



Community Update

Reference: 101; 102; 103/6
Report Author: Interim Administrator

It is important that residents, ratepayers, staff and councillors have an 'independent ear' in the Council dealing with formal complaints. From the information available to me it is clear that this has not in the past been the practice at this Council.

At the Council Meeting held on 21 April, I requested the Acting General Manager to explore the introduction of an internal ombudsman service. Following this request, and the associated recommendation from the *Governance, Human Resources and Statutory Reporting Review*, that Council should consider a greater use of shared resources, partnership agreements and professional development relationships with larger urban councils in NSW, Wingecarribee Shire Council has developed an ongoing relationship with Wollongong City Council's Internal Ombudsman, known as the Professional Conduct Coordinator, has been engaged to investigate a number of matters since this time. This casual shared service relationship has shown to be positive and discussions will continue with Wollongong City Council regarding this service.

Council records note that as early as 2005 it was looking at the appropriateness of using the line between the northern villages and Mittagong as a walking track for Tourism. At the time Transport Heritage confirmed that the line was leased by them and was used to operate work trains and inspection vehicles. They were open to discussion but identified that significant funds would be required to separate rail and cycle/ pedestrian traffic.

The matter remained dormant until 2017 when \$25,000 was provided in the budget towards the 'Rail Side Project Feasibility Study on the basis of a matching contribution from Wollondilly Council, however, as a result of a rescission motion the matter lapsed.

Last week I met with the CEO and support staff of Transport Heritage NSW about plans to restore and refurbish Picton to Mittagong Loopline from Buxton to Colo Vale. The State Government has already made substantial financial commitments to the project and from discussions with the Member for Wollondilly, has his enthusiastic support.

This is an exciting project and has the potential to deliver to some of the northern villages substantial economic and community benefits.

AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL

Wednesday 28 July 2021

INTERIM ADMINISTRATOR MINUTE



In meetings with representatives of northern villages and residents, a number of associated matters with the plans of Transport Heritage have been raised and it is appropriate that they be dealt with and accordingly, it is recommended that Council support the proposal to refurbish and restore the Picton to Mittagong Loophole from Buxton to Colo Vale, subject to:

1. No further action being taken to restore the illegal rail crossings in Balmoral
2. Council reconfirming that it will not support the relocation of the Balmoral RFS shed
3. It being noted that at this stage it is not practical to include a 'rail trail' in the proposal
4. Council working with Transport Heritage NSW to develop public toilets and a children's playground on the land owned by the State on the western side of the track at Hill Top on the basis of 50/50 funding
5. \$400,000 from the Station Street Improvements Grant balance (subject to State Government approval) be allocated to the Hill Top project from the allocation detailed in the Interim Administrator Minute of 23 June.
6. Council supporting the naming of the park adjacent to the railway at Hill Top as 'Hill Top Village Park'.

If approved the State Government's investment in this project is in the order of \$13m almost totally invested within the Wingecarribee Shire Council area. The Council will not deliver this project but is a very important partner and in view of its strategic nature warrants the General Managers direct involvement through the newly created position of Executive Manager Strategic Outcomes.

In consultation with the Acting General Manager and now the new General Manager, a number of reviews and audits have been undertaken in relation to the operation of Council and, in short, they have shown that Wingecarribee Shire Council was not a good example of local government. In addition, the Small Business Commissioner released a report following his consultations with small businesses that is generally consistent with the earlier initiated reviews.

Notice was given at an earlier meeting that an audit was being undertaken in relation to former Senior Staffs' use of credit cards and a review of expenditure of the Tourism and Economic Development Branch. In relation to the latter the consultant submitted a more detailed report to the General Manager on the findings, as there are commercial – in confidence – arrangements in place.

The tabling of these reports has been delayed due to legal advice; however, I now table both reports as they were presented to me and commend the General Manager on the action she has already taken to address the very serious issues raised in the recommendations.

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The final report of Earnest Consulting has been delayed due to COVID-19 and the importance of viewing sites and talking directly with residents. A second report has now been received titled 'Righting the Wrongs' and is tabled. The issue with DA's appears never ending and I acknowledge that staff are working hard to address what appears to be a myriad of problems. An operational report is being prepared by the consultants as it contains confidential advice as a way forward for a number of matters that could involve expenditure by Council to 'right the wrongs' and in the meantime, I have asked the General Manager to report on the recommendations captured in the most recent report.

The Animal Shelter Review Report completed by Mr David Ackroyd in conjunction with Mr Malcolm Ryan (Earnest Consulting) has also been received and is tabled. It confirms my concerns in relation to compliance with statutory obligations and raises new matters that require attention. It has been referred to the General Manager for action and report to the next meeting when plans for the new facility and its location will also be addressed.

As previously advised, Risk-e Business Consultants were engaged to undertake a review of the Council's response to the 2019/20 Black Summer Bushfires and I now table the Wingecarribee Shire Council Bushfire Response and Recovery Review 2021.

This is a comprehensive document and on behalf of the community, especially those who were directly affected I thank Mr Owens for his work and acknowledge all who freely contributed. There are 44 recommendations that need to be urgently addressed and I doubt the capacity of the suspended Council if returned to Office to deal both compassionately and professionally with a matter of such importance.

A constant theme of the Report is a lack of leadership, failure of communication, respect of roles and emergency readiness.

In relation to the Mayoral Relief Fund Mr Owens notes... "disparity between response to Balmoral to that at Wingello was clearly evident".

It is my view that the report and its recommendations should be subject to a formal response by the General Manager as soon as possible and that an external person or new senior employee should have carriage as some aspects maybe worthy of further interrogation.

Arrangements have been made to make a copy of the Report available to the Minister of Local Government and the Members for Goulburn and Wollondilly.

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Last Saturday the Minister for Local Government published an Order in the Government Gazette postponing the Local Government elections to 4 December 2021. It is well known that my appointment is until 10 September and under the provision of the Local Government Act, it cannot be extended without a Public Inquiry.

The next meeting of Council will be on 11 August and in view of the new date for the election the caretaker period will not apply. I will be releasing at that meeting my final report to the Minister under s438N of Local Government Act that will include recommendations that in my view will improve the proper and effective functioning of the Council.

While stated on a number of occasions that I did not support the calling of a Public Inquiry circumstances have changed. In my first Minute in March, residents were assured that I would do my best to independently serve in an honest, open and transparent way ensuring all voices are heard.

Many residents and community organisations have reached out and I have listened and responded to the best of my ability.

Staff have been open and frank, and it has been necessary to arrange additional consultancies and audits to independently enquire and review matters that have been raised.

A new General Manager has been appointed and the new organisation structure is a work in progress. We are at critical time operationally and my expectation was that the community could pass judgement in September.

The General Manager needs “air” to address the matters before her and the release today of the reports of Risk-e Business and Earnest Consulting only add to the seriousness and complexity of this major challenge.

The law is the law but in my view the return of the suspended Council is untenable.

Accordingly, I give notice to the community that it is my intention in the final report to recommend for the Minister’s consideration that a public inquiry under s438u of the Act into Wingecarribee Shire Council be held.

The former Council has failed the community it was meant to serve in the exercise of its functions, provision of core services, decision making, community participation, financial management and its responsibilities in relation to Integrated Planning and Reporting and I will detail my examples on 11 August.

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In coming to this conclusion, I am conscious that it could impact on the elections to be held in December, but the matter is too important for the future of the Shire given the current circumstances.

Viv May PSM

Interim Administrator