

AGENDA

Notice is hereby given that an Extraordinary Meeting of Wingecarribee Shire Council will be held in the Council Chambers at Wingecarribee Shire Council Civic Centre, 68 Elizabeth Street, Moss Vale on:

Wednesday 30 October 2024 at 3.30pm

The Public Forum will commence at 3.00pm, subject to any registered speaker/s to items listed on this Agenda. Further information and details on the registration process can be found on Council's website, using the following link: [Public Forum Application Form | Wingecarribee Shire Council \(nsw.gov.au\)](#)

Lisa Miscamble
General Manager

We're with you

AGENDA

Extraordinary Meeting of Council



We're with you

Wednesday 30 October 2024

Council Chambers, Wingecarribee Shire Council Civic Centre

68 Elizabeth Street, Moss Vale at 3:30 pm

**AGENDA OF THE EXTRAORDINARY MEETING OF COUNCIL
WEDNESDAY 30 OCTOBER 2024**

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Council Chambers

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

The Council Chamber has 24 Hour Video Surveillance.

1 OPENING OF THE MEETING

The Mayor will open the meeting.

2 ACKNOWLEDGEMENT OF COUNTRY

“Wingecarribee Shire Council acknowledges the Gundungurra and Dharawal people as the Traditional Custodians of this land. I pay my respect to the Traditional Custodians, their Ancestors who cared for this Country for many thousands of years, and their Elders and descendants who continue to care for Country. I would also like to extend that respect to all Aboriginal and Torres Strait Islander peoples, including those here today.”

3 STATEMENT OF ETHICAL OBLIGATIONS

Councillors are reminded of the obligations conferred on them at the time of their appointment.

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

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

4 APOLOGIES

Nil at time of print.

5 DECLARATIONS OF INTEREST

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

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

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

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

**6 MAYORAL MINUTE
7 GENERAL MANAGER**

7.1 Submission to NSW Independent Planning Commission - State Significant Development (SSD) - Moss Vale Plastics Recycling Facility (Plasrefine) Proposal

Report of: Susan Stannard
Acting Executive Manager Strategic Outcomes

Authorised by: Lisa Miscamble
General Manager

PURPOSE

To respond to the NSW Department of Planning, Housing & Infrastructure (DPHI) conditional recommended approval for a State Significant Development (SSD) proposal for the Moss Vale Plastic Recycling Facility and seek endorsement for a Submission to the NSW Independent Planning Commission (IPC).

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Reiterate its strong opposition to the proposed State Significant Development (SSD-9409987) for the Moss Vale Plastic Recycling Facility, on fundamental grounds that the proposal:**
 - a. Is unsuitable location at a residential interface on Braddon Road creating long-term land use conflict issues.**
 - b. Compromises and sterilises land for future employment-generating landuses across the broader Southern Highlands Innovation Park (SHIP) with excessive truck movements across the entire precinct, from the highway traversing available heavy industrial lands, available general industrial lands and navigating 3 level rail crossings to reach a well-established residential interface.**
 - c. Undermines Council's State-funded strategic framework, including a Master Plan, Governance Strategy and Strategic Positioning Paper for the Southern Highlands Innovation Park (SHIP) to foster an emerging biotechnology sub-precinct at that location.**
 - d. Still presents unresolved matters in NSW Department of Planning Housing & Infrastructure (DPHI) Assessment Report and Recommended Conditions of Consent, that are unresolved and in their current form deemed unworkable and irreconcilable to Council.**
- 2. Does not accept DPHI's risk assessment relating to known and emerging microplastics (airborne and water) contaminants, as the site is immediately adjacent to a riparian corridor in a Sydney Drinking Water Catchment Area. This environmental impact requires**

further rigorous assessment, independent evidence-based validation and assurances from State Agencies including DPHI and EPA that residents' health would not be compromised.

3. Endorse the draft Submission at Attachment 1 for lodgement with the NSW Independent Planning Commission.
4. Lodge the exhibited SHIP strategic work, including Master Plan, Governance Strategy and Strategic Positioning Paper at Attachment 2, in support of its formal Submission to the NSW IPC.
5. Highlight the significant community impacts and unaddressed matters associated with the current Proposal by writing to the NSW Minister for Planning requesting a statutory Public Hearing into this matter, with the Hearing to consider:
 - The environmental impacts of the proposal
 - All submissions received on the proposal
 - Any relevant expert advice
 - Any other relevant information

REPORT

BACKGROUND

The background section of this report summarises the events from January 2022 and leading up to DPHI's recommendation to the NSW Independent Planning Commission (IPC) on 11 October 2024. The proceeding Report itself focuses on events since that recommendation, including next steps and all options available to Council and the community.

A State Significant Development (SSD) application was initiated by the applicant with DPHI in January 2022. Under the SSD pathway, Council has no formal assessment or determination role. DPHI is the assessment authority and in this case the NSW IPC is the determining authority, due to the number of objections including Council's formal strong opposition.

The original SSD included an Environmental Impact Assessment (EIS) and technical studies that were publicly exhibited in early 2022. Council's submission at the time was considered at the Ordinary Council Meeting of 20 April 2022 where it was resolved:

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

Following the 2022 public exhibition period, and feedback received from Council, Government agencies and the community, the applicant was requested by DPHI to prepare a formal Response to Submissions. As part of the Response to Submissions, the Applicant was required to prepare a Social Impact Assessment (SIA), as well as address concerns around access, traffic, noise, air and water quality, visual impact, infrastructure limitations and landowner's consent.

As part of the Response to Submissions, the Applicant was required to provide more detail on the original proposed east-west access, including the need to provide landowners consent and demonstrate how the land will be acquired for the purpose of the access road. At the time, the Applicant made a formal request for Council to enter into a Voluntary Planning Agreement (VPA), that would commit Council to using its power of compulsory acquisition to acquire the land needed for access to the site (at the cost of the developer), should the developer be unsuccessful in its negotiations to acquire the land directly from the landowner/s.

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

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

At the Ordinary Meeting of 19 July 2023, Council considered a report that provided an update on the proposed development. At that meeting, Council resolved to:

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

In lieu of writing to the Department advising of Council's concerns, Council was advised by the DPHI (and following discussions with the applicant) that an amendment to the Proposal would soon be lodged, and which Council would be requested to prepare a submission.

On 3 October 2023, Council received notification that an SSD Amendment Report relating to the Proposal was on public exhibition. Although the public exhibition period closed on 1 November 2023, Council requested an extension to enable Council to endorse a submission, as well as

extending the public exhibition period so that the community could also have additional time to prepare a submission. The Department granted this extension to Council, subject to a draft submission being submitted by the due date and advised Council that the Department had been communicating to the public that any submissions received up until the determination date of the application would be considered.

On 15 November 2023, a report was considered by Council outlining the revisions contained within the SSD Amendment Report, including the following key amendments:

- A change to the proposed traffic and access road. This amendment changes the original route from a proposed east-west road option that would have resulted in trucks and vehicles travelling along Innes Road and Lackey Road, to Douglas Road via a new level crossing that is west of the existing crossing (which is proposed to be removed if this development were to proceed) and a new North-South Road to access Braddon Road.
- A revised Stormwater Management Strategy and reduced water demand, in response to Council's concerns over the serviceability of the proposal.
- Reduced maximum building heights from 15.5 metres to 14.5 metres for Building 1, and from 16.7 metres to 15.5 metres for Building 2.
- An amended Social Impact Assessment, that has been informed by some community consultation.

Council's second Submission recognised the amendments made by the proponent to reduce the impacts of the proposed SSD facility. However, the Submission reiterated outstanding and fundamental concerns about the suitability of the proposed site for the proposed development.

At the Ordinary Council meeting of 15 November 2023, Council considered the second Submission and resolved to formally oppose the Plasrefine SSD proposal as follows:

1. *Council endorse the Submission prepared by the Professional Officers and the addendum dated 16 November 2023 and add the following further points:*
 - a. *That Council opposes the proposal in its current location and form.*
 - b. *That, as noted in the Officers' report and addendum, the proposal is not consistent with the existing Moss Vale Enterprise Corridor Development Control Plan and the planning for the Southern Highlands Innovation Park (SHIP) Phase 1 Master Plan which identifies the site for innovation and business park uses.*
 - c. *That Council secured funds from the State Government to undertake a Master plan and Governance model for the delivery of the largest employment lands south of the aerotropolis and that the proposal and any decision on this application would be premature as it has the potential to undermine this critical strategic work.*
 - d. *That Council is not opposed to the concept of a plastics recycling facility, given the alignment with environmental outcomes, however the location needs to be consistent with the draft vision for the SHIP and consistent with the overall masterplan that is currently being prepared and its presentation would be premature at this time.*
 - e. *That the traffic movements generated by the proposed development be modelled against a baseline scenario of full development of the surrounding area of the precinct, based on reasonable and realistic assumptions to verify the suitability, or not, of the proposed traffic management measures and, in the longer term, the suitability of the location for the proposed use.*
 - f. *That the applicant demonstrate, and the consent authority be satisfied, that:*

- *the proposed design of the railway crossing will be financially and logistically viable and safe; and*
 - *that the applicant has made appropriate arrangements for approvals, funding and ongoing management.*
- g. That the Department seek costings for the required infrastructure associated with the proposed development including the traffic and rail infrastructure and upgrades.*
2. *Submissions received by Council from the community on the proposal, be forwarded to the Department of Planning and Environment.*

Since that time, Council staff provided various technical correspondence to NSW DPHI to satisfy Council's legislative obligations to facilitate a statutory planning process, in alignment with Council's strong opposition to the proposed SSD on fundamental grounds of unsuitable location. Council staff technical responses were emphatically prefaced with the fundamentally irreconcilable matter of the proposal's unsuitable location, form and amenity impacts.

In December 2023, Council wrote to the applicant's consultant GHD, advising that consideration of a Voluntary Planning Agreement (VPA) for road access negotiations cannot continue and are premature, given DPHI's ongoing assessment at the time and Council's strong resolution of 15 November 2023, formally opposing the SSD proposal on fundamental grounds of site unsuitability.

REPORT

Events since Departmental Recommendation of 11 October 2024

DPHI's recommendation of conditional approval was announced on 11 October 2024, including an Assessment Report and recommended Conditions of Consent. Council conveyed its disappointment with this Departmental recommendation, followed by a media statement, website updates and a media release. <https://www.wsc.nsw.gov.au/Plan-and-Build/Community-Interest-Items/Moss-Vale-Plastics-Recycling-Facility-Plasrefine-Proposal>

On 21 October 2024, the IPC Commissioners and IPC Staff held a Stakeholder Meeting with the Mayor, General Manager and senior Council Staff.

Senior Council Staff attended as observers during a site visit with IPC Commissioners, IPC Staff and the applicant's Representatives on 21 October 2024.

The applicant's representative GHD requested to meet with senior Council staff on 29 October 2024, however this request was declined on the grounds it would not be appropriate given IPC proceedings.

Next Steps: IPC Public Meeting

At the time of writing this report, the IPC announced a **Public Meeting** to be held on:

- Monday 9am, 28 October 2024 as in-person session at Bowral Memorial Hall, 16-24 Bendooley Street, and
- Friday 9am, 1 November 2024 as an online session.

A Public Meeting provides an opportunity for the Commission to hear public views on DPHI's Assessment Report as part of its determination process for SSD applications. There is no statutory requirement for the Commission to hold a Public Meeting before determining an application. The Public Meeting does not affect appeal rights under the Environmental Planning & Assessment Act 1979 (EP&A Act).

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Anyone may speak at the Public Meeting, including community members, Elected Members (Councillors) and Council staff. Speakers must register by 24 October 2024 on the IPC website at <https://www.ipcn.nsw.gov.au/cases/2024/10/moss-vale-plastics-recycling-facility>

The NSW IPC confirms that all representations are weighted equally, whether received as a written submission, in-person representation or online representations.

All written submissions must be lodged directly with the IPC by 11 November 2024 via the IPC website at <https://www.ipcn.nsw.gov.au/make-a-submission-forms/moss-vale-plastics-recycling-facility>

Next Steps: Council's Submission to IPC

Council officers are preparing a draft submission, which is still to be provided, and will be published prior to the Council meeting as **Attachment 1** to this report. It is recommended that the draft submission be endorsed for lodgement with the NSW IPC. The Submission will acknowledge previous Council submissions, correspondence and representations to DPHI, however this third Submission will focus on material released since 11 October 2024, including the Department's Assessment Report, recommended Conditions of Consent and Council's post-exhibition SHIP Master Plan strategic framework.

The Submission focuses on the fundamentally irreconcilable, unworkable and unacceptable matters of:

- Unsuitable location at a residential interface on Braddon Road, creating long-term landuse conflict issues.
- Compromises and sterilises land for future employment-generating landuses across the broader Southern Highlands Innovation Park (SHIP) with excessive truck movements across the entire precinct, from the highway traversing available heavy industrial lands, available general industrial lands and navigating 3 level rail crossings to reach a well-established residential interface.
- Undermines Council's State-funded strategic framework, including a Master Plan, Governance Strategy and Strategic Positioning Paper for the Southern Highlands Innovation Park (SHIP) to foster an emerging biotechnology sub-precinct at that location.
- Unresolved deferred matters in NSW Department of Planning Housing & Infrastructure (DPHI) Assessment Report and Recommended Conditions of Consent, that are deemed unworkable and irreconcilable to Council.
- Council does not accept DPHI's risk assessment outcome relating to known and emerging microplastics (airborne and water) contaminants immediately adjacent to a riparian corridor in a Drinking Water Catchment Area. This environmental impact matter requires further rigorous assessment, independent evidence-based validation and assurances from State Agencies including DPHI and EPA that residents' health would not be compromised.
- Amenity impacts on an existing and expanding residential interface, including noise, vibrations and visual amenity due bulk, scale and unarticulated monumentality of building footprints.

The Submission reiterates Council's willingness to facilitate such a facility in a suitable location on the western side of the SHIP, well away from residential interfaces and riparian corridors. Council supports innovations toward achieving a circular economy including plastic recycling in appropriate locations.

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Council must lodge its Submission, as adopted, with the NSW IPC by 11 November 2024. The NSW IPC is expected to make a determination on SSD matters within 50 days, with the timeframe commencing on 11 October 2024.

It is noted that DPHI's assessment of the amended SSD has been ongoing for almost 12 months since November 2023, however the Council and community were only recently advised of the status.

The IPC may seek further information and clarifications following close of Submissions to assist with their deliberations and determination.

Further Options for Council: Advocate for a Public Hearing

The IPC meeting scheduled on 28 October 2024 and 1 November 2024 is a Public Meeting, not a statutory Public Hearing.

A statutory Public Hearing is only held if a formal request is made by the NSW Minister for Planning and Public Spaces. If such a request is made, the Commission must hold a Public Hearing, it is not discretionary.

The Commission has powers to require certain people to attend the Public Hearing and to give evidence. A Public Hearing in relation to an SSD, extinguishes merit appeal rights in respect of any future decision on that application.

Council may advocate to the Minister to request a Public Hearing, noting the **significant implication** that a Public Hearing would **extinguish merit appeal rights** under Division 8.3 of the EP&A Act. This means Council cannot take any further legal action following a Public Hearing.

Given Council's strong position and strong community sentiments, this report recommends the Mayor write to the Planning Minister advocating for a Public Hearing.

COMMUNICATION AND CONSULTATION

Community Engagement

- Media Statement and WSC website update 11 October 2024, providing information about the Department's recommendation, next steps with the NSW IPC regarding Public Meeting and how to make representations and submissions.
- Media Release via conventional media and social media platforms since 14 October 2024
- Council staff have emailed residents who made representations during the November 2023 round of Submissions to DHPI.
- Council staff have emailed residents, landowners and tenants who had engaged in SHIP consultation events in early 2024.

Internal Communication and Consultation

All Branches / Directorates of Council to ensure consistency and alignment.

External Communication and Consultation

Council Staff have liaised with NSW IPC Staff since 11 October 2024 to advocate for the Public Meeting to be held locally and in-person. This small victory was achieved on 14 October 2024 through persistent advocacy.

Media Statement and WSC website update 11 October 2024, providing information about the Department's recommendation, next steps with the NSW IPC regarding the Public Meeting and how to make representations and submissions.

SUSTAINABILITY ASSESSMENT

Environment

The proposed SSD involves environmental impacts that are considered unacceptable at this location. Council anticipates long-term land use conflicts at an established residential interface on Braddon Road and questions the compliance burden imposed on Council, should the SSD proposal be approved. The environmental and amenity impacts of this SSD proposal can be mitigated to acceptable levels at another location, such as on the western side of the SHIP near existing heavy industries, well away from residential interfaces and other sensitive receivers.

Social

The social impacts of this SSD proposal would be better mitigated by appropriately siting the proposal at a suitable location, away from well-established and expanding residential interfaces.

An amended Social Impact Assessment was prepared as part of the SSD process, informed by some community consultation, albeit those workshops and surveys indicated community sentiments and consensus that the proposal is not supported at this location. The amended SIA proposes mitigation measures that can be implemented through Departmental conditions of consent, if the IPC approve the SSD proposal.

Broader Economic Implications

Should the proposed SSD proceed, it is likely to sterilise adjacent land in an emerging biotechnology precinct, leveraging off the existing Australian Bioresources Garvan Institute facility. Complementary industries such as medical device manufacturers and research institutes are unlikely to locate near a plastics recycling facility, given known vibration, low-frequency noise and amenity impacts.

The impact of a single SSD proposal on future employment-generating land uses is unacceptable. The SSD proposal undermines Council's strong strategic framework, including a State-funded Master Plan, Governance Strategy and Strategic Positioning Paper for the SHIP.

Culture

Should the proposed SSD proceed, community trust in State institutions, such as DPHI and IPC, and broader State-funded strategic work may erode. The strong strategic planning framework built by Council in recent years has assisted in rebuilding trust with the community, to ensure confidence in planning processes including major development proposals. Given local government is a product of the State, Council invites the IPC to support this strategic land use planning work and continued efforts toward full restoration of community trust.

Governance

The proposed SSD undermines the State-funded SHIP Master Plan, Governance Strategy and Strategic Positioning Paper that has undergone Public Exhibition. There is a clear misalignment and contradiction with the vision, strategic direction and governance framework advocated in this body of strategic work.

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COUNCIL BUDGET IMPLICATIONS

Ongoing compliance burdens imposed on Council from unauthorised but likely truck movements on Braddon Road and Beaconsfield Road.

Likely budget implications on long-term operations of Moss Vale Sewer Treatment Plan to capture and remove microplastics to acceptable levels to meet EPA licence expectations.

Long-term compliance burdens imposed on Council to monitor environmental and amenity impacts of proposed SSD at a residential interface.

RELATED COUNCIL POLICY

Post-exhibition SHIP strategic work: Master Plan, Governance Strategy & Strategic Positioning Paper

CONCLUSION

Council should continue to make strong representations opposing the proposed SSD in its current location, form and impacts. These representations include informing the community, speaking at the IPC Public Meeting, lodging a final submission with the NSW IPC and writing to the Minister advocating for a statutory Public Hearing into this SSD proposal matter.

ATTACHMENTS

1. Draft Submission to NSW Independent Planning Commission – still to be provided and will be published prior to the Council meeting
2. Strategic Work: Southern Highlands Innovation Park (SHIP) post-exhibition Master Plan, Governance Strategy and Strategic Positioning Paper

7.2 TechnologyOne CiA Implementation Tender Evaluation Report

Report of: Pav Kuzmanovski
Chief Financial Officer

Authorised by: Lisa Miscamble
General Manager

PURPOSE

This report provides the evaluation outcomes of the Tender for the Technology One CiA Implementation. The Technology One CiA Implementation will see the configuration of Council's core technology system to upgrade the Financial and Procurement system and have an integrated Asset Management and Works order systems (which is currently standalone from the Finance system).

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Accept the tender for the Technology One CiA Implementation from Chartertech Pty Ltd at a lump sum price of \$464,805 (inclusive of GST).**
- 2. Note the tenders received ranged from \$88,500 to \$2,484,000.**
- 3. Delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.**

REPORT

BACKGROUND

Council's Digital Strategy, contained within Council's Resourcing Strategy, sets out the following:

- Upgrade of Council's Core Technology System, Technology One which will provide an updated platform for the community and Council staff to engage in a seamless manner.
- Invest in Council's Cyber Security infrastructure and reporting to ensure our systems are resilient and hold our customers' personal information in a secure manner.
- Investing in an integrated approach to Asset Management by ensuring our financial information aligns to our asset condition data to make informed decisions on how Council invests its funds.
- Digitisation of paper-based processes to ensure staff are working on value added business processes in an effective manner.

This tender will deliver a digital, integrated approach to financial and asset management and achieve these outcomes within Council's Digital Strategy.

REPORT

Tenders were called for suitable and qualified contractors to provide a lump sum tender for the configuration and implementation to upgrade Council's core system to Technology One CiA. It is noted that whilst the software that will be configured is the Technology One platform, there is a

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competitive market for Technology One configuration services. The outcomes of this procurement activity will see the following delivered:

- Digital Procurement to Accounts Payable (Procure to Pay) process of Council's invoices to replace the current paper-based processes.
- An integrated Asset Register to single source of truth, to capture the cost of all of Council's assets with direct integration with the financial systems (currently not integrated).
- Strategic Asset Management capability which will provide short, medium and long term asset condition modelling based on different funding allocation.
- Works Order system to ensure works can be captured in a digital manner and costed against relevant assets and activities to ensure maintenance activities are captured accurately.

The project will run for approximately 18 months.

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

ADVERTISING

The tender was advertised 30 July 2024 to 27 August 2024 (28 days). The tender was advertised as follows:

| Newspaper / Website | Date Advertised |
|--|--|
| Council's Website | For the duration of the advertising period |
| Council's eTendering Website (Buy NSW) | For the duration of the advertising period |

TENDERS RECEIVED

A total of seven (7) tender submissions were received:

| Company Name | Location | Postcode |
|-------------------------------------|-------------------|-----------------|
| Avec Global Pty Ltd | Sydney, NSW | 2000 |
| Chartertech Pty Ltd | Canberra, ACT | 2601 |
| Galaxy 42 Pty Ltd | Sydney, NSW | 2000 |
| Leander Business Consulting Pty Ltd | Mosman, NSW | 2088 |
| Project Management Partners Pty Ltd | Sydney, NSW | 2000 |
| Technology One Limited | North Sydney, NSW | 2060 |
| Xaana Pty Ltd | Canberra, ACT | 2601 |

LATE TENDERS

No late tender submissions were received.

TENDER EVALUATION

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

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

TENDER ROLES AND RESPONSIBILITIES

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

| Role | Responsibility | Position |
|--|---|---|
| Evaluation Panel Chair | To manage the evaluation process and report to Council. | Chief Financial Officer |
| Evaluation Panel Member | Perform a detailed evaluation of the Tender Submissions. | Chief Information Officer |
| Evaluation Panel Member | Perform a detailed evaluation of the Tender Submissions. | Manager Assets |
| Evaluation Panel Member | Perform a detailed evaluation of the Tender Submissions. | Business Solutions Implementation Manager |
| Procurement Process and Advice (Probity) | Manages the tender process ensuring that it complies with all relevant legislation, Procurement Policy, Guidelines and Procedures. Manages all communication with Respondents during the advertisement and evaluation periods. Providing probity advice and support to the evaluation panel. | Procurement Officer |

SELECTION CRITERIA

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

Mandatory Criteria:

| Mandatory Criteria |
|---|
| Public Liability - \$20 million |
| Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection |
| Professional Indemnity Insurance - \$10 million |

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

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Non-Cost Selection Criteria & Weighting:

| Non-Cost Criteria | Weighting |
|--|------------------|
| Capability & Experience | 20% |
| Specifications, Service & Support, Fit for Purpose | 15% |
| Quality Assurance & Innovation | 5% |
| Community & Social (including local content) | 10% |
| Other Clarification Information | 5% |
| Total | 55% |

Summary of Selection Criteria & Weighting:

| Criteria | Weighting |
|-------------------------|------------------|
| Total Non-Cost Criteria | 55% |
| Total Cost Criteria | 45% |
| Total | 100% |

NON-COMPLIANT TENDERS

Upon evaluation a total of five (5) tender submissions were determined to be non-compliant:

| Company Name | Reason for Non-Compliance |
|-------------------------------------|--|
| Avec Global Pty Ltd | Did not pass the <i>Non-Cost Evaluation Criteria Threshold</i> which required Respondents to achieve a <i>Non-Cost Evaluation Criteria Score</i> of at least 60% of the 55% (i.e. score an average of at least 6 out of 10 for each weighted criteria) for them to be eligible to be shortlisted and progress any further in the evaluation process. |
| Leander Business Consulting Pty Ltd | |
| Project Management Partners Pty Ltd | |
| Technology One Limited | |
| Xaana Pty Ltd | |

TENDERED SUBMISSION PRICES

Tenders received ranged from \$88,500 to \$2,484,000.

COMMENTS ON OVERALL EVALUATION OUTCOME

The submissions received were from suitably qualified contractors, with the exception of the lowest priced submission. The scoring was consistent for each submission within the evaluation criteria of Community and Social and Capability and Experience. The scoring ranges varied for each submission

AGENDA OF THE EXTRAORDINARY MEETING OF COUNCIL WEDNESDAY 30 OCTOBER 2024

for the remainder of the evaluation criteria (including pricing). The evaluation panel endorsed the final outcome of the evaluation for the recommended tender submission.

COMMENTS ON RECOMMENDED TENDER SUBMISSION

The recommended vendor, Chartertech Pty Ltd, demonstrated experience in configuring and implementing Technology One CiA. The project team nominated by Chartertech Pty Ltd were vastly experienced and had demonstrated experience in implementing Technology One CiA, in particular Financials and Assets in similar type organisations. The Chartertech project plan and approach to change management aligned to the timeframes and approach to change management. The project is expected to be delivered in an 18-month delivery timeframe, with the focus on Strategic Asset Management and Procure to Pay.

It is noted that Chartertech Pty Ltd are currently in the process of being acquired by KPMG. This has been confirmed by key representatives of Chartertech Pty Ltd and announced on KPMG's website. Chartertech Pty Ltd have advised if they were successful in being awarded this tender, this will not impact the delivery of the project. A novation of contract may need to occur at a future point in time to KPMG.

It is also noted that KPMG also provide internal audit services to Council. Appropriate project controls will need to be documented with the project team from Chartertech Pty Ltd (throughout the project) to ensure independence is maintained between the project team and KPMG's internal audit function.

It is recommended to accept the tender from Chartertech Pty Ltd for the fixed price amount of \$464,805 including GST.

COMMUNICATION AND CONSULTATION

Community Engagement

Not required

Internal Communication and Consultation

Procurement

Evaluation Panel

External Communication and Consultation

The Tender was advertised on Council's website and Council's eTendering Website (Buy NSW) for the period 30 July 2024 to 27 August 2024 (28 days).

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

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Broader Economic Implications

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

Culture

There are no cultural issues in relation to this report.

Governance

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

A Procurement Officer was the appointed probity officer for this tender and provided probity advice throughout the tender process.

COUNCIL BUDGET IMPLICATIONS

There is adequate budget allocated in 2024/25 and 2025/26 budget to fund this project. No additional funds are required.

RELATED COUNCIL POLICY

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

CONCLUSION

A competitive tender process was conducted for the services of the configuration of Council's Technology One CiA system. The outcomes of the panel evaluation recommend Council accepts the tender proposal from Chartertech Pty Ltd as the preferred vendor for these services for the fixed price of \$464,805.

ATTACHMENTS

Nil

7.3 Investments Report - August 2024

Report of: **Stephen Joss**
Deputy Chief Financial Officer

Authorised by: **Pav Kuzmanovski**
Chief Financial Officer

PURPOSE

This report presents Council’s Cash Investment Portfolio held at 31 August 2024.

OFFICER’S RECOMMENDATION

THAT Council receive and note this Cash Investment Report as at 31 August 2024.

REPORT

In accordance with section 212 of the Local Government (General) Regulation 2021, the Responsible Accounting Officer must provide Council with a written report setting out details of all money that Council has invested under section 625 of the Local Government Act 1993.

This report provides details of Council’s Investment Portfolio as at 31 August 2024.

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

In accordance with section 212(1)(b) of the Local Government (General) Regulation 2021, the investments listed in **Attachment 1** have been made in accordance with:

- The Local Government Act 1993,
- The Local Government (General) Regulation 2021,
- The Ministerial Investment Order 2011, and
- Council’s Investment Policy.

Interest earned from investments totalled \$1,998,680 to 31 August 2024.

The interest is attributable to each fund as listed in the table below.

| Fund | Annual budget | YTD budget | YTD actual | YTD variance |
|----------------------|--------------------------|-----------------------|-----------------------|-------------------------|
| General Fund | 3,070,000 | 511,667 | 783,868 | 272,201 |
| Water Fund | 2,900,000 | 483,333 | 651,482 | 168,149 |
| Sewer Fund | 2,430,000 | 405,000 | 563,330 | 158,330 |
| Total Council | 8,400,000 | 1,400,000 | 1,998,680 | 598,680 |

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COMMUNICATION AND CONSULTATION

Community Engagement

Not applicable

Internal Communication and Consultation

No applicable

External Communication and Consultation

No applicable

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

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

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

Council's year to date investment returns exceeded budget by \$598,680 with \$326,479 of this revenue restricted to the water and sewer funds. This will be monitored and adjusted in the December 2024 Quarterly Budget Review.

RELATED COUNCIL POLICY

Cash Investment Policy June 2024

CONCLUSION

Council receive and note the Cash Investment Portfolio held at 31 August 2024.

ATTACHMENTS

1. August 2024 - Investment Report Summary [7.3.1 - 6 pages]

7.4 Investments Report - September 2024

Report of: **Stephen Joss**
Deputy Chief Financial Officer

Authorised by: **Pav Kuzmanovski**
Chief Financial Officer

PURPOSE

This report presents Council’s Cash Investment Portfolio held at 30 September 2024.

OFFICER’S RECOMMENDATION

THAT Council receive and note this Cash Investment Report as at 30 September 2024.

REPORT

In accordance with section 212 of the Local Government (General) Regulation 2021, the Responsible Accounting Officer must provide Council with a written report setting out details of all money that Council has invested under section 625 of the Local Government Act 1993.

This report provides details of Council’s Investment Portfolio as at 30 September 2024.

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

In accordance with section 212(1)(b) of the Local Government (General) Regulation 2021, the investments listed in **Attachment 1** have been made in accordance with:

- The Local Government Act 1993,
- The Local Government (General) Regulation 2021,
- The Ministerial Investment Order 2011, and
- Council’s Investment Policy.

Interest earned from investments totalled \$3,001,318 to 30 September 2024.

The interest is attributable to each fund as listed in the table below.

| Fund | Annual budget | YTD budget | YTD actual | YTD variance |
|----------------------|--------------------------|-----------------------|-----------------------|-------------------------|
| General Fund | 3,070,000 | 767,500 | 1,181,965 | 414,465 |
| Water Fund | 2,900,000 | 725,000 | 994,752 | 269,752 |
| Sewer Fund | 2,430,000 | 607,500 | 824,601 | 217,101 |
| Total Council | 8,400,000 | 2,100,000 | 3,001,318 | 901,318 |

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COMMUNICATION AND CONSULTATION

Community Engagement

Not applicable

Internal Communication and Consultation

Not applicable

External Communication and Consultation

Not applicable

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

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

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

Council's year to date investment returns exceeded budget by \$901,318 with \$486,853 of this revenue restricted to the water and sewer funds. Interest earned will be monitored, and an adjustment will be made as a part of the December 2024 Quarterly Budget Review.

RELATED COUNCIL POLICY

Cash Investment Policy June 2024

CONCLUSION

Council receive and note the Cash Investment Portfolio held at 30 September 2024.

ATTACHMENTS

1. September 2024 - Investment Report Summary [7.4.1 - 6 pages]

8 REPORTS

8.1 Quarterly Delivery Program and Budget Review 30 September 2024

Report of: **Shayley McCracken**
Coordinator Strategy and Business Improvement
Stephen Joss
Deputy Chief Financial Officer

Authorised by: **Shelley Jones**
Director Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to provide an overview of Council's progress towards delivering its Delivery Program, Operational Plan 2024/25 and financial position and projections for the period ending 30 September 2024, including approval for the proposed adjustments to the 2024/25 Budget attached to this report. The Quarterly Review of the Budget is reported to Council at the end of each quarter in accordance with Section 203 of the Local Government (General) Regulation 2021.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Note the Quarterly Progress Report on the Delivery Program and Operational Plan for the period ended 30 September 2024 in Attachment 1.**
- 2. Approve the budget adjustments and endorse the projected financial position as of 30 September 2024 in Attachment 2.**

REPORT

BACKGROUND

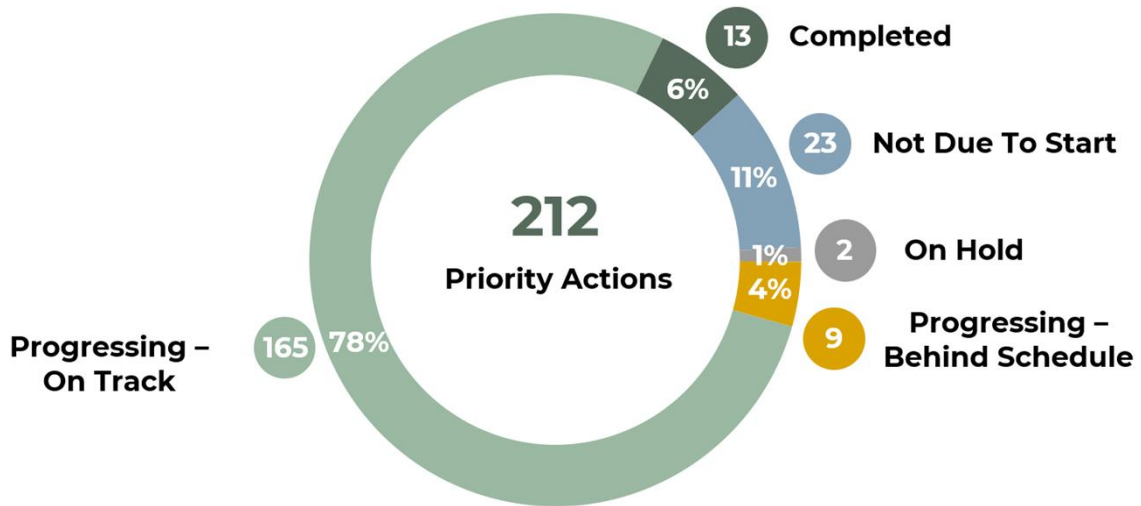
Under the *Local Government Act 1993* and the Integrated Planning and Reporting (IP&R) Framework, Council must have a Delivery Program detailing the principal activities it will undertake. The Delivery Program outlines where Council will take ownership of the goals and strategies of the Community Strategic Plan, Wingecarribee 2041, within its area of responsibility and with regard to its available resources. Annually Council adopts an Operational Plan that details the projects and activities (priority actions) that will be undertaken during the financial year and is legislatively required to report on the progress of these activities on a regular basis.

QUARTERLY PROGRESS REPORT

This Quarterly Review reports outcomes against Council's Delivery Program and Operational Plan 2024/25 for the quarter ended 30 September 2024. Progress for each service is reported against one of the five themes of the Community Strategic Plan. In some cases, these services and activities will be contributing to multiple themes and therefore will be presented under the best fit goal.

A summary of progress for the September Quarter 2024 is outlined below.

Diagram 1: Overall Priority Action Progress.



Highlights from September Quarter 2024 by theme include:

Leadership

- **Kindness Connects:** Council successfully launched the Kindness Connects initiative, featuring keynote speaker Kath Koschel where attendees were inspired to spread kindness in their local communities.
- **Elections:** Council worked with the NSW Electoral Commission to prepare for the September 2024 NSW Local Government election. Council developed a robust onboarding and induction program for the incoming Councillors.

People

- **Community Assistance Scheme:** Council awarded \$88,907 through its 2024/25 Community Assistance Scheme to 25 local organisations. The funds will support various initiatives, including arts, cultural events, sports, recreation, and environmental sustainability projects.
- **Mobile Library:** Council was awarded a \$207,104 grant from the NSW Government's Public Library Infrastructure Grant program to upgrade its Mobile Library. The funding will enhance library services across the Shire, increasing the vehicle's capacity and improving technology access.

Places

- **Animal Shelter and State Emergency Services (SES) Building:** Construction continued for the new Animal Shelter and State Emergency Services (SES) Building. Ongoing works included wall and ceiling lining installation for the SES building, cladding for the vehicle bay, and roofing and cladding for the Animal Shelter.
- **Reconstruction Works:** Council commenced delivery of Essential Public Asset Reconstruction Works on flood-damaged transport infrastructure.

Environment

- **Earth Flix:** Council hosted another Earth Flix: Cinema 4 Change screening, featuring The Koalas documentary. After the screening, the panel discussed reporting koala sighting to build a comprehensive record that can help inform future planning and conservation decisions.
- **Water Reservoir Systems:** Council upgraded hardware at two water reservoirs by installing new smart Remote Terminal Units (RTUs), optimised for remote operations.

Economy

- **Tulip Time Festival:** The annual Tulip Time Festival delivered vibrant floral displays to the Shire. The main spectacle featured 80,000 hand-planted tulips in Corbett Gardens as well as displays in Lions Park Bowral, Leighton Gardens Moss Vale and Winifred West Park Mittagong. Over two weekends, Tulip Time After Dark illuminated the garden with lights, live music, and local food.
- **Preserve Local Heritage:** Council adopted the Community Heritage Study 2021-23. This study identified 412 properties for heritage listing and proposed eight (8) new heritage conservation areas. Some properties will undergo further assessment before decisions on heritage listings are made.

QUARTERLY BUDGET REVIEW QUARTERLY BUDGET REVIEW

Budget Adjustments

This report also brings to account a range of necessary income and expenditure adjustments arising during the quarter. The budget is continually monitored, and adjustments are brought to account as a part of the Quarterly Budget Review where a change from the adopted budget is forecast.

Material changes for the quarter include the reduction of the annual Development Assessment income (\$1M) expected to be determined during this financial year. The revised forecast to Development Assessment income has been made whilst the establishment for the Development and Regulation team is being filled. As the structure is progressively being filled, the number of development applications being determined during the quarter has increased month on month from July 2024.

As there has been a number of Development and Regulation vacancies, contractors and consultants were engaged to backfill these vacant positions. As these contractors and consultants complete their development assessment related works, budget will be required to fund them in the 2024/25 financial year. An additional \$1.5 million has been allocated in this quarterly review for contractors and consultants which has been partially offset with salary savings (\$480K).

In addition to this, an additional \$1 million has been allocated for legal costs to ensure there are funds to cover legal costs that may be incurred during the year. These legal costs are preliminary forecasts based on prior year trends.

These adjustments will be monitored during the quarter with an update provided as a part of the December 2024 Quarterly Budget Review.

Other material changes made during the quarter include the \$1.37 million increase for the Back of House Civic Centre refurbishment (resolved by Council in July 2024) funded by loans and \$2 million increase in Roads to Recovery funding for road rehabilitation on Belanglo Road and Elizabeth Street Moss Vale.

Council resolved the following in relation to the Quarterly Budget Review at the February 2024 Council meeting.

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“Request the General Manager to provide a short commentary on any line item incorporated in the quarterly financial statement with a variation of plus or minus \$20,000 to ensure that any resident can understand underlying reasons, amongst other things, for both operating and capital adjustments to the March 2024 meeting, together with full time equivalent staff at the end of each quarter”

The adjustments with a variation of plus or minus \$20K are as follows:

Income Adjustments

- \$20K increase in rates and annual charges income due to a net reduction in pensioner subsidies to be paid.
- \$60K increase in income for cemetery fees due to higher than anticipated revenue based on current projections.
- \$1M decrease in Development Assessment income not forecast to be determined during the year based on revised forecasts as outlined in the commentary above
- \$145K increase in income relating to a rebate relating to Council's Workers Compensation premium.
- \$15K increase in legal recovery fees relating to Development Assessment.
- \$1.096M decrease of Regional Roads Block Grant brought to account during the 2023/24 financial year offset by reserve funding.
- \$185K decrease in Financial Assistance Grant to align to advice received by Office of Local Government
- \$30K increase in SOS Southern Highlands Shale Woodlands grant funds offset by associated increase in Materials and Services
- \$37K increase of Road Safety Officer Grant Budget to reflect actual grants received.
- \$49K decrease relating to the deferral of the Extension of Burradoo Cycleway project into 2025/26 offset by reduction in capital expenditure
- \$1.2M increase of Roads to Recovery Grant (Belanglo Rd Rehabilitation) offset by increase in capital expenditure
- \$800K increase of Roads to Recovery Grant (Elizabeth Street Moss Vale Rehabilitation) offset by increase in capital expenditure

Operating Expenditure

- \$1.57M decrease from vacancies and forecast savings as follows (Listed by Org Level 3 - Manager Level):
 - \$102K in Strategic Outcomes
 - \$57K in Finance
 - \$10K in Corporate Strategy and Resourcing Salaries
 - \$80K in ICT and Customer Services Salaries
 - \$56K in Corporate Strategy and Performance Salaries
 - \$32K in Business and Property Services Salaries
 - \$139K in People and Culture Salaries
 - \$72K in Assets Salaries
 - \$310K in Shire Presentation Salaries
 - \$50K in Community, Life and Libraries Salaries
 - \$542K in Development and Regulations Services Salaries
 - \$146K in Waste and Resource Management Services
- \$145K reduction of salary vacancy factor (credit) incorporated to inherent savings throughout the year.
- \$1M increase in Development Assessment Legal Costs forecast to be incurred during the year.

- \$1.5M increase in Development Assessment Contractor and Consultant Budget forecast to be utilised during the financial year.
- \$20K decrease in Bank Fees related to savings from existing banking provider.
- \$35K decrease in Tourism expenditure used to partially fund increase in Salaries and Wages (extra 0.2 Full Time Equivalent)
- \$196K decrease in Shire Presentation contractors relating to SRV Reserve reallocation to align SRV expenditure trajectory
- \$50K increase for Verge Mowing incorrectly budgeted in the Original Budget.
- \$9K increase for Water Services Review
- \$30K increase for the SOS Southern Highlands Shale Woodlands expenditure offset by associated increase in Operating Grants and Contributions
- \$355K increase for Waste Levy costs relating to legacy EPA order relating to stock reset levy
- \$78K reduction in Emergency Services Levy Contribution to align to advice provided by NSW Revenue
- \$57K reduction in Rural Fire Service Contribution to align to advice provided by NSW Revenue
- \$30K reduction in contribution to Bradman Oval to align with maintenance agreement

Capital Expenditure Adjustments

- \$60K reduction in Keyless entry for Community Halls deferred into the 205/26 financial year.
- \$400K reduction for TechOne Assets Module (Configuration) to align with project cash flows
- \$296K decrease for Stafford Cottage Roof & Floor Renewal Project rephasing to 2025/26.
- \$200K decrease for Sports field Lighting Renewal - Church Road Oval - rephasing to 2025/26
- \$190K decrease Centennial Park Bowral Renewal Project used to fund increase costs associated with David Woods Adventure Playground
- \$150K decrease for RRC Buildings upgrade deferred rephasing to 2025/26
- \$128K decrease for Yerrinbool Public Toilets (Design) project as savings to the project.
- \$50K decrease for Pools Equipment/Building Infrastructure Capital to align to replacement schedule.
- \$40K decrease for Robertson – Ash Placements (granite wall) to be rephased into 2025/26
- \$20K increase for Sports field and Reserve Park Furniture Renewal to align with revised forecast
- \$50K increase for design of Mittagong Visitor Centre Upgrade not included in original budget
- \$75K increase for Saleyards (SRLX) Canteen Fit out funded by reserve
- \$190K increase for David Wood Adventure Playground project to reflect the increase costs of this project
- \$1.37M increase for Civic Centre Back Office Refurbishment (Council meeting 17 July 2024) offset by loan borrowings.
- \$230K decrease for new footpath: Crimea St Willow Vale phasing adjustment
- \$75K decrease for Footpath renewal Spring Street Illawarra Highway Rail phasing adjustment
- \$75K decrease for new footpath: Railway St Moss Vale phasing adjustment
- \$50K decrease for new footpath: New Berrima to Berrima (Design) phasing adjustment
- \$40K decrease for Footpath renewal Bendooley St Bowral phasing adjustments
- \$30K decrease for new footpath: Exeter train Station (Design) phasing adjustment
- \$25K decrease for new footpath: Bendooley St Bowral phasing adjustment
- \$20K decrease for Footpath renewal Kangaloon Road Illawarra Highway phasing adjustment

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- \$5K decrease for Penrose Bus Shelter Design as savings .
- \$50K decrease for Kerb Ramp renewal- Old Hume Hwy Mittagong phasing adjustment
- \$49K decrease for Burradoo Cycleway extension as project is deferred (funded by Capital Grants)
- \$800K increase for Elizabeth Street Moss Vale Road Rehabilitation project funded by Roads to Recovery grant
- \$1.2M increase for Belanglo Road Rehabilitation project funded by Roads to Recovery grant.
- \$610K decrease from Design of Drainage Hood Cook St Option 3 reallocated to other Stormwater Projects
- \$584K decrease for the Design of Bessemer Street drainage project rephasing to 2025/26
- \$250K decrease for the Construct of Gascoigne St Drainage funding reallocation \
- \$110K increase of Berrima Rd & Lytton Road Stormwater Renewal project funded by savings from other Stormwater related projects
- \$150K decrease for the Stormwater Pit and Pipe Renewal reallocated to Bessemer Street
- 200K decrease for Drapers Rd stormwater upgrade rephasing to align cash flows with project completion in 25/26
- \$50K increase for the Gib West Firetrail Stormwater Pipe Renewal reallocated from Stormwater Renewal project
- \$50K increase for the Railway Parade Swale Works funded from Stormwater Renewal project savings
- \$50K increase for the Harmen Street Swale Works funded from Stormwater Renewal project savings
- \$188K decrease for the Design Culvert 5A Burradoo Rd project rephasing to 2025/26
- \$8K Increase for the Penrose Rd Drainage and Retford Park Detention basin funded by reserves
- \$200K Increase for the Priestly Street Culvert funded by savings with the Stormwater program
- \$787K Increase for Water Supply Zone Control Valves Budget as per 26 June 2024 Council Meeting
- \$100K increase for replacement of fish filter, plus delivery of agreed original scope for Water Treatment Plant Asset renewal funded by the Water Fund

The reporting formats contained with the attachments includes actuals for the first time which align with monthly reporting. In providing the actuals within the report, it is noted that grant revenue is brought to account as the funds are received and adjusted at end of financial year. It is anticipated that grants income and reserve utilisations will be performed monthly at a future point in time.

The statutory report **Attachment 2** complies with the budgetary requirements included in the Integrated Planning and Reporting framework and Office of Local Government reporting requirements.

The non statutory report **Attachment 3** is additional information presented at the coordinator level which aligns to the Principal Activity as per the adopted 2024/25 Operational Plan and Budget. This is to ensure that Council and the community have insights as to the cost of and the resources allocated to each Service.

Further adjustments less than \$20K can be found in **Attachment 3** of the Quarterly Budget Review Statement. These include transfers between Principal Activities and funding sources where there is

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not net impact on Council's budget, more so reallocation of expenditure to the relevant area or appropriate funding source.

GRANT UPDATE

Grant Debtors

The following significant grant related debtors and contract assets are carried on the balance sheet as at 30 September 2024.

| Grant | Funding Body | Type | Amount |
|--|---|-------------|---------------|
| Disaster Recovery Funding Arrangement (DRFA) Storm Flood February, July and October 2022 | Transport for NSW | Operating | \$6.17M |
| Southern Regional Livestock Exchange Main Contract 6330/20.10 Yards Proway | Infrastructure NSW | Capital | \$0.52M |
| Retford Park Detention Basin | Department of climate Change, Energy, The Environment & Water | Capital | \$1.37M |

For many capital grant programs, which may span multiple financial years, Councils perform the work and/or pay for work performed by contractors upfront. The funding agreements in many of these cases are "reimbursements", where funds are paid after the project is completed.

The nature of the DRFA is that the payment is not made until after the claims are assessed by Transport for NSW. A DRFA Contract Asset was included in Council's balance sheet as at 30 June 2024 to represent the claim lodged. The nature of this funding arrangement has had a temporary impact on Council's cash position.

No further payments have been received for the DRFA program since June 2024. Council continues to work with Transport for NSW for the assessment and reimbursement of the remaining DRFA claims. It is acknowledged that \$623K of the outstanding claims is ineligible for reimbursement under the DRFA Guidelines due to these charges being day labour. The advocacy efforts will continue in ensuring all DRFA funds are collected in a timely manner.

Grant Applications 01 July 2024 to 30 September 2024

From 1 July 2024 to 30 September 2024, Council received notifications of successful outcomes for four grant applications totalling \$3,843,604. Council was also informed of unsuccessful outcomes for twelve grant applications, valued at \$6,445,657. As of 30 September 2024, there are 20 pending grant applications worth \$20,919,476.

| Outcomes for period 01/07/2024 - 30/09/2024 | Number | Value |
|--|---------------|--------------|
| Successful Applications | 4 | \$3,843,604 |
| Unsuccessful Applications | 12 | \$6,445,657 |
| Pending Outcome as at 30/09/2024 | 20 | \$20,919,476 |

A detailed list of grant applications in each category can be found in the **Attachments**.

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Grant Applications – Mittagong Playhouse

An application was submitted to the Growing Regions Round 2 Grant Program on 10 October 2024, requesting \$4,325,558 to fund 50% of the Mittagong Playhouse Restoration project. Council officers anticipate notification of outcome in the 2025 Calander Year. The project is currently allocated in Council’s Long Term Financial Plan to commence in the 2025/26 financial year.

Investing in our Future Special Rating Variation (SRV) Update

The Investing in our Future SRV is used to fund specific expenditure on the following asset classes for maintenance and capital related works. The table below sets out the expenditure compared with Council’s 2024/25 budget.

| | Original Budget (2024/25) | Adopted Budget (2024/25) | Proposed Q1 Budget (2024/25) |
|--------------------------|------------------------------|-----------------------------|---------------------------------|
| Maintenance | | | |
| Roads | \$609,275 | \$609,275 | \$609,275 |
| Buildings | \$1,231,910 | \$1,231,910 | \$1,231,910 |
| Parks | \$0 | \$0 | \$0 |
| Drainage | \$25,956 | \$25,956 | \$25,956 |
| Total Maintenance | \$1,867,142 | \$1,867,142 | \$1,867,142 |
| | | | |
| Capital | | | |
| Roads | \$7,778,389 | \$9,606,399 | \$9,606,399 |
| Buildings | \$65,493 | \$402,159 | \$220,866 |
| Parks | \$17,288 | \$269,176 | \$243,025 |
| Drainage | \$4,511,742 | \$6,490,480 | \$6,508,776 |
| Total Capital | \$12,372,912 | 16,768,214 | 16,579,066 |
| | | | |

Unrestricted Working Capital Position

The forecast working capital position for 30 June 2025 is summarised as follows:

| Description | Working Capital (\$M) |
|--|-----------------------|
| Opening Balance (Carried forward from 23/24) | \$6.076M |
| Original Budget Surplus | \$0.054M |
| September 2024 Quarterly Budget | \$0 |
| | |
| Forecast Working Capital as of 30 June 2025 | \$6.130M |

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Council's Working Capital is the available funds allocated to satisfy its short-term financial obligations and be used to temporarily fund any unforeseen financial emergencies. Council's minimum working capital position is \$5.8M and currently forecast to be \$6.13M as at 30 June 2025.

COMMUNICATION AND CONSULTATION

Community Engagement

Nil

Internal Communication and Consultation

Progress updates and budget adjustments were provided by Coordinators, Managers and Executive.

External Communication and Consultation

Nil

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

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

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The budget adjustments listed in the attachments have no net impact on Council's unrestricted working capital position .

RELATED COUNCIL POLICY

Nil

CONCLUSION

This report provides an overview of Council's progress towards achieving the deliverables in the 2024/25 Operational Plan. As at the end of the September Quarter, 78% were 'On Track', 1% were 'On Hold', 4% were 'Progressing - Behind Schedule', 6% were 'Completed'. The September 2024

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budget adjustments made during the quarter have no net impact on Council's unrestricted working capital position.

ATTACHMENTS

1. Quarterly Progress Report - September 2024 [**8.1.1** - 98 pages]
2. Quarterly Budget Review Statement - September 2024 - Statutory [**8.1.2** - 24 pages]
3. Quarterly Budget Review Statement - September 2024 - Non-Statutory [**8.1.3** - 94 pages]
4. Grants Update [**8.1.4** - 2 pages]

8.2 Community Engagement Strategy 2024-2028 – Draft for Public Exhibition

Report of: Kathryn Baget-Juleff
Manager Community Life and Libraries

Authorised by: Michael McCabe
Director Communities and Place

PURPOSE

The purpose of this report is to seek Council's endorsement of the draft Community Engagement Strategy 2024 - 2028 (the draft Strategy) to be placed on public exhibition for a period of 28 days calling for submissions (**Attachment 1**).

OFFICER'S RECOMMENDATION

THAT Council endorse the draft Community Engagement Strategy 2024-2028 to be placed on public exhibition for a period of 28 days calling for submissions.

REPORT

BACKGROUND

Community engagement is about involving people in decision-making and is at the very core of our democratic processes in local government. Community participation is crucial for building a great shire where people want to live, work, and visit.

Council carries out community engagement on key projects, initiatives, policies, strategies and plans to ensure a balanced and collaborative decision-making process between the community and Council is achieved.

As part of the Integrated Planning and Reporting (IP&R) Framework, the Local Government Act 1993 states Council must establish and implement a Community Engagement Strategy to support the development of all plans, policies, programs and key activities. The Framework stipulates that engagement activities should be incorporated into one over-arching strategy to be endorsed by Council which outlines how it will engage with the community.

The Community Engagement Strategy 2024 - 2028 (the draft Strategy) must be exhibited for 28 days if it is combined with a Community Participation Plan, as per the Environmental Planning and Assessment Act 1979.

Under this legislation, Council is required to:

1. engage with the community to prepare a draft Community Engagement Strategy by 31 December in the year of a Local Government election and review the strategy a least every four years
2. publicly exhibit the draft Community Engagement Strategy for at least 28 days and invite submissions

Council adopted its current Community Engagement Strategy including Community Participation Plan on 19 April 2023.

The strategy identifies relevant stakeholder groups within the community and outlines when, how and why each group will be able to provide input into Council's long-term planning and decision-making activities.

At Council's meeting held on 21 September 2022, Council endorsed a phased approach to the review of the Community Engagement Strategy and Community Strategic Plan.

The first phase was held between September 2022 and June 2023. As required in this phase, Council's Community Engagement Strategy has been reviewed and the draft Strategy has been prepared for consideration.

The second phase was held from August 2023 through to the recent Local Government elections in September 2024. As required in this phase, the review focused on implementing newly created community engagement structures and a co-design approach to inform current and future approaches to community engagement.

A third phase will be reconfirmed in consultation with the newly elected Council and based on the Community Engagement Strategy being aligned to the wider Communications and Engagement Framework for Council.

The Draft Strategy

Council delivers a diverse range of services and projects for our community and community engagement is an essential part of this process. Community engagement is undertaken based on the level of impact, interest and influence for our community and is important to:

- Involve the community in decision making
- Build relationships and trust
- Strengthen community
- Build a sense of belonging; and
- Keep the community informed.

The draft strategy builds on the existing strategy, developed following internal and external engagement. It outlines Council's principles, commitments, levels and process for engagement to guide Council's elected members, staff and consultants when engaging with our community.

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The draft Strategy details Council's commitment to providing a diverse range of opportunities for our community to share feedback and join the conversation on Council's projects and plans.

The draft Strategy highlights Council's role in effectively planning engagement activities, keeping our community informed about project updates and the rationale for Council's decisions.

COMMUNICATION AND CONSULTATION

Community Engagement

Following endorsement of the draft Strategy, active engagement will be undertaken during 2025 for the draft Strategy to be incorporated into a wider Communications and Engagement Framework for Council. During this period a combination of both traditional and emerging engagement activities will take place including face-to-face engagement, village pop up sessions, online digital engagement through Participate Wingecarribee and our Place Portal. The broader community will be engaged via Council's social media platforms.

Internal Communication and Consultation

Manager Governance and Corporate Performance

Coordinator Strategy & Business Improvement

External Communication and Consultation

In addition to the extensive consultation undertaken in 2022/2023 in the development of the existing Community Engagement Strategy, Council carries out ongoing evaluation to understand satisfaction with engagement activities, such as Participate Wingecarribee, place-based engagements and incorporates this into future engagement planning.

SUSTAINABILITY ASSESSMENT

Environment

Diverse engagement methods, both digital and in-person as outlined in the draft Strategy, fosters sustainable solutions by encouraging broader participation and collaboration on local issues.

Wingecarribee is a geographically diverse region and the communities in these different areas can – and often do – have vastly different needs, priorities and challenges than one another. Our draft Strategy recognises and celebrates that this geographic diversity is important and needs to be taken into consideration when planning and executing engagement activities across the Shire.

Social

The draft Strategy provides a clear approach on how we involve, empower and listen to our community. Through clear and meaningful community engagement, Council will seek out, create and facilitate opportunities for community members to provide input, be heard and, through their participation, shape our collective future in a meaningful and tangible way.

By involving our community in the decision-making process, Council can gather diverse perspectives and insights, leading to more effective and inclusive policies, strategies, services and programs.

Council's role is to facilitate a constructive two-way avenue of communication between Council and our community, partnering together to build a better future for the Shire.

Broader Economic Implications

No broader economic implications

Culture

The draft Strategy recognises that views gathered through conversations and engagement should be representative of a broad cross section of the community. The draft Strategy identifies some specific groups that may require additional considerations when communicating or undertaking engagement to ensure they can actively participate.

Governance

Section 402A of the Local Government Act 1993, which relates to the Integrated Planning and Reporting (IP&R) framework, requires NSW councils to have a Community Engagement Strategy based on social justice principles.

In addition, Division 2.6 of the Environmental Planning and Assessment Act 1979 requires Council to have a Community Participation Plan. The plan applies to all aspects of a council's land-use planning and sets out how and when Council will engage with the community on planning and development issues. It also includes minimum exhibition requirements.

COUNCIL BUDGET IMPLICATIONS

The draft Strategy has no discernible financial impact on Council. Council has an established Community Engagement Specialist, and the costs of engagement activities are commonly factored into project or program budgets across the organisation.

RELATED COUNCIL POLICY

The Community Engagement Strategy has interdependencies with the Community Engagement Policy which outlines the principles and commitments that will guide the planning, design, implementation and evaluation of community engagement practices at Council. The Community Engagement Policy is available on Council's website under the [Integrated Planning and Reporting Framework \(IP&R\) documents](#).

CONCLUSION

Council is committed to involving our community in decision making processes. The draft Strategy is a resource to enable a consistent approach to undertaking meaningful and effective community engagement. Through seeking feedback and engaging our community to join the conversation with Council, we will enable better decision making, strengthen our community and build trust.

The draft Strategy will enable Council to continue to deliver engagement activities for our community to the highest standard, reflecting best practice across the state.

This report and its attachment seek to ensure that Council's Community Engagement Strategy incorporating a Community Participation Plan is updated to meet statutory requirements and allow for effective, proactive and consistent implementation.

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ATTACHMENTS

1. Community Engagement Strategy 2024 [8.2.1 - 29 pages]

8.3 Christmas Program 2024

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

Authorised by: Michael McCabe
Director Communities and Place

PURPOSE

The purpose of this report is to inform Council of the endorsed Christmas Activations Program 2024 and associated budget, and to consider approval of an allocation to the Festival of Lights following public exhibition.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Note the Christmas Activations Program 2024.**
- 2. Note, in the interest of time, that submissions from the Festival of Lights Ltd public exhibition period are as tabled at the meeting.**
- 3. Waive fees and charges for the use of the Senior Citizens rooms in Corbett Gardens to conduct the Festival of Lights Christmas activities up to an amount of \$7,000, in accordance with Section 610(F) of the Local Government Act 1993.**
- 4. Allocate \$25,000 from within the 2024 Christmas budget to the Festival of Lights Ltd for light displays in Corbett Gardens.**
- 5. Re-allocate the \$25,000 to the main town centres for Council installations if the Festival of Lights Ltd does not proceed.**

REPORT

BACKGROUND

Council at its meeting of 17 July considered item 9.17 - Christmas 2024 - Update on Council Funded Christmas Activations and resolved:

THAT Council:

- 1. Endorse the 2024 Christmas Program.*
- 2. Allocate \$25,000 from within the 2024 Christmas budget to the Festival of Lights Ltd to continue light displays in Corbett Gardens and in the event Festival of Lights does not proceed, the \$25,000 be allocated to the main town centres for Council installations.*
- 3. Undertake a 28-day public notification period in relation the contribution of \$25,000 towards the Festival of Lights in accordance with Section 356 of the Local Government Act 1993, if the Festival of Lights proceeds.*
- 4. Undertake a 28-day public notification period in relation the contribution for waiving of fees and charges for the use of the Senior Citizens rooms in Corbett Gardens to conduct the*

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Festival of Lights Christmas activities up to an amount of \$7,000, in accordance with Section 610(F) of the Local Government Act 1993, if the Festival of Lights proceeds.

Council have actioned the recommendations. The public notification period for the contribution of \$25,000 towards Festival of Lights (FoL) and waiving of fees and charges for the use of the Senior Citizens rooms in Corbett Gardens closed on Monday 28 October. Submissions received from the public exhibition period will be tabled at the 30 October 2024 Extraordinary Meeting of Council.

REPORT

Council has an adopted budget of \$100,000 to provide Christmas activities in the Wingecarribee Shire in the 2024/25.

The Christmas Activation Program 2024 aims to re-energise the Christmas spirit across the Shire. The program consists of free or low-cost activities for the community to participate in and provides a coordinated festive season of activities and attractions across the Shire.

The objectives of the Christmas Activation Program are to:

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

Christmas Activation Program 2024

Taking into consideration the feedback from the 2023 Christmas Program and the need to create a more 'festive' approach in the main town centres, a revised 2024 Christmas program was developed.

In addition to the program, businesses and retailers in the town centres will be asked to adorn their shop windows with Christmas/Festive decorations. **Table 1: 2024 Christmas Activation Program 2024** outlines the endorsed activations for this year and allocated budget.

Council staff have commenced actioning the Christmas Activation Program including the design and production of seasonal flags to be installed throughout the town centres in November. In addition, several village associations have commenced plans to utilise the small activation grants for the village Christmas festivities. The proposed activities by the villages will enhance festivities and strengthen local connections.

Table 1: Christmas Activation Program 2024

| Christmas Activation | Allocated Budget | Location |
|---|-------------------------|---------------------------------|
| Purchase and installation of lights, decorations, flower boxes and Christmas flags in town centres | \$35,000 | Bowral, Moss Vale and Mittagong |
| Christmas Activation Grants – This grants program is a place-based initiative, funding village associations to deliver events and activities that bring people together in local villages \$3,000 going to the larger villages (Berrima, Bundanoon, Burrawang, Hill Top and Robertson) and \$2,000 to | \$32,000 | Villages |

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| Christmas Activation | Allocated Budget | Location |
|---|---|--------------------------------|
| smaller villages | | |
| Festival of Lights (FoL) - (draft program supplied by FoL Committee as of 28/04/24) referred to as 'Summer Lights' 17 Dec – Flick the Switch 18 Dec – Bop Til Your Drop 19 Dec – Family Carols 20 Dec – Fluro Friday 21 Dec – Bollywood in Bowral 22 Dec – Dogs Night Out 23 Dec – Acoustic Sounds 24 Dec – Twas the Night before Christmas (C3 Church Concert) 25 Dec – Lights only 26 Dec – Lights only 27 Dec – Pride LGBTQI 28 Dec – A Night at the Proms 29 Dec – Summer Nights 30 Dec – Best of the 80s 31 Dec – Highland FM NYE | \$25,000 *Subject to the FoL proceeding | Bowral 17 December-31 December |
| Pop-up Christmas Carollers. Council will conduct EOI's for performers to spread Christmas Cheer in public spaces across the Shire. From 7 – 22 December 2024. | \$8,000 | Locations across the Shire |
| Giving Tree Support local families in need this Christmas by donating to the Council's Giving Tree. As part of a charity initiative with the St Vincent de Paul Society, the Shire will have a tree at Civic to place your donation | In Kind | Moss Vale – Civic Centre |
| Elf on the Shelf Trail A free family and child friendly program to find Santa's helpers out and about in Council facilities. There will be 6 elves and a Christmas trail map for children and families to find the elves. Includes small prizes | In Kind | Council operated facilities |
| TOTAL | \$100,000 | |

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Village Trees

Due to recent safety assessments, it has been determined that the three plastic Christmas trees traditionally used in three of our villages, Robertson, Bundanoon and Colo Vale, are unsafe for installation this year. Concerns include structural instability and wear and tear. Council staff will work with these villages to explore alternative decoration options that ensure the safety of our community while still celebrating the holiday spirit.

Santa's Grotto

C3 Destiny Church has delivered Santa's Grotto using the Senior Citizens Hall for the past 4 years. For the past three years, the event has been in association with the FoL event. The C3 Destiny Church activation is free to community and provides an opportunity for families to celebrate the Christmas season.

C3 Destiny Church will continue to deliver this part of Festival of Lights program this year. Confirmation has been received from the Festival of Lights that they will proceed with arrangements in partnership with C3 Destiny Church for Santa's Grotto, irrespective of the larger lighting component. As such, the waiver of the fees for the Senior Citizens Hall is recommended in this report.

COMMUNICATION AND CONSULTATION

Community Engagement

Council sought feedback on Council's 2023 Christmas Activations via Participate Wingecarribee and postworkshop survey forms. The survey was open for two weeks from the 5 February 2024 and closed on the 19 February 2024. The survey was distributed to the villages and all residents in the Shire via e-news, direct emails and Participate Wingecarribee.

In addition, Council Officers met with Festival of Lights committee members to understand their proposed approach for the 2024 event.

Internal Communication and Consultation

Acting Manager Business and Property Services

Coordinator Tourism and Events

Coordinator Open Spaces - People and Resources

Coordinator Community Development

External Communication and Consultation

A 28-day public notification period was undertaken in relation the cash contribution of \$25,000 and for the waiving of fees and charges up to \$7,000 for the use of the Senior Citizens rooms in Corbett Gardens to conduct the Festival of Lights Christmas activities.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

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Social

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

A budget allocation of \$100,000 has been included in the 2024/25 budget for the 2024 Christmas Activations Program. If the FoL does not proceed with their respective event, the \$25,000 will be allocated to further activate the town centres through fairy lighting, flower boxes and other displays.

It is noted that if Council were to consider any other options to support FoL that require additional funds (both one-off and recurring), a funding source would need to be identified. In addition, if Council proposes to increase funding allocation to FoL, renotification to the community is required under section 356 of the Local Government Act.

The reduction of income for this one-off fee waiver for hire of the Senior Citizens rooms in Corbett Gardens has been factored into the 2024/25 budget and no budget adjustment is required.

RELATED COUNCIL POLICY

Nil.

CONCLUSION

It is recommended that Council continue its commitment to funding Christmas celebrations, incorporating new initiatives such as designing new Christmas banners and installation of Christmas themed flower boxes in town centres. Furthermore, empowering village associations and community groups to organize tailored activities and workshops will contribute to a more vibrant and inclusive festive season. By implementing these recommendations, the Council can ensure that the Christmas Activations in 2024 further strengthen community cohesion and bring joy to residents and visitors alike across the Wingecarribee.

ATTACHMENTS

Nil

8.4 Office of Local Government Discussion Paper - Councillor Conduct Framework

Report of: Warwick Lawrence
Governance Advisor

Authorised by: Shelley Jones
Director Corporate Strategy and Resourcing

PURPOSE

To inform Council of the submission prepared in response to the Office of Local Government discussion paper for the review of the framework for Councillor Conduct and Meeting Practices.

OFFICER'S RECOMMENDATION

THAT Council endorse the draft submission in relation to the Office of Local Government's Discussion Paper on Councillor Conduct and Meeting Practices, as included in Attachment 1 to this report.

REPORT

BACKGROUND

The Office of Local Government (OLG) has identified that the existing councillor conduct framework is not delivering on the need for transparency or the necessary degree of respect in the community for the role that councillors have.

Additionally, the OLG has raised concerns that closed council briefing sessions are being used to make decisions away from the public view, and that within Council meetings debates on issues are too often personal, rather than forums for robust, however respectful, discussions on what is best for the community.

To address these concerns, the OLG released a discussion paper '*Councillors Conduct and Meeting Practices. A New Framework*' (the Discussion Paper) in September 2024.

The discussion paper seeks the view of the community, key stakeholders and the local government sector about proposed changes to the councillor conduct framework and Council meeting practices. Submissions are required to be made by 15 November 2024.

REPORT

The Discussion Paper provides an overview of the proposed new approach to both the councillor conduct framework and meeting practices.

Proposed changes include:

- Making OLG directly responsible for dealing with pecuniary interest and significant non-pecuniary conflicts of interest, with sanctions (suspensions and loss of pay) being determined by an appropriate tribunal or body

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- Referring behavioural based concerns about councillor conduct to a State-wide panel of experienced councillors to judge their peers
- Resetting the code of conduct to be similar to Parliamentary Codes, making it clear the expected patterns of councillor behaviour
- Ensuring the community can observe local democratic processes by banning closed to the public briefing sessions, while at the same time restoring the dignity and prestige of the council chamber.

Changes to the councillor conduct framework and meeting practices will require changes to the Local Government Act 1993, Local Government (General) Regulation 2021 and updating the various codes and policies that apply.

A draft submission has been prepared and included in **Attachment 1** that responds to these proposed changes.

COMMUNICATION AND CONSULTATION

Community Engagement

Nil

Internal Communication and Consultation

Executive

External Communication and Consultation

Nil

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

An improved Code of Conduct framework will assist Council to restore public confidence in Council as the Council comes out of Administration.

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

A strong and clear framework to better manage Councillor conduct will improve open and transparent decision making and help to alleviate conflict between Councillors and provide a better mechanism to deal with Councillors at a local level that choose to ignore their conduct obligations.

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COUNCIL BUDGET IMPLICATIONS

There are no budget implications as a result of this report.

RELATED COUNCIL POLICY

Wingecarribee Shire Council's Code of Conduct and Code of Meeting Practice.

CONCLUSION

A draft submission has been prepared in response to the OLG discussion paper '*Councillors Conduct and Meeting Practices. A New Framework*', it is recommended that Council endorse the submission to be lodged with the OLG by 15 November 2024.

ATTACHMENTS

1. Submission Code of Conduct Reform [**8.4.1** - 5 pages]

8.5 Local Government NSW Annual Conference 2024

Report of: **Warwick Lawrence**
Governance Advisor

Authorised by: **Shelley Jones**
Director Corporate Strategy and Resourcing

PURPOSE

To inform Council of the upcoming Local Government NSW (LGNSW) Annual Conference to be held in Tamworth from Sunday 17 November 2024 to Tuesday 19 November 2024 and to determine Council's delegates attending the conference.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Nominate the Mayor and Deputy Mayor and two (2) other Councillors as its voting delegates to attend the 2024 LGNSW Annual Conference to be held in Tamworth from 17 to 19 November 2024.**
- 2. Request the General Manager to notify Local Government NSW of its voting delegates no later than Wednesday 6 November 2024.**

REPORT

BACKGROUND

Local Government NSW (LGNSW) is the peak body representing NSW local Councils, County Councils, Joint Organisations and Regional Organisations of Councils.

Its role is to support, promote, advocate for and represent the local government sector.

It does this by:

- Providing policy advice, management support and grants to members
- Empowering members to deliver quality services to meet the needs of their local community
- Providing effective, responsive, and accountable leadership on policy issues
- Enhancing community awareness and perception of local government
- Shaping the industrial environment in which the sector operates

REPORT

The Annual Conference is the annual policy-making meeting for NSW local Councils and provides an opportunity for councillors to come together to share ideas and debate issues that shape the local government sector.

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LGNSW members can put forward motions for consideration of the Annual Conference. Where a majority of voting delegates at the Annual Conference vote in support of the motion, it is adopted as a resolution of LGNSW.

Each financial member of LGNSW is entitled to a certain number of voting delegates based on the formula prescribed at Rule 23 of the LGNSW Rules. Wingecarribee Shire Council is entitled to four (4) voting delegates.

Council is required to submit the names of its four (4) voting delegates to LGNSW by 5pm on 6 November 2024.

It is recommended that the Mayor and Deputy Mayor attend the conference as voting delegates, subject to their ability, along with two (2) other councillors to ensure a full complement of voting delegates at the conference.

As is normal practice, Council's delegates will be accompanied to the conference by the General Manager.

A draft program for the conference included in **Attachment 1** to this report.

MOTIONS

Each year, LGNSW members are invited to submit motions to the Annual Conference. Under LGNSW rules, the latest date motions can be accepted for inclusion in the business paper is Sunday 20 October 2024. Given the timing of the declaration of election results, Council did not submit any motions to the conference this year.

COMMUNICATION AND CONSULTATION

Community Engagement

The cost of attending the LGNSW Conference is provided in accordance with the Councillors Expenses and Facilities Policy which was adopted by Council after public consultation.

Internal Communication and Consultation

Consultation with the General Manager has occurred to ensure that "early bird" registration could be made, and advanced reservation of suitable accommodation booked for Council delegates.

External Communication and Consultation

The information provided in the report has been obtained from the LGNSW conference website that details all the information relevant to the conference. (<https://lgnswconference.org.au>).

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

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

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Culture

There are no cultural issues in relation to this report.

Governance

Attendance of Council's delegates is in accordance with the Councillors Expenses and Facilities Policy adopted by Council. Delegates to the conference will be authorised by resolution of the Council.

COUNCIL BUDGET IMPLICATIONS

Council has taken advantage of the "early bird" registration of \$1115.00 (incl GST) per delegate and registered for the attendance of four (4) delegates, noting that the standard member registration for the conference is \$1,485.00 (incl GST) per person. The cost of the conference dinner ticket is an additional \$230.00 (incl GST) per person.

The cost of registration and attendance costs (i.e. travel, accommodation and other meals not provided in the registration cost of the conference) are provided for in accordance with the Council's Expenses and Facilities for the Mayor and Councillors Policy with each Councillor required to submit expenses claims for reimbursement once travel (and any other additional costs) are determined. Accommodation arrangements have been confirmed.

RELATED COUNCIL POLICY

Expenses and Facilities for the Mayor and Councillors Policy

CONCLUSION

As the annual policy-making forum for LGNSW it is important that Council is represented at the conference by the Mayor and Deputy Mayor and an additional two (2) councillors and that it be noted that the cost of Council's voting delegates attendance is provided for in accordance with Council policy and adopted budget.

ATTACHMENTS

1. Draft 2024 Annual Conference Program [8.5.1 - 3 pages]

8.6 Wastewater Main Renewal - Spencer Street, Moss Vale Tender Evaluation Report

Report of: Graeme Mellor
Manager Water Services

Authorised by: Clinton McAlister
Director Service and Project Delivery

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Wastewater Main Renewal – Spencer Street, Moss Vale.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Accept the Tender for the wastewater main renewal in Spencer Street and Lovelle Street in Moss Vale from Interflow Pty Ltd at a lump sum price of \$332,450.82 (inclusive of GST)**
- 2. Note the tenders received ranged from \$332,450.82 to \$998,530.00.**
- 3. Delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.**

REPORT

BACKGROUND

The sewer mains (490m in length, plus ~140m of long lateral services) which are the subject of this pipeline renewal project have been investigated using CCTV condition assessment and found to be in poor condition. The renewal of pipelines of this type will require remediation by specialised contractors with capability to perform trenchless construction techniques such as pipe bursting and relining.

REPORT

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

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

ADVERTISING

The tender advertising period was from the 6 August 2024 to 27 August 2024 (21 days).

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The tender was advertised as follows:

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

TENDERS RECEIVED

A total of three (3) tender submissions were received:

| Company Name | Location | Postcode |
|---|-----------------------|-----------------|
| Civil and Civic Group Pty Ltd | Canberra Airport, ACT | 2609 |
| Infrastructure Renewal Services Pty Ltd | Rydalmere, NSW | 2116 |
| Interflow Pty Ltd | Mitchell, ACT | 2911 |

LATE TENDERS

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

TENDER EVALUATION

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

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

TENDER ROLES AND RESPONSIBILITIES

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

| Role | Responsibility | Position |
|-------------------------|--|--------------------------------------|
| Evaluation Panel Chair | To manage the evaluation process and report to Council. | Project Manager Renewals |
| Evaluation Panel Member | Perform a detailed evaluation of the Tender Submissions. | Asset Officer – Water and Wastewater |
| Evaluation Panel Member | Perform a detailed evaluation of the Tender Submissions. | Coordinator Water |

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| Role | Responsibility | Position |
|--|--|---------------------|
| Procurement Process and Advice (Probity) | <p>Manages the tender process ensuring that it complies with all relevant legislation, Procurement Policy, Guidelines and Procedures. Manages all communication with Respondents during the advertisement and evaluation periods.</p> <p>Providing probity advice and support to the evaluation panel.</p> | Procurement Officer |

SELECTION CRITERIA

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

Mandatory Criteria:

| Mandatory Criteria |
|---|
| Public Liability - \$20 million |
| Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection |
| Motor Vehicle comprehensive Insurance |
| Bank Guarantees – 2 x 2.5% of Contract Value |
| Compliance with QMS Accreditation |

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

Non-Cost Selection Criteria & Weighting:

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

Summary of Selection Criteria & Weighting:

| Criteria | Weighting |
|-------------------------|------------------|
| Total Non-Cost Criteria | 50% |
| Total Cost Criteria | 50% |
| Total | 100% |

NON-COMPLIANT TENDERS

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

TENDERED SUBMISSION PRICES

Tenders received ranged from \$332,450.82 to \$998,530.00 inclusive of GST.

COMMENTS ON OVERALL EVALUATION OUTCOME

Tendered submissions were of a high standard. The contractors were all clearly capable and experienced with the type of work required.

COMMENTS ON RECOMMENDED TENDER SUBMISSION

Interflow has not been directly contracted by Wingecarribee Shire Council in the past 5 years. Over the past 15 years they have established a team of over 60 personnel to service the Water Authorities and Councils in Southern and Western NSW.

Interflow Pty Ltd has submitted both a conforming tender response and a very price competitive alternative proposal that uses an innovative solution to reline the existing mains using a structural PVC pipe called Expanda (Expanda is a registered trademark of Sekisui Rib Loc). The technology is not new, it has an installation history of over 20 years (without any pipe failures), and it's claimed this technology now accounts for 50% of pipe renewals in Australia. Interflow Pty Ltd has an impressive project delivery portfolio using this technology. It is fast to install relative to traditional pipe bursting construction methods and has a lower impact on the environment and the community.

COMMUNICATION AND CONSULTATION

Community Engagement

Not applicable.

Internal Communication and Consultation

Coordinator Water Assets consulted regarding acceptance of an alternative relining technology being acceptable.

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Coordinator Wastewater consulted regarding accepting the Expanda standard operating procedures (SOP) as acceptable for our crews to perform cleaning/maintenance, CCTV condition monitoring, repairs, and cut-in new junctions if required.

External Communication and Consultation

Manager Water and Sewer Queanbeyan-Palerang Regional Council consulted regarding their experience with Interflow's delivery and Expanda technology. Queanbeyan-Palerang Regional Council has installed over \$16M of Expanda in sewer main renewals over the past 4 years.

Capital Works Coordinator Dubbo Regional Council consulted regarding their experience with Interflow's delivery and Expanda technology.

Principal Engineer, Icon Water consulted regarding Icon Water's experience with Interflow's delivery and Expanda technology.

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 significant cost savings to be made in renewal of water and wastewater pipes using Expanda technology. This project is an ideal opportunity to get a first-hand appreciation of the project delivery capabilities of Interflow and the installation of Expanda.

Culture

There are no cultural issues in relation to this report.

Governance

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

COUNCIL BUDGET IMPLICATIONS

This project is funded by the annual wastewater renewal budget.

RELATED COUNCIL POLICY

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

CONCLUSION

The alternative technology proposed by Interflow offers significant cost benefits and a minimal installation construction risk (low community and environmental impact and no risk to adjacent buried assets). The technology is completely compatible with the existing sewer network

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operational practices. It is recommended that Council proceeds with the tender proposal from Interflow Pty Ltd and the evaluation review panel recommendation.

ATTACHMENTS

Nil

9 NOTICES OF MOTION

10 QUESTIONS WITH NOTICE

11 MEETING CLOSURE