHMENT 1

Wingecarribee Shire Council
Investment Report Summary
 For the period ending 31 March 2018

List of Investments

Council's investment portfolio as at 31 March 2018 consists of the following investments:

INVESTMENT PORTFOLIO AS AT MARCH 2018						
Institution	Type	Amount	Interest Rate	Maturity Date	Investment Term - Days	% Investment Portfolio
Auswide	Term Deposit	3,500,000	2.75%	4/04/2018	365	2.43%
CBA	Term Deposit	3,000,000	2.56%	18/04/2018	322	2.08%
Bendigo	Term Deposit	2,500,000	2.67%	3/05/2018	365	1.73%
Auswide	Term Deposit	2,000,000	2.90%	24/05/2018	365	1.39%
BOQ	Term Deposit	2,500,000	2.66%	13/06/2018	364	1.73%
Bendigo	Term Deposit	2,500,000	2.70%	19/06/2018	370	1.73%
CBA	Term Deposit	5,000,000	2.60%	27/06/2018	177	3.47%
CBA	Term Deposit	5,000,000	2.61%	11/07/2018	191	3.47%
Bendigo	Term Deposit	3,000,000	2.65%	18/07/2018	357	2.08%
BOQ	Term Deposit	5,000,000	2.65%	25/07/2018	364	3.47%
Bendigo	Term Deposit	5,000,000	2.70%	2/08/2018	365	3.47%
IMB	Term Deposit	3,000,000	2.60%	8/08/2018	364	2.08%
ME	Term Deposit	5,000,000	2.60%	23/08/2018	365	3.47%
ME	Term Deposit	5,000,000	2.59%	27/08/2018	272	3.47%
NAB	Term Deposit	5,000,000	2.56%	28/08/2018	365	3.47%
NAB	Term Deposit	5,000,000	2.60%	31/08/2018	365	3.47%
ME	Term Deposit	5,000,000	2.55%	6/09/2018	365	3.47%
MyState	Term Deposit	5,000,000	2.65%	12/09/2018	365	3.47%
BDCU	Term Deposit	2,500,000	2.75%	20/09/2018	365	1.73%
NAB	Term Deposit	5,000,000	2.62%	27/09/2018	365	3.47%
Auswide	Term Deposit	5,000,000	2.65%	28/09/2018	365	3.47%
ME	Term Deposit	5,000,000	2.62%	11/10/2018	365	3.47%
ING	Term Deposit	4,000,000	2.57%	24/10/2018	365	2.77%
MyState	Term Deposit	5,000,000	2.65%	30/10/2018	365	3.47%
BDCU	Term Deposit	3,000,000	2.62%	9/11/2018	365	2.08%
AMP	Term Deposit	5,000,000	2.65%	26/11/2018	272	3.47%
WBC	Term Deposit	4,000,000	2.57%	5/12/2018	365	2.77%
WBC	Term Deposit	4,000,000	2.58%	14/12/2018	365	2.77%
CUA	Term Deposit	3,000,000	2.65%	20/12/2018	365	2.08%
CUA	Term Deposit	6,000,000	2.69%	24/01/2019	365	4.16%
WBC	Term Deposit	2,000,000	2.64%	31/01/2019	365	1.39%
CBA	Term Deposit	3,500,000	2.66%	7/02/2019	365	2.43%
CUA	Term Deposit	3,000,000	2.67%	21/02/2019	365	2.08%
CBA	Term Deposit	5,000,000	2.63%	2/03/2019	365	3.47%
BDCU	Term Deposit	3,000,000	2.65%	8/03/2019	365	2.08%
CUA	Term Deposit	2,000,000	2.71%	22/03/2019	365	1.39%
NAB	Call Account	2,297,948	1.40%	NA		1.59%
Total Investments		\$144,297,948				100.00%

Institution Legend

AMP = AMP Limited	CBA = Commonwealth Bank of Australia	NAB = National Australia Bank
ANZ = Australia & New Zealand Banking Group	CUA = Credit Union Australia	Newcastle = Newcastle Permanent
Auswide = Auswide Bank	IMB = IMB Bank	St George = St George Bank
BOQ = Bank of Queensland	ING = ING Direct	WBC = Westpac Banking Corporation
BDCU = Berrima District Credit Union	ME = Members Equity Bank	
Bendigo = Bendigo & Adelaide Bank	MyState = MyState Bank	



Wingecarribee Shire Council
Investment Report Summary
 For the period ending 31 March 2018

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 Rating	Maximum %	Actual %	Invested \$	Supports Fossil Fuels	Policy Compliance
NAB	A1+	40%	11.99%	17,297,948	YES	YES
CBA	A1+	40%	14.90%	21,500,000	YES	YES
WBC	A1+	40%	6.93%	10,000,000	YES	YES
AMP	A1	25%	3.47%	5,000,000	YES	YES
ING	A1	25%	2.77%	4,000,000	YES	YES
BDCU	A2	15%	5.89%	8,500,000	NO	YES
Bendigo	A2	15%	9.01%	13,000,000	NO	YES
CUA	A2	15%	9.70%	14,000,000	NO	YES
ME	A2	15%	13.86%	20,000,000	NO	YES
IMB	A2	15%	2.08%	3,000,000	NO	YES
BOQ	A2	15%	5.20%	7,500,000	NO	YES
MyState	A2	15%	6.93%	10,000,000	NO	YES
Auswide	A3	10%	7.27%	10,500,000	NO	YES
Total			100.00%	144,297,948		

Portfolio Credit Limits

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

S&P Rating	Maximum %	Actual %	Invested \$	Policy Compliance
A1+	100%	33.82%	48,797,948	YES
A1	80%	6.24%	9,000,000	YES
A2	60%	52.67%	76,000,000	YES
A3	20%	7.27%	10,500,000	YES
Govt	25%	0.00%	0	YES
Total		100.00%	144,297,948	

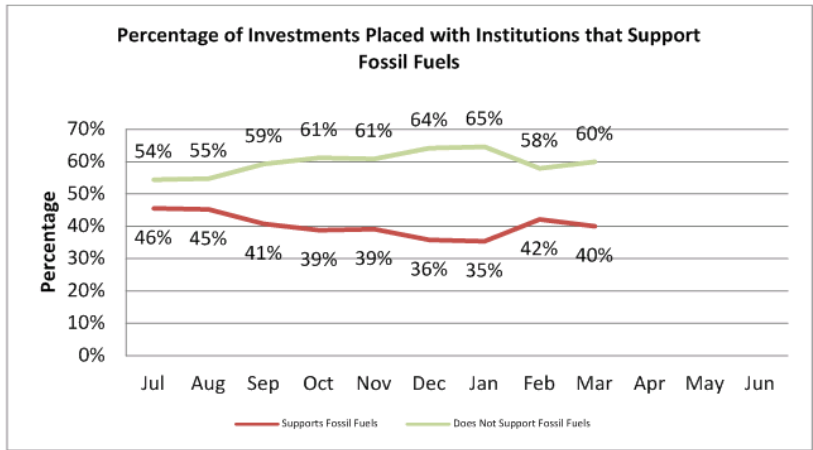


Wingecarribee Shire Council Investment Report Summary For the period ending 31 March 2018

Non-Fossil Fuel Investment Preferecing

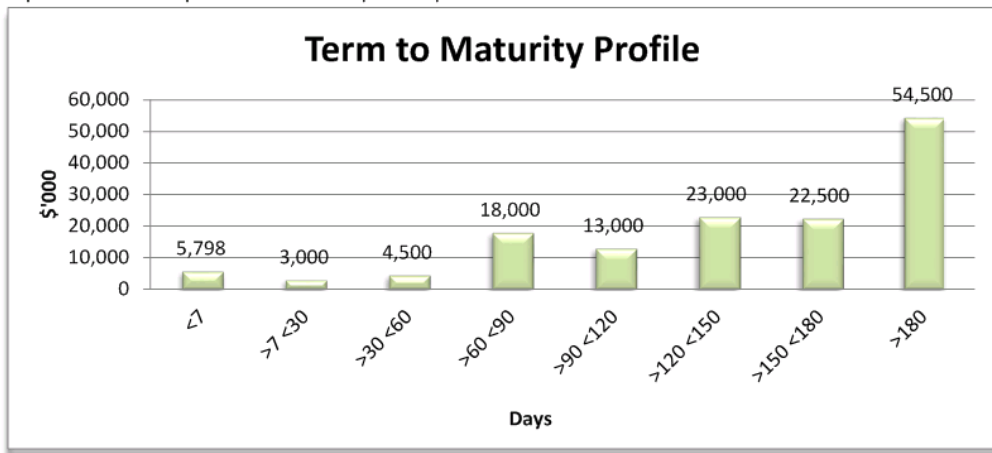
Council's adopted Investment Policy states a preference for placing funds with institutions that do not support the fossil fuel industry. The chart below identifies Council's percentage of investments placed with institutions that do not support the fossil fuel industry.

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



Term to Maturity

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



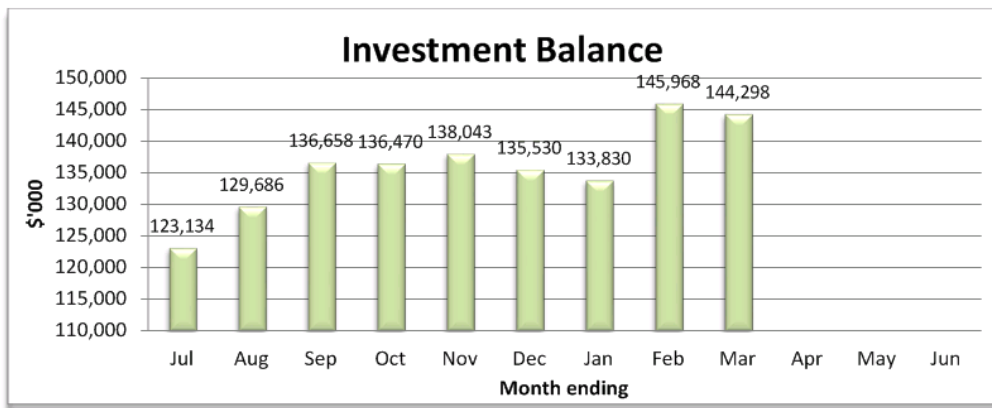


Wingecarribee Shire Council Investment Report Summary

For the period ending 31 March 2018

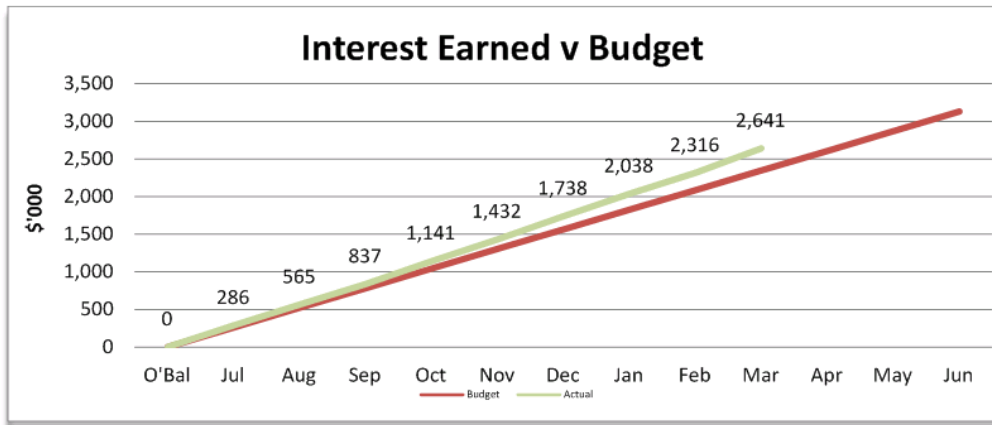
Portfolio Performance

Council's investment balance at the end of March 2018 was \$144.298 million. This has decreased by \$1.670 million since the end of February 2018. The decrease in investments is a result of operational and capital expenditure payments during the March period.



Interest Revenue

Council is currently exceeding budget expectations. Council's investment portfolio is performing above budget due to Council actively seeking the best interest rates available and increased levels of surplus funds to invest.





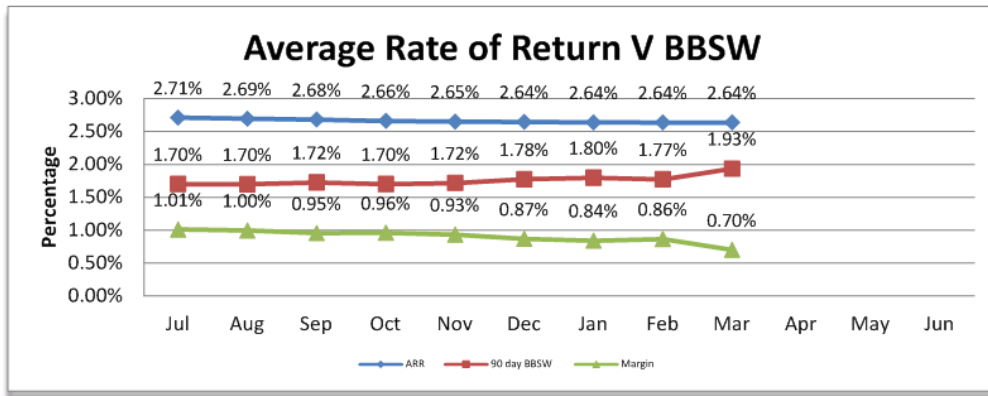
Wingecarribee Shire Council Investment Report Summary For the period ending 31 March 2018

Performance against Benchmark

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

The average rate of return (ARR) achieved for March 2018 was 2.64% which is the same as February 2018. There was an increase in the BBSW to 1.93%

The margin above BBSW has decreased in March 2018 by 0.16% as rates available in the fixed interest market remain relatively stable.





12.2 Transfer of Land at Hill Top

Reference:	PN1014200; PN548800
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to accept the transfer of title for two (2) properties at Hill Top in lieu of unpaid rates.

RECOMMENDATION

1. **THAT Council resolve to accept a transfer to Council of 2 Mylora Street, Hill Top (being Lots 1 to 5 Section 2 DP1262) in lieu of unpaid rates.**
2. **THAT Council resolve to accept a transfer to Council of Lot 70 and 71 Sec 66 DP1717 Fitzroy Street Hill Top in lieu of unpaid rates.**
3. **THAT Council pays all necessary fees related to the transfers including registration fees, and any other related fees and charges.**
4. **THAT Council waive any unpaid land rates and/or water and sewer access charges currently owing on the land.**
5. **THAT any documentation required to be executed in relation to the transfer of the land to Council be executed by the General Manger and Mayor under the Common Seal of Council.**
6. **THAT pursuant to Section 31(2) of the *Local Government Act 1993*, the land to be acquired by Council pursuant to resolution 1 above is to be classified as Operational Land.**

REPORT

BACKGROUND

In February 2016, Council staff received a request from the NSW Trustee and Guardian to purchase a vacant parcel of land that was transferred to them as part of an Estate. The subject land is Lots 1 to 5 Section 2 Deposited Plan1262 at Mylora Street, Hill Top ('Mylora Street land').

At its meeting held on the 25 May 2016, a report was presented to Council recommending that Council approve the purchase of the vacant land known as 2 Mylora Street, Hill Top for a nominal amount. It was resolved by Council at that meeting (*MN 244/16*):

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



THAT the report in relation to the Request from NSW Trustee & Guardian for Council to Purchase Property at 2 Mylora Street, Hill Top, be deferred subject to an Information Session being held for Councillors.

Subsequent to this resolution, Council has received a similar request from legal representatives acting on behalf of the owner of vacant land being Lots 70 and 71 Section 66 Deposited Plan 1717 Fitzroy Street Hill Top ('Fitzroy Street land').

Attached to this report is an aerial map showing both the Mylora Street land and the Fitzroy Street land – **Attachment 1**.

REPORT

Mylora Street land

Subsequent to the resolution of Council at its meeting 25 May 2016, the NSW Trustee and Guardian were requested to provide further information for presentation to Councillors. Despite the NSW Trustee & Guardian acknowledging communication in respect of the Mylora Street land, Council's requests for information were not responded to throughout 2016 and 2017. It was therefore assumed that their request would not be pursued.

The beneficiary of the Estate then made contact direct with Council in November 2017 asking if Council would proceed with the purchase of the Mylora Street land. The beneficiary was advised of the non-response by the NSW Trustee & Guardian. Subsequent to the beneficiary's contact with Council, a letter was received on 22 November 2017, providing more detailed information for Council. A copy of this letter is provided as **Attachment 2**.

The current balance of unpaid rates, charges and accrued interest for the Mylora Street Land is \$1,088.78 for 2017/18 including interest.

Fitzroy Street land

The legal representatives of the owner of the Fitzroy Street land has approached Council requesting that Council accept a transfer of the land pursuant to Section 570 of the *Local Government Act 1993*. The Fitzroy Street land comprises of two vacant lots, having a combined area of approximately 420 square metres, being zoned RE1 – Public Recreation.

Under section 570 of the *Local Government Act 1993*, a council may accept a transfer of the land in respect of which rates or charges are or accrued interest is due and payable in full satisfaction of the rates, charges or accrued interest.

The owner is aged 90 and experiencing financial hardship; the land does not have dwelling entitlement and additionally is zoned RE1 – Public Recreation. The Fitzroy Street land is adjoined by Council-owned vacant land.

The current balance of unpaid rates, charges and accrued interest for the Fitzroy Street land is \$1,066.35 for 2017/18 including interest and water access charged at \$0.43 per day.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



Briefing session

A briefing session will be held with Councillors on 24 April 2018 and information will be presented regarding the requests for transfer of land to Council.

This report recommends that Council accept the transfer of land in lieu of unpaid rates.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified.

COMMUNICATION AND CONSULTATION

Community Engagement

Consultation with the community is not required as this is an administrative matter between the owners of the Mylora street land and Fitzroy Street and Council.

Internal Consultation

Relevant branch managers and Council officers.

External Consultation

NSW Trustee & Guardian

Beneficiary of Estate of Mylora Street land

Owner of Fitzroy Street land

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.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



COUNCIL BUDGET IMPLICATIONS

The current outstanding rates in respect of the Mylora Street land are \$1,088.78 for 2017/18 including interest. The current outstanding rates in respect of the Fitzroy Street land are \$1,066.35 for 2017/18 including interest and water access charged at \$0.43 per day.

This is considered to have a less than significant impact on Council's budget and will be dealt with as part of the 2017/18 June Review of the budget.

RELATED COUNCIL POLICY

CONCLUSION

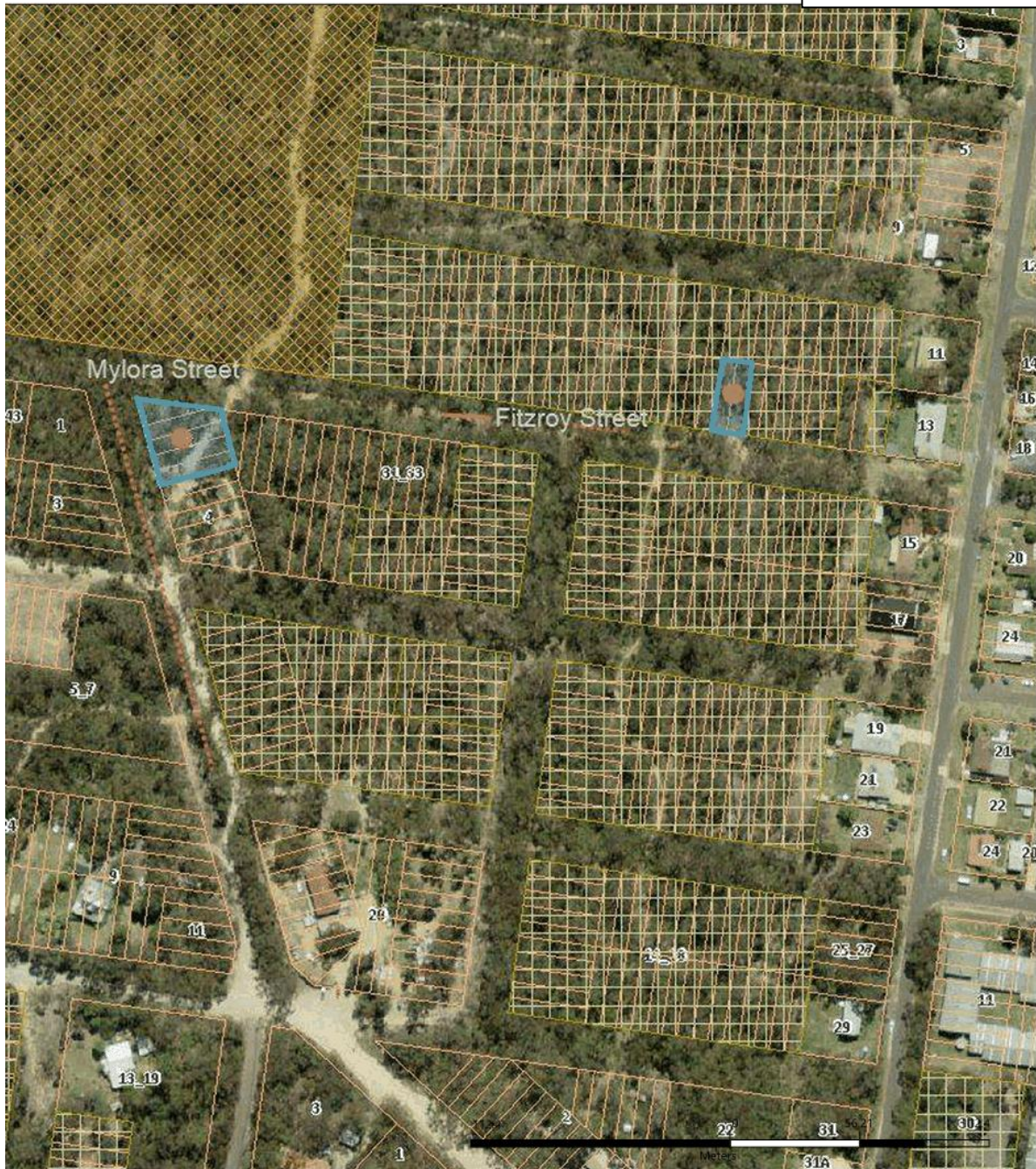
It is recommended that the transfers of both the Mylora Street land and Fitzroy Street land are accepted by Council in lieu of outstanding rates.

ATTACHMENTS

1. Aerial Map
2. Letter from NSW Trustee & Guardian, 22/11/2017



ATTACHMENT 1



Wingecarribee Shire Council

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



Copyright © Wingecarribee Shire Council, Copyright © Land and Property Information (LPI) 2017



ATTACHMENT 2



NSW Trustee & Guardian
Attorney General & Justice

22 November 2017

Our ref: LA5 [REDACTED] 159444

Email: tagla@tag.nsw.gov.au
Direct line: 02 8688 1131

Ms Natasha Woods
Wingecarribee Shire Council
DX 4961 BOWRAL

Dear Ms Woods,

Re: Estate of the late [REDACTED]
Matter ID: 159444
Property at: 2 Mylora Street, Hill Top NSW 2575

NSW Trustee and Guardian writes to you on this occasion to request that Wingecarribee Shire Council consider purchasing the vacant land at 2 Mylora Street, Hill Top NSW 2575 (Lots 1-5 Sec 2 DP 1262).

Reason for approaching Wingecarribee Shire Council:

The property at 2 Mylora Street, Hill Top is currently in Zone R5 – Large Lot Residential (Wingecarribee Local Environment Plan 2010). As you would be aware, this means that for residential accommodation to be built, the lot size must be equal to or greater than 4000 square metres.

The vacant land at 2 Mylora Street, has an area of 1062.3 square metres.

NSW Trustee and Guardian believes that Wingecarribee Shire Council is best placed to make use of the vacant land.

Cost to Wingecarribee Shire Council:

Based on an independent valuation obtained by NSW Trustee and Guardian in June 2016, NSW Trustee and Guardian seeks an offer of between [REDACTED] [REDACTED] NSW Trustee and Guardian is willing to negotiate this price.

Background:

The former registered proprietor of 2 Mylora Street, Hill Top NSW 2575 passed away, intestate, in 2013. Probate was granted to NSW Trustee and Guardian on 8 August 2014.



NSW Trustee and Guardian attempted to engage a local real estate agent in June 2016, however as the property has no dwelling entitlement, NSW Trustee and Guardian was unsuccessful in this attempt.

It was suggested by the independent valuer appointed by NSW Trustee and Guardian in August 2014, and again suggested in June 2016, that Wingecarribee Shire Council may be interested in acquiring the vacant land.

Please advise Wingecarribee Shire Council's thoughts on acquiring 2 Mylora Street, Hill Top.

Yours sincerely,

[Redacted signature]

[Redacted name]

For NSW Trustee and Guardian



12.3 Tender for the Operation and Management Moss Vale War Memorial Aquatic Centre

Reference:	6330/18.5
Report Author:	Manager Open Space, Recreation and Building Maintenance
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Increase promotion of healthy lifestyle choices

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Operation and Management of Moss Vale War Memorial Aquatic Centre.

RECOMMENDATION

1. **THAT** in relation to the report concerning the Tender for the Operation and Management Moss Vale War Memorial Aquatic Centre - Council adopts the recommendations contained within the Closed Council report – Item 22.1.

OR

2. **THAT** the report concerning Tender for the Operation and Management Moss Vale War Memorial Aquatic Centre – be considered in Closed Council – Item 22.1

Note: In accordance with Council's Code of Meeting Practice, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make representations to Council as to why the item should not be considered in Closed Council.

REPORT

BACKGROUND

The management and operation of the Moss Vale War Memorial Aquatic Centre (MVWMAC) has been contracted to Belgravia Leisure over the past four (4) years. The contract for the Operation and Management of the Moss Vale War Memorial Aquatic Centre is due to expire on the 30 June 2018.

Council invited tenders from organisations with the requisite experience and capability to manage and operate the MVWMAC.

The initial term of the contract for the management and operation of the MVWMAC is for a five (5) year period from 1 July 2018 to 30 June 2023. Three (3) additional contract extension options may be made available if the contractor operates the MVWMAC in accordance with Council's specification and appropriate standards and meets the key

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



performance indicators set. The first option will be for three (3) years, the second option for a further two (2) years and a final one (1) year term. The total combined contract term is potentially eleven (11) years. All three (3) options for contract extension are at Council's absolute discretion.

REPORT

Council has sought tenders for suitable and qualified contractors to provide a lump sum tender for the operations and management of the MVWMAC. The full scope of operations was detailed in the tender documents.

In accordance with the *Local Government (General) Regulation 2005* part 7, section 163(1), Council is required to invite tenders where estimated expenditure is greater than \$150,000 (GST inclusive).

This report presents the assessment relating to the advertised tender.

ADVERTISING

The tender advertising period was from the 27 February 2018 to 27 March 2018.

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	27 February 2018
Newspaper – Southern Highlands News	27 February 2018 & 7 March 2018
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 three (3) tender submissions were received:

Company Name	Location	Postcode
Belgravia Health and Leisure Group Pty Ltd	South Melbourne	3205
Bluefit Pty Ltd	Lane Cove	1595
Lifeguarding Services Australia Pty Ltd	Lane Cove West	2066

LATE TENDERS

There were no late tenders submitted.

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.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



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

SELECTION CRITERIA

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

Mandatory Criteria:

Criteria
Public Liability - \$20 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Professional Indemnity - \$5 million
Motor Vehicle – Comprehensive Market Value

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:

Criteria	Weighting
Capability	20%
Capacity (Resources)	20%
Quality Systems, EMS, WHS Management System	10%
Financial Viability	5%
Collaborative Approach	5%
Total	60%

Summary of Selection Criteria & Weighting:

Selection Criteria	
Criteria	Weighting
Total Non-Cost Criteria	60%
Total Cost Criteria	40%
Total	100%



NON-COMPLIANT TENDERS

Upon evaluation, one tender submission was determined to be non-compliant:

Company Name	Reason for Non-Compliance
Lifeguarding Services Australia Pty Ltd	Did not meet the Non-Cost Selection Criteria threshold

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Funding for the ongoing operations and management of the Moss Vale War Memorial Aquatic Centre has been included in Council's operational budget and forward estimates.

CONSULTATION

Community Engagement

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

Internal Consultation

The development of the tender specification involved staff from Corporate and Community, Assets and Planning, Infrastructure Service, Environment and Sustainability, Information Services and Finance and Procurement.

External Consultation

Sport & Leisure Solutions were engaged to provide guidance and advice on the specifications on which the tender document was based.

SUSTAINABILITY ASSESSMENT

- **Environment**

Council has a strong commitment to minimising the environmental impact of its community facilities through effective management, operations and maintenance.

To this end, the Contractor must, in performing the Services, comply with all applicable environmental legislation, guidelines, licences, permits and trade waste agreements, and prepare and maintain an Environmental Management Plan (EMP) to comply with endorsed Council sustainability policies.

- **Social**

The Moss Vale War Memorial Aquatic Centre will play an important role in community life providing a range of health and fitness activities in addition to a social hub for the community.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- **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*.

RELATED COUNCIL POLICY

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

CONCLUSION

The tender evaluation summary and recommendation are documented in the report to Council's Closed Committee.

ATTACHMENTS

There are no attachments to this report.



12.4 Salvation Army Red Shield Appeal Request for Sponsorship

Reference:	1850/1
Report Author:	Organisational Support Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Actively foster a spirit of participation and volunteering by addressing key barriers

PURPOSE

The purpose of this report is to seek Council's approval to sponsor the annual Salvation Army Red Shield Appeal Business Breakfast to be held on 11 May, 2018 in the amount of \$1,500.

RECOMMENDATION

THAT Council determines its position with regard to the sponsorship of the annual Salvation Army Red Shield Appeal 2018.

REPORT

BACKGROUND

The Southern Highlands Committee for the Salvation Army Red Shield Appeal (the Appeal) each year holds a 'Business Breakfast' to raise funds for programs that support those less fortunate in our Southern Highlands community. The staging of this event relies solely on sponsorship from local organisations and businesses as the breakfast itself is free to attendees but held with the expectation they will make donations to the Appeal'.

REPORT

Council has been approached by the Salvation Army Red Shield Appeal Committee to sponsor their annual Red Shield Appeal Business Breakfast.

The Salvation Army provides a range of integrated services and programs supporting the most disadvantaged to achieve meaningful involvement in the community. Their programs include mental health, suicide and depression, drug dependency, homelessness, families in crisis and community aged care for frail aged people with complex needs.

The Annual Red Shield Appeal Business Breakfast provides the Salvation Army the opportunity (through sponsorship) to raise funds that will ensure their community outreach programs continue to support our local community.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



Council has been a part sponsor of this event for the past four consecutive years and has received a request this year for sponsorship funding in the amount of \$1,500.

Council has been informed that all funds raised from this year's breakfast are to be directed to those who are homeless in the Southern Highlands.

Sponsors of the 2018 Business Breakfast will be acknowledged for their support at the event and on the promotional advertising materials.

It is noted for information that Council currently donates \$32,725 per annum to The Salvation Army via disposal fees met by Council for waste disposed at Council's Resource Recovery Centre by the Salvation Army.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Nil.

COMMUNICATION AND CONSULTATION

Community Engagement

There has been no community engagement

Internal Consultation

The General Manager

External Consultation

There has been no external consultation

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

By supporting the Salvation Army Red Shield Appeal through sponsorship of the Business Breakfast, Council demonstrates its commitment to community support and sets an example for other local organisations.

- **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.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



COUNCIL BUDGET IMPLICATIONS

The current available balance of the Councillor's Contingency Fund is \$11,171.

RELATED COUNCIL POLICY

Nil

OPTIONS

The matter is submitted for Council's determination.

CONCLUSION

The Salvation Army has requested Council's sponsorship for the 2018 Red Shield Appeal in the amount of \$1,500. The funds are to be used to assist the homeless in the Southern Highlands Community. The request is submitted for Council's determination.

ATTACHMENTS

1. Salvation Army Red Shield Appeal Request

Barry W Paull

Deputy General Manager Operations, Finance and Risk

Thursday 19 April 2018



ATTACHMENT 1

To: Ann Prendergast
General Manager
Wingecarribee Shire Council
68 Elizabeth Street
Moss Vale NSW 2577.

Part Sponsorship 2018 Southern Highlands
Red Shield Appeal Business Breakfast 11th May 2018.

Dear Ann,

Last year Council was kind enough to support the
Business Breakfast by way of a donation of \$1500.

As Chairman of the 2018 Southern Highlands Salvation Army
Red Shield Appeal I am writing to you to request Council
consider donating a similar amount this year.

All funds raised at the breakfast this year will be directed to those who are
"homeless" in the Southern Highlands.

Yours sincerely,
Terry Oakes-Ash OAM
Chairman, Red Shield Appeal, Southern Highlands.

(Please reply to [REDACTED])

13 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Public Exhibition of the Draft Operational Plan and Budget 2018/19

Reference:	501/203
Report Author:	Acting Group Manager Corporate and Community
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to present the draft 2018/19 Operational Plan, Budget, Revenue Policy and Fees and Charges to be endorsed for public exhibition.

RECOMMENDATION

THAT the draft 2018/19 Operational Plan, Budget, Revenue Policy and Fees and Charges, as set out in Attachments 1 and 2, be endorsed for public exhibition from 27 April to 24 May 2018.

REPORT

BACKGROUND

Council is required to annually review the Operational Plan, Annual Budget, Revenue Policy and Fees and Charges to meet its responsibilities under the *Local Government Act 1993* and Regulation. The Operational Plan is a sub-plan of the 2017-2021 Delivery Program and demonstrates Council's approach to achieving the objectives of the Delivery Program.

REPORT

The draft 2018/19 Operational Plan outlines the projects, programs and activities (annual deliverables) that Council will undertake during the 2018/19 financial year. The annual deliverables are aligned to Council's services and four year actions from the Delivery Program. In addition, the draft Plan demonstrates Council's response and commitment to the delivery of the Community Strategic Plan, Wingecarribee 2031. As such the Plan is structured around the five themes of Leadership, People, Places, Environment and Economy from Wingecarribee 2031.

Included in the draft 2018/19 Operational Plan is the draft annual Budget and Capital Works Program. These documents provide an overview of Council's financial estimates and a program of Capital Works for the 2018/19 financial year.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Council's draft Revenue Policy and Fees and Charges for 2018/19 are also included in the draft Operational Plan. These documents outline Council's proposed rating structure and fees and charges for 2018/19 as stipulated by the *Local Government Act 1993*.

As part of the 2017-2021 Delivery Program adopted in June 2017, Council committed to seven strategic priorities to ensure Wingecarribee Shire is a better place to live, work and visit. Council continues its commitment to these priorities which will be delivered over the life of this Delivery Program and are a key driver of decision making during this Council term.

Council's seven strategic priorities are:

1. Responsible financial management
2. Improving our community assets
3. Protecting our natural environment
4. Delivery of significant infrastructure projects
5. Better service alignment and delivery
6. Business transformation
7. Community wellbeing

In accordance with the Integrated Planning and Reporting Guidelines, Council undertook a review of its 2017-2021 Delivery Program as a part of its preparation of the draft 2018/19 Operational Plan. To ensure the breadth of Council's service delivery is accurately captured in this document, it is proposed that the Delivery Program be updated to include the following actions:

DP #	New Delivery Program 2017-2021 Action
DP005	Manage Council's WHS risk management profile to ensure risks are mitigated
DP006	Develop and maintain Council's Organisational Development Programs
DP015	Deliver an Information and Communication Technology service that meets Council's business delivery requirements
DP016	Deliver Corporate Systems that meet Council's business delivery requirements

In addition, minor wording amendments have been made to a number of Delivery Program four-year actions.



2018/19 DRAFT BUDGET

The draft 2018/19 Budget for Council’s Consolidated Fund is presented as a balanced budget. After removing non-cash expenditure and reserve transfers, Council’s proposed cash expenditure budget for 2018/19 is \$130,673,000. This represents an increase of 11.9% on the cash expenditure budget for the 2017/18 financial year.

CASH BUDGET	2018/19
Operating Expenditure	\$138,293,000
Capital Expenditure	\$48,016,000
Gross Expenditure	\$186,309,000
Less:	
Transfer to Reserves	\$30,627,000
Non Cash Depreciation	\$25,009,000
Net Cash Expenditure Budget	\$130,673,000

In preparing the draft 2018/19 Budget, Council undertook a detailed review of all income and expenditure estimates across the four-year forward estimates period. In accordance with Council’s seven strategic priorities which were endorsed as part of the 2017-2021 Delivery Program, a detailed funding strategy was developed to ensure Council has the funding available to deliver on the following infrastructure commitments.

Project	Funding
<p>Station Street Upgrade</p> <p>In February 2018, Council resolved to proceed with an upgrade of Station Street and provision of additional parking in Kirkham Road. The decision to upgrade Station Street was based on the need to address the long term issue of traffic congestion within the Bowral CBD. Council continues to follow due process in preparation for the delivery of this project.</p> <p>The upgrade will include the following:</p> <ul style="list-style-type: none"> • two lanes in each direction (between Bundaroo Street and Bowral Street) • new roundabouts at Bong Bong Street and Bowral Street • improved parking facilities and access to town centre businesses <p>The completed upgrade of Station Street and provision of additional parking in Kirkham Road is estimated to cost \$15.075 million. This includes the required road works, streetscape improvements, undergrounding of power and other ancillary works.</p>	<p>\$15,075,000</p>



Project	Funding
<p>Kirkham Road Reconstruction</p> <p>This project will see the reconstruction of Kirkham Road between Mittagong Road and Oxley Hill Road.</p> <p>Council has secured funding through the NSW State Government of approximately \$1.43m to contribute to the renewal of the northern section of Kirkham Road. Council is now proposing as part of this draft Operational Plan to undertake renewal works along the entire length of Kirkham Road with council contributing the remaining \$3.34m.</p> <p>The estimated cost of this project is \$4.772 million.</p>	<p>\$4,772,000</p>
<p>Moss Vale Cemetery Masterplan</p> <p>Council previously adopted the landscape Masterplan for the Moss Vale Cemetery in October 2015. The purpose of the plan was to guide future improvement works on the Moss Vale Cemetery site.</p> <p>The implementation of the Masterplan will provide a long term solution for the provision of burial needs within the shire which will also reduce the demand on Bowral Cemetery.</p> <p>Funding will allow Council to undertake civil works at the site which will include road-works, drainage requirements and landscaping improvements.</p>	<p>\$2,640,000</p>
<p>Bowral Cemetery Improvements</p> <p>During 2017 Council was able to acquire additional land adjacent to the existing Bowral Cemetery. The purchase was to allow for the expansion of the cemetery which will reach capacity in the near future.</p> <p>Subject to detailed designs, this draft Operational Plan includes a budget provision of \$700,000 which will allow for the following works to be completed:</p> <ul style="list-style-type: none"> • Demolition of existing house, garage and septic system. • Removal of hedging and fencing adjoining Bowral Cemetery. • Construction of infrastructure (lawn beams, ash placement walls etc.) 	<p>\$700,000</p>

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Project	Funding
Apprenticeship / Traineeship Program Council is proposing as part of this draft Operational Plan to allocate additional funding for a Traineeship and Apprentice Program of \$200,000 (recurrent funding).	
This will enable Council to undertake a proactive approach in the management of skills shortages in key areas while also providing skilled employment opportunities for school leavers.	\$200,000

In developing this funding strategy, Council has taken into consideration its commitments under its *Fit for the Future* Improvement Plan, Councillor feedback, and the need to maintain a balanced budget over the duration of its Long Term Financial Plan.

Loan Borrowings

Council is proposing to borrow \$48 million over the remaining three years of the 2017-2021 Delivery Program. Borrowings will be used to fund, or in some cases, part-fund major infrastructure projects which will have significant and demonstrated benefits to the residents of Wingecarribee Shire over the coming decades.

Council has considered the impact of the proposed borrowings, and subsequent debt servicing as part of reviewing its long term financial plan. Council has sufficient financial capacity to fund these loan repayments and is still well within the industry benchmark for debt servicing (known as the debt service ratio).

The proposed borrowings form part of the funding strategies for the following projects:

Description	2018/19	2019/20	2020/21
Bowral Sewerage Treatment Plant	-	\$22,000,000	-
Moss Vale Sewerage Treatment Plant	-	-	\$14,000,000
Station Street Upgrade	-	\$3,884,000	-
Kirkham Road Pavement Upgrade	\$1,540,000	-	-
Civic Centre Rectification Works	\$2,000,000	-	-
Strategic Land Acquisitions	\$1,500,000	-	-
Bowral Cemetery	\$700,000	-	-
Moss Vale Cemetery	-	\$2,376,000	-
Total – Proposed Borrowings	\$5,740,000	\$28,260,000	\$14,000,000

2018/19 UNFUNDED PROJECTS AND SERVICES LIST

As part of the 2018/19 Operational Plan and Budget Process, staff have reviewed the Unfunded Projects and Services List. The purpose of this list is to capture requests raised by Councillors (Including those priorities raised at the Councillors Planning day), Staff and community members.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



As a result of the review undertaken by Council staff, there has been a significant increase in the value of unfunded projects and services contained on this list. This increase is primarily a result of the inclusion of unfunded works which have been identified in adopted flood management studies and the inclusion of road projects which have not been included in Council's 10-year Capital Works Plan or Long Term Financial Plan.

It is proposed that Council adopt the revised Unfunded Projects and Services List as part of the 2018/19 Operational Plan. Councillors can request that items be added, deleted or modified through Council resolution, as part of the quarterly review or as part of the Annual Budget.

The Unfunded Projects and Services List will be presented to Council each quarter as part of the Quarterly Budget Review. If funding becomes available, either through operational savings or additional revenues, Councillors will be able to refer to the Unfunded Projects and Services List.

The revised Unfunded Projects and Services List will be included in the draft 2018/19 Operational Plan.

2018/19 DRAFT REVENUE POLICY (INCLUDING FEES & CHARGES)

Rate Income

In accordance with Section 498 of the *Local Government Act 1993*, Council's ordinary rate levy will be calculated on the basis of an ad valorem rate determined by the amount in the dollar in respect of the relevant rating category and sub category. A minimum rate also applies to each relevant rating category and sub category in accordance with Section 548 of the *Local Government Act 1993*.

The draft 2018/19 Budget has been prepared on the basis of a 9.25% increase in rate income which includes the IPART approved increase of 2.30% for General Rates in NSW. This increase is in line with the Special Rate Variation application which was approved by the Independent Pricing and Regulatory Tribunal in May 2016. This increase will be used to continue to close the existing funding gap of \$8.5 million for infrastructure maintenance and renewal. An additional \$7.85 million will be used to maintain and renew community assets across the shire during the 2018/19 financial year.

Environmental Levy

In accordance with Section 499 of the *Local Government Act 1993*, Council's Environment Levy will be calculated on the basis of a base amount plus an ad valorem rate determined by the amount in the dollar relevant for this rate. The base amount will be subject to a maximum of 50% of the total revenue raised by the levy in accordance with Section 500 of the *Local Government Act 1993*.

In May 2016 IPART approved the continuation of the Environment Levy on a permanent basis. Accordingly, Council will continue to levy a Special Rate on all rateable land in the Shire. The 2018/19 Budget includes environmental improvement works and projects totalling \$1.365 million. The Environment Levy is used to fund specific environmental projects which aim to address biodiversity conservation, river health, wetland improvements and sustainable living.

Land Valuations

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Rating income for the 2018/19 financial year will be based on the land valuations determined by the Valuer General's Department at a base date of 1 July 2016. Council uses the land value of properties throughout the shire to determine the level of rates each property owner should pay. In other words, land value determines how Council's total rate income will be collected from each property owner.

Waste Management Charges

In reviewing Domestic Waste Management operations as part of the 2018/19 Budget, it was determined that **no increase** to waste management charges were required. The list of proposed charges relating to Domestic Waste Management can be found in Council's draft Fees and Charges Schedule for 2018/19.

Stormwater Management Charge

Council currently levies residential properties which receive a stormwater service a maximum of \$25 per annum charge (Stormwater Management Levy). The draft 2018/19 Revenue Policy includes the continuation of this charge. Funds raised through the Stormwater Management Levy must only be used on stormwater maintenance and improvements.

Draft 2018/19 Fees and Charges

Proposed fees and charges for 2018/19 have generally been increased by 2.50%, with the exception of those fees which are set by regulation, are prepared on a cost recovery basis or where Council provides the service in a competitive market. A copy of the Draft Fees and Charges for the 2018/19 financial year is included in the draft 2018/19 Operational Plan.

Water Fund Charges

The draft 2018/19 estimates for the Water Fund have been prepared in accordance with the Fund's 30 year strategic business plan with a forecast balanced budget for the 2018/19 financial year. In reviewing Water Fund operations as part of the 2018/19 Budget, it is recommended that **no increase** be applied to water access or usage charges.

The draft Revenue Policy outlines the following charges for water access and usage:

	2018/19	% Increase
Residential Access Charge	\$158.00	0.00%
Water Usage – Tariff 1 (0-616 Litres Per Day)	\$1.78 per KL	0.00%
Water Usage – Tariff 2 (>616 Litres Per Day)	\$2.67 per KL	0.00%

For a complete list of all water charges for the 2018/19 financial year please refer to the draft Revenue Policy.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Sewer Fund Charges

The draft 2018/19 estimates for the Sewer Fund have been prepared in accordance with the Fund's 30 year strategic business plan with a forecast balanced budget for the 2018/19 financial year. In reviewing Sewer Fund operations as part of the 2018/19 Budget, it is recommended a 3.05% increase be applied to sewer access charges. This increase is in accordance with the funding strategy for the major upgrades required to the Moss Vale, Bowral and Mittagong Sewer Treatment Plants over the next several years.

The draft Revenue Policy outlines the following increase in Council's sewer charges:

	2017/18	2018/19	% Increase
Residential Access Charge	\$820.00	\$845.00	3.05%

For a complete list of all sewer charges for the 2018/19 financial year please refer to the draft Revenue Policy.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

In preparing the draft 2018/19 Operational Plan and Budget, consideration has been given to any changes which may impact Council's ability to meet the seven financial and asset management benchmarks which have been set by the NSW State Government to determine "Fit for the Future" councils.

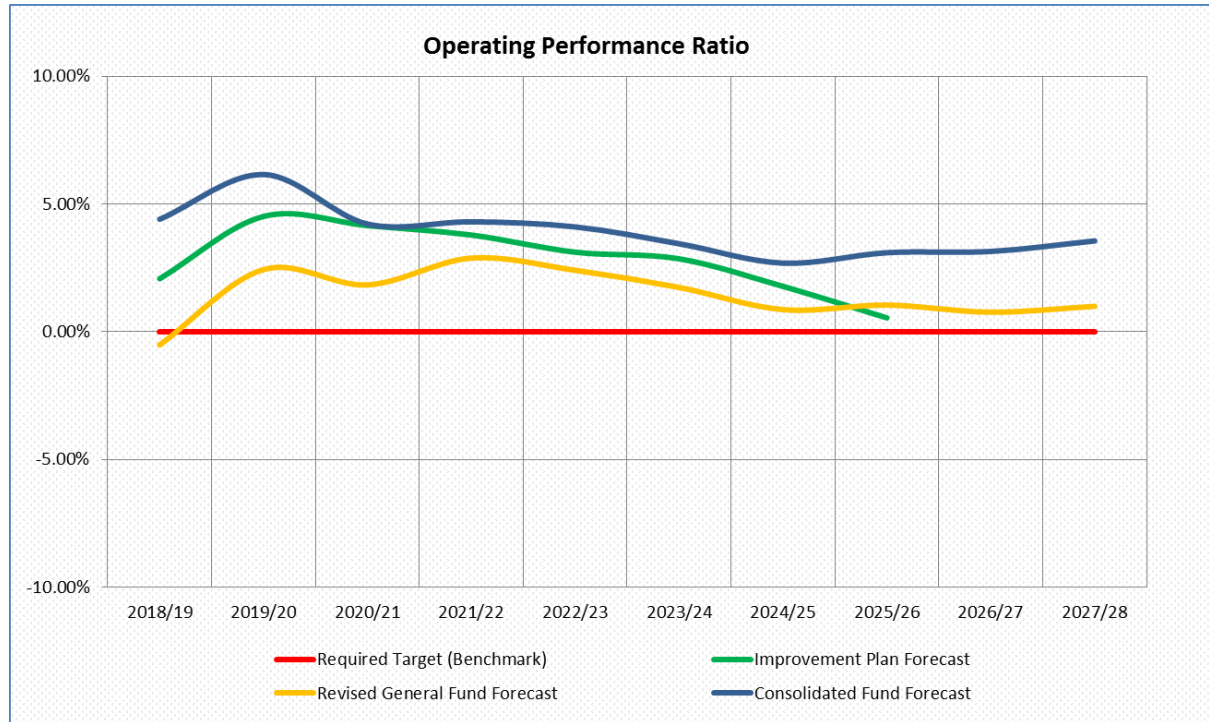
In determining those councils which had both the scale and capacity as required under the reform agenda, the Independent Pricing and Regulatory Tribunal (IPART) required councils to meet each of the benchmarks by the end of the 2019/20 financial year.

Information on Council's projected performance against the seven financial and asset management benchmarks is provided below:



Operating Performance Ratio

This ratio measures Council's achievement of containing operating expenditure within operating revenues. The benchmark for this ratio is a ratio of greater than 0%.



Council will achieve a positive operating performance ratio by the 2019/20 financial year. It should be noted that the operating deficit for the 2018/19 financial year is projected to be a marginal deficit of \$392,000.

Notwithstanding the minor deficit forecast for the 2018/19 financial year, Council's updated Long Term Financial Plan still projects a long-term positive operating result over the course of the plan. Council has however had to include cost containment provisions in the 2021 and 2022 financial years where rate capping projections have been forecast at 2.00% per annum. These provisions will ensure that Council continues to maintain a balanced budget position, both in the short and long term.

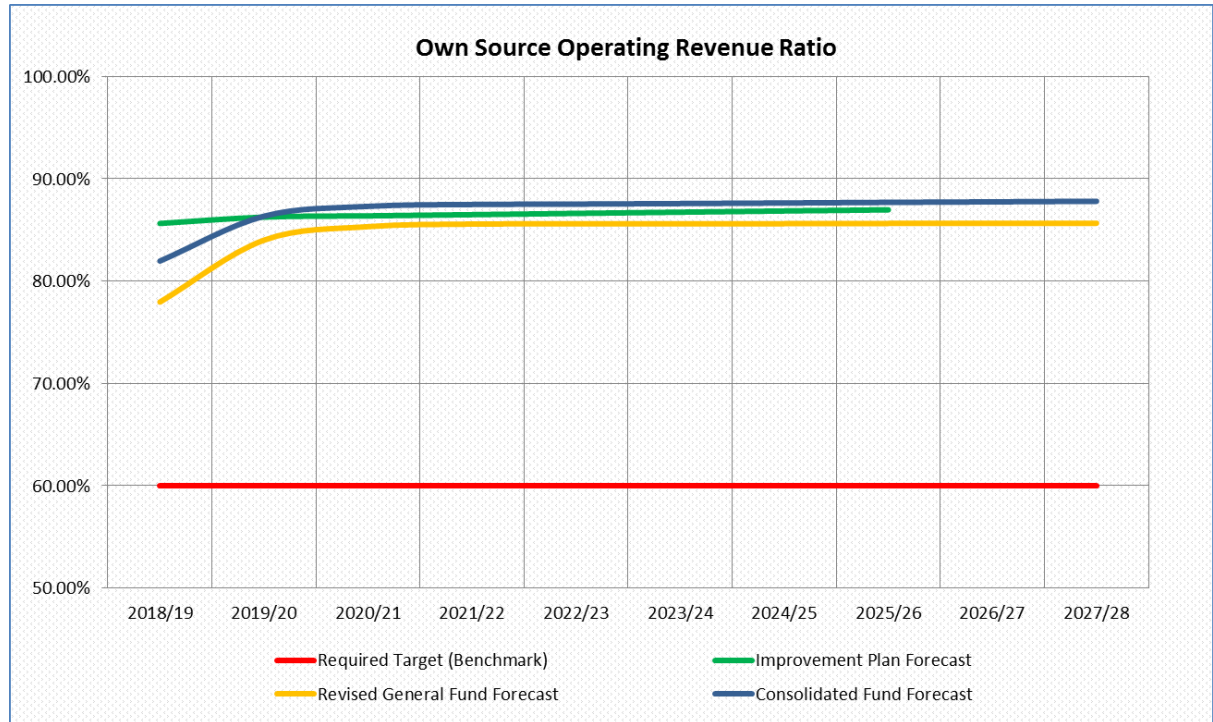
In future years, the operating performance ratio for the General Fund stabilises at approximately 1.00%, while the same result for the Consolidated Fund is approximately 3.20%.

Importantly, Council is still expected to meet this benchmark within the required timeframe set by IPART.



Own Source Operating Revenue Ratio

This ratio measures the degree of reliance Council has on external funding sources such as operating grants and contributions. The benchmark for this ratio is greater than 60%.



Council continues to meet this ratio comfortably over the course of the plan.

The General Fund performance ratio for the period ending 30 June 2017 was 68.44%. This was lower than what is projected in future years as a result of the dedication of non-cash infrastructure that was brought to account in the 2016/17 financial year.

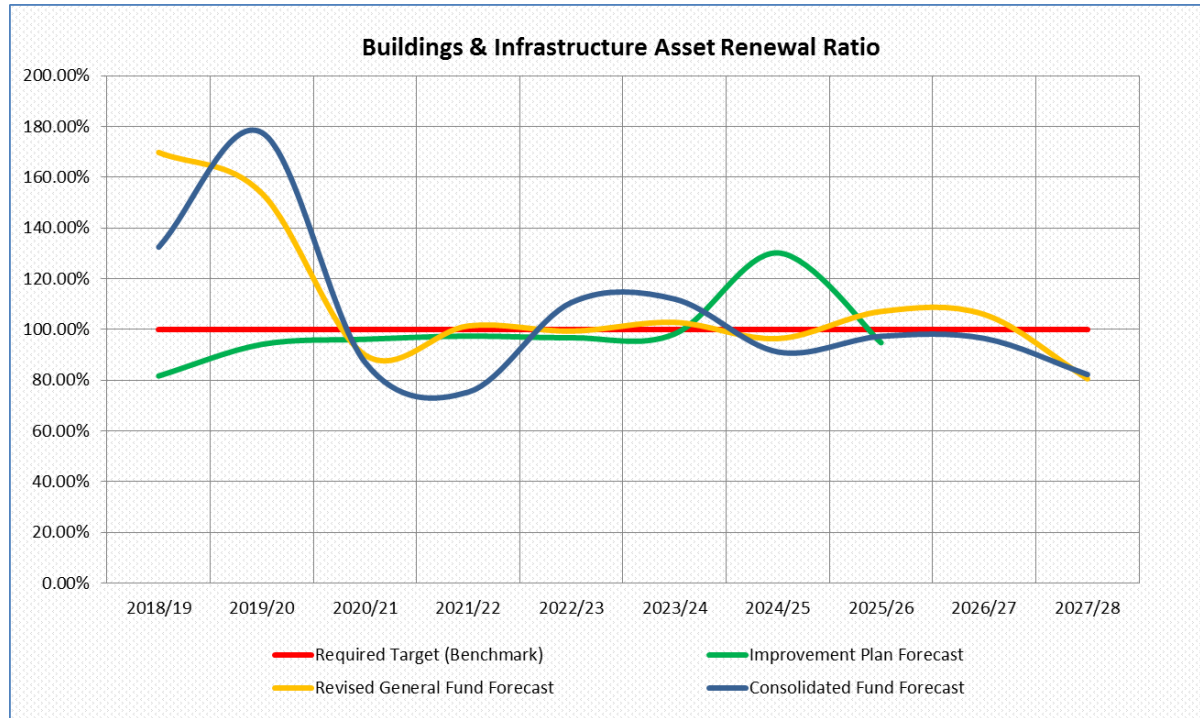
The General Fund performance ratio projected for the 2018/19 financial year is lower due to the expected receipt of a number of significant grants which relate to significant infrastructure projects such as the Station Street upgrade and Kirkham Road renewal project.

The performance of Council's Consolidated Fund continues to be closely aligned with the General Fund.



Building & Infrastructure Renewal Ratio

This ratio measures the rate at which assets are being renewed relative to the rate at which they are depreciating. The benchmark for this ratio is greater than 100%.



Council’s Long Term Financial Plan includes the increase in capital renewal works which is funded through the approved special rate variation. While the ratio fluctuates from year to year, which is due to the timing of capital works delivery, Council is still on track to meet (or exceed) this benchmark over the course of the next ten years.

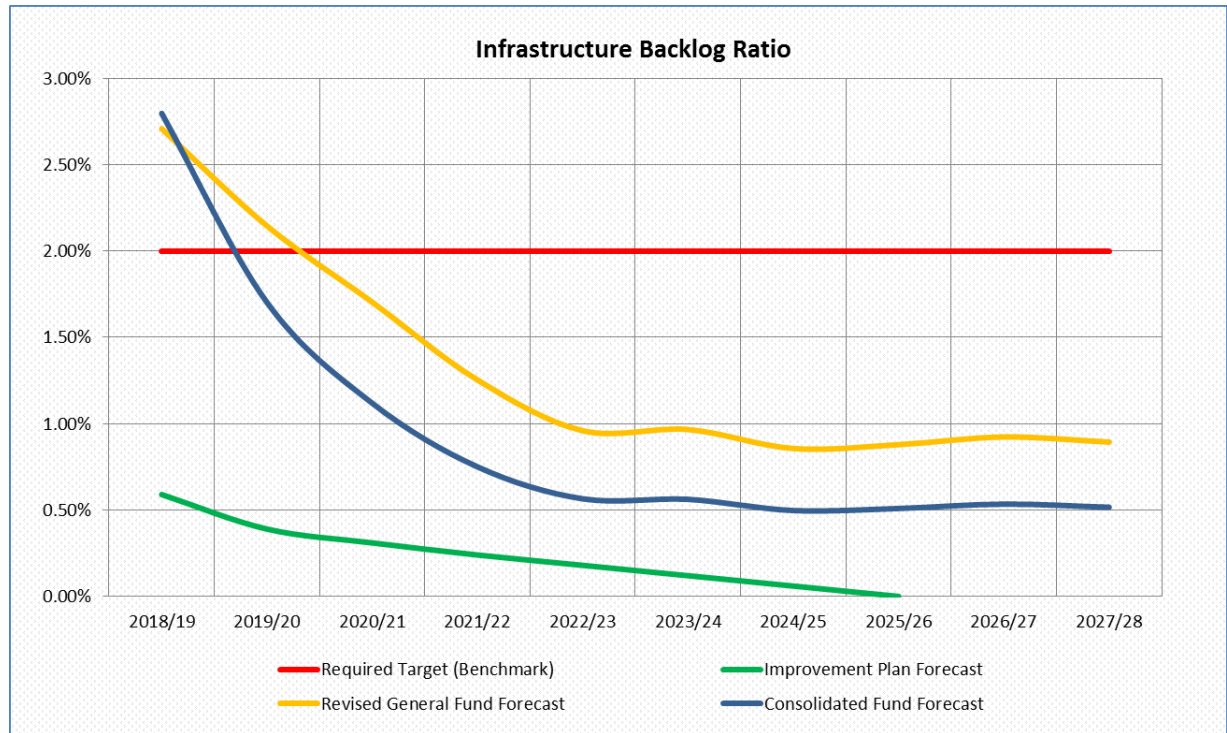
Council’s proposed Capital Works program for the 2018/19 financial year includes \$24.4 million in renewal works for General Fund infrastructure. This includes significant infrastructure projects such as the Station Street upgrade, Kirkham Road Reconstruction and the Civic Centre Refurbishment. This has resulted in a projected infrastructure renewal ratio for the General Fund in the 2018/19 financial year of 170% and in the 2019/20 financial year of 154%.

The projected infrastructure renewal ratio for the Consolidated Fund in the 2019/20 financial year is significantly higher than the industry benchmark as it includes the renewal works component of the Bowral Sewage Treatment Plant.



Infrastructure Backlog Ratio

This ratio shows what proportion the infrastructure backlog is against the total value of infrastructure. It is essentially a measure of the total value of infrastructure which is failing. The benchmark for this ratio is less than 2%.



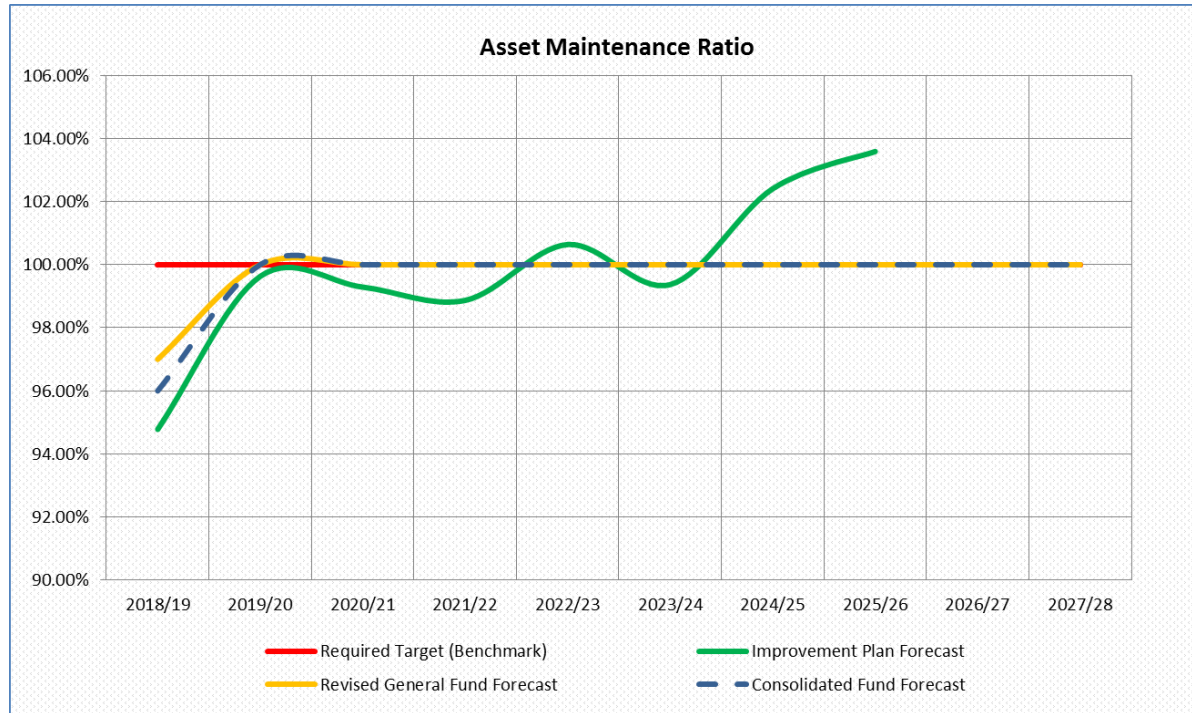
As reported to Council in April 2017, due to the recalculation of the estimated cost to bring infrastructure assets back to a satisfactory standard, it was not expected that Council would achieve this benchmark until the 2020/21 financial year.

In updating the Long Term Financial Plan, Council remains confident of achieving this benchmark within the course of the current Delivery Program. The percentage of infrastructure backlog for the General Fund will remain at just below 1.00% from the 2022/23 financial year which is well within the industry benchmark.



Asset Maintenance Ratio

This ratio compares actual maintenance vs required annual maintenance. The benchmark for this ratio is greater than 100%.



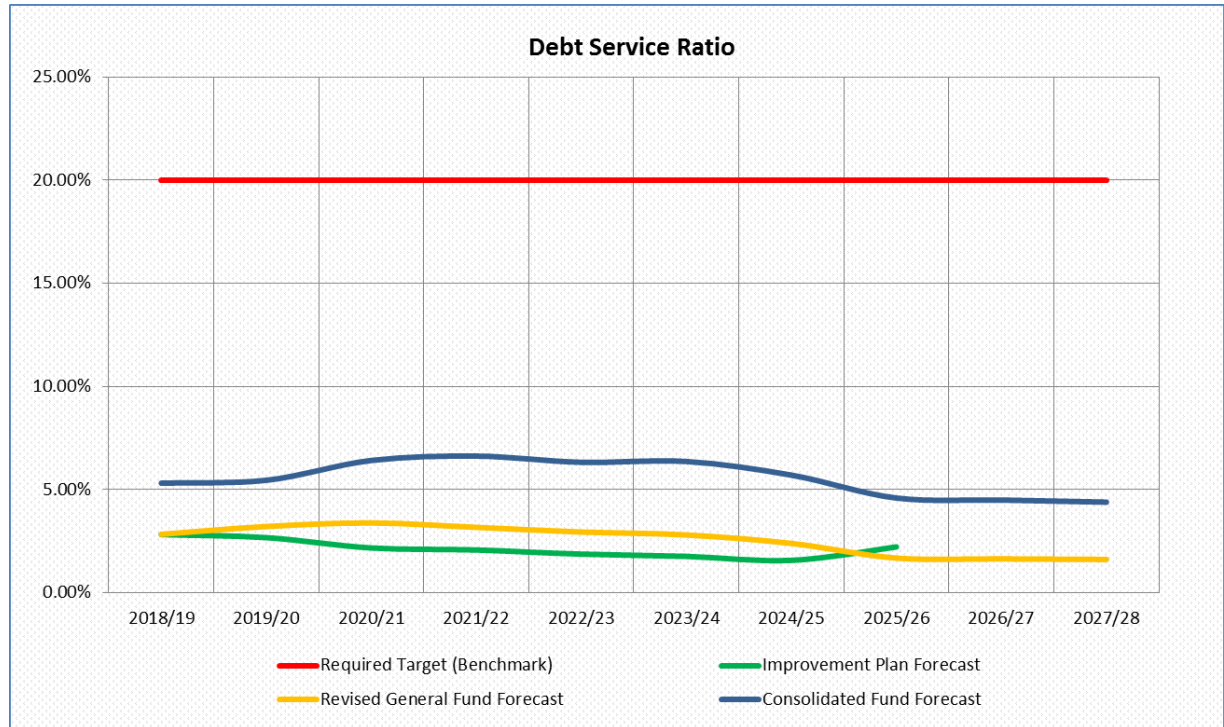
Council is continuing to increase the level of funding available to undertake infrastructure maintenance works which is a direct result of the approved special rate variation.

Council is on track to fully fund its infrastructure maintenance requirements by the required timeframe of 2019/20. It is also projected that the asset maintenance ratio will be achieved by 2019/20 for both the Water Fund and Sewer Fund, which is illustrated in the ratio forecast for the Consolidated Fund.



Debt Service Ratio

This ratio highlights the extent to which Council's revenue from continuing operations is required for the repayment of debt (including both principal and interest repayments). The benchmark for this ratio is less than 20%.



As highlighted earlier in this report, Council is proposing to borrow \$48 million over the remaining three years of the 2017-2021 Delivery Program. Borrowings will be used to fund, or in some cases, part-fund major infrastructure projects which will have significant and demonstrated benefits to the residents of Wingecarribee Shire over the coming decades.

Council has considered the impact of the proposed borrowings, and subsequent debt servicing as part of reviewing its Long Term Financial Plan. Council has sufficient financial capacity to fund these loan repayments and is still well within the industry benchmark for debt servicing (known as the debt service ratio).

The debt service ratio for both the General Fund and Consolidated Fund remain relatively stable due to the maturity of a number of loans over the course of the next 3 – 5 years.

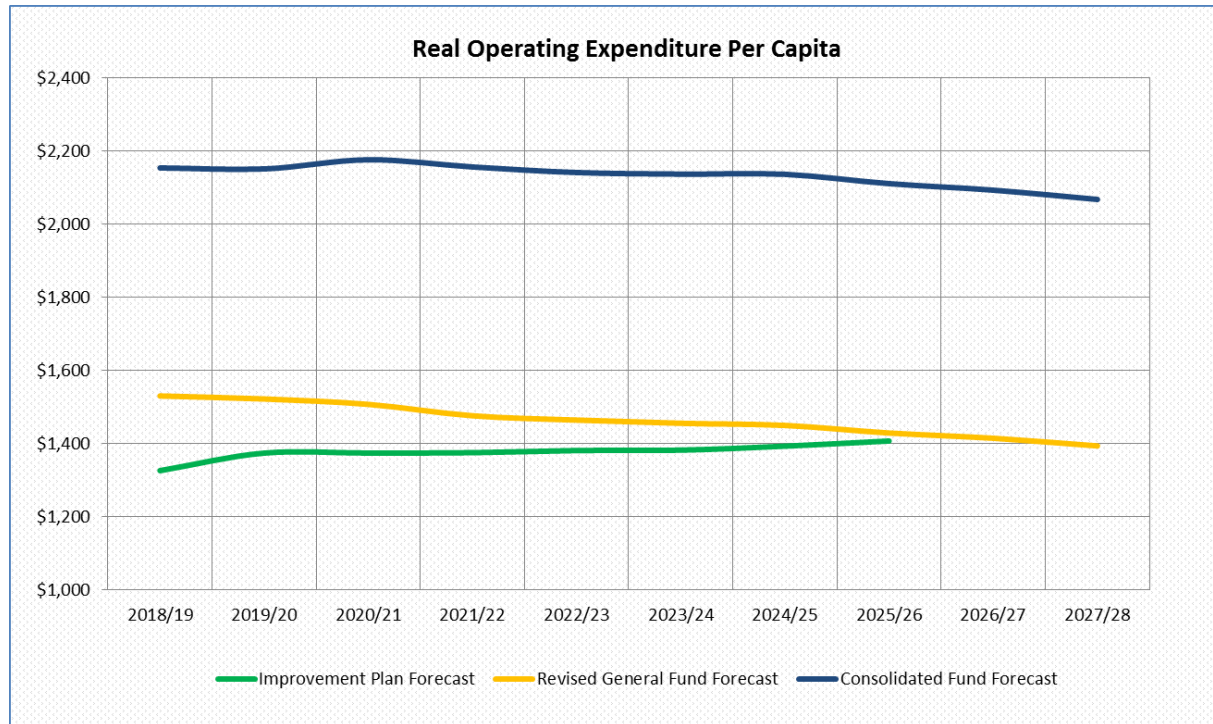
While this ratio is substantially below the maximum threshold, Council has been presented with a balanced budget over the course of the Long Term Financial Plan, therefore any increase in loan borrowings beyond what is proposed would require additional funding to be identified to service the recurrent loan repayments.

A review of Council's Loan Borrowings Policy has been completed and will be presented to the Finance Committee on the 16 May 2018.



Real Operating Expenditure (Per Capita) Ratio

This ratio has been introduced to measure the efficiency of service and infrastructure delivery for residents now and into the future. The benchmark is that real operating expenditure (per capita) should be declining.



As was the case when Council was presented with the revised Long Term Financial Plan in April 2017, Council will essentially see a moderate decline in the Real Operating Expenditure Per Capita ratio over the course of the next ten years.

The increase in per capita expenditure when compared to Council's Improvement Plan is a result of a range of initiatives approved by Council as part of the 2017-2021 Delivery Program, including additional funding which has been allocated towards improving customer service and development assessment timeframes, and the additional interest expense on the proposed loan borrowings which forms part of the draft 2018/19 Operational Plan and Budget.

COMMUNICATION AND CONSULTATION

Community Engagement

The draft Operational Plan and Budget will be placed on public exhibition from 27 April to 24 May 2018.

Internal Communication and Consultation

All staff from all Council branches contributed to the development of the draft Operational Plan and Budget.



External Communication and Consultation

Nil

SUSTAINABILITY ASSESSMENT

- **Environment**

Implementation of Council's Environment Strategy will continue and will target environmental programs. The 2018/19 Budget includes environmental improvement works and projects totalling \$1.365 million. The Environment Levy is used to fund specific environmental projects which aim to address biodiversity conservation, river health, wetland improvements and sustainable living.

- **Social**

This report and the attached documents clearly articulate Council's commitment to working with partner agencies to enhance community wellbeing throughout the Shire.

- **Broader Economic Implications**

Council continues to provide funding assistance to tourism and economic development.

- **Culture**

Council continues to fund cultural and indigenous programs.

- **Governance**

The draft Operational Plan and the public exhibition of this draft document are aligned with the Integrated Planning and Reporting legislative framework and a commitment to improved governance.

COUNCIL BUDGET IMPLICATIONS

The draft 2018/19 Budget has been presented as a balanced budget. Details regarding the budget, including funding priorities are contained in the main section of this report.

RELATED COUNCIL POLICY

Community Engagement Policy.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



OPTIONS

The option available to Council is to endorse the draft Operational Plan and Annual Budget 2018/19 for a 28 day public exhibition period from 27 April to 24 May 2018. This would enable Council to meet its legislative requirements to exhibit the draft Plan for 28 days, as well as allow time for Council to consider community feedback and adopt the final Operational Plan and Budget 2018/19 by 30 June 2018.

It should be noted that any other decision that would delay public exhibition would place Council in a position where it would not be meeting its legislated requirements.

CONCLUSION

The draft Operational Plan, Budget, Revenue Policy and Fees and Charges are part of Council's Integrated Planning and Reporting Framework. These documents have been compiled by Council as an annual response to the community's vision as outlined in Community Strategic Plan, Wingecarribee 2031 and commitments made in the Delivery Program 2017-2021.

The exhibition invites the community to provide feedback on the draft documents. These documents are submitted to Council for approval to exhibit only.

ATTACHMENTS

1. Draft 2018/19 Operational Plan, Budget and Revenue Policy - *circulated under separate cover*
2. Draft Fees and Charges - *circulated under separate cover*

13.2 Contingency Fund Guidelines

Reference:	2155/1
Report Author:	Coordinator Community Development
Authoriser:	Acting Group Manager Corporate and Community
Link to Community Strategic Plan:	Empower our community to advance agreed priorities, address emerging issues and collaboratively explore new ideas to improve the Shire

PURPOSE

To provide guidelines for consideration when Council receives requests for financial assistance or sponsorship.

RECOMMENDATION

THAT Council adopts the Contingency Fund Guidelines attached to this report – refer Attachment 1 - effective from 1 July 2018.

REPORT

BACKGROUND

On Wednesday, 28 February 2018 Council passed a motion (*MN 54/18*) that Council staff bring to Council a report in relation to the vetting process and/or criteria for consideration when requests for financial assistance or sponsorship are made.

REPORT

Attachment 1 - Contingency Fund Guidelines – sets out the following:

- Details about the Contingency Fund;
 - The purpose of the allocation of the contingency funds;
 - Eligibility for potential applicants;
 - Applicants considered ineligible;
 - Applying for funding;
 - Consideration of requests for funding;
- and attaches an Application Form.

The Contingency Fund Guidelines and Contingency Fund Application Form will be made available on Council's website.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



All funding applications will undergo an initial assessment by the Group Manager Corporate and Community and Coordinator Community Development, and a report will then be prepared for Council's consideration.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified.

COMMUNICATION AND CONSULTATION

Community Engagement

Not applicable.

Internal Communication and Consultation

Draft guidelines were presented to Councillors at a briefing session on 28 March 2018.

External Communication and Consultation

The Coordinator Community Development researched how other Local Councils manage their contingency funds.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

Guidelines will provide a clear, consistent and transparent process for the allocation of contingency funds to eligible not for profit community groups in the Wingecarribee Shire.

- **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 recurrent annual allocation of \$25,000 for the Contingency Fund.

RELATED COUNCIL POLICY

None identified.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



OPTIONS

The options available to Council are:

Option 1

Council adopt the Contingency Fund Guidelines and Contingency Fund Application Form.

Option 2

Council make changes to the proposed Contingency Fund Guidelines and Contingency Fund Application Form.

Option 1 is the recommended option to this report.

CONCLUSION

The Contingency Fund Guidelines are intended to provide users with clear guidelines and directions when requesting financial assistance or sponsorship from Council. It provides criteria and assessment accountability for staff and Councillors not previously detailed.

ATTACHMENTS

1. Contingency Fund Guidelines including Contingency Fund Application Form

Mark Pepping

Deputy General Manager Corporate, Strategy and Development Services

Thursday 19 April 2018



CONTINGENCY FUND GUIDELINES

ATTACHMENT 1

THIS DOCUMENT SETS OUT THE GUIDELINES FOR APPLYING TO COUNCIL FOR FINANCIAL ASSISTANCE OR SPONSORSHIP

ABOUT THE CONTINGENCY FUND

Council has an established Contingency Fund (the Fund) for the purpose of providing financial assistance or sponsorship for 'one off' small discretionary payments for not-for-profit community groups/organisations. The contingency funds are to be allocated for the following purposes:

- To spend on a community purpose
- To allocate for capital works that are for a community purpose
- To allocate to community groups/organisations for fund raising or to assist with fund raising

ELIGIBILITY FOR POTENTIAL APPLICANTS

- Applicants for funding must be not-for-profit groups/organisations with a substantial connection to the Shire or actively doing work in the Shire
- Projects or activities must clearly target Wingecarribee Shire residents and provide a direct service / function to local groups or organisations
- Applications must align with the Community Strategic Plan, Wingecarribee 2031
- Applicants need to have met acquittal conditions for previous Council grants and have no debt to Council, or have entered into scheduled payment arrangements with Council which are being adhered to.

The following applicants will be considered ineligible and will not be funded:

- Applications by a commercial entity for a purpose that will benefit that entity
- Applications which have been funded under the Council's Community Assistance Scheme
- Applications which meet the requirements of the Community Assistance Scheme Guidelines and timeline
- Applications that are considered the funding responsibility of another tier of government
- Recurrent requests.





CONTINGENCY FUND GUIDELINES

APPLYING FOR FUNDING

Requests made to Council for access to funding from the Contingency Fund are to be made in writing using the Contingency Fund Application Form that is available on the Council website. Applications will be open all year round and will be subject to available funding.

CONSIDERATION OF WRITTEN REQUESTS

The Group Manager Corporate and Community and Coordinator Community Development will undertake an initial assessment of the written Application. A report will then be prepared for Council consideration.

FURTHER INFORMATION

For further information in relation to these Guidelines or the Application Form contact the Coordinator Community Development on 4868 0888.

ATTACHMENTS

1. *Application Form*



13.2 Contingency Fund Guidelines
ATTACHMENT 1 Contingency Fund Guidelines including
Contingency Fund Application Form



Wingecarribee - A Coal Mining Free Shire



CONTINGENCY FUND

This form is to be completed when applying for funding from the Contingency Fund. Contingency Funds provide financial assistance or sponsorship for 'one off' small discretionary payments for not-for-profit community groups across the Shire. Refer to the Contingency Fund Guidelines for further information.

Customer Details	
Organisation name:	ABN (if applicable):
Contact name:	
Postal address:	
Preferred contact number:	
Email:	
Declaration	
On behalf of the above organisation, I acknowledge that funding is being requested from a Contingency Fund in accordance with the Contingency Fund Guidelines. I declare that the details are correct to the best of my ability	
Name:	Position:
Signature:	Date:
Funding Request Details	
Amount requested: \$	
Reason for funding: <i>(additional supporting documentation may be attached)</i>	
What goal or strategy in the Community Strategic Plan does the project relate to?	
If other funding has been received for this purpose please provide details:	
Payment Details <i>(all payments are made electronically – please complete bank details below)</i>	
Account name:	Bank name:
BSB:	Account number:

OFFICE USE ONLY

Date of Report to Council	Approved Y/N	Responsible Officer

SUBMIT

Civic Centre, Elizabeth St, Moss Vale, NSW 2577. PO Box 141, Moss Vale. t. (02) 4868 0888 f. (02) 4869 1200
 e. mail@wsc.nsw.gov.au ABN 49 546 344 300

www.wsc.nsw.gov.au

Working with you

COUNCIL MATTERS

14 GENERAL MANAGER

14.1 Legal Report

Reference:	107/22
Report Author:	General Counsel
Authoriser:	Acting Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Updating the report on the status of legal proceedings reported to Council at the meeting on 28 March 2018.

RECOMMENDATION

1. **THAT the status of the legal proceedings involving Council be considered in Closed Council – Item 22.3.**
2. **THAT the information relating to ongoing legal costs in Attachment 1 to the report be noted.**

Note: In accordance with Council's Code of Meeting Practice, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make representations to Council as to why the item should not be considered in Closed Council.

REPORT

BACKGROUND

This report updates the current status and costs paid during March 2018 for legal proceedings involving Council, including those matters completed since the last report to Council. Legal proceedings involving Council and legal advice obtained by Council are confidential and attract legal professional privilege. Therefore, their status is reported in a closed report.

REPORT

On 17 April 2013, Council resolved: *THAT the legal costs as detailed in the Legal Affairs Report be made public in the Business Paper on an ongoing basis.*

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

REPORT GENERAL MANAGER



The report on the status of legal affairs involving Council contains information and advice that is privileged on the ground of legal professional privilege and contains information that, if disclosed, could confer a commercial advantage on parties with whom Council is conducting business (including opposing parties in litigation). Therefore, it is recommended that the report be considered by Council in Closed Committee pursuant to sections 10A(2)(c) and 10A(2)(g) of the *Local Government Act 1993*.

For the purpose of preserving privacy, some matters in **Attachment 1** may be described in general terms. If a Councillor has a specific enquiry regarding the costs reported, they should raise it in Closed Council.

Consultants Fees

At the Council meeting on 8 March 2017, Council resolved that the Legal Affairs Report include a separate column for fees paid to consultants in legal proceedings.

Consultants are engaged in all cases concerning development consents in the Land & Environment Court as the Court requires the parties to provide expert evidence to assist in the determination of the issues in the case.

These consultants prepare reports for the Court and give evidence if the matter goes to hearing on such matters as site density, building layout, traffic, drainage, noise, light and any other relevant issue.

The consultants are always engaged by the external law firm acting for Council.

Usually, their fees are paid by the law firm and recouped from Council through an invoice from the law firm. In that case, the consultants' fees have been included in the monthly Legal Affairs report to Council.

There were consultants' fees for legal proceedings paid in the month of March 2018 – refer **Attachment 1**.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There is no impact on Council's *Fit for the Future* Improvement Plan.

CONSULTATION

Community Engagement

Nil

Internal Consultation

Staff and management provide information, as required, to assist the progress of the matters reported.

External Consultation

Solicitors from Council's Legal Panel provide advice and conduct legal proceedings on Council's behalf.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

REPORT GENERAL MANAGER



SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report. However, some legal proceedings may deal with unauthorised works or activities which have had or could have an environmental impact.

- **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 is a strong community expectation in relation to enforcement and compliance actions by Council. Actions taken are in line with Council's Compliance and Enforcement Policy.

COUNCIL BUDGET IMPLICATIONS

There are ongoing legal expenses incurred by Council relating to legal proceedings involving Council and legal advice obtained by Council.

RELATED COUNCIL POLICY

Council's Compliance and Enforcement Policy.

ATTACHMENTS

1. Legal Costs March 2018

Ann Prendergast
General Manager

Thursday 19 April 2018



ATTACHMENT 1

Legal Costs – March 2018

Legal Matter	Consultant Expenditure	Consultant Expenditure	Legal Expenditure	Legal Expenditure	Total Expenditure
	March 2018 \$	YTD \$	March 2018 \$	YTD \$	Life to Date \$
B Robertson (Montrose Berry Farm)	-	3,738.64	16,846.00	53,594.04	67,315.18
Village Lane Holdings (Seniors Living Development in Robertson)	2,068.18	4,295.45	5,714.40	22,114.89	34,920.84
Tipglen (Wembly Road Moss Vale)	-	2,518.64	2,787.50	23,425.92	30,808.06
Willow Ptys	3,420.45	10,340.90	6,813.35	25,791.35	36,132.25
Oxley College	-	5,568.18	-	11,238.50	16,806.68
Oporto Mittagong	-	5,011.36	5,354.00	23,801.00	28,812.36
Moss Vale Projects (Woolworths)	5,785.00	26,361.59	11,960.25	75,821.10	78,360.10
Centennial	-	-	-	134,920.10	177,678.20
Fenwick	-	1,600.00	-	-	25,486.45
RG Capital Erith St, Bundanoon	-	-	1,562.00	4,725.50	4,725.50
O'Shanassy	-	-	467.21	5,952.66	427,016.58
Lema & Mitchell Huxley St, Mittagong	-	4,454.55	240.00	4,987.00	9,441.55
Sarah King East St, Moss Vale	-	-	595.50	9,925.00	9,925.00
Blackbrook, Building Work Order	-	-	10,081.10	21,534.10	21,534.10
Tuxworth, Seniors Living 605 Argyle St, Moss Vale	-	6,045.45	5,076.07	10,894.07	16,939.52
Evoke Corporation (Aldi Moss Vale)	-	-	16,783.96	21,268.46	21,268.46
Tujilo Pty Ltd s96 Modification at Milton Park, Bowral	-	-	1,391.50	5,579.95	5,579.95

14.1 Legal Report

ATTACHMENT 1

Legal Costs March 2018



Turland Mittagong Rd, Bowral	-	-	4,355.00	10,215.97	10,215.97
Malcolm Holdings Exeter Rd, Exeter	-	-	1,840.00	3,066.50	3,066.50
Deluxe Projects Seniors Living Development in East Bowral	-	-	8,934.00	9,554.00	9,554.00
Baron Corp P/L Construction Cert refusal for s/d Farnborough Dr, MV	-	-	20,460.00	28,131.00	28,131.00

Notes:

- Total Legal costs paid 1 March 2108 to 31 March 2018 - \$131,056.78
- Total Consultants paid 1 March 2018 to 31 March 2018 – \$16,205.45
- Total Legal and Consultant costs paid 1 July 2017 to 31 March 2018 - \$147,261.78

Fees Recovered - March 2018

Legal Matter	Fees Recovered March 2018 \$	Fees Recovered YTD \$	Fees Recovered Life to Date \$
Gadeley	1,100	9,350	17,700.00
O'Shanassy	750	4,500	5,018.00
Nielsen	250	1,068	1,068.00
Oporto	10,000	10,000	10,000.00
MV Projects	3,500	3,500	3,500.00
Sarah King	5,000	5,000	5,000.00

Notes:

Defendants ordered to pay penalty and Council's costs – recovery action underway by the Office of State Revenue (OSR) or Council:

- Gadeley - \$20,000 penalty plus \$4,000 costs (both OSR Recovery)
- O'Shanassy - \$93,500 penalty (OSR recovery) plus Council has been awarded by the Supreme Court of NSW a costs order of \$379,000 plus \$4,999.23 being Council's costs in order to undertake the costs assessment.
- Nielsen – \$1,727.00 penalty for development not in accord with consent (OSR recovery)
- Oporto Mittagong – s97B EPA Act 1979 costs order – paid in full
- M.V. Projects – s97B EPA Act 1979 costs order – paid in full
- Sarah King – Council's costs as ordered by LEC – paid in full



18 COMMITTEE REPORTS

18.1 Management and Advisory Committee Reports

Reference:	107/1
Report Author:	Committee Coordinator
Authoriser:	Manager Assets
Link to Community Strategic Plan:	Encourage all members of the community, especially older residents, to share their knowledge and experience with younger members

PURPOSE

This report provides the Minutes of the following Committee Meetings, copies of which will be tabled for information:

1. Hill Top Community Centre Committee held on Thursday, 16 November 2017.
2. Yerrinbool Hall Committee held on Tuesday, 28 November 2017.
3. Hill Top Community Centre Committee held on Thursday, 15 February 2018.
4. Loseby Park Community Hall Management Committee held on Friday, 16 February 2018.
5. East Bowral Community Centre Management Committee held on Tuesday, 27 February 2018.
6. Mittagong Memorial Hall Management Committee held on Thursday, 1 March 2018.
7. Robertson Community Centre Management Committee held on Tuesday, 12 March 2018.
8. Wingello Mechanic Institute Management Committee held on Tuesday, 12 March 2018.
9. East Bowral Community Centre Management Committee held on Tuesday, 3 April 2018.
10. Mittagong Memorial Hall Management Committee held on Thursday, 5 April 2018.
11. Moss Vale Senior Citizens and Community Centre Management Committee held on Monday, 16 April 2018.



RECOMMENDATION

THAT the information contained in the following Committee Reports be noted:

1. Hill Top Community Centre Committee held on Thursday, 16 November 2017.
2. Yerrinbool Hall Committee held on Tuesday, 28 November 2017.
3. Hill Top Community Centre Committee held on Thursday, 15 February 2018.
4. Loseby Park Community Hall Management Committee held on Friday, 16 February 2018.
5. East Bowral Community Centre Management Committee held on Tuesday, 27 February 2018.
6. Mittagong Memorial Hall Management Committee held on Thursday, 1 March 2018.
7. Robertson Community Centre Management Committee held on Tuesday, 12 March 2018.
8. Wingello Mechanic Institute Management Committee held on Tuesday, 12 March 2018.
9. East Bowral Community Centre Management Committee held on Tuesday, 3 April 2018.
10. Mittagong Memorial Hall Management Committee held on Thursday, 5 April 2018.
11. Moss Vale Senior Citizens and Community Centre Management Committee held on Monday, 16 April 2018.

ATTACHMENTS

There are no attachments to this report.

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018

Reference:	2102/3
Report Author:	Administration Officer
Authoriser:	Acting Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This report provides the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2017.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

AR 1/18

THAT the apology of Mayor Cllr K J Halstead be accepted and leave of absence granted.

Item 3 Adoption of Minutes of Previous Meeting

AR 2/18

THAT the minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 01 December 2017 MN AR 34/17 to MN AR 42/17 inclusive, copies of which were forwarded to Committee members, be adopted as a correct record of the proceedings of the meeting.

Item 6.1 Meeting Dates for 2018

AR 3/18

- THAT the Audit, Risk and Improvement Advisory Committee meeting dates for the remainder of 2018 be held on the following dates:*
 - Friday 22 June 2018 – Ordinary meeting.*
 - Friday 14 September 2018 – Ordinary meeting.*
 - Friday 16 November 2018 – Ordinary meeting.*
- THAT as the Chair and one of the Community Representatives are not available on Friday 12 October 2018, an alternate date be scheduled for that meeting.*

Item 6.2 Review of the Performance of the Committee

The Committee was advised that its Charter required the Chair to initiate a review of the performance of the Committee at least once every two years. A Self-Assessment Questionnaire, modelled on a template published by the Australian National Audit Office,

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

COMMITTEE REPORTS



was provided for endorsement by the Committee. The Chair had requested that in addition to the Committee members, the following stakeholders be asked to complete the Questionnaire – General Manager, Deputy General Managers, Group Manager Corporate and Community, Chief Financial Officer, Internal Auditor, and External Auditor.

AR 4/18

THAT the Audit, Risk and Improvement Advisory Committee Self-Assessment Questionnaire be endorsed for use by the Committee AND THAT Audit, Risk and Improvement Advisory Committee members and the other relevant stakeholders as identified by the Chair be asked to complete the Self-Assessment Questionnaire by Friday 4 May 2018.

Item 6.3 Review of the Audit, Risk and Improvement Advisory Committee Charter

The Committee was informed that it was required to review the Audit, Risk and Improvement Advisory Committee Charter at least once every two years. The Committee was informed that its Charter was modelled on a template published by the NSW Office of Local Government (OLG). The Committee was further advised that 2016 amendments to the *Local Government Act 1993* which mandate an internal audit function and the appointment of Audit, Risk and Improvement Committees for NSW councils will take effect six months after the next ordinary Council election, and that the OLG is currently developing a new regulatory framework for this.

AR 5/18

THAT no changes be made to the Audit, Risk and Improvement Advisory Committee Charter until the recommendations on the new internal audit framework are received from the Office of Local Government.

Item 7.1 Committee Actions Update

The Committee was apprised of the progress of action items previously requested by the Committee. All four action items were addressed in accordance with the requests made by the Committee.

AR 6/18

THAT the report in relation to the Committee Actions Update be noted.

Item 8.1 Corporate Risk Program Update

The Committee was advised that the Business Continuity Plan working group is meeting regularly to ensure all actions are being completed, and that the required actions for the Risk Management Action Plan have been tasked for appropriate Council staff and are due for completion by 1 June 2018. After this date StateWide Mutual will undertake a formal verification process.

The Committee was also informed that following on from the Insurable Risk Profiling Workshop which was held in November 2017 and was facilitated by StateWide Mutual, on 7 February 2018 Council received a draft report based on the outcomes of the workshop. The Committee was told that a second workshop facilitated by StateWide Mutual is now being planned to undertake a review of business interruption events that could impact on Council. When this workshop has been undertaken a final report with recommendations will be provided to Council.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

COMMITTEE REPORTS



Finally, the Committee was notified that Council is currently seeking quotations for a risk consultant to assist with the formal review of Council's Corporate Risk Register.

AR 7/18

THAT the report in relation to the Corporate Risk Program update be noted.

Item 9.1 Internal Audit Report

The Committee was advised that for operational reasons, the planned internal audit of Developer Contributions planned for the final quarter of 2017/18 had been rescheduled to 2019/20 in the approved Internal Audit Plan for 2016/17 - 2019/20, and that the internal audit for Project Management had been brought forward from 2019/20 in its place. The Committee was provided with a general overview of the scope of the Project Management Internal Audit.

The Committee was also presented with the internal audit report on Council's plant and fleet management. The internal audit was designed to review and assess the adequacy and effectiveness of the internal controls in place for Council's plant and fleet management function and the level of compliance with those controls. The internal audit revealed that the controls around acquisition, day to day management and disposal of plant and fleet appear to be working effectively. A total of eight findings were identified with twelve recommendations for improvement, all of which were accepted by Council.

AR 8/18

THAT the report in relation to the Internal Audit Report be noted.

Item 9.2 Outstanding Internal Audit Recommendations – Progress Report

The Committee was provided with an overview of progress on the implementation of outstanding recommendations from previous internal audits. A total of 32 recommendations remain open, while 11 recommendations have been closed since the previous Committee meeting.

AR 9/18

THAT the Outstanding Audit Recommendations Progress Report be noted.

Item 10.1 NSW Audit Office Client Service Plan - Audit For The Year Ending 30 June 2018

The Committee was presented with the NSW Audit Office Client Service Plan for the year ending 30 June 2018.

AR 10/18

THAT the Audit, Risk and Improvement Advisory Committee endorse the NSW Audit Office Client Service Plan for the year ending 30 June 2018.

Item 10.2 External Audit – Management Letter Recommendations Update

The Committee was provided with an update on the status of issues which have been raised in previous Management Letters by Council's external Auditors.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

COMMITTEE REPORTS



AR 11/18

THAT the Committee note the update provided on the outstanding issues and recommendations made by Council's External Auditors.

RECOMMENDATION

THAT recommendations Nos AR 1/18 to AR 11/18 – as detailed in the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018 be adopted.

ATTACHMENTS

1. Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018



ATTACHMENT 1



MINUTES

of the
Audit, Risk and Improvement Advisory
Committee Meeting

held in

Council Chambers

Civic Centre, Elizabeth Street, Moss Vale

on

Monday 16 April 2018

The meeting commenced at 9.07 am

File No. 2102/3

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Monday 16 April 2018



1. WELCOME AND APOLOGIES	
2. ACKNOWLEDGEMENT OF COUNTRY	
3. ADOPTION OF MINUTES OF PREVIOUS MEETING	
4. BUSINESS ARISING FROM THE MINUTES	
	Audit, Risk and Improvement Advisory Committee Meeting held on 1 December 2017
5. DECLARATIONS OF INTEREST	
6. AGENDA REPORTS	3
6.1 Meeting Dates for 2018	3
6.2 Review of the Performance of the Committee	4
6.3 Review of the Audit, Risk and Improvement Advisory Committee Charter	5
7. COMMITTEE ACTION LIST	6
7.1 Committee Actions Update	6
8. RISK MANAGEMENT	7
8.1 Corporate Risk Program Update	7
9. INTERNAL AUDIT	8
9.1 Internal Audit Report	8
9.2 Outstanding Internal Audit Recommendations - Progress Report	9
10. EXTERNAL AUDIT	10
10.1 NSW Audit Office Client Service Plan - Audit for the Year Ending 30 June 2018	10
10.2 External Audit - Management Letter Recommendations Update	11
ADDITIONAL MATTER	13
11. DATE OF NEXT MEETING	14
12. MEETING CLOSURE	14

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Monday 16 April 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON MONDAY 16 APRIL 2018 COMMENCING AT 9.07 AM.

Present:

Councillors: Clr T D Gair (arrived at 9.19am)
Clr I M Scandrett
Clr P W Nelson (in attendance)

Community Representatives: Ms Jan Edwards Chair
Mr Paul Jeffares
Dr Jason Young

Also In

Attendance: Mr Mitchell Morley InConsult
Mr Steve Hrdina Audit Office NSW

In Attendance: Ms Ann Prendergast General Manager
Mr Mark Pepping DGM Corporate, Strategy & Development Services
Mr Barry Paull DGM Operations, Finance & Risk
Ms Danielle Lidgard Acting Group Manager Corporate & Community
Mr Richard Mooney Chief Financial Officer
Mr Andrew Lynch Senior Governance Officer
Ms Elizabeth Johnson Administration Officer
Ms Ivana Vidovich Internal Audit and Legal Support Officer

1. WELCOME AND APOLOGIES

It was noted that an apology was received from the Mayor Councillor K J Halstead.

AR 1/18

MOTION moved by Dr J Young and seconded by Clr I M Scandrett

THAT the apology of Mayor Clr K J Halstead be accepted and leave of absence granted.

PASSED

2. ACKNOWLEDGEMENT OF COUNTRY

The Chair Ms Jan Edwards acknowledged country:

I would like to acknowledge the Traditional Custodians of this land and pay my respect to Elders both past and present. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today.

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Monday 16 April 2018



3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING HELD ON FRIDAY 1 DECEMBER 2017

AR 2/18

MOTION moved by Cllr I M Scandrett and seconded by Dr J Young

THAT the minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 01 December 2017 MN AR 34/17 to MN AR 42/17 inclusive, copies of which were forwarded to Committee members, be adopted as a correct record of the proceedings of the meeting.

PASSED

4. BUSINESS ARISING

The Chair noted that the following two items recorded in the Minutes of the meeting held on Friday 1 December 2017 had been dealt with by way of email to Committee members:

1. Timeframe for timely deactivation of staff
 2. The bin reconciliation.
-

5. DECLARATIONS OF INTEREST

Nil.

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Monday 16 April 2018



6. AGENDA REPORTS

6.1 Meeting Dates for 2018

Reference: 2102/3
Report Author: Senior Governance Officer

PURPOSE

The purpose of this report is to set the meeting dates for 2018. It was previously decided by the Committee that it would meet on a Friday between 9am-10.30am.

The following meeting dates for 2018 are proposed for the consideration of the Committee:

- Friday 22 June 2018 – Ordinary meeting. This meeting date has already been confirmed by the Committee as part of its Meeting Plan for 2017/18.
- Friday 14 September 2018 – Ordinary meeting.
- Friday 12 October 2018 – Extraordinary meeting to consider the annual financial statements.
- Friday 16 November 2018 – Ordinary meeting.

The Chair and Dr Jason Young noted that they were not available for the meeting on Friday 12 October 2018.

The General Manager advised that she will be an apology for the meeting scheduled for Friday 22 June 2018.

The Chief Financial Officer addressed the meeting.

AR 3/18

MOTION moved by Ms J Edwards and seconded by Dr J Young

1. **THAT** the Audit, Risk and Improvement Advisory Committee meeting dates for the remainder of 2018 be held on the following dates:

- Friday 22 June 2018 – Ordinary meeting.
- Friday 14 September 2018 – Ordinary meeting.
- Friday 16 November 2018 – Ordinary meeting.

2. **THAT** as the Chair and one of the Community Representatives are not available on Friday 12 October 2018, an alternate date be scheduled for that meeting.

PASSED

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Monday 16 April 2018



6.2 Review of the Performance of the Committee

Reference: 2102/3
Report Author: Senior Governance Officer

PURPOSE

The purpose of this report is to inform the Committee about the review of the performance of the Committee. The Audit, Risk and Improvement Advisory Committee Charter requires the Chair of the Committee to initiate a review of the performance of the Committee at least once every two years.

The Acting Group Manager Corporate and Community addressed the meeting.

AR 4/18

MOTION moved by Mr P Jeffares and seconded by Dr J Young

THAT the Audit, Risk and Improvement Advisory Committee Self-Assessment Questionnaire be endorsed for use by the Committee AND THAT Audit, Risk and Improvement Advisory Committee members and the other relevant stakeholders as identified by the Chair be asked to complete the Self-Assessment Questionnaire by Friday 4 May 2018.

PASSED

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Monday 16 April 2018



6.3 Review of the Audit, Risk and Improvement Advisory Committee Charter

Reference: 2102/3
Report Author: Senior Governance Officer

PURPOSE

The purpose of this report is to request that the Committee reviews the Audit, Risk and Improvement Advisory Committee Charter.

The Acting Group Manager Corporate and Community and General Manager addressed the meeting.

AR 5/18

MOTION moved by Cllr I M Scandrett and seconded by Dr J Young

THAT no changes be made to the Audit, Risk and Improvement Advisory Committee Charter until the recommendations on the new internal audit framework are received from the Office of Local Government.

PASSED

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Monday 16 April 2018



7. COMMITTEE ACTION LIST

7.1 Committee Actions Update

Reference: 2102/3
Report Author: Internal Audit and Legal Support Officer

PURPOSE

The purpose of this report is to keep the Committee apprised of the progress of action items previously requested by the Committee.

The Acting Group Manager Corporate and Community addressed the meeting.

AR 6/18

MOTION moved by Ms J Edwards and seconded by Cllr T D Gair

THAT the report in relation to the Committee Actions Update be noted.

PASSED

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Monday 16 April 2018



8. RISK MANAGEMENT

8.1 Corporate Risk Program Update

Reference: 2102/3
Report Author: Workplace Systems Coordinator

PURPOSE

The purpose of this report is to provide the Committee with an update on Council's Risk Management Program.

The Acting Group Manager Corporate and Community, Deputy General Manager Operations, Finance and Risk and General Manager addressed the meeting.

Clr I M Scandrett noted that a survey of footpaths was taken approximately eight years ago and again within the last two years, and asked if there is a residual insurance risk to Council arising from that historical data.

The Chair asked when testing of the Business Continuity Plan was last undertaken.

The General Manager advised that these questions would be taken on notice.

AR 7/18

MOTION moved by Clr T D Gair and seconded by Ms J Edwards

THAT the report in relation to the Corporate Risk Program update be noted.

PASSED

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Monday 16 April 2018



9. INTERNAL AUDIT

9.1 Internal Audit Report

Reference: 2102/3, 2102/18.1
Report Author: Senior Governance Officer

PURPOSE

The purpose of this report is to update the Committee on Internal Audit matters, and to provide the Internal Audit Report for Plant and Fleet Management.

The Acting Group Manager Corporate and Community, Mr Mitchell Morley, General Manager, Chief Financial Officer and Deputy General Manager Operations, Finance and Risk addressed the meeting.

The Chair requested the following:

1. That the Developer Contributions audit be carried out in the second half of the 2018/2019 financial year.
2. That the maximum audit frequency interval for each audit priority level be presented at the next meeting.

AR 8/18

MOTION moved by Clr T D Gair and seconded by Clr I M Scandrett

THAT the report in relation to the Internal Audit Report be noted.

PASSED

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Monday 16 April 2018



9.2 Outstanding Internal Audit Recommendations - Progress Report

Reference: 2102/3
Report Author: Internal Audit and Legal Support Officer

PURPOSE

This report provides an overview of progress on the implementation of outstanding recommendations from previous internal audits. This is detailed in Attachment 1.

The Acting Group Manager Corporate and Community, General Manager, Deputy General Manager Operations, Finance and Risk and Chief Financial Officer addressed the meeting.

The General Manager noted that an update in relation to recommendation three of the Information Technology Control Environment internal audit, detailed at page 53 of the agenda, will be provided at the next meeting.

AR 9/18

MOTION moved by Cllr T D Gair and seconded by Dr J Young

THAT the Outstanding Audit Recommendations Progress Report be noted.

PASSED

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Monday 16 April 2018



10. EXTERNAL AUDIT

10.1 NSW Audit Office Client Service Plan - Audit for the Year Ending 30 June 2018

Reference: 2102
Report Author: Chief Financial Officer
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to present the NSW Audit Office Client Service Plan for the year ending 30 June 2018 to the Audit, Risk and Improvement Advisory Committee.

Mr Steve Hrdina addressed the meeting.

AR 10/18

MOTION moved by Mr P Jeffares and seconded by Ms J Edwards

THAT the Audit, Risk and Improvement Advisory Committee endorse the NSW Audit Office Client Service Plan for the year ending 30 June 2018.

PASSED

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Monday 16 April 2018



10.2 External Audit - Management Letter Recommendations Update

Reference: 2102
Report Author: Chief Financial Officer
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

This report provides the Audit, Risk and Improvement Advisory Committee with an update on the status of issues which have been raised in previous Management Letters by Council's external Auditors.

The Chief Financial Officer and Acting Group Manager Corporate and Community addressed the Committee on this matter.

The Chief Financial Officer advised that since submitting the report the following items have been fully completed:

1. Journal Posting (on page 1 of the Attachment);
2. Financial Delegations (on page 2 of the Attachment).

The Chief Financial Officer advised that a correction should be noted to the Attachment in that the due date for Item Fixed Assets – Disposal (on page 2 of the Attachment) was June 2018 and not March 2018.

Dr Jason Young noted that the due date for the Item User Access – Property and Rating (on page 3 of the Attachment) was October 2017 yet the report indicates that the actions are only 75% completed, and asked what the anticipated date for completion of the item is.

Dr Jason Young further noted that Item Privileged User Access – Property & Rating (on page 4 of the Attachment) had a due date of March 2018 yet it was only 5% completed, and asked what the anticipated date for completion of the item is.

In relation to the previous notation, Clr T D Gair noted that no budget bid has been put forward as part of the discussions in the lead up to preparation of the draft 2018/2019 budget, and asked to what extent completion of the item is dependant on a successful budget bid.

The Chief Financial Officer and General Manager advised that these matters would be taken on notice.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Monday 16 April 2018



AR 11/18

MOTION *moved by Mr P Jeffares and seconded by Dr J Young*

THAT *the Committee note the update provided on the outstanding issues and recommendations made by Council's External Auditors.*

PASSED

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Monday 16 April 2018



ADDITIONAL MATTER

Clr I M Scandrett noted that some other councils remunerate community representatives on Audit and Risk Committees and asked whether Council had considered doing the same. Clr Scandrett advised that the prequalification scheme for independent chairs and members serving on Audit and Risk Committees of NSW government departments establishes remuneration rates for community representatives engaged under that scheme.

The General Manager advised that there are no guidelines from the Office of Local Government (OLG) mandating a stipend for community representatives serving on Audit and Risk Committees of local government authorities. The General Manager advised that she had not received any requests from community members about whether a stipend was provided, however, she would await the release of the OLG's discussion paper regarding the operation of Audit, Risk and Improvement Committees before advising further in relation to this matter.

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Monday 16 April 2018



11. DATE OF NEXT MEETING

The next meeting will be held on Friday 22 June 2018 in the Nattai Room, Civic Centre, Elizabeth Street, Moss Vale commencing at 9.00 am.

12. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.21 AM

20 NOTICES OF MOTION

20.1 Notice of Motion 11/2018 - Public Meeting

Reference:	100/4
Report Author:	Administration Officer
Authoriser:	Acting Group Manager Corporate and Community
Link to Community	
Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillor Ian Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 24 April 2018:

THAT a public meeting be held in Bowral to present and discuss the draft 2018-19 Wingecarribee Shire Budget as part of the public exhibition process.

RECOMMENDATION

Submitted for determination.



22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

Section 10A of the *Local Government Act 1993*, empowers Council and Committees of which all the members are Councillors to close a part of a meeting in certain circumstances in accordance with the requirements of the Act, and relevant Regulations and Guidelines.

Subject to the provisions of Section 10 of the Act, so much of a meeting may be closed as comprises certain information as outlined in Section 10A(2).

However, the Act also contains the following provisions qualifying the use of Section 10A(2).

Section 10B

1. *[Time spent closed to be minimised] A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):*
 - a. *Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and*
 - b. *If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret-unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.*
2. *[Qualification of 10A(2)(g)] A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:*
 - a. *are substantial issues relating to a matter in which the council or committee is involved, and*
 - b. *are clearly identified in the advice, and*
 - d. *are fully discussed in that advice.*
3. *[Qualification of 10A(3)] If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).*
4. *[Irrelevant matters] For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:*
 - a. *a person may misinterpret or misunderstand the discussion, or*
 - b. *the discussion of the matter may:*
 - (i) *cause embarrassment to the council or committee concerned, or to Councillors or to employees of the council, or*
 - (ii) *cause a loss of confidence in the council or committee.*

Attention is also drawn to provisions contained in Part 7 of Council's Code of Meeting Practice.

Director General's Guidelines

The Director General of the Department of Local Government has issued guidelines concerning the use of Section 10 of the Act. A copy of the Director General's guidelines has been sent to all Councillors. Section 10B(5) of the Act requires that council have regard to these guidelines when considering resolving into Closed Session.

RECOMMENDATION

1. **THAT** Council moves into Closed Council in accordance with the requirements of Section 10A(2) of the *Local Government Act 1993* as addressed below to consider the following reports that are confidential for the reasons specified below:

22.1 Tender for the Operation and Management Moss Vale War Memorial Aquatic Centre

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the Operation and Management of Moss Vale War Memorial Aquatic Centre.

22.2 Legal Report - Closed Council

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors), under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law and under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

Updating the report on the status of legal proceedings reported to Council at the meeting on 28 March 2018.

22.3 Staff Matter

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors) and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018

CLOSED COUNCIL



Brief description

The purpose of this report is to advise Council of a Staff Matter.

This matter is to be dealt with in Closed Council in accordance with s10A(2) of the *Local Government Act, 1993* under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than Councillors).

- 2. THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.**

Ann Prendergast
General Manager

Thursday 19 April 2018