

AGENDA

of the
Ordinary Meeting of Council
held in
Council Chambers,
Wingecarribee Shire Council Civic Centre,
68 Elizabeth Street, Moss Vale
on

Wednesday 19 October 2022

The meeting will commence at **3:30 pm**

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Our Mission, Our Vision, Our Values

OUR MISSION

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

OUR VISION

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

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

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

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

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

OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

Council Chambers

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1 OPENING OF THE MEETING

The Administrator, Mr Viv May PSM will open the meeting.

2 ACKNOWLEDGEMENT OF COUNTRY

“Wingecarribee Shire Council acknowledges the Gundungurra and Tharawal people as the traditional custodians of this land we now call the Wingecarribee Shire. I pay my respect to Elders both past, present and emerging. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today.”

3 STATEMENT OF ETHICAL OBLIGATIONS

The Administrator is reminded of the obligations conferred on them at the time of their appointment.

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

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

4 APOLOGIES

Nil at time of print.

5 ADOPTION OF MINUTES OF PREVIOUS MEETING

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 21 September 2022 MN2022/194 to MN2022/221 inclusive, be adopted as a correct record of the proceedings of the meeting.

And THAT the minutes of the Extraordinary Meeting of Council held on Tuesday, 11 October 2022 MN2022/222 to MN2022/224 inclusive, be adopted as a correct record of the proceedings of the meeting.

6 DECLARATIONS OF INTEREST

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

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

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

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

7 ADMINISTRATOR MINUTES

8 GENERAL MANAGER

8.1 Wingecarribee Regional Economic Development Strategy (REDS) 2022

Report Author: Executive Manager Strategic Outcomes

Authoriser: General Manager

PURPOSE

This report provides Council with an update on the draft Wingecarribee Regional Economic Development Strategy 2022 Update which is currently on public exhibition.

OFFICER'S RECOMMENDATION

THAT:

1. Council receive and note the report on the draft Wingecarribee Regional Economic Development Strategy 2022 Update.
2. Council's submission on the draft Wingecarribee Regional Economic Development Strategy 2022 Update will be based on the key matters outlined in this report
3. Council's submission on the draft Wingecarribee Regional Economic Development Strategy 2022 Update will be tabled at the Ordinary Meeting of Council on 19 October 2022.

REPORT

BACKGROUND

In 2018, the NSW Government developed Regional Economic Development Strategies (REDS) for 38 Functional Economic Regions of regional NSW. The REDS provide a pathway for growth of industries that drive the economy and jobs.

The Wingecarribee Shire is its own Functional Economic Region and has its own Regional Economic Development Strategy 2018–2022. The current strategy sets out a long term economic vision and associated strategy for the Wingecarribee local government area (region). It builds on the region's endowments, core competencies, and specialisations to guide investment over a four year period. The Wingecarribee REDS 2018-2022 can be viewed at the following link: <https://www.nsw.gov.au/regional-nsw/regional-economic-development-strategies>

Since the development of the Wingecarribee REDS, the Shire and broader regional NSW has endured significant shocks including bushfires, floods and multiple waves of COVID-19, and significant new economic opportunities have emerged.

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The Department of Regional NSW has now prepared a draft Wingecarribee Regional Economic Development Strategy (REDS) 2022 Update which is currently on public exhibition until 20 October 2022.

The Draft REDS Update has been produced based on data analysis, input from stakeholder workshop, council submissions and the business survey. This input aims to ensure that the Update reflects local perspectives on the future of the Region. The REDS provides an evidence base to guide governments in making policy and investment decisions to support the growth, resilience and liveability of the region.

REPORT

Regional Economic Development Strategy 2022 Update

The REDS Update provides a snapshot of the progress made against the key strategies and actions outlined in the 2018 REDS, as well as captures major changes to the regional economy, including the effect of recent 'shocks' such as bushfires, droughts, floods and the Covid-19 Pandemic.

The Update seeks to identify strategic opportunities for key industries and develop potential strategies and actions to support economic growth in the region. The Update also highlights a number of known challenges, including an aging population and shrinking work force, as well as housing availability and affordability.

Priorities for Economic Development

The REDS Update establishes five key strategies for supporting economic development in the Region. This includes two (2) existing strategies, two (2) amended strategies and one (1) new strategy as shown in the extract from the Update below.

Existing	Enhance the liveability of the Wingecarribee region
Amended	Facilitate the development of agriculture as a key strength and <i>enhance</i> the visitor economy based on food, wine, and events
Existing	Grow the education, health, and aged care sector
Amended	Strengthen the region's manufacturing base and monitor opportunities <i>associated with the emerging Southern Highlands Innovation Park</i>
New	Support the resilience of small businesses

The draft REDS Update identifies key enablers under each of the five (5) strategies which are shown below.

Strategy	New Enablers	
Enhance the liveability of the Wingecarribee region	Infrastructure	Plan for a diverse range of housing through the implementation of local housing strategies, including the provision of development ready land and opportunities for additional density in existing areas.
Facilitate the development of agriculture as a key strength and enhance the visitor	People and Skills	Build pipeline of local skills capacity through increased collaboration between government, industry and educational

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economy based on food, wine, and events		providers to develop an appropriately skilled local workforce in healthcare, agriculture, and tourism.
Grow the education, health, and aged care sector		
Strengthen the region's manufacturing base and monitor opportunities associated with the emerging Southern Highlands Innovation Park	Government, regulation and information	Collaborate across government on the development of the Southern Highlands Innovation Park to ensure adequate service provision and infrastructure to attract innovative businesses in advanced manufacturing and professional and technical services.
Support the resilience of small businesses	Infrastructure	Explore options for improving connectivity to the coast via road and rail to improve supply chain resilience.

Feedback on the draft Regional Economic Development Strategy 2022 Update

Economic and Demographic Data

A number of the data sets used in the draft REDS update are not current, and are not an accurate reflection of the changes that have occurred over the past four (4) years.

The Australian Bureau of Statistics will release updated data during October, and it is recommended that the draft REDS Update be amended to reflect the current information.

Particularly, this will give a broader understanding of the ongoing impacts of economic shocks such as the Covid 19 Pandemic.

Key Industries

The draft Update retains the four (4) key industries from the 2018 REDS, being manufacturing, agriculture, health care and tourism. While these industries continue to be critically important for the local economy, emerging industries such as knowledge based industries and education and training play a significant role in local economic development and should be given the same consideration in the Update as the four (4) key industries.

It is also recommended that references to 'tourism' in the draft Update be amended to 'Hospitality and Tourism' to recognise the significance of the local hospitality industry.

Strategies and Enablers

Council is generally supportive of the Strategies and Enablers outlined in the draft REDS update, however, additional Enablers such as infrastructure, digital connectivity, access / connection to markets, innovation and education would assist in facilitating the Strategies outlined in the draft REDS.

For example, one of the major barriers to providing housing supply and diversity within the regions, as well as creating liveable communities, is Government's (including Council) ability to plan for and fund essential infrastructure to support growing communities. This includes critical enabling

infrastructure to unlock housing supply, as well as social and community infrastructure to support highly liveable communities.

In relation to 'People and Skills', a stronger focus on higher / tertiary education would build a pipeline of local skills, support a diverse population and workforce, and support the local hospitality and tourism industry with part time and casual workers.

Digital connectivity, including high-speed business grade internet, is critical to support local businesses and economic development, particularly in the emerging knowledge-based industries and education sectors. Improved digital connectivity is considered a key enabler to achieve the identified Strategies.

Southern Highlands Innovation Park

The Southern Highlands Innovation Park (SHIP) is the largest employment precinct outside of the Western Sydney Aerotropolis, and has the potential to support employment and economic development at a local and regional scale.

Council welcomes the opportunity to collaborate across government on the planning and development of the Southern Highlands Innovation Park, to ensure adequate service provision and infrastructure to unlock the potential of the precinct. While Council supports advanced manufacturing and professional and technical services, the REDS Update should also consider other industry sectors that will play a significant role in the SHIP such as education and sustainability.

COMMUNICATION AND CONSULTATION

Community Engagement

In preparing a response to the draft REDS Update, Council staff undertook direct consultation with industry groups including Business Southern Highlands, the Moss Vale and Rural Business Chamber and the Robertson Business Chamber.

Feedback provided by industry groups has been reflected into this report.

Internal Communication and Consultation

The report was prepared in consultation with Council's Strategic Outcomes and Corporate Strategy and Resourcing teams.

External Communication and Consultation

Council staff attended a workshop with the Department of Regional NSW during the public exhibition period, and provided feedback on the draft REDS Update consistent with the matters raised in this report.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

The REDS form an important part of the regional planning framework to guide governments in making policy and investment decisions to support economic development and the growth, resilience and liveability of the region.

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no Council budget implications associated with this report.

RELATED COUNCIL POLICY

Not applicable in the context of this report.

CONCLUSION

The Wingecarribee Regional Economic Development Strategy 2022 Update is currently on public exhibition. The REDS form an important part of the regional planning framework to guide governments in making policy and investment decisions to support economic development and the growth, resilience and liveability of the region.

Council staff have consulted with local industry representatives and Government agencies in formulating a response to the draft REDS update, and it is recommended that Council make a formal submission on the draft REDS based on the key matters outlined in this report.

ATTACHMENTS

Nil

9 REPORTS

9.1 Audit, Risk and Improvement Committee Annual Report

Report Author: **Group Manager Corporate and Community**

Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

This report presents the Wingecarribee Shire Council Audit Risk and Improvement Annual Report for the period since its commencement on 1 September 2021 to 30 June 2022.

OFFICER'S RECOMMENDATION

THAT Council note the 2021/2022 Audit, Risk and Improvement Committee Annual Report.

REPORT

BACKGROUND

Following the suspension of Council and the appointment of the Interim Administrator in March 2021, Council resolved at its meeting held on 21 April 2021 to establish a new Audit, Risk and Improvement Committee (ARIC) with a new Terms of Reference. Independent Committee members were appointed to the new ARIC at the Council meeting held on 28 July 2021. The first Committee meeting was held in September 2021.

REPORT

The Annual Report included in **Attachment 1** to this report documents the operation and activities of the Audit, Risk and Improvement Committee (ARIC) for Wingecarribee Shire Council from its commencement date on 1 September 2021 to 30 June 2022.

The Annual Report will be presented at the Council meeting by the Chair of the Audit Risk and Improvement Committee meeting, Mr Stephen Horne.

COMMUNICATION AND CONSULTATION

Community Engagement

N/A

Internal Communication and Consultation

N/A

External Communication and Consultation

The Audit, Risk and Improvement Committee Annual Report was prepared in consultation with the Chair and Independent Committee members.

RELATED COUNCIL POLICY

Nil

CONCLUSION

The 2021/22 Annual Report documents Audit, Risk and Improvement Committee documents the operation and activities of the Committee since its commencement date on 1 September 2021 to 30 June 2022.

ATTACHMENTS

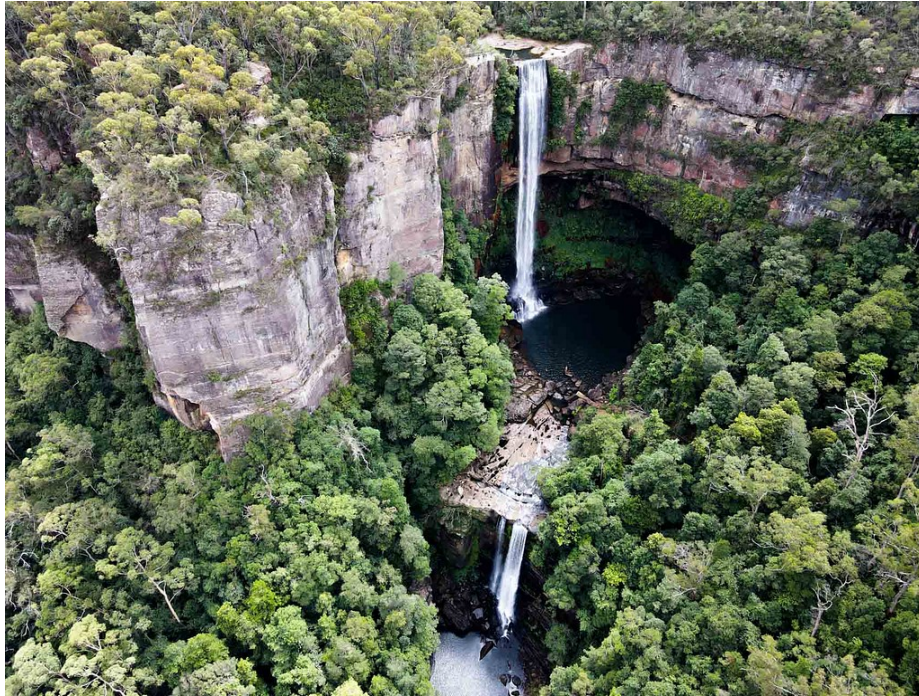
1. Audit Risk and Improvement Committee Annual Report [9.1.1 - 12 pages]



Audit Risk and Improvement Committee

Annual Report 2021/2022





Acknowledgement of Country

Wingecarribee Shire Council acknowledges the traditional Custodians of this land and we pay our respects to Elders both past and present. We would also like to acknowledge our young leaders who are the Elders of today, tomorrow and our future.

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About the Audit Risk and Improvement Annual Report

This annual report documents the operation and activities of the Audit, Risk and Improvement Committee (ARIC) for Wingecarribee Shire Council from its commencement date on 1 September 2021 to 30 June 2022.

Wingecarribee Shire Council's ARIC provided Council with independent assurance and assistance on its financial management, control framework, risk management, governance and external accountability. Council's ARIC was established under section 428A of the *Local Government Amendment (Governance and Planning) Act 2016*.

There are four (4) independent members on the Committee, including one who is the Chair.



Audit, Risk and Improvement Committee

Background to the Establishment of the Committee

On 12 March 2021 the Minister for Local Government suspended the Councillors of Wingecarribee Shire Council and appointed Mr Viv May PSM as the Interim Administrator.

As a part of a broader organisational review program, at the Extraordinary Meeting of Council held on 17 March 2021 the Interim Administrator requested a review of the Charter and membership of the Audit, Risk and Improvement Committee (ARIC).

A review of Council's ARIC Charter and committee membership was undertaken to ensure it reflected best practice and complied with foreshadowed legislative changes relating to audit, risk and improvement committees.

At the Ordinary Meeting of Council held on 21 April 2021, Council adopted the revised Terms of Reference and dissolved the Audit, Risk and Improvement Committee (ARIC) of the time. Subsequently Council called for Expressions of Interest. However (EOI) from suitably qualified persons. A total of 42 EOIs were received from interested persons

A selection panel was appointed to consider the applications received. The selection panel comprised Interim Deputy General Manager – Corporate, Strategy and Development Services and the Group Manager Corporate and Community. The selection process evaluated each applicant and the applications as a whole, to ensure a complementary mix of relevant skills and experience. Council required the following categories of skills and experience:

1. Independence from Council and its staff
2. Relevant professional qualifications
3. Relevant professional knowledge and expertise
4. Understanding of / experience in local government
5. Understanding of the role of corporate governance in organisations
6. Current / prior experience with similar committees.

Council's ARIC Terms of Reference specify that the membership of the Committee should include three (3) independent members including the Chair. However, it was recommended that the membership be increased to four (4) members, due to the complexity and organisational focus required to come out of Administration. Following the Local Government election, which at the time were scheduled for 4 September 2021. Additionally, since the appointment of the Interim Administrator a number of reviews were undertaken across the organisation with extensive, recommendations required to be implemented. Given the ARIC would play a role overseeing the implementation of the recommendations and diversity of skills, knowledge and experience would be a valuable tool to assist this process.

The selection panel short listed applicants based on the selection criteria and interviews were held with the short-listed applicants. Recommendations for final selection was reviewed and supported by the General Manager.

At the Ordinary Meeting of Council held on 28 July 2021, Council:

- Endorsed the appointment of Mr Stephen Horne, Mr Mark McCoy, Ms Simone Schwarz and Mr Michael Quirk to the Audit, Risk and Improvement Committee from 1 September 2021 for a three (3) year term expiring 31 August 2024 and

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- Appoint Mr Stephen Horne as Chair of the Audit, Risk and Improvement Committee for the three-year term.

ARIC Roles and Responsibility

The ARIC provides an advisory and assurance role only, and has no administrative function, delegated financial responsibility or any management functions. The Committee provided advice and assurance to the General Manager and Council on the matters outlined below. The Committee's responsibilities relate to the following functions: Internal Audit, External Audit, Risk Management, Control Framework, Community Strategic Planning, Service Delivery and Performance Data and Measurement.

The obligations of the ARIC, as well as the objectives, authority, roles and responsibilities, reporting requirements and other key information is outlined in the Committee's Terms of Reference that are available [here](#).



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Member Profiles

Stephen Horne



Stephen Horne is a qualified Company Director, Governance Professional and Internal Auditor. He has developed a portfolio of audit committee experience spanning the Commonwealth, NSW, NSW Local Government and Victorian Local Government sectors. He is also a trainer in the fields of internal audit, risk and integrity.

Mr Horne previously had a 38-year career in the NSW public sector. His executive roles included NSW Assistant Auditor-General (Performance Audit), and Chief Executive of a Government Trading Enterprise, the Internal Audit Bureau.

Mark McCoy



Mark has twenty years of experience as a non-executive director in banking, software, hospital and aged care sectors, and as chair of various board committees for over fifteen years.

His 'day job' is running his own professional practice advising the boards and CEOs of public and private sector clients on a wide range of governance and business improvement issues.

His earlier career included several C-level roles (DOO, COO and CFO) in a mix of large international and smaller local organisations, as well as both audit and risk management roles.

Mark has taught twenty different units of study to post-graduate and undergraduate students across four different disciplines at four universities during the last fifteen years, and he is a published author in matters of corporate governance.

Simone Schwarz



Simone Schwarz is a consultant with over 30 years' experience in Councils who is passionate about local government and community wellbeing.

She has subject matter expertise in Community Strategic Planning, Government and Public Administration and is an innovative leader and implementation specialist. She brings intellectual freedom and is highly experienced in the day-to-day operations of councils and the governance requirements of various functions within local government. She brings particular expertise in performance management frameworks and external accountability and the link to organisational and community strategy and outcomes.

She has Bachelor of Arts (Communications) and Masters of Applied Social Research Degrees and is an Associate at the UTS Institute of Public Policy and Governance.

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Simone has experience as a senior executive at Inner West, Marrickville, City of Ryde and Sutherland Shire Councils. She has managed all facets of local government and a workforce of 800+EFT and a budget of \$140+million.

She served as a board Member of the Benevolent Society for over 10 years and Local Government Professionals NSW for 5 Terms.

Michael Quirk



Michael Quirk held senior audit and management roles in local and state government for over 30 years, following an earlier career as a draftsman and systems design/review specialist. Michael has managed governance and internal audit operations at a number of major Sydney Councils. He established and managed a shared internal audit service for seven Lower North Shore Councils in Sydney. Michael now provides consulting services to government and the not-for-profit sectors and is an independent member of a number of audit and risk committees.

Michael holds a master's degree in e-Business, is a Certified Information Systems Auditor, and is a past Scholarship winner of the ICAC/ANU Corruption and Anti-corruption Executive Program. Michael previously held executive positions on the NSW Corruption Prevention Network (CPN), and the Local Government Internal Auditors Network (LGIAN).

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Key Achievements of the Committee

The current ARIC commenced 1 September 2021. It was established with a scope reflecting the revised requirements for ARICs developed by the Office of Local Government. The community likely is unaware that the role and scope of an ARIC in the NSW local government sector is the broadest for such committees in any sector, public or private, anywhere in the world. The ARIC's role and responsibilities are set out in its Charter, available on Council's website.

The ARIC Charter is the first and primary determinant of the focus and working of the ARIC. To enable the ARIC to meet its Charter responsibilities, a Strategic Workplan is developed covering the term of the Council. This was our first task. ARIC follows this Workplan, albeit that Wingecarribee is under Administration until the next election cycle.

In developing our forward Workplan and focus, the ARIC was also mindful that there had been a predecessor committee, with some actions from their work still active. In addition, there were a significant number of completed reviews that had been commissioned by the Administrator which the ARIC was required to bring into its scope of considerations. The external auditor for Council is the NSW Auditor-General, and the ARIC also liaised with the designated representative of the Audit Office to obtain their insights and input. Bringing all that together, the ARIC worked with management to focus, prioritise and sequence its activities for its first year.

Early in 2022, the General Manager released a comprehensive Strategic Roadmap for Wingecarribee, which provide further context for the ARIC to consider.

The ARIC's initial substantive area of focus in our first year was financial management. Whilst there were no issues requiring urgent attention, considerations extended to financial sustainability and resilience. The ARIC examined areas such as Council's financial reserves policy, investment strategy, unrestricted cash position, asset valuations, accounting arrangements and financial reporting.

Given the series of extreme weather events that had occurred since 2020, the ARIC also sought to understand Council's arrangements for responding to natural disasters, as part of its overall enterprise risk management. Broader aspects of risk management will be brought into focus during the ARIC's second year of operation.

Finally, ARIC refreshed and recommenced an internal audit program, which was balanced to recognise the range of reviews initiated by the Administrator and the current areas of greatest potential assistance to Council in actioning its Strategic Roadmap.

ARIC was also mindful that during this period there was an Public Inquiry of Wingecarribee Shire Council in operation. Council determined to proactively release key information provided to the Public Inquiry (via its website) and a report from the Inquiry was tabled in the NSW Parliament shortly after the close of the period covered by this ARIC report.

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Committee Induction

A committee induction was held on 9 November 2021 which was attended by the Chair, independent members, Council's Executive Team and relevant Council staff. The induction included an overview of:

- ARIC TOR and key governance matters
- Organisational restructure and organisational roadmap
- Enterprise Risk Management
- Risk Management

The induction also included a workshop for ARIC members and Executive to work together to development of priorities for the internal audit program and forward program.

Internal Audit

Council's contract with its internal audit firm expired on 30 June 2021 and with the establishment of the new ARIC a request for quotation procurement process commenced to appoint an internal audit firm for 2022 to 2026.

One audit has commenced since the establish of ARIC. This audit is an audit of Council's strategies, policies and internal standards, systems, processes and practices relating to the management of psychological health and safety in the workplace. The outcomes of the audit will be reported the September ARIC meeting.

Meetings Held During the Year

The Committee held four ordinary meetings during the 2021/22 financial year. Council's 2021/22 Audited Annual Financial Statements were presented to the Committee on 27 October 2021 for endorsement.

Attendance/Meeting Date (1 September 2021 – 30 June 2022)				
29 September 2021	27 October 2021	15 December 2021	10 March 2022	9 June 2022
Independent Members				
Stephen Horne	Stephen Horne	Stephen Horne	Stephen Horne	Stephen Horne
Mark McCoy	Mark McCoy	Mark McCoy	Mark McCoy	Mark McCoy
Simone Schwarz	Simone Schwarz	Simone Schwarz	Simone Schwarz	Simone Schwarz
Michael Quirk	Michael Quirk	Michael Quirk	Michael Quirk	Michael Quirk
Other Key Attendees				
		Internal Audit Firm - InConsult	Audit Office NSW	Audit Office NSW
			Laminar Capital	

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ARIC Reports Review

Meeting date	Number of Reports	Role and Responsibility
29 September 2021	4	Control Framework – Financial Management Service Delivery
27 October 2021	1	External Audit
15 December 2021	10	Service Reviews Strategic Planning Control Framework – Compliance Framework Risk Management Internal Audit External Audit
10 March 2022	17	Control Framework – Compliance Framework Control Framework – Financial Management Internal Audit External Audit Risk Management Strategic Planning Service Delivery
9 June 2022	10	Financial Management Internal Audit External Audit Strategic Planning Service Delivery





Audit Risk and Improvement Committee Annual Report

Published September 2022

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9.2 Bowral Sewage Treatment Plant Upgrade Tender for Construction

Report Author: Senior Project Manager

Authoriser: Acting Director Service and Project Delivery

PURPOSE

The purpose of this report is to present the evaluation of the tender for the Bowral Sewage Treatment Plant Upgrade Construction.

OFFICER'S RECOMMENDATION

THAT in relation to the tender for the Bowral Sewage Treatment Plant Construction:

1. That Council, in accordance with Sections 178(1)(b) and 178(3)(b) of the Local Government (General) Regulations 2021, decline all tenders and delegates to the General Manager to enter into direct negotiations with suitable parties with the view of entering into a contract for the construction of the Bowral Sewage Treatment Plant.
2. That Council, in accordance with Section 178(4)(a) of the Local Government (General) Regulations 2021, notes the reason for entering into direct negotiations with suitable parties on the basis that it is anticipated the same outcome will be reached if the tender was to be readvertised and that a satisfactory outcome will be reached through direct negotiations with suitable parties.
3. Council notes that an external probity advisor will be appointed to oversee the negotiations of this contract.
4. Following the completion of the negotiations, a further report be provided to Council on the outcomes of the negotiations and with a view to seek authority to enter into a contract via a Council resolution.

REPORT

BACKGROUND

A report was presented to the Council Meeting of 13 October 2021 detailing the project need, environmental assessments undertaken and progress of the detailed design for the proposed Bowral Sewage Treatment Plant (STP) Upgrade.

Sewage generated within Bowral, East Bowral and Burradoo is transferred through a combination of gravity sewers and sewage pump stations to the Bowral STP. The STP is located off Burradoo Road, Burradoo on the northern side of the railway corridor.

The STP was last upgraded in 2006 however is now operating at near its design capacity, being able to treat sewage for an equivalent population (EP) of 14,000 EP. A further upgrade of the STP is required to:

- provide treatment capacity to meet current and future population demands within the catchment;

- improve process and operational performance;
- provide treatment infrastructure to meet environmental objectives from the regulator [the NSW Environmental Protection Agency (EPA)], and stakeholders [such as Department of Planning and Environment (DPE) & Environment and WaterNSW]; and
- protect the sensitive environment the STP discharges into which is part of the Sydney Drinking Water Catchment.

From the population projections estimated in Council's Integrated Water Cycle Management strategy, a design horizon of up to the year 2046, which equates to 21,000 EP, has been adopted for the proposed Bowral STP upgrade.

The Bowral STP Upgrade will entail a large capital investment from Council. The upgrade is a very complex and technical project to be undertaken on a difficult site with several constraints.

The proposed works to be constructed in the upgrade and augmentation of the Bowral STP includes:

- power supply upgrade to the site
- replacement and realignment of the existing inlet mains into the STP
- an inlet works for flow reception, mechanical screening, grit removal and flow diversion
- a lift pump station for transfer of flows to the bioreactors
- an odour control facility to treat odours captured in the covered inlet works and lift pump station
- a new (additional) storm detention pond
- two (2) bioreactors including an aeration system, mixers and associated works
- two (2) secondary clarifiers
- tertiary (dual media) filter infrastructure
- a UV disinfection system
- an aerobic digester (utilising an existing treatment tank) and thickener
- a sludge dewatering system and sludge handling facility
- conversion of the existing catch/balance tank into an emergency storage tank
- an upgraded reclaimed effluent system (for on-site use)
- allowance for the incorporation of a photovoltaic (solar) system

As the proposed works are located on the existing Bowral STP site, there will be significant interfaces between the existing plant structures and operations and the proposed new works. The construction will need to be staged as some of the new works will be on the footprint of existing infrastructure that will become redundant areas once parts of the new treatment processes become operational. It is expected that the proposed works would be constructed over a period of approximately two years.

It is critical that the existing STP remains operational during the construction of the proposed new works, and effective sewage treatment maintained to comply with the STP's existing Environmental Protection Licence (granted to Council by the EPA under the *Protection of the Environment Operations Act 1997*).

The site arrangement for the proposed works is provided in Figure 1.

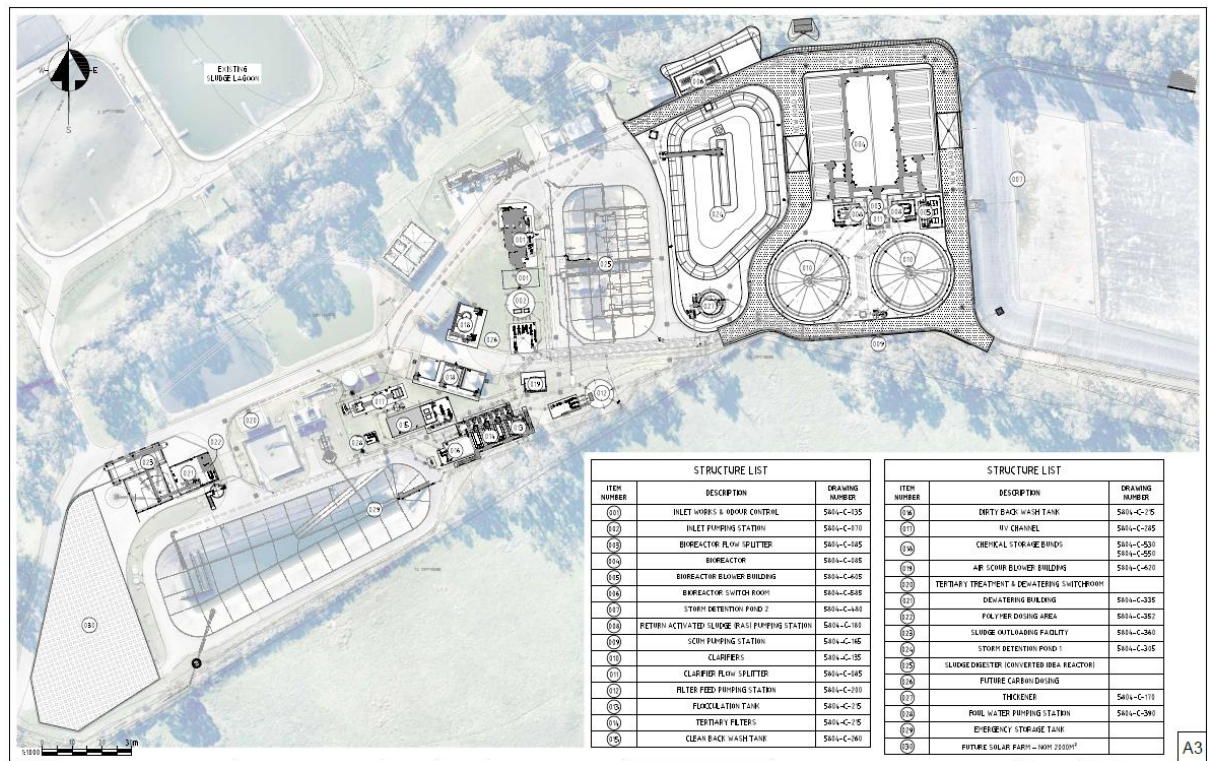


Figure 1: Bowral STP Upgrade – Site Arrangement Works for the Proposed Works

At the Council Meeting of 16 February 2022, Council resolved to proceed to tender for the Bowral STP Upgrade Construction.

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 1 March 2022 to 24 May 2022 (84 days).

The tender was advertised as follows:

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

TENDERS RECEIVED

A total of two (2) tender submissions were received:

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Company Name	Location	Postcode
Haslin Constructions Pty Ltd	Sutherland	2232
Icon SI (Australia) Pty Ltd	Edgecliff	2027

LATE TENDERS

No late tender submissions were received.

TENDER EVALUATION

A Procurement Initiation Plan (PIP) 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.

EVALUATION PANEL MEMBERS

As approved in the PIP, a Tender Evaluation Panel was formed consisting of:

Role	Responsibility	Position
Evaluation Panel Chair	To manage the evaluation process and report to Council	Senior Project Manager
Evaluation Panel Member	Perform a detailed evaluation of the Tender Submissions	Manager Project Delivery
Evaluation Panel Member Independent	Perform a detailed evaluation of the Tender Submissions	Manager Assets
Procurement Process	Manage the tender process ensuring it complies with the relevant legislation, Procurement Policy, Guidelines and Procedures. Manages all communication with Respondents during the advertising and evaluation periods.	Procurement Officer
Probity Adviser	Provide probity advice and support to the evaluation panel.	External – Walter Partners

SELECTION CRITERIA

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

Mandatory Criteria:

Mandatory Criteria
Public Liability - \$20 million
Professional Indemnity Insurance - \$5 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection

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Motor Vehicle – Comprehensive Insurance
Attendance at the Mandatory Tender Briefing/Site Inspection
Quality Management System Certification
WHS Management System Certification
Environmental Management System Certification

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
Local Procurement	10%
Capability (including Key Personnel)	7.5%
Experience - Relevant	7.5%
Methodology	5%
Program of Works	2.5%
Understanding of Project Risks – including Staging and Managing Interfaces	2.5%
Proposed Communication Strategies	2.5%
Innovation	2.5%
Total	40%

Summary of Selection Criteria & Weighting:

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

NON-COMPLIANT TENDERS

Upon evaluation no tender submissions were determined to be non-compliant.

TENDERED SUBMISSION PRICES

As discussed in the following sections of this report, it will be recommended that to progress towards entering into a contract for the construction of the proposed Bowral STP Upgrade works will require undertaking direct negotiations with a suitable contractor. As such the tender prices received not be published in this report.

The decision not to publish tender prices received is with consideration of Section 10A (2)(c) of the *Local Government Act 1993*, as it is considered that this 'information would, if disclosed, confer a

commercial advantage on a person with whom the council is conducting (or proposes to conduct) business’.

Publishing the submitted tender prices could adversely affect the negotiation process.

EVALUATION COMMENTS

The information submitted by the Respondents was evaluated against the specified non-price criteria, in accordance with the PIP. The non-price weighting reflected the need to engage a technically competent contractor with experience in similar types of projects of this scale and complexity, with a successful track record and clear understanding of the required works and risks associated to the successful completion of the project.

The Tender Evaluation Panel met and evaluated the non-cost criteria at a meeting in the presence of the Probity Adviser (being a representative of Walter Partners). Both submissions passed the non-cost criteria score threshold and demonstrated a good understanding of the project requirements and risks to be managed in order to deliver a successful project outcome.

Both Respondents are well known and respected in the water/wastewater construction industry. Both have a track record of successfully completing sewage treatment projects, and projects of the scale and complexity of the Bowral STP Upgrade Construction project.

It is also noted that the tender submissions were reviewed from a technical perspective by Council’s Principal Design Consultant. Given the technically complex nature of the project and value of the equipment required to be supplied and installed (requiring significant mechanical, electrical and process expertise), the review did identify a number of matters that will require further clarifications. However, the technical review did not identify any issues that would render either offer as being non-compliant, and it is considered that the identified matters could suitably be resolved to ensure that specification requirements and the Principal’s expectations are met.

COMMENTS ON OVERALL EVALUATION OUTCOME

Following the evaluation of the non-cost selection criteria, the combined ‘non-cost’ and ‘cost’ scores were combined. The tenderer with the highest evaluation score was the tenderer that submitted the lowest tender price, and therefore was evaluated as being the ‘most advantageous’ tender. It is noted that this tenderer also scored highest for the non-cost selection criteria.

With the completion of the evaluation scoring, an independent financial assessment was undertaken on the ‘most advantageous’ tenderer (by Equifax Pty Ltd). The ‘most advantageous’ tenderer was assessed as ‘satisfactory’ in having the financial capacity to undertake the Bowral STP Upgrade project.

The tender price submitted in the ‘most advantageous’ tender was well in excess of the pre-tender estimate. With the concurrence of the Probity Adviser and regard to Section 176 of *Local Government (General) Regulation 2021*, the ‘most advantageous’ tenderer was contacted to confirm that there were no mistakes or anomalies and seek explanation and clarification on several aspects of their submission to allow a better understanding of their offer. The response received did not provide any suggested adjustments to the submitted tender price.

It is considered that the tender prices received reflect the currently ‘overheated’ construction market (which has been widely reported as impacting on the pricing of larger scale projects in Australia). This volatility in construction industry pricing has been attributed to a number of factors including matters related to COVID-19; global supply chain issues; inflation uncertainties; currency fluctuations; materials cost increases; fuel prices; and skilled labour shortages. From discussions with State Government funding body representatives, they indicated that from their observations of recent tenders for similar local water utilities projects that it has not been uncommon for tender

prices received to be in excess of the pre-tender estimate by a similar ratio that has eventuated for the Bowral STP Upgrade tender.

Consideration has also been given to investigating with the Principal Design Consultant aspects of the project that could be descope or components of the proposed works that could be delayed in order to significantly close the variance between a contract price and the pre-tender estimate. Given the strict effluent discharge limits required to be achieved, there are few potential low risk items that could be realistically deferred if potential savings are to be pursued. If deferring works, constructing/installing such equipment at a later date will be more expensive, and difficult to undertake on an already constrained site. As such deferring such work may be seen as a false economy. The potential savings in deferring the identified works would not significantly close the variance between a contract price and the pre-tender estimate.

RECOMMENDED WAY FORWARD

Section 178 (1) of the *Local Government Regulations 2021 (Regulations)* requires:

- (1) *After considering the tenders for a proposed contract, the council must either -*
 - (a) *accept the tender that, having regard to all circumstances, appears to be the most advantageous, or*
 - (b) *decline to accept any tenders*

Given the scope, complexity and value of the Bowral STP Upgrade project, it is considered that there may be potential benefits for Council to negotiate a better project outcome, including from a financial perspective.

Entering into direct negotiations is permissible under Section 178 (3)(e) of the *Regulations* which states:

- (3) *A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following -*
 - (e) *enter into negotiations with any person (whether or not the person was a tenderer) with the view to entering into a contract in relation to the subject matter of the tender*

It is considered that inviting fresh tenders for the Bowral STP Upgrade Construction is unlikely to achieve a better outcome. The reasoning being that the Mandatory Tender Briefing/Site Inspection was well attended and by representatives from a number of specialist contractors well known in the water/wastewater industry who did not submit a tender. As such there would be no certainty that an additional number of tender submissions would be received. Also as previously mentioned, it is considered that the tender prices received reflect the currently 'overheated' construction market – so there is no certainty (and probably unlikely) that re-tendering would result in a better financial outcome for Council.

Considering the above, it is recommended to initially enter into direct negotiations with the company that was identified as the 'most advantageous' tenderer (for RFT 6330/22.2 Bowral STP Upgrade Construction). It is noted that the Probity Adviser concurred with this suggested approach.

It is noted that in the previously referred to correspondences with the 'most advantageous' tenderer they confirmed that they would be willing to participate in a direct negotiation process (should Council resolve to proceed with such an approach).

In undertaking such direct negotiations, it is suggested that the following matters would be tabled and discussed with the view to progressing a better outcome for Council:

- Discuss pricing of items included in the tendered 'Schedule of Prices' to allow a better understanding on how the attributed amounts were derived. This may include discussing whether the works or service is in excess of what is required by the specification and/or

expected by Council; and how risk has been priced as associated with various items of work (such as dealing with ground conditions, expected groundwater and the like).

- Resolve assumptions and clarifications made in the tender submission.
- Resolve technical aspects of equipment being offered (in the tendered 'Schedule of Technical Data') to ensure compliance with the specification and ensure that the proposed equipment is fit for purpose. This would be undertaken with advice from the Principal Design Consultant.
- Discuss proposed alternatives to the 'preferred equipment list' (in the tendered 'Schedule of Innovation') with the view of obtaining potential cost savings (subject to the alternatives offered being considered fit for purpose). This would be undertaken with advice from the Principal Design Consultant.
- Discuss potential 'contract price adjustments' as associated with 'Rise and Fall' and currency fluctuations. The General Conditions of Contract were written so that the contract price is not subject to 'Rise and Fall' adjustments or currency fluctuations. The discussions would allow a better understanding on how associated perceived risks have been priced, and whether there are worthwhile benefits should such risks be shared.

It is noted that direct negotiations would be undertaken with regard to the *Regulations*; the Office of Local Government's "Tendering Guidelines"; and the ICAC publication "Direct Negotiations: Guidelines for Managing Risks"; and in consultation with the Probity Adviser.

Should such direct negotiations with the 'most advantageous' tenderer fail to result in an outcome considered fair and reasonable whilst meeting Council's expectations, then the opportunity remains to approach other known and suitably experienced companies (capable of undertaking such specialist wastewater projects) for interest to negotiate with the view of entering into a contract for the proposed works.

A further report would be provided to advise Council of the outcome of the direct negotiations undertaken.

COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement was undertaken through the tender process.

However, it is noted that community engagement was undertaken in the detailed design phase including placing the Review of Environmental Factors (REF) for the project on Council's website (October 2021), providing neighbour notification with a project fact sheet (November 2021), and holding an information session/site tour on 20 November 2021.

Internal Communication and Consultation

The Bowral STP Upgrade project has been developed over a number of years with input from Council's Assets, Water & Sewer Services, Project Delivery, Environment and Finance teams, as well as the Executive team.

External Communication and Consultation

Council has liaised with the EPA, WaterNSW and DPE in the planning, investigation and design phases of the Bowral STP project.

Under Section 60 of the *Local Government Act 1993*, local water utilities are required to obtain Ministerial approval for the construction or modification of water or sewage treatment works.

Following their review of relevant design documentation, on 4 March 2022 DPE provided Section 60 approval for the Bowral STP Upgrade construction.

SUSTAINABILITY ASSESSMENT

Environment

A detailed REF has been undertaken for the proposed Bowral STP Upgrade pursuant to the provisions of the *Environmental Planning and Assessment Act 1979*, and *Environmental Planning and Assessment Regulation 2000*, with consideration to the likely impact of the activity on the environment, having regard to all relevant factors. The REF concluded that it is unlikely that there would be any significant adverse environmental impacts associated with the proposed works associated with the Bowral STP Upgrade.

Social

The construction of the Bowral STP Upgrade will provide a robust and reliable sewage treatment facility that will protect public health and the environment.

Broader Economic Implications

Given the scale of the project, during the construction phase there will be employment opportunities created, as well economic opportunities created for local suppliers and subcontractors.

The commissioning of the upgraded STP will allow for further residential development in the catchment, which will have a role in supporting long term employment creation.

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

A budget allocation has been made in Council's Long-Term Financial Plan (LTFP) for the Bowral STP upgrade project. Due to inflationary pressures on materials, the allocated budget is being revised and the costings will be aligned to outcomes of these negotiations. Although it will not have a direct impact on the capacity to deliver this project, the longer-term implications of Sewer fund will be revisited as apart of reviewing the LTFP to ensure the Sewer fund is financially sustainable.

RELATED COUNCIL POLICY

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

CONCLUSION

Sewage generated within Bowral, East Bowral and Burradoo is transferred through a combination of gravity sewers and sewage pump stations to the Bowral STP for treatment prior to discharging effluent into the sensitive receiving waters (namely the Wingecarribee River which is part of the

Sydney Drinking Water Catchment). Although the Bowral STP is operating within its Environment Protection Licence, the plant is at its design capacity and there is a critical need for its augmentation to accommodate future growth in the catchment.

The recommendation put forward within this report is for Council to decline all tenders submitted for Bowral STP Upgrade Construction (RFT 6330/22.2) and to enter into direct negotiations with suitable parties with the view to entering into a contract for the proposed works. The intention is to initially commence direct negotiations with the company that was identified as the 'most advantageous' tenderer. However, if those negotiations fail to result in an outcome considered fair and reasonable whilst meeting Council's expectations, then the opportunity remains to approach other known and suitably experienced companies (capable of undertaking such specialist wastewater projects) for interest to negotiate with the view of entering into a contract for the proposed works.

A team approach will be taken to the negotiations, led by senior Council officers with input from Council's Procurement Section and the external probity adviser (as required). The Principal Design Consultant will also be involved at appropriate times (to provide expert technical advice). Appropriate confidentiality will be maintained, with Council's General Manager informed of progress (as appropriate).

A further report will be presented to Council at the conclusion of the negotiations, with the view of making a recommendation to enter into a contract for the Bowral STP Upgrade construction works.

ATTACHMENTS

Nil

9.3 Register of Returns Disclosing Interests of Administrator and Designated Persons

Report Author: Governance Officer

Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to table the Register of Returns Disclosing Interests of Councillors and Designated Persons as 14 September 2022, as required by clause 4.25 of Council's Code of Conduct and in accordance with the Model Code of Conduct for Local Councils in NSW that is prescribed under section 440 of the *Local Government Act 1993* ('the LG Act').

OFFICER'S RECOMMENDATION

THAT the Register of Returns Disclosing Interests of the Administrator and Designated Persons as at 14 September 2022 be tabled.

REPORT

BACKGROUND

In accordance with clause 4.21(b) of the Code of Conduct, a Councillor or designated person holding that position at 30 June in any year must complete and lodge with the General Manager a Disclosure of Interests Return within three months after 30 June.

Clause 4.8 of the Code of Conduct defines a 'designated person' as:

- The General Manager;
- Other senior staff of the council;
- Other members of staff and delegates of the council who hold a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest; or
- A person who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

Under clauses 4.24 and 4.25 of the Code of Conduct, the General Manager must keep a Register of Returns required to be made and lodged by Councillors and designated persons and all completed Returns are required to be tabled at the first meeting of Council held after the lodgement date, 30 September 2022.

REPORT

The completed Returns of Interests of the Administrator and Designated Persons are tabled and available to inspect. **Returns have been received from the Administrator and the following designated persons:**

- General Manager
- Director Corporate Strategy and Resourcing
- Director Service and Project Delivery
- Director Communities and Place
- Executive Manager Strategic Outcomes
- Executive Manager People and Culture
- Strategic Governance Executive (also held position of Deputy General Manager during this period)
- Chief Financial Officer
- Chief Information Officer
- Group Manager Capital Projects
- Group Manager Corporate and Community
- Manager Development Assessment
- Manager Assets
- Manager Shire Presentation
- Manager Certification and Compliance
- Manager Environment and Sustainability
- Manager Business Services
- Manager Water Services

The Disclosure of Interests Returns are in the form prescribed at Schedule 2 of the Code of Conduct.

The completed Returns will be published on Council's website and made available on request for inspection and copying in accordance with the open access provisions of the *Government Information (Public Access) Act 2009* (GIPA Act) and the *Government Information (Public Access) Regulation 2018*. Residential addresses and signatures will be redacted from the Returns made available in these ways, to protect the personal information of the Administrator and designated persons.

COMMUNICATION AND CONSULTATION

Community Engagement

Not applicable.

Internal Communication and Consultation

The Administrator and designated persons were provided with a copy of the Disclosure of Interests Return form to be completed as well as additional guidance material published by the Office of Local Government.

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

This report ensures proper governance by adhering to relevant requirements of the Code of Conduct and the GIPA Act in the interests of probity, transparency and open government. Pursuant to clause 4.25 of the Code of Conduct, the Register of Returns Disclosing Interests of Councillors and Designated Persons kept by the General Manager is to be tabled at the first Council meeting following the lodgement of all written returns annually.

The applicable clauses of the Code of Conduct reflect provisions of the Model Code of Conduct for Local Councils in NSW which is prescribed under section 440 of the *Local Government Act 1993*.

COUNCIL BUDGET IMPLICATIONS

Nil.

RELATED COUNCIL POLICY

Code of Conduct

Fraud and Corruption Control Policy

Public Interest Disclosures Policy

CONCLUSION

This report ensures proper governance by adhering to relevant requirements of the Code of Conduct as adopted in accordance with the *Local Government Act 1993*

ATTACHMENTS

Nil

9.4 Highlands Fest - Reconnecting Regional Community Event 2023

Report Author: Coordinator Community Development

Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to inform Council of the outcome of the Reconnection Regional NSW Community Event Program funding.

OFFICER'S RECOMMENDATION

THAT

1. Council note it was successful in securing event funding of \$287,582 through the Reconnection Regional NSW Community Event Program.
2. Council note that following community consultation the Reconnection Regional NSW Program funding be utilised to hold 'Highlands Fest' on Saturday 4 March at Bong Bong Racecourse.

REPORT

BACKGROUND

In April 2022 the Department of Regional NSW announced its \$25 million Reconnecting Regional NSW Community Program. The Program aims to reconnect communities and facilitate economic recovery in the local area. The funding stipulates that the event must be held before 31 March 2023.

At its Extraordinary meeting on 29 June 2022, Council resolved to endorse a proposal to apply for Reconnection Regional NSW Community Event Program funding (MN 2022/139)

THAT:

1. Council note the overview and intent of the Program.
2. Council endorse the proposal to apply funds to a signature Southern Highlands event which is to deliver positive social outcomes and provide local business support.

The non-competitive grant of \$287,582 has been allocated to Council to hold a signature event.

REPORT

The non-competitive grant funding proposal to Department of Regional NSW outlined plans for Council to hold a large-scale free community event at Bong Bong Racecourse in the first quarter of 2023. The aim of the event is to celebrate the Shire with a full program of events including, local producers and artisans, local business stalls, local service groups and entertainment.

It was also proposed that the event would conclude with music performances into the evening. The funding proposal also sought funding for to engage an Event Coordinator to assist in planning and staging the event Council.

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In July 2022 Council was advised that its \$287,852 funding proposal was successful. A survey was distributed through Your Say Wingecarribee 19 August – 2 September 2022 to invite community feedback about some aspects of the event, including preferred month and day for the event, and to seek community interest involvement such as a stallholder, volunteer, entertainer or assist in other ways.

In total, 94 people completed the survey. The survey proposed names for the event and also invited community to suggest names. Details are outlined in the table below.

Proposed Event Name	Number of Response
Reconnect Out Loud	1
Highlands Fest	30
Thrive Southern Highlands	19
Summer Sounds	15
March Forward 2023	5
Revive Southern Highlands	12
On the Track	6
Groove and Soothe	8
Recovery Fest	3
Other	15

Other names suggested by respondents included Reconnect Wingecarribee, Reconnect Southern Highlands, Bong Bong Show Fest, SoHi Sounds, SoHi Festival, Celebrate Southern Highlands, Highlands Family Festival and Shake it UP Highlands!

When asked which month and day the event should be held, responses were as follows:

Preferred Month and Day	Number of Responses
January on a Saturday	5
January on a Sunday	5
February on a Saturday	15
February on a Sunday	19
March on a Saturday	20
March on a Sunday	23
Other	7

Other common suggestions included early March, November on a Saturday or Sunday, May and April. Important to note that the funding stipulates that the event must be held before 31 March 2023.

Of the 94 survey responses, 40 people responded to seeking to be involved on the day either as a stall holder (18), volunteer (13), entertainer (3) and other (6). Other suggestions included just come along to support and specific stall suggestions.

As a result of the community feedback, Highlands Fest will be held on Saturday 4 March at Bong Bong Racecourse.

COMMUNICATION AND CONSULTATION

Community Engagement

A survey was conducted via Your Say Wingecarribee 19 August to 2 September 2022. A project page was set up on yoursaywingecarribee.com.au, Council's online consultation hub with Your Say Wingecarribee e-newsletter being issued to over 3,500 members and Council's Community Update which is distributed through our weekly e-newsletter reaching 2,500 people.

94 people responded to the survey.

Internal Communication and Consultation

Community Development, Economic Development and Tourism and Events External Communication and Consultation

A Working Group has been established to guide the event planning process in collaboration with the Event Coordinator. The Working group will comprise internal and invited external members who can add valued expertise and experience.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

Highlands Fest is designed to bring the community together to generate social connection and positive outcomes for community members.

Broader Economic Implications

Highlands Fest seeks to facilitate local economic recovery by engaging local businesses and providing opportunities for stall holders to sell and promote their goods at the event.

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

This event is funded through NSW Government's Reconnecting Regional NSW – Community Events Programs. Council has received \$287,852.

RELATED COUNCIL POLICY

Nil

CONCLUSION

It is proposed based in community consultation that Highlands Fest will be held on March 4 at Bong Bong Racecourse. This event provides an opportunity to bring together community members and local businesses to celebrate the Shire.

ATTACHMENTS

Nil

9.5 Christmas Tree Survey Outcome and 2022 Village Christmas Events

Report Author: Coordinator Community Development

Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to present to Council the outcome of the consultation regarding the expenditure of \$42,000 from the 2022/23 Christmas budget and provide an overview of the 2022 Christmas Village events.

OFFICER'S RECOMMENDATION

THAT:

- 1. Council endorses the expenditure of the remaining Christmas budget for 2022 of \$42,000 will be expended on hiring Christmas trees following community consultation. The trees are to be placed in Mittagong, Bowral and Moss Vale**
- 2. Council notes the overview for 2022 Christmas Celebrations in the Shire's Villages.**

REPORT

BACKGROUND

At the Council meeting on 8 September 2021, a report was presented outlining Council's plans to create a festive atmosphere across the Southern Highlands, including support for businesses as well as the community in celebrating Christmas across the towns and villages during December 2021. Council built on previous initiatives with the additional funding allocated to 2021/2022 Christmas in the Southern Highlands. This included:

- New Christmas Trees installed at the Welcome Centre Mittagong, Corbett Plaza Bowral and the Civic Centre, Moss Vale.
- Existing Christmas trees were installed in the villages of Robertson, Berrima and Bundanoon.
- Family friendly 'light up' the Christmas tree events were held in Mittagong, Bowral and Moss Vale. All events included live entertainment, children's activities, a visit by Santa and support from either SES, Rural Fire Service, Fire Brigade or Police.
- New Christmas branding was procured to form part of the promotional activities for Council and community led events.
- Council provided funding for village associations (beyond the main street business areas) across the Shire to put towards community led Christmas festivities. A total of \$22,500 was made available.

At the meeting held on 4 May 2022, Council considered community feedback on Christmas in the Southern Highlands in 2021. It was reported that overall, the majority of survey respondents were supportive of Council continuing to fund Christmas initiatives. Survey respondents were asked if

Council should continue to fund Christmas initiatives across the Shire, 246 respondents (91%) agreed that Council should provide this funding and 23 disagreed (9%).

Based on the positive community feedback at the meeting held 4 May 2022 Council resolved as follows: (MN 2022/102):

THAT

- 1. Council provides \$103,500 funding for Christmas celebrations across the Shire as a part of the 2022/23 draft budget.*
- 2. Funding continue to be provided on the same basis as the 2021 activities for Village Associations including Medway.*
- 3. An amount of \$15,000 from the funding be provided for the Corbett Gardens Festival of Lights subject to Council receiving appropriate recognition for the use of public funds.*
- 4. The General Manager enter into discussion with Business Southern Highlands and the Moss Vale and Rural Chamber of Commerce in relation to the utilisation of \$42,000 prior to commencing community consultation on the matter.*

REPORT

Christmas Budget Expenditure

During May 2022 Council consulted with Business Southern Highlands and Moss Vale and Rural Chamber in relation to how Council would spend the \$42,000 Christmas Budget for 2022. Members of Business Southern Highlands and Moss Vale and Rural Chamber of Commerce were in favour of exploring alternative options for the funds other than the trees. In particular utilising funds to be put towards other Christmas elements such as Christmas decorations in Mittagong, Bowral and Moss Vale.

Based on the feedback from the Business Chambers, a community survey was conducted through Your Say Wingecarribee 10 to 24 June 2022. The survey respondents were asked to indicate their preference for use of \$42,000 towards Christmas celebrations, i.e.

- 1. Rental of three Christmas trees to be placed in Mittagong, Moss Vale and Bowral*
- 2. No Christmas Trees in the three town centres and the funds be put towards other Christmas elements that you consider as better utilisation of the funds.*

A survey project page was set up on yoursaywingecarribee.com.au, Council's online consultation hub. The opportunity to participate in the survey was via Your Say Wingecarribee e-newsletter Council's Community Update, Council's weekly newsletter's and Facebook post 24 June 2022. In total, 264 people responded to the Your Say Wingecarribee survey. The survey was promoted through Council's communication channels.

The survey results indicated 161 (61%) of respondents preferred the rental of three trees to be placed in the three towns and 103 (39%) respondents preferred the funds be put towards other Christmas elements.

As a result of the survey results, Council will expend the \$42,000 Christmas 2022 budget to hire Christmas trees to be placed in Mittagong, Bowral and Moss Vale for the month of December 2022.

Christmas in the Shire's Villages 2022

As part of the 2021 Christmas funding, all the Village Associations that received funding were requested to submit a report detailing expenditure, promotional strategies, successes and challenges. Feedback from the Villages 2021 Christmas Festivities Funding was positive, highlighting that more people were involved than previous years, the events help build community spirit and the events provided opportunity for people to gather and connect.

Villages across the Highlands are again being encouraged to plan community led 2022 Christmas events. A total of \$22,500 has been allocated for Village Christmas Funding for 2022, \$2,500 for larger villages (Robertson, Bundanoon, Burrawang, Berrima and Hill Top) and \$1,000 for smaller villages (Canyonleigh, Colo Vale, Exeter, Kangaloon, Balmoral, Wingello, Penrose, Yerrinbool, Avoca and Medway).

Expression of Interest (EOI) forms were sent out to all the Village Associations, this year including Medway who have become an incorporated association during the past 12 months. The EOI was sent out 6 September and are due back to Council 7 October 2022. Village associations in the Shire have expressed interest in the funds to go towards Christmas events such as Christmas movies in the park, Christmas luncheons and picnics and family days with Carols and Santa visits.

The Festival of Lights Committee are seeking to engage with the Village Associations to ensure that Festival of Lights is a Shire wide event in 2022.

COMMUNICATION AND CONSULTATION

Community Engagement

A survey was conducted via Your Say Wingecarribee 27 May to 25 June 2022. A project page was set up on yoursaywingecarribee.com.au, Council's online consultation hub with Your Say Wingecarribee e-newsletter being issued to over 3,500 members.

Further promotion via social media and Council's Community Update which is distributed through our weekly e-newsletter reaching 2,500 people.

264 people responded to the survey.

Internal Communication and Consultation

Consultation was undertaken with Council's Officers from Community Development, Economic Development and Shire Presentation.

External Communication and Consultation

Council officers consulted with Business Southern Highlands and Moss Vale and Rural Chamber.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

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

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There is no change to the budget approvals relating to Christmas 2022.

RELATED COUNCIL POLICY

Nil

CONCLUSION

Following consultation with Chambers of Commerce and community consultation through Councils Your Say Wingecarribee, Council will install three Christmas trees in Bowral, Mittagong and Moss Vale as part of the Christmas celebrations in 2022. Village Associations across the Shire will be financially supported by Council to plan and implement community led Christmas events in 2022.

ATTACHMENTS

Nil

9.6 Investment Report - September 2022

Report Author: Deputy Chief Financial Officer
Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

This report presents Council's Investment Portfolio held at 30 September 2022.

OFFICER'S RECOMMENDATION

THAT Council receives and notes this Investment report as at 30 September 2022.

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 2022.

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

In accordance with 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 \$1,028,274 for three months to 30 September 2022.

Interest earned is ahead of budget by \$774,174 to 30 September 2022.

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

Fund	YTD budget	YTD actual	Variance
General fund	104,000	407,006	303,006
Water Fund	88,250	318,036	229,786
Sewer Fund	62,250	303,632	241,382
Total	254,500	1,028,674	774,174

ATTACHMENTS

1. September 2022 - Investment Report Summary [9.6.1 - 6 pages]

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 OCTOBER 2022**

**Wingecarribee Shire Council
Investment Report Summary**

For the period ending 30 September 2022

List of Investments

Council's investment portfolio as at 30 September 2022 consists of the following investments:

INVESTMENT PORTFOLIO AS AT 30 September 2022						
Institution	Type	Amount	Interest Rate	Investment Term - Days	Maturity Date	% Investment Portfolio
AMP	Term Deposit	2,500,000	1.00%	335	4/10/2022	1.16%
NAB	Term Deposit	2,000,000	0.60%	241	10/10/2022	0.93%
NAB	Term Deposit	2,000,000	0.60%	241	17/10/2022	0.93%
AMP	Term Deposit	2,500,000	0.80%	365	19/10/2022	1.16%
BOQ	Term Deposit	5,000,000	0.70%	273	31/10/2022	2.32%
AMP	Term Deposit	2,500,000	1.00%	365	15/11/2022	1.16%
NAB	Term Deposit	5,000,000	0.67%	271	21/11/2022	2.32%
Auswide	Term Deposit	5,000,000	2.60%	181	28/11/2022	2.32%
Auswide	Term Deposit	3,000,000	0.78%	365	30/11/2022	1.39%
AMP	Term Deposit	2,500,000	1.10%	365	16/12/2022	1.16%
Judo	Term Deposit	3,000,000	1.10%	365	21/12/2022	1.39%
Judo	Term Deposit	5,000,000	1.10%	364	6/01/2023	2.32%
CBA	Term Deposit	5,000,000	3.26%	153	16/01/2023	2.32%
Judo	Term Deposit	5,000,000	0.99%	364	27/01/2023	2.32%
CBA	Term Deposit	5,000,000	2.68%	277	6/02/2023	2.32%
BOQ	Term Deposit	5,000,000	2.80%	270	17/02/2023	2.32%
Auswide	Term Deposit	5,000,000	3.70%	180	22/02/2023	2.32%
NAB	Term Deposit	4,000,000	0.90%	365	3/03/2023	1.86%
AMP	Term Deposit	5,000,000	1.90%	333	10/03/2023	2.32%
Judo	Term Deposit	3,000,000	1.15%	364	17/03/2023	1.39%
ING	Term Deposit	5,000,000	1.40%	364	24/03/2023	2.32%
NAB	Term Deposit	5,000,000	1.60%	365	31/03/2023	2.32%
CBA	Term Deposit	5,000,000	1.84%	364	6/04/2023	2.32%
AMP	Term Deposit	5,000,000	1.95%	360	6/04/2023	2.32%
ING	Term Deposit	5,000,000	2.21%	365	19/04/2023	2.32%
ING	Term Deposit	5,000,000	2.50%	365	26/04/2023	2.32%
ING	Term Deposit	3,000,000	2.72%	364	28/04/2023	1.39%
Judo	Term Deposit	4,000,000	3.10%	365	5/05/2023	1.86%
ING	Term Deposit	4,000,000	3.08%	365	11/05/2023	1.86%
MyState	Term Deposit	5,000,000	3.20%	365	30/05/2023	2.32%
CBA	Term Deposit	5,000,000	3.96%	287	13/06/2023	2.32%
ME	Term Deposit	5,000,000	4.15%	365	23/06/2023	2.32%
CBA	Term Deposit	5,000,000	3.94%	365	23/06/2023	2.32%
ING	Term Deposit	6,000,000	4.00%	364	30/06/2023	2.79%
MyState	Term Deposit	4,000,000	4.05%	364	30/06/2023	1.86%
CBA	Term Deposit	5,000,000	4.02%	317	13/07/2023	2.32%
ME	Term Deposit	5,000,000	4.00%	364	28/07/2023	2.32%
CBA	Term Deposit	5,000,000	3.79%	365	3/08/2023	2.32%
CBA	Term Deposit	5,000,000	4.00%	365	10/08/2023	2.32%
NAB	Term Deposit	5,000,000	0.60%	729	25/08/2023	2.32%

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 OCTOBER 2022**

**Wingecarribee Shire Council
Investment Report Summary**
For the period ending 30 September 2022

INVESTMENT PORTFOLIO AS AT 30 September 2022						
Institution	Type	Amount	Interest Rate	Investment Term - Days	Maturity Date	% Investment Portfolio
NAB	Term Deposit	5,000,000	0.60%	731	28/08/2023	2.32%
MyState	Term Deposit	2,000,000	4.23%	364	1/09/2023	0.93%
BOQ	Term Deposit	8,000,000	4.41%	731	2/09/2024	3.72%
CBA	Term Deposit	5,000,000	4.20%	365	15/09/2023	2.32%
CBA	Term Deposit	5,000,000	4.89%	720	16/09/2024	2.32%
MyState	Term Deposit	4,000,000	4.61%	365	28/09/2023	1.86%
NAB	Call Account	9,738,150	1.75%	NA	NA	4.53%
BDCU	Call Account	3,312,694	0.90%	NA	NA	1.54%
AMP	31 day Notice A/C	19,096	2.55%	NA	NA	0.01%
Total Investments		\$215,069,940				100.00%

Institution Legend

AMP = AMP Limited
ANZ = Australia & New Zealand Banking Group
Auswide = Auswide Bank
BOQ = Bank of Queensland
BDCU = Berrima District Credit Union
Bendigo = Bendigo & Adelaide Bank

CBA = Commonwealth Bank of Australia
CUA = Credit Union Australia
IMB = IMB Bank
ING = ING Direct
Judo = Judo Bank
Macquarie = Macquarie Bank

ME = Members Equity Bank
MyState = MyState Bank
NAB = National Australia Bank
Newcastle = Newcastle Permanent
St George = St George Bank
WBC = Westpac Banking Corporation

Wingecarribee Shire Council Investment Report Summary

For the period ending 30 September 2022

Policy Compliance

Council's Investment Policy provides clear direction for the diversification of Council's investment portfolio. This ensures credit and diversification risk is managed in accordance with the adopted risk management framework, as outlined in Council's Policy.

Individual Institution Limits

A summary of investments placed by institution is as follows:

Institution	S&P Short Term Rating	Maximum %	Actual %	Invested \$	Supports Fossil Fuels	Policy Compliance
NAB	A1+	40%	17.55%	37,738,150	YES	YES
CBA	A1+	40%	23.25%	50,000,000	YES	YES
ING	A1	25%	13.02%	28,000,000	YES	YES
Macquarie	A1	25%	0.00%	0	YES	YES
AMP	A2	15%	9.31%	20,019,096	YES	YES
BOQ	A2	15%	13.02%	18,000,000	YES	YES
ME (acquired by BOQ)	A2	Combined with BOQ %		10,000,000	YES	YES
BDCU	A2	15%	1.54%	3,312,694	NO	YES
MyState	A2	15%	6.97%	15,000,000	NO	YES
Auswide	A2	15%	6.04%	13,000,000	NO	YES
Judo	A3	10%	9.30%	20,000,000	NO	YES
Total			100.00%	215,069,940		

Portfolio Credit Limits

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

S&P Short Term Rating	Maximum %	Actual %	Invested \$	Policy Compliance
A1+	100%	40.80%	87,738,150	YES
A1	80%	13.02%	28,000,000	YES
A2	60%	36.89%	79,331,790	YES
A3	20%	9.30%	20,000,000	YES
Govt	25%	0.00%	0	YES
Total		100.00%	215,069,940	

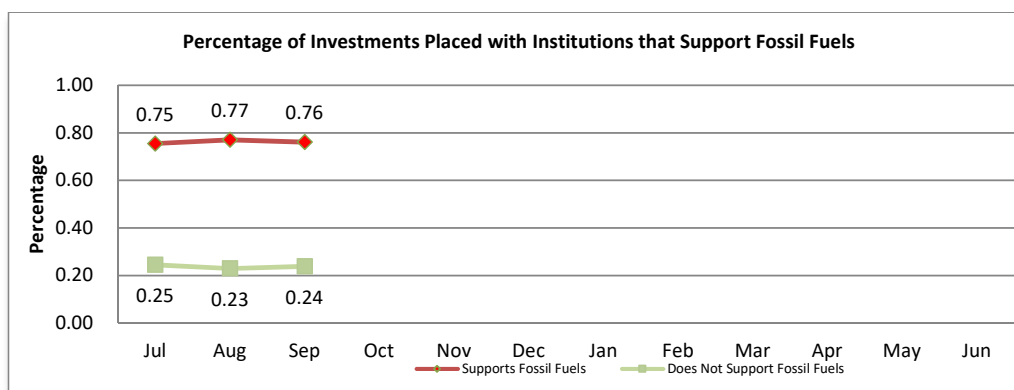
Wingecarribee Shire Council Investment Report Summary

For the period ending 30 September 2022

Non-Fossil Fuel Investment Prefencing

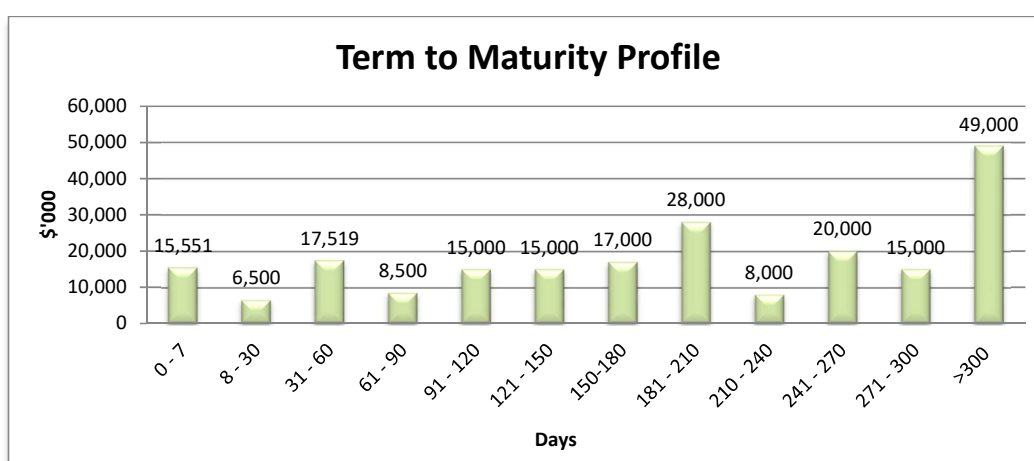
Council's adopted Investment Policy states a preference for placing funds with institutions that do not support the fossil fuel industry. The chart below identifies Council's percentage of investments placed with institutions that do not support the fossil fuel industry.

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



Term to Maturity

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

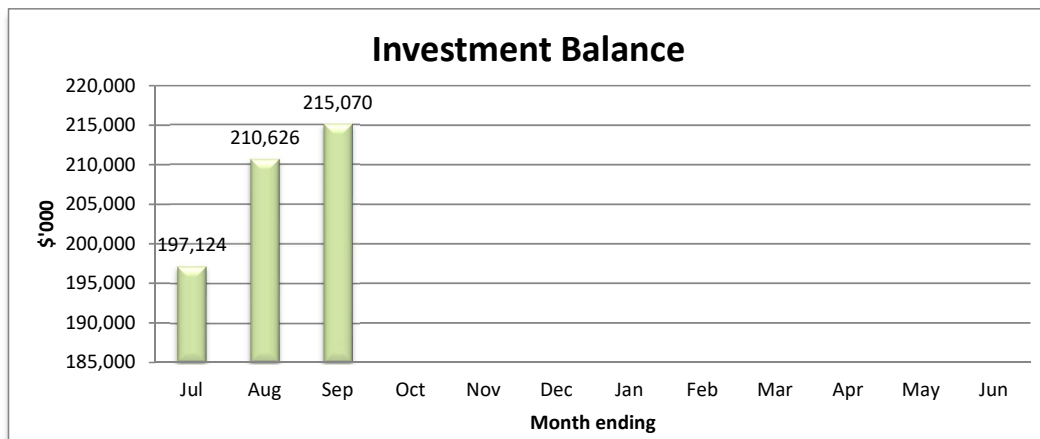


Wingecarribee Shire Council Investment Report Summary

For the period ending 30 September 2022

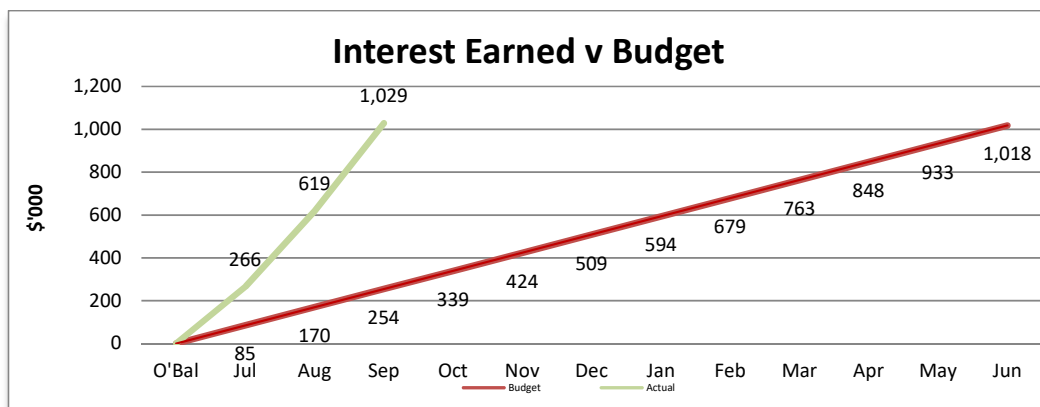
Portfolio Performance

Council's investment balance at the end of September 2022 was \$215.070 million. This has increased by \$4.444 million since the end of August 2022.



Interest Revenue

Council's 2022/23 budget for return on investments was based on the market conditions and expectations at the time, which was a protracted low interest rate environment. After Council's 2022/23 budget was adopted, there have been sharp increases in the official cash rate and this has seen an increase in the interest rates being offered in the fixed interest market. A revised investment revenue forecast will be included as part of the September Quarterly Budget Review to reflect current market conditions.



Wingecarribee Shire Council Investment Report Summary

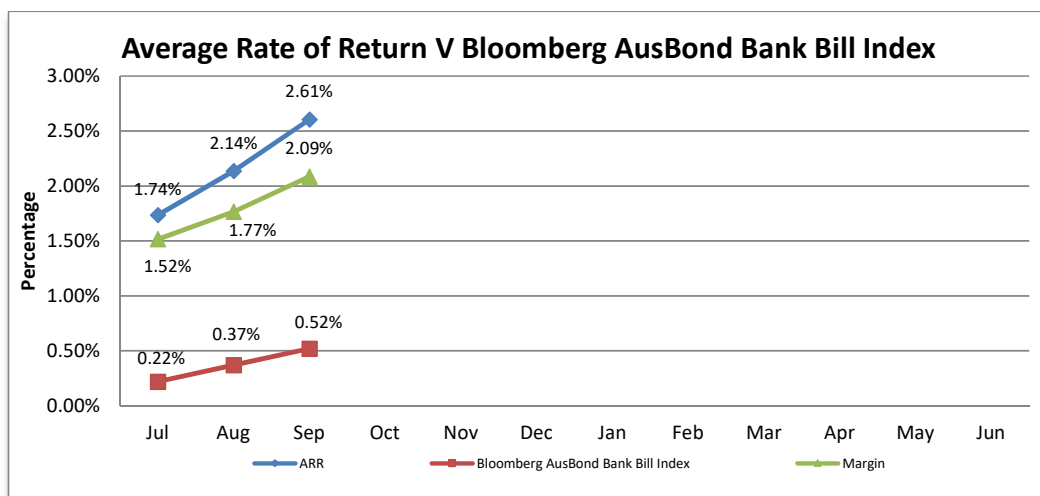
For the period ending 30 September 2022

Performance against Benchmark

Council's investment portfolio is benchmarked against the Bloomberg AusBond Bank Bill Index

The average rate of return (ARR) achieved for September 2022 was 2.61% which is an increase of 0.47% from August 2022. The Bloomberg AusBond Bank Bill Index for 1 year was 0.52%.

The margin against the Bloomberg AusBond Bank Bill Index was 2.09 for September 2022.



9.7 Old South Road Rehabilitation - Tender

Report Author: Project Manager

Authoriser: Acting Director Service and Project Delivery

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Old South Road Rehabilitation project.

OFFICER'S RECOMMENDATION

THAT:

1. Council accepts the Tender for Old South Road Rehabilitation at a lump sum price of \$11,560,471.89 (inclusive of GST).
2. Council notes the tenders received ranged from \$11,560,471.89 to \$15,942,077.07.
3. Council delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.
4. Council delegate authority to the General Manager to authorise additional scope relating to improvements to Old South Road within the current budget allocation.

REPORT

BACKGROUND

Old South Road is a local distributor road that connects the Old Hume Highway to residential areas west of Mittagong and Bowral. The road crosses the range between Mittagong and Bowral at Range Road and has significant grades on each side of this intersection. As traffic volumes have grown across the Shire so too has traffic movement increased along Old South Road.

The pavement along sections of Old South Road is now becoming dilapidated beyond repair. Heavy maintenance patching is regularly required and, apart from proving uneconomical, it presents additional safety concerns on what is already a narrow and undulating road. Complete reconstruction and suitable subgrade treatment is considered the only solution.

An extensive design process has been undertaken by Council staff and external consultants with an aim to not only the rehabilitate and reconstruct the existing road pavement but also upgrade the existing road with several safety improvements such as; the widening and sealing of road shoulders, corrections to vertical and horizontal geometry were required and possible, installation of guardrail at select locations and install of audio-tactile edge line marking.

The project is funded through a combination of Federal and State Government grants and Wingecarribee Shire Council contributions. Funding has been secured from the Safer Roads Program, Fixing Local Roads Program and Local Roads & Community Infrastructure Program.

With the acceptance of the Tender as recommended by this report the project will progress into the construction phase.

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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 9 August 2022 to 13 September 2022 (35 days).

The tender was advertised as follows:

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

TENDERS RECEIVED

A total of four (4) tender submissions were received:

Company Name	Location	Postcode
Cleary Bros Pty Ltd	Port Kembla	2505
Delaney Civil Pty Ltd	Bella Vista	2153
Nace Civil Engineering Pty Ltd	Prestons	2170
Stefanutti Construction Pty Ltd	Unanderra	2526

LATE TENDERS

No 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.

EVALUATION PANEL MEMBERS

Evaluation Panel Chairperson	Project Manager
Panel Member	Manager Project Delivery
Panel Member Independent*	Senior Construction Engineer

An independent Probity Advisor was also engaged to oversee the tender process – report attached.

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 OCTOBER 2022**

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
Bank Guarantee 2 x 2.5 % of Contract Value
Works Insurance 130% of Contract Value

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

Non-Cost Selection Criteria & Weighting:

Non-Cost Criteria	Weighting
Local Procurement	10%
Experience - Relevant	10%
Experience – Key Personnel	5%
Methodology	10%
Program of Works	5%
Work Health and Safety	5%
Environment	5%
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 no tender submissions were determined to be non-compliant.

EVALUATION COMMENTS

The Tender Evaluation Panel assessed the received tenders against the Non-Cost Criteria. All submissions demonstrated a comprehensive understanding of the project requirements.

COMMENTS ON OVERALL EVALUATION OUTCOME

All Tenders received were of good quality the Evaluation Panel assessed each submission to have exceeded the Non-Cost Selection Criteria Threshold.

COMMENTS ON RECOMMENDED TENDER SUBMISSION

The Tender Evaluation Panel considered the Preferred Tenderer to have demonstrated that they have the skills, experience and understanding to complete the scope of works as outlined in the Tender Documentation.

COMMUNICATION AND CONSULTATION

Community Engagement

Project information regularly updated on Wingecarribee Shire Council Projects Page.

Internal Communication and Consultation

Assets, Procurement and Project Delivery departments have been in consultation in relation to this tender.

External Communication and Consultation

All communication with external parties during the tender process was facilitated by Council's Procurement staff.

SUSTAINABILITY ASSESSMENT

Environment

Two separate Review of Environmental Factors (REF) have been prepared to cover the extent of the works. Construction work as part of the project will be undertaken in accordance with the mitigation measures identified in the REF's.

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

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

COUNCIL BUDGET IMPLICATIONS

The Recommended Tender is within the current budget allocated to the project.

RELATED COUNCIL POLICY

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

CONCLUSION

Council accepts the Tender submitted by Stefanutti Construction Pty Ltd for Old South Road Rehabilitation at a lump sum price of \$11,560,471.89 (inclusive of GST).

ATTACHMENTS

1. Probit Report - WSC - Old South Rd Rehabilitation Redacted [9.7.1 - 2 pages]

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 OCTOBER 2022**

WALTER PARTNERS

12 September 2022

General Manager
Wingecarribee Shire Council
Civic Centre,
68 Elizabeth Street,
Moss Vale, NSW 2577

By email to James.knight@wsc.nsw.gov.au
c.c. ned.tripkovic@wsc.nsw.gov.au

Dear Ms Miscamble

PROBITY REPORT – RFT 2022-15 Old South Road Rehabilitation

Walter Partners was appointed to review and monitor the probity of the processes relating to the Invitation to Tender for the upgrade and rehabilitation of approximately 9.7 kilometres of road between Merrigang Street, Bowral and Aylmerton Road, Mittagong.

Our role involved monitoring and providing advice where required, during the procurement process and providing an opinion on whether the process was conducted fairly in accordance with the Procurement Initiation Plan, the Local Government (General) Regulation 2021 and all probity requirements.

In undertaking our role as probity advisors for this RFT we have:

- reviewed the Tender Procurement Initiation Plan;
- reviewed the RFT;
- attended the mandatory tender site meeting;
- reviewed various addenda issued subsequent to the issue of the RFT;
- attended the meeting of the Tender Evaluation Committee which considered the tenders submitted and provided probity advice as required;
- reviewed the Tender Evaluation Report;
- observed the procurement and tender evaluation process from commencement to completion and provided advice as required; and
- prepared this probity report on the procurement process.

This was a public request for tender. Four tenders were received and were evaluated by the Evaluation Panel.

Liability Limited by a scheme approved under Professional Standards Legislation

CANBERRA OFFICE:

Unit 7, 285 Canberra Avenue
FYSHWICK ACT 2609

SYDNEY OFFICE:

Level 11
66 Clarence Street,
SYDNEY NSW 2000

Tel 1300 085 087

Fax 02 9979 3529

www.walterpartners.com.au

contact@walterpartners.com.au

Servicing Sydney Canberra & Brisbane

EXTERNAL AUDIT

INTERNAL AUDIT

FINANCIAL REPORT NG

PROBITY AUDIT AND ADVICE

PROCUREMENT ADVICE

ACTIVITY AND BASELINE COSTING

ACCOUNTING SOLUTIONS

VIABILITY REV EWS

RISK MANAGEMENT

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
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In our opinion, the process undertaken by Council staff was open, defensible, fair, transparent, is capable of withstanding external scrutiny and was consistent with all probity principles. The process was also consistent with the Tender Procurement Initiation Plan, Section 55 of the Local Government Act 1993 and local Government (General) Regulation 2021.

Please feel free to contact the undersigned if you wish to discuss this report.

Yours sincerely



Don Walter
Director

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9.8 Technology One Direct Negotiations Outcome

Report Author: Chief Information Officer
Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to advise Council of the outcome of the Technology One – One Council direct negotiations, which were conducted under the guidelines of the resolution of Council on the 17 August 2022.

OFFICER'S RECOMMENDATION

THAT Council note the outcome of the direct negotiations with Technology One.

REPORT

BACKGROUND

In February 2022, Council received an unsolicited, commercial-in-confidence offer from Technology One outlining the benefits of proceeding with a SaaS hosted, One Council solution and the associated risks with Council's existing software arrangements. A revised commercial-in-confidence offer was received in July 2022 and valid until 30 September 2022.

On the 17 August 2022 a report titled Corporate Applications Review was presented to Council, which sort approval to enter direct negotiations with Technology One. The report was moved by the Administrator with the following resolution:

THAT:

1. *That Council receives and notes the report.*
2. *In accordance with Section 55(3)(i) of the Local Government Act 1993, Council delegate to the General Manager the authority to negotiate directly with Technology One and enter into a contract with Technology One (subject to appropriate terms and conditions) for the provision of an integrated software solution as SaaS platform (as outlined in this report) for the following extenuating circumstances:*
 - a) *lack of other local government integrated software solution with Council's existing core systems;*
 - b) *leveraging existing system capabilities in the Technology One solution;*
 - c) *the cost and time burden of proceeding to tender to make a similar assessment for a similar or inferior financial outcome.*
3. *A further report be provided to advise Council on the outcomes of the negotiations with Technology One.*
4. *The General Manager appoint an external probity advisor to oversee the negotiations.*

REPORT

Commencement of Negotiations

Following the above resolution and at the request of the General Manager a negotiation party was setup to enter the negotiations. This party consisted as follows:

Title and Name	Role
Chief Information Officer	Chair
Chief Financial Officer	Member
Group Manager Corporate and Community	Member
Manager Shire Presentation	Member
Acting Coordinator Procurement	Internal Probity

The resolution of Council stipulated that an independent probity advisor be appointed to oversee the negotiations and following the guidelines of Councils Procurement Policy Mr Mitchell Morley from InConsult was selected as the independent probity advisor.

InConsult has a long history of working with councils in an internal audit capacity and given the value of the contract that Council would potentially be entering, it was decided that they were the best fit to perform the role of independent advisor in these negotiations.

To help evaluate if Council was receiving good commercial offering that was in the best interest of the Council and the community and again following Council's Procurement Policy, Mr Matthew Johnston and Mr Richard Hill from Atturra Business Applications were selected.

Marsden's Law Group was selected from Council's Legal Panel to review the standard contracts supplied by Technology One and offer advice on the risks to Council and any changes that Council should request to be changed by Technology One.

At the request of Mr Morley all parties involved directly in the negotiations or those reviewing the commercial offering entered into non-disclosure agreements and completed conflict of interest declarations, copies of which, including Mr Morley's are stored in Council's records management system.

Evaluation of Proposal

On the 30 August 2022 at 3:30pm Councils negotiation party, with Mr Morley present, met with Technology One to discuss its unsolicited proposal received in July 2022.

At the meeting the proposal was discussed at length, including the current optional components that were not included in the July 2022 offer. It was requested at this stage that Technology One present Council with a solicited offer with a price that included all additional options included in the total price. It was agreed that the offer would be received by 1 September 2022 and follow up meeting was booked for the 6 September 2022.

Technology One supplied Council with an updated offer on the 1 September 2022. This Offer included all optional extras and was priced at \$9,325,421 ex GST over 10 years.

Council's negotiation party, again with Mr Morley present met again on the 5 September 2022 at 3:30pm to discuss the offer put forward to Council. At this meeting the Chief Information Officer and the Chief Financial Officer discussed with the group the benefits of taking the offer as a whole and what that would enable Council to do over the next 10 years, though it was agreed that the price put forward by Technology One was approximately \$76,000 higher than the total cost of the SaaS offering reported to Council. It was decided at this point that Council would ask Technology One to put its best and final offer forward at the meeting on the 6 September 2022.

At the meeting held on the 6 September 2022 at 3:30pm with the negotiation party, including Mr Morley and Technology One the offer received on the 1 September 2022 was discussed.

Technology One advised that it had put its best offer forward. The Chief Information Officer and the Chief Financial Officer discussed if there would be any reduction in the cost of the proposal if it was to exclude some of the additional extras. Technology One advised that any reduction would be minimal and barely noticeable. At this point in the negotiations the Chief Information Officer advised Technology One that the offer they put forward was above what had been put forward to Council and that it would be unlikely to gain the support needed to be executed unless the offer was reduced in cost. Technology One was instructed to put forward its best and final offer, with assurances from Council that the offer put forward would be passed onto our commercial partner Atturra Business Solutions for review. It was agreed that Council would receive this offer on 8 September 2022.

On the 8 September 2022 Council received Technology One's best and final offer. The Offer reduced the price over 10 years from \$9,325,421 to \$9,060,455 ex GST, with the total reduction being \$264,966.00 over 10 years. Overall Technology One has reduced its offer by 17.9% based on the initial proposal received on 7 February 2022.

Council will be locked into a 10-year arrangement with Technology One for this solution and there would be significant costs involved to terminate the agreement. In addition to the costs of termination, there would be other factors such as the time and material costs, and business disruption to change the Technology One software over to a new solution. It is standard business practice that return on investment for applications installation of this size to take between 10 and 15 years.

The price is subject to yearly CPI increase in line with the All-Groups Consumer Price Index for the 12-month period most recently published by the Australian Bureau of Statistics prior to the relevant anniversary date. This option was considered the most viable for Council, as the current lock in rate offered by Technology One for CPI fixed is 5% (above the projected long term forecast of 3%).

Technology One's proposal includes all core and additional modules and there is expected to be no additional costs incurred for additional software maintenance and license needs. The one exception to this is the pricing is set at the Council having 25,000 rateable properties. If the Council surpasses this figure, negotiations will need to be conducted with Technology One to adjust the licensing cost fees of this proposal. Council currently has just over 23,000 rateable properties. This property threshold is expected to be exceeded in four years. Software configuration of each module has not been scoped as a part of this deal and will be managed as a separate procurement activity as outlined in the financial implications of this report.

All proposed applications included in the One Council suite will be hosted on the SaaS platform. Several existing modules will be required to be uplifted to the Ci Anywhere version to achieve enhanced functionality.

The desired outcome on achieving these proposed actions will include faster system performance, improved integration, singular database for customers, enhanced mobility, and an optimised database operating model. This will result in Council being able to optimise its workforce and improve the overall service to the community.

Independent Commercial and Legal Review

Atturra Business Applications has a proven track record of working with Council's to assist with the Technology One suite and have been engaged by several Council's including Wingecarribee Shire Council previously to assist with negotiations and determine commercial value.

As committed to in the meeting held on the 8 September 2022 this offer was submitted to Atturra Business Solutions on the 10 September 2022 for commercial review. Atturra Business Solutions returned its advice to Council on the 16 September 2022. The advice received from Atturra states *"After reviewing the document and knowing the pricing includes not only licensed modules but core and additional core modules we believe that for the size of Council this offer is inline of what we have seen in the market place and is potentially one of the better deals we have seen"*.

Marsden's Law Group were engaged on the 18th of August 2022 to review and provide legal advice on the Technology One contract. An initial review was completed by Marsden on the 5th of September and returned to Council for review. On the 8th of September 2022, a review was conducted by the Chief Information Officer and Chief Financial Officer and the amended draft contract was sent back to Technology One for feedback. Technology One accepted the majority of the proposed changes but excluded two amendments. A specific exclusion relating to Customer Materials was excluded but further provisions were captured in various clauses throughout the contract. Another exclusion saw the liability limited to 18 months (initially 12 months) on the basis that the risks of the configuration will be captured under a separate configuration contract to be issued when modules are due to be installed. The final version of the contract was completed on the 16th of September 2022 and ready for execution.

Both the commercial review and legal review are complete, and the negotiation group have been briefed of the outcomes. All parties are comfortable with the advice provided.

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

The governance around the how the negotiations have been managed are outlined in this report.

COUNCIL BUDGET IMPLICATIONS

The agreement negotiated with Technology One will have no impact caused by entering this contract on the 2022/2023 financial budget.

The offer supplied to Council would see an uplift in costs paid to Technology One of \$5,000,000 over 10 years, as Council is currently committed to \$4,000,000 through its existing licensing agreements over the next 10 years. This will be superseded by the new agreement.

Current costs for existing on-premise hosting costs and redundant systems would be realised approximately 2 years into the above arrangement at an estimated costs of \$85,000 per year. The savings from year three to ten would see Council save approximately \$650,000. This would be used to offset the additional \$4,000,000.00, reducing the budget impact to \$3,350,000 over 10 years.

Non-Recurring Project Costs

The project costs associated with implementing One Council are one off in nature. These costs are anticipated to be spent over a 3-5-year period, depending on the availability of resources and timing of project deliverables. The estimated cost is \$3.34 million over this period and must be included as a priority in the preparation of the 2023/24 budget with a nominated funding source.

The above increase in costs will be factored into the 2023/2024 operating budget and Council's long term financial plan.

The project and expenditure will be managed through a robust and comprehensive project management framework, with bi-monthly reporting to the Executive and IMT steering committee on the progress of the project. Written updates will be supplied, and the committee advised of any changes to the projects risk register and the status of the project's costs against budget.

RELATED COUNCIL POLICY

Nil

CONCLUSION

It was panel's recommendation that based on the offer presented by Technology One, the Commercial Review completed by Atturra Business Applications and Technology One's acceptance of contract changes recommend by Marsden's Law Group, that the General Manager endorse this report and enter into a Contract with Technology One for a period of 10 years, under the conditions set out in the commercial offer received on 8 September 2022.

As per the recommendation of the Panel, and after reviewing the independent reports and offer from Technology One the General Manager executed a 10-year agreement with Technology One for One Council on the 21 September 2022.

ATTACHMENTS

1. 20220920 Briefing Note and Request for General Manager Signature - Approval to Proceed Technology One [9.8.1 - 5 pages]
2. Wingecarribee Shire Council - Best and Final One Council ERP Offer Redacted [9.8.2 - 1 page]
3. WSC Tech 1 Negotiations Probity Report 2022 v Final Redacted [9.8.3 - 5 pages]

Briefing Note – Technology One – One Council Contract (incorporating Software as a Service)

From John Crawford Title Chief Information Officer
Date 20 September 2022

Overview

The purpose of this briefing note is to recommend to the General Manager the execution of the Technology One – One Council contract on the recommendation of the negotiation party following the direct negotiations between Council and Technology One.

These negotiations were entered into following the resolution of Council on 17 August 2022 and were conducted under the guidelines of the resolution passed by Council on that date, including the oversight by an external probity advisor.

Recommendation

It is recommended that the General Manager execute the contract with Technology One for One Council, incorporating Software as a Service.

Background

In February 2022, Council received an unsolicited, commercial-in-confidence offer from Technology One outlining the benefits of proceeding with a SaaS hosted, One Council solution and the associated risks with Council's existing software arrangements. A revised commercial-in-confidence offer was received in July 2022 and valid until 30 September 2022.

On the 17 August 2022 a report titled Corporate Applications Review was presented to Council, which sort approval to enter direct negotiations with Technology One. The report was moved by the Administrator with the following resolution:

THAT:

1. That Council receives and notes the report.
2. In accordance with Section 55(3)(i) of the Local Government Act 1993, Council delegate to the General Manager the authority to negotiate directly with Technology One and enter into a contract with Technology One (subject to appropriate terms and conditions) for the provision of an integrated software solution as SaaS platform (as outlined in this report) for the following extenuating circumstances:
 - a. lack of other local government integrated software solution with Council's existing core systems;
 - b. leveraging existing system capabilities in the Technology One solution;
 - c. the cost and time burden of proceeding to tender to make a similar assessment for a similar or inferior financial outcome.
3. A further report be provided to advise Council on the outcomes of the negotiations with Technology One.
4. The General Manager appoint an external probity advisor to oversee the negotiations.

The following provides the sequence of events and outcomes from the negotiations held with Technology One, and the negotiations party recommendation on the outcome of the negotiations.

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

Commencement of Negotiations

Following the above resolution and at the request of the General Manager a negotiation party was setup to enter the negotiations. This party consisted as follows:

Title and Name	Role
Chief Information Officer, John Crawford	Chair
Chief Financial Officer, Pav Kuzmanovski	Member
Group Manager Corporate and Community, Danielle Lidgard	Member
Manager Shire Presentation, Greg Bray	Member
Acting Coordinator Procurement, Michelle Beard	Internal Probity

The resolution of Council stipulated that an independent probity advisor be appointed to oversee the negotiations and following the guidelines of Councils Procurement Policy Mr Mitchell Morley from InConsult was selected as the independent probity advisor.

InConsult has a long history of working with councils in an internal audit capacity and given the value of the contract that Council would potentially be entering, it was decided that they were the best fit to perform the role of independent advisor in these negotiations.

To help evaluate if Council was receiving good commercial offering that was in the best interest of the Council and the community and again following Council's Procurement Policy, Mr Matthew Johnston and Mr Richard Hill from Atturra Business Applications were selected.

Marsden's Law Group was selected from Council's Legal Panel to review the standard contracts supplied by Technology One and offer advice on the risks to Council and any changes that Council should request to be changed by Technology One.

At the request of Mr Morley all parties involved directly in the negotiations or those reviewing the commercial offering entered into non-disclosure agreements and completed conflict of interest declarations, copies of which, including Mr Morley's are stored in Council's records management system.

Evaluation of Proposal

On the 30 August 2022 at 3:30pm Councils negotiation party with Mr Morley present met with Technology One to discuss its unsolicited proposal received in July 2022.

At the meeting the proposal was discussed at length, including the current optional components that were not included in the July 2022 offer. It was requested at this stage that Technology One present Council with a solicited offer with a price that included all additional options included in the total price. It was agreed that the offer would be received by 1 September 2022 and follow up meeting was booked for the 6 September 2022.

Technology One supplied Council with an updated offer on the 1 September 2022. This Offer included all optional extras and was priced at \$9,325,421.00 ex GST over 10 years.

Council's negotiation party, again with Mr Morley present met on the 5 September 2022 at 3:30pm to discuss the offer put forward to Council. At this meeting the Chief Information Officer and the Chief Financial Officer discussed with the group the benefits of taking the offer as a whole and what that would enable Council to do over the next 10 years, though it was agreed that the price put forward by Technology One was approximately \$76,000.00 higher than the total cost of the SaaS offering reported to Council. It was decided at this point that Council would ask Technology One to put its best and final offer forward at the meeting on the 6 September 2022.

At the meeting held on the 6 September 2022 at 3:30pm with the negotiation party, including Mr Morley and Technology One the offer received on the 1 September 2022 was discussed.

Technology One advised that it had put its best offer forward. The Chief Information Officer and the Chief Financial Officer discussed if there would be any reduction in the cost of the proposal if it was to exclude some of the additional extras. Technology One advised that any reduction would be minimal and barely noticeable. At this point in the negotiations the Chief Information Officer advised Technology One that the offer they put forward was above what had been put forward to Council and that it would be unlikely to gain the support needed to be executed unless the offer was reduced in cost. Technology One was instructed to

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

put forward its best and final offer, with assurances from Council that the offer put forward would be passed onto our commercial partner Atturra Business Solutions for review. It was agreed that Council would receive this offer on 8 September 2022.

On the 8 September 2022 Council received Technology One's best and final offer. The Offer reduced the price over 10 years from \$9,325,421.00 to \$9,060,455.00 ex GST, with the total reduction being \$264,966.00 over 10 years. Overall Technology One has reduced its offer by \$1,974,679.00 based on the first proposal received on 7 February 2022.

Council will be locked into a 10-year arrangement with Technology One for this solution and there would be significant costs involved to terminate the agreement. In addition to the costs of termination, there would be other factors such as the time and material costs, and business disruption to change the Technology One software over to a new solution. It is standard business practice that return on investment for applications installation of this size to take between 10 and 15 years.

The price is subject to yearly CPI increase inline with the All-Groups Consumer Price Index for the 12-month period most recently published by the Australian Bureau of Statistics prior to the relevant anniversary date. This option was considered the most viable for Council, as the current lock in rate offered by Technology One for CPI fixed is 5%.

Because Technology One proposal includes all core and additional modules there is expected to be no additional costs incurred for additional software needs. The one exception to this is the pricing is set at the Council having 25,000 rateable properties. If the Council surpasses this figure, negotiations will need to be conducted with Technology One to adjust the licensing cost fees of this proposal. Council currently has just over 23,000 rateable properties.

All proposed applications included in the One Council suite will be hosted on the SaaS platform. Several existing modules will be required to be uplifted to the Ci Anywhere version to achieve enhanced functionality.

The desired outcome on achieving these proposed actions will include faster system performance, improved integration, singular database for customers, enhanced mobility, and an optimised database operating model. This will result in Council being able to optimise its workforce and improve the overall service to the community.

Independent Commercial and Legal Review

Atturra Business Applications has a proven track record of working with Council's to assist with the Technology One suite and have been engaged by several Council's including Wingecarribee Shire Council previously to assist with negotiations and determine commercial value.

As committed to in the meeting held on the 8 September 2022 this offer was submitted to Atturra Business Solutions on the 10 September 2022 for commercial review. Atturra Business Solutions returned its advice to Council on the 16 September 2022. The advice received from Atturra states *"After reviewing the document and knowing the pricing includes not only licensed modules but core and additional core modules we believe that for the size of Council this offer is inline of what we have seen in the market place and is potentially one of the better deals we have seen"*.

Marsden's Law Group were engaged on the 18th of August 2022 to review and provide legal advice on the Technology One contract. An initial review was completed by Marsden on the 5th of September and returned to Council for review. On the 8th of September 2022, a review was conducted by the Chief Information Officer and Chief Financial Officer and the amended draft contract was sent back to Technology One for feedback. Technology One accepted the majority of the proposed changes but excluded two amendments. A specific exclusion relating to Customer Materials was excluded but further provisions were captured in various clauses throughout the contract. Another exclusion saw the liability limited to 18 months (initially 12 months) on the basis that the risks of the configuration will be captured under a separate configuration contract to be issued when modules are due to be installed. The final version of the contract was completed on the 16th of September 2022 and ready for execution.

Both the commercial review and legal review are complete, and the negotiation group have been briefed of the outcomes. All parties are comfortable with the advice provided.

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

Financial Implications

The agreement negotiated with Technology One will have no impact caused by entering this contract on the 2022/2023 financial budget.

The offer supplied to Council would see an uplift in costs paid to Technology One of \$5,000,000.00 over 10 years, as Council is currently committed to \$4,000,000.00 through its existing licensing agreements over the next 10 years. This will be superseded by the new agreement.

Current costs for existing on-premise hosting costs and redundant systems would be realised approximately 2 years into the above arrangement at an estimated costs of \$85,000 per year. The savings from year three to ten would see Council save approximately \$650,000.00. This would be used to offset the additional \$5,000,000.00, reducing the budget impact to \$4,350,000.00 over 10 years.

Non-Recurring Project Costs

The project costs associated with implementing One Council are one off in nature. These costs are anticipated to be spent over a 3-5-year period, depending on the availability of resources and timing of project deliverables. The estimated cost is \$3.34 million over this period and must be included as a priority in the preparation of the 2023/24 budget with a nominated funding source.

The above increase in costs will be factored into the 2023/2024 operating budget and Council's long term financial plan.

The project and expenditure will be managed through a robust and comprehensive project management framework, with bi-monthly reporting to the Executive and IMT steering committee on the progress of the project. Written updates will be supplied, and the committee advised of any changes to the projects risk register and the current status of the project's costs against budget.

Panel Recommendations

It is the panel recommendation that based on the offer presented by Technology One, the Commercial Review completed by Atturra Business Applications and Technology One's acceptance of contract changes recommend by Marsden's Law Group, that the General Manager endorse this report and enter into a Contract with Technology One for a period of 10 years, under the conditions set out in the commercial offer received on 8 September 2022.

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 OCTOBER 2022**


Attachments

- 1 Technology One Commercial Offer received 8 September 2022
- 2 Technology One SaaS Agreement
- 3 Atturra Business Applications Commercial Review
- 4 InConsult Independent Probity Report




John Crawford
Chief Information Officer

Endorsed for approval



Pav Kuzmanovski
Chief Financial Officer



Danielle Lidgard
**Group Manager Corporate and
Community**



Greg Bray
Manager Shire Presentations



Michelle Beard
Acting Coordinator Procurement

Approval to Proceed



Lisa Miscamble
General Manager



Atturra Business Applications

16th September 2022

Re: Review of TechnologyOne's Best and Final Offer for OneCouncil ERP

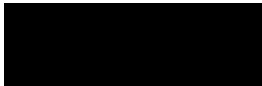
Dear John,

Thank you for giving Atturra Business Applications the opportunity to review TechnologyOne's Best and Final Offer for OneCouncil ERP.


After reviewing the document and knowing that the pricing includes not only Licensed Modules but Core and Additional Core modules we believe for the size of Council this offer is inline of what we have seen in the market place and is potentially one of the better deals we have seen.

If you have any further questions, please reach out.

Yours sincerely,



Matthew Johnston
General Manager
Atturra Business Applications

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Wingecarribee Shire Council

Direct Negotiations for
SaaS Solution - Final Probity
Report

Mitchell Morley, Director
InConsult Pty Ltd

19 September 2022

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

1 Background

Since 2019, Wingecarribee Shire Council (**Council**) has implemented and updated several information systems, with further investment required to bring existing Council systems up to acceptable standards.

Following Expression of Interest and selective tender processes, Technology One was selected as the preferred vendor in delivering a number of the new systems that have now been implemented.

Subsequently Technology One advised Council that it will be ceasing its on-premise software support in September 2023. In February 2022, Council received an unsolicited, commercial-in-confidence offer from Technology One outlining the benefits of proceeding with a Software as a Service (**SaaS**) hosted, One Council solution and the associated risks with Council's existing software arrangements. A revised commercial-in confidence offer was received in July 2022 which was valid until 30 September 2022.

With the impending risks posed by Technology One ceasing its on-premise software support, Council's Administrator resolved to provide a procurement exemption under Section 55(3)(i) of the Local Government Act 1993 enabling Council to negotiate directly with Technology One regarding the procurement of the One Council solution. The exemption was granted due to the extenuating circumstances of the situation including:

- a. lack of other local government integrated software solutions with Council's existing core systems;
- b. leveraging existing system capabilities in the Technology One solution; and
- c. the cost and time burden of proceeding to tender to make a similar assessment for a similar or inferior financial outcome.

The Administrator also delegated authority to the General Manager to negotiate directly with Technology One and enter into a contract (subject to appropriate terms and conditions) for the provision of an integrated SaaS solution.

2 Negotiation Process

Council appointed the following staff to negotiate with Technology One:

Role	Name	Title
Team Leader	John Crawford	Chief Information Officer
Team Member	Pav Kuzmanovski	Chief Financial Officer
Team Member	Danielle Lidgard	Group Manager Corporate Strategy and Governance
Team Member	Greg Bray	Manager Open Space, Recreation & Building Maintenance
Team Member	Michelle Beard	Acting Procurement Coordinator

Council's Negotiation Team met with representatives from Technology One to discuss their offer on 30th August 2022, 6th September 2022 and 19th September 2022.

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

Following the meeting on 30th August, Technology One submitted a formal proposal to Council on 1st September 2022. This proposal was discussed at the negotiation meeting on 6th September following which Technology One submitted a “best and final” offer on 8th September. The best and final offer was then evaluated by the Negotiation Team.

We note Council’s advice that the best and final offer from Technology One reduced the price over 10 years by \$264,966.00 compared to the 1 September offer. Overall the final offer from Technology One was \$1,974,679.00 less than the first proposal received by Council on 7 February 2022.

Council engaged Atturra Business Applications (**Atturra**) to review the proposal from Technology One from a commercial and technical perspective and Marsdens to review the proposed terms and conditions.

Atturra provided advice to Council on 16th September 2022 stating that *“After reviewing the document and knowing the pricing includes not only licensed modules but core and additional core modules we believe that for the size of Council this offer is in line of (sic) what we have seen in the marketplace and is potentially one of the better deals we have seen”*.

Marsdens reviewed the draft contractual terms and conditions and proposed a number of amendments the majority of which were accepted by Technology One. The Negotiation Team considered those terms which were not amended as being acceptable to Council.

Following the evaluation of the best and final offer from Technology One, and considering the advice from both Atturra and Marsdens, the Negotiation Team prepared a report on the outcomes of the negotiations for the consideration of Council’s General Manager dated 19 September 2022. The report recommended that:

“Based on the offer presented by Technology One, the Commercial Review completed by Atturra Business Applications and Technology One’s acceptance of contract changes recommended by Marsden’s Law Group, that the General Manager endorse this report and enter into a Contract with Technology One for a period of 10 years, under the conditions set out in the commercial offer received on 8 September 2022.”

3 Probity Activities

A probity plan was developed by InConsult and endorsed by Council prior to the negotiations. In our view, the probity plan was appropriate for the nature and scale of the negotiations.

The probity plan contained a negotiation protocol which both Council and Technology One signed prior to the negotiations commencing. This protocol established a framework for the conduct of the negotiations.

The probity plan also required all Council Negotiation Team members to sign a deed of undertaking requiring them to comply with probity, confidentiality and conflict of interest requirements. All team members signed the deed with no conflicts of interest being declared. The deed was also signed by Council’s technical and commercial advisers, Atturra.

The Probity Plan ascribed the following roles to the Probity Adviser:

- Overseeing compliance with the Probity Plan;

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

- Receiving and considering any declarations of interest in relation to the project and advising the General Manager on the most appropriate strategy for managing the conflict;
- Receiving and dealing with any reported probity events in relation to the project including complaints from the parties regarding the conduct of the negotiations; and
- Providing probity sign off at the conclusion of the negotiations.

In fulfilling our role as Probity Advisor, we undertook the following activities:

- Developed the probity plan;
- Ensured that both parties signed the negotiation protocol before negotiations started;
- Reviewed all of the signed deeds of undertaking regarding probity, confidentiality and conflicts of interest and noted that no conflicts of interest were declared;
- Attended a number of meetings with Council's Negotiation Team;
- Attended negotiation meetings between the parties on 30/8/22, 6/9/22 and 19/9/22;
- Reviewed emails and correspondence between the parties regarding the offers made by Technology One; and
- Reviewed the report on the outcomes of the negotiations prepared by Council's Negotiation Team dated 19 September 2022.

We did not review any of the proposals submitted by Technology One from a commercial, technical or legal perspective.

4 Probity Conclusions and Sign Off

On the basis of materials made available to us, and our observations and inquiries, we are satisfied that the negotiations between Council and Technology One regarding the procurement by Council of the One Council SaaS solution were conducted in accordance with the requirements of the probity plan and the negotiation protocol.

We were not made aware of any conflicts of interest or other circumstances that would bring into question the probity of the process. From our observations the negotiations were conducted in good faith by both parties.

Based on the assessment of the Negotiation Team contained in their report to the General Manager dated 19 September 2022, the advice received from Atturra and the significant reduction in price achieved through the negotiation process we are satisfied that Council has demonstrated how the proposed solution represents value for money in the circumstances.

We are therefore satisfied that the process was conducted in accordance with generally accepted standards of probity. We did not identify any evidence of systematic bias or lack of objectivity in the conduct of the negotiations.

As it is outside the terms of our appointment, we do not express any opinion on the technical, commercial or legal aspects of the offer made by Technology One including the associated terms and conditions.

Council has advised that a project management framework will be established to manage the implementation of the new solution. Based on our experience with other councils we strongly support the need for Council to establish a robust project management framework to manage the implementation of the new solution.

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022



Mitchell Morley
Director, InConsult Pty Ltd
19 September 2022

Disclaimer

The probity advice provided in this report is based on the materials made available to us and our own observations and inquiries. We only reviewed documentation that was considered relevant to ensuring appropriate standards of probity were maintained. Accordingly, it is possible that there may be other information or documentation relevant to this matter that we have not considered in our advice. We did not review any documentation prepared as part of the processes from a technical, legal or commercial point of view.

Our review was not an audit. Our procedures did not provide all the evidence that would be required in an audit, and accordingly, we do not express an audit opinion.

This report is prepared solely for Wingecarribee Shire Council and its appointed advisors and should not be used for any other purpose or provided to, used by or relied upon by any other party other than the aforementioned without our prior written consent.

9.9 Audit, Risk and Improvement Committee Minutes

Report Author: Governance Officer

Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

This report provides the Minutes of the Audit, Risk and Improvement Committee Meeting held on Thursday, 8 September 2022.

OFFICER'S RECOMMENDATION

THAT the Minutes of the Audit, Risk and Improvement Committee Meeting held on Thursday, 8 September 2022 be received and noted.

BACKGROUND

The Office of Local Government's draft Guidelines state the *"the audit, risk and improvement committee must provide an update to the governing body of the council of its activities and opinions after every committee meeting."*

REPORT

The Audit, Risk and Improvement Committee (the Committee) met on Thursday, 8 September 2022. The Committee will meet for their next meeting in December 2022.

ATTACHMENTS

1. ARIC Draft Minutes [9.9.1 - 19 pages]



DRAFT MINUTES

of the
Audit Risk and Improvement Committee
held in
Bong Bong Room,
Wingecarribee Shire Council Civic Centre,
68 Elizabeth Street, Moss Vale
on

Thursday 8 September 2022

The meeting commenced at **10:00 am**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 OCTOBER 2022**

**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE
THURSDAY 8 SEPTEMBER 2022**

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AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE THURSDAY 8 SEPTEMBER 2022

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN {meeting-room}, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON THURSDAY 8 SEPTEMBER 2022 COMMENCING AT 10:00 AM

Present:

Community Representatives

Mr Stephen Horne	Chair
Mr Mark McCoy	
Ms Simone Schwarz	
Mr Michael Quirk	

In Attendance:

Ms Lisa Miscamble	General Manager ^
Ms Carmel Foster	Director Corporate Strategy and Resourcing
Ms Karin Targa	Director Service and Project Delivery
Mr Pav Kuzmanovski	Chief Financial Officer
Ms Danielle Lidgard	Group Manager Corporate and Community
Mr John Crawford	Chief Information Officer +
Mr Shaun Robinson	Manager Assets <
Ms Mandy McCullagh	Coordinator Property Services >
Ms Olivia Nettleton	Governance Officer
Ms Michelle Gordon	Governance Officer

Also in Attendance

Mr Michael Kharzoo	Audit Office NSW*
Mr Moaaz Juned	Audit Office NSW*
Mr Chris Redman	Consultant >
Ms Penelope Corkill	Centium*

NOTE: Some meeting participants attended the meeting remotely via Microsoft Teams audio visual link. This is indicated by *. The remaining participants were present in the Bong Bong, Civic Centre for this meeting.

The General Manager joined the meeting at Item 7.1 indicated by ^.

The Chief Information Officer left the meeting following Item 11.3 as indicated by +.

The Manager Assets left the meeting following Item 7.1 as indicated by <.

The Coordinator Property Services and Consultant - Chris Redman joined the to present Item 7.2 left the meeting following Item 7.2 as indicated by >.

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE THURSDAY 8 SEPTEMBER 2022

1 OPENING OF THE MEETING

The Chair, Mr Horne opened the meeting and welcomed the Committee members.

2 ACKNOWLEDGEMENT OF COUNTRY

The Chair, Mr Horne acknowledged country:

“Wingecarribee Shire Council acknowledge the Gundungurra and Tharawal people as the traditional custodians of this land we now call the Wingecarribee Shire. I pay my respect to Elders both past, present and emerging. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today.”

CONDOLENCE FOR BUXTON TRAGEDY

The Chair, Mr Horne acknowledged the tragedy at Buxton on Tuesday, 6 September 2022.

3 APOLOGIES

The Committee was advised the General Manager will be late to the meeting.

4 ADOPTION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Audit, Risk and Improvement Committee meeting held on Thursday, 9 June 2022 inclusive, copies of which were forwarded to Committee members, be adopted as a correct record of the proceedings of the meeting noting corrections.

ARIC22/0

5 DECLARATIONS OF INTEREST

Ms Simone Schwarz declared an interest in Item 9.1, advising she has worked previously with Centium.

Mr Stephen Horne declared he is panel member on Parkes Council's Audit, Risk and Improvement Committee and Central Coast Local Health District Audit and Risk Committee.

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE THURSDAY 8 SEPTEMBER 2022

The Chair, Mr Horne advised the Committee the order of items for the meeting have been rearranged to accommodate for guest presenters as listed below:

9 EXTERNAL AUDIT

9.1 External Audit - Management Letter Recommendations Update

7 FINANCIAL MANAGEMENT

7.1 Finance Update

7.2 Property Investment Policy and Strategy

6 GENERAL MANAGER UPDATE

6.2 Organisational Matters and Outcomes of Public Inquiry

6.1 Audit Risk and Improvement Committee Annual Report – Tabling

10 RISK MANAGEMENT

10.1 Enforceable Undertaking with Safework NSW

11 GOVERNANCE AND IMPROVEMENT

11.1 Progress Report on Delivery Program and Operational Plan 2021/22

11.2 Refresh of Council's Integrated Planning and Reporting Documents

11.3 ICAC Report on Operation Ember

8 INTERNAL AUDIT

8.1 Outcome of Psychological Health and Safety Audit

8.2 Outstanding Internal Audit Recommendations

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE THURSDAY 8 SEPTEMBER 2022

6 GENERAL MANAGER UPDATE

6.1 Audit Risk and Improvement Committee Annual Report – Tabling

Report Author: Group Manager Corporate and Community

Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

This report tables the Wingecarribee Shire Council Audit Risk and Improvement Annual Report for the period since its commencement on 1 September 2021 to 30 June 2022.

PROCEEDINGS IN BRIEF

The Group Manager Corporate and Community addressed the meeting on this item.

PRECIS

The Group Manager Corporate and Community tabled the Audit Risk and Improvement Committee Annual Report.

DISCUSSION

The Committee members were provided the Audit Risk and Improvement Committee Annual Report and were requested to review document and provide feedback to the Group Manager Corporate and Community.

COMMITTEE RESOLUTION

The Audit, Risk and Improvement Committee review the Audit Risk and Improvement Committee Annual Report and provide feedback by Tuesday, 13 September 2022.

ARIC22/1

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE THURSDAY 8 SEPTEMBER 2022

6.2 Organisational Matters and Outcomes of Public Inquiry

Report Author: General Manager

Authoriser: General Manager

PURPOSE

To provide an update to the ARIC on organisational matters since its last meeting held on 9 June.

PROCEEDINGS IN BRIEF

The General Manager addressed the meeting on this item.

PRECIS

The General Manager provided an update on the outcome of the Public Inquiry and Council restructure progress.

DISCUSSION

The Committee discussed the outcome of the Public Inquiry, with the Minister for Local Government accepting the Commissioner's recommendations. The ARIC discussed the recommendations in particular to the changes with Councillor induction processes. The ARIC were advised of Commissioner's appreciation of the assistance Council provided during the Inquiry in particular from Ms Marissa Racomelara, Strategic Governance Advisor and the IT support given.

The General Manager provided an overview of the restructure, with Service and Project Delivery directorate finalised however raised difficulties in recruiting technical staff. Mr McCoy suggested writing to the State Government regarding traineeships and recruitment of key workers.

The ARIC were advised Council:

- moving forward with the Pulse system implementation
- continuing to rebuild relationships with the community
- has launched its CRM system and new Intranet
- the new Director Communities and Place, Mr Adan Davis has commenced with Council

Michael Kharzoo left the meeting at 11:37am.

ACTION ITEMS

The General Manager write State Government regarding funding for key workers and traineeships.

COMMITTEE RESOLUTION

The General Manager's update was noted.

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 OCTOBER 2022**

**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE
THURSDAY 8 SEPTEMBER 2022**

ARIC22/2

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE THURSDAY 8 SEPTEMBER 2022

7 FINANCIAL MANAGEMENT

7.1 Finance Update

Report Author: Chief Financial Officer

Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

This report is presented for information and provides an opportunity for the Audit, Risk and Improvement Committee to discuss and provide any feedback in relation to the following matters.

The report covers the following items:

- Status of the draft 2021/22 Financial Statements
- Rural Fire Services Accounting for Assets
- 22/23 Budget
- Procurement
- Investments as at 31 July 2021

PROCEEDINGS IN BRIEF

The Chief Financial Officer addressed the meeting on this item.

PRECIS

This report provides a finance update.

DISCUSSION

The Chief Financial Officer advised the Financial Statements are currently in progress and will be reported to the ARIC in an out of session meeting, including desktop reevaluations of roads and buildings at the suggestion of the Audit Office.

The ARIC undertook an extended in-depth discussion regarding the following:

- Welby Tip site remediation
- Water, Sewer and Stormwater assets
- Budget Update
- Corporate Applications - Technology One and Pulse implementation
- Procurement Policy adoption

The General Manager joined the meeting at 10:38am.

ACTION ITEMS

THAT the financial statements be presented to the ARIC in an out of session meeting.

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 OCTOBER 2022**

**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE
THURSDAY 8 SEPTEMBER 2022**

COMMITTEE RESOLUTION

The Audit, Risk and Improvement Committee noted the report.

ARIC22/3

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE THURSDAY 8 SEPTEMBER 2022

7.2 Property Investment Policy and Strategy

Report Author: Coordinator Property Services

Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

To inform the Audit, Risk and Improvement Committee of the proposed Property Investment Policy ("Policy") and Property Investment Strategy ("Strategy"), which is intended to enhance and diversify Council's long-term operational income.

It is envisaged that this will occur through accessing the attractive, risk adjusted investment returns that good quality commercial properties can deliver. The proposed Property Investment Policy and Property Investment Strategy will provide the framework and guidelines for delivering Council's required outcomes.

PROCEEDINGS IN BRIEF

The Director Corporate Strategy and Resourcing addressed the meeting on this item.

PRECIS

The report of the proposed Property Investment Policy and Strategy

DISCUSSION

The Coordinator Property Services and Chris Redman, Consultant presented the strategy.

Mr McCoy lead the discussion, seeking clarification on why the strategy has been drafted and what considerations have been given to risk factors. The Director Corporate Strategy and Resourcing clarified the document is the overarching framework and specific risk controls developed per business case. Ms Schwarz added strategy is about Council diversifying its income streams. The General Manager added that one of the biggest risks to Council's is rate pegging. Council can use its property portfolio to diversify and shift revenue. It is of community benefit, to reuse or sell assets no longer fit for purpose.

The Chair, Mr Horne raised in may be beneficial to include more context within the document so the intention of the Strategy is clear.

The Committee discussed:

- indicative timeframes included in the Strategy
- geographic allocations

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE THURSDAY 8 SEPTEMBER 2022

The Committee recommended the following clarifications to be incorporated into the strategy:

- that the Strategy will be approved and adopted by Council
- further details on performance measures and that community acceptance should be included as a measure.
- identify who is responsible for setting the benchmarks
- geographic allocations are derived from historic risk minimisation Australian investment trust

The Coordinator Property Services and Chris Redman, Consultant left the meeting at 11:24am.

COMMITTEE RESOLUTION

1. The Audit, Risk and Improvement Committee note the report; and
2. A report be prepared for the next available Ordinary Meeting of Council recommending that community consultation be undertaken with review of any feedback, to allow finalise decisions and recommendations to be made.

ARIC22/4

**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE
THURSDAY 8 SEPTEMBER 2022**

8 INTERNAL AUDIT

8.1 Outcome of Psychological Health and Safety Audit

Report Author: Group Manager Corporate and Community

Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

This report presents the Audit Risk and Improvement Committee with the Psychological Health & Safety Internal Audit Report.

PROCEEDINGS IN BRIEF

Ms Penelope Corkill, Centium addressed the meeting on this item.

PRECIS

The report provides an overview of the outcome of the Psychological Health and Safety Audit.

DISCUSSION

The Chair, Mr Horne provided an overview of the rationale for the Committee's decision to undertake the Psychological Health and Wellbeing Audit as its first internal Audit.

Ms Corkill, from Centium presented the findings to the Committee and commended the organisation for undertaking the audit and the of participation by Council officers.

The Committee discussed the audit recommendations and the implementation of these recommendations.

COMMITTEE RESOLUTION

The Audit, Risk and Improvement Committee noted the report.

ARIC22/5

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE THURSDAY 8 SEPTEMBER 2022

8.2 Outstanding Internal Audit Recommendations

Report Author: Corporate Strategy and Governance Officer

Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

This report provides an update to the Audit, Risk and Improvement Committee ('the Committee') on the implementation of outstanding recommendations from previous internal audits.

PROCEEDINGS IN BRIEF

The Chair, Mr Horne addressed the meeting on this item.

PRECIS

This report provides an update on the work that has been completed or remains open on previous internal audit recommendations.

DISCUSSION

The Committee:

- raised concerns over wording regarding Recommendation 7.3, the Chief Financial Officer advised the wording will be updated to include manual process currently occurring.
- queried if Recommendation 1, has a realistic timeframe given Council is awaiting State Government update. The Chief Financial Officer will update the commentary.
- discussed as the recommendations requesting extensions were medium risk and felt comfortable accepting the request and requested that the status be updated.

COMMITTEE RESOLUTION

The Audit, Risk and Improvement Committee noted the Outstanding Internal Audit Recommendations Progress Report for September 2022 (Attachment 1) AND accepted the requested extensions to the due dates.

ARIC22/6

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE THURSDAY 8 SEPTEMBER 2022

9 EXTERNAL AUDIT

9.1 External Audit - Management Letter Recommendations Update

Report Author: Governance Officer
Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

This report provides the Audit, Risk and Improvement Committee (the Committee) with an update on the status of recommendations from previous Management Letters by Council's External Auditors.

PROCEEDINGS IN BRIEF

Mr Michael Kharzoo, NSW Audit Office addressed the meeting on this item.

PRECIS

This report provides an update on the work that has been completed or remains open on previous external audit recommendations.

DISCUSSION

Mr Kharzoo introduced the Committee to Mr Moaaz Juned.

Discussion was held regarding the Rural Fire Service and Council's position regarding the control of assets.

Mr Kharzoo advised that the Audit Office has released the annual works program which includes cyber security, effective management of financial services and governance, management of code of conduct, road maintenance.

The Chief Financial Officer provided the Committee an overview of each recommendation

COMMITTEE RESOLUTION

THAT the Audit, Risk and Improvement Committee note the report.

ARIC22/7

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE THURSDAY 8 SEPTEMBER 2022

10 RISK MANAGEMENT

10.1 Enforceable Undertaking with SafeWork NSW

Report Author: Coordinator Integrated Risk Management

Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

This report provides the Audit, Risk and Improvement Committee (the Committee) with an overview the Enforceable Undertaking that Council has entered with SafeWork NSW and provides an update on progress made to date.

PROCEEDINGS IN BRIEF

The Group Manager Corporate and Community addressed the meeting on this item.

PRECIS

The Committee was provided a brief history leading to the Enforceable Undertaking and the terms set out.

DISCUSSION

The Committee discussed the requirements of the Enforceable Undertaking (EU) and its was confirmed that:

- it applied to the whole organisation
- timeframes were reasonable however in extenuating circumstances reasonable extensions will be considered with SafeWork NSW
- there is currently manual system in place for risk controls and relevant documentation
- there is ongoing communication with SafeWork NSW

COMMITTEE RESOLUTION

The Audit, Risk and Improvement Committee noted the report.

ARIC22/8

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE THURSDAY 8 SEPTEMBER 2022

11 GOVERNANCE AND IMPROVEMENT

11.1 Progress Report on Delivery Program and Operational Plan 2021/22

Report Author: Corporate Strategy and Governance Officer

Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

This report provides the Audit Risk and Improvement Committee (the Committee) with an overview of Council's progress towards delivering the Delivery Program and Operational Plan 2021/22 for the period 1 April 2022 to 30 June 2022.

PROCEEDINGS IN BRIEF

The Group Manager Corporate and Community addressed the meeting on this item.

PRECIS

This report provides an update on the progress on Delivery Program and Operational Plan 2021/22 for end of June 2022 Quarter.

DISCUSSION

The Committee:

- discussed the report on the Delivery Program and Operational Plan 2021/22 for end of June Quarter and the benefits of producing the document and that the transparency assists in building trust with the community.
- queried why the Community Assistance Scheme is on hold, the Director Corporate Strategy and Resourcing advised awaiting the adoption of the Draft Grants, Donations and Sponsorship Policy which is currently on exhibition to have framework to formalize the process.
- suggested including a revised time for objectives which are not on track, the General Manager suggested the wording can be included in the comment column.

COMMITTEE RESOLUTION

The Audit Risk and Improvement Committee noted the Quarterly Progress Report on the Delivery Program and Operational Plan 2021/22 for the period ending 30 June 2022 in Attachment 1.

ARIC22/9

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE THURSDAY 8 SEPTEMBER 2022

11.3 ICAC Report on Operation Ember

Report Author: Group Manager Corporate and Community

Authoriser: Director Corporate Strategy and Resourcing

PURPOSE

This report provides the Audit Risk and Improvement Committee with a summary of the ICAC report on Operation Ember released in May 2022, to identify learnings or actions that Council needs to take in relation to this report and arising recommendations. Operation Ember concerned an investigation into the awarding of contracts by employees of the former NSW Roads and Maritime Service.

PROCEEDINGS IN BRIEF

The Chair, Mr Horne addressed the meeting on the item.

PRECIS

The report outlines the outcomes and recommendations from the ICAC investigation - Operation Ember.

DISCUSSION

The committee briefly discussed this report.

The Chief Information Officer left the meeting at 12:12pm.

COMMITTEE RESOLUTION

THAT the Audit, Risk and Improvement Committee note the report.

ARIC22/11

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 OCTOBER 2022**

**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE
THURSDAY 8 SEPTEMBER 2022**

12 OTHER BUSINESS

The Chair, Mr Horne reminded the ARIC members to provide feedback on the Annual Report to the Group Manager Corporate and Community by 13, September 2022.

13 DATE OF NEXT MEETING

The next meeting will be held on Monday, 19 September 2022 in the Bong Bong Room, Civic Centre, Elizabeth Street, Moss Vale commencing at 10:30am.

14 MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 1:02PM

9.10 Traffic Committee Meeting Minutes held on 11 August 2022

Report Author: Administration Officer

Authoriser: Acting Director Service and Project Delivery

PURPOSE

This report provides the Minutes of the Traffic Committee meeting held on 11 August 2022 and seeks Council's adoption of the relevant recommendations.

OFFICER'S RECOMMENDATION

THAT the Minutes of the Traffic Committee meeting held on Thursday 11 August 2022 are received and noted.

REPORT

The Local Traffic Committee (the Committee) is established to provide advice to Council which enables Council to meet its responsibilities to Transport for NSW (TfNSW) as part of the powers delegated to it by TfNSW under the Transport Administration Act 1988.

The traffic management functions delegated from TfNSW to Council are:

1. Regulation of traffic under Division 2 of Part 8 (Sections 116 to 119) of the Roads Act 1993;
2. Authorisation of prescribed traffic control devices covered under Division 1 Part 4 (Sections 50 to 55) of the Road Transport (Safety & Traffic Management) Act 1999; and
3. Authorisation of special event parking schemes under Division 2 of Part 5 (Clauses 122 and 123) of the Road Transport (Safety & Traffic Management) Regulation 1999 on public roads other than classified roads.

As a general guide, the following matters relate to the respective Items:

- Item 1 – Permanent installation of traffic control devices like speed humps, medians & blisters. As well as street closures and formalisation of one-way streets;
- Item 2 – Regulatory signs and line marking; and
- Item 3 – Temporary closures for special events.

In accordance with the Local Traffic Committee Terms of Reference and resolution of Ordinary Council Meeting 8 December 2021, Council has sub-delegated the traffic management powers relating to Items 2 and 3 as listed above to the General Manager. Traffic management powers relating to Item 1 cannot be sub-delegated.

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 OCTOBER 2022**

There were no outcomes from the Local Traffic Committee dated 11 August 2022 that relate to traffic management powers of Item 1.

ATTACHMENTS

1. Traffic Committee Minutes - 11 August 2022 [**9.10.1** - 13 pages]



MINUTES

of the
Local Traffic Committee Meeting
held in
Council Chambers,
Wingecarribee Shire Council Civic Centre,
68 Elizabeth Street, Moss Vale
on

Thursday 11 August 2022

The meeting commenced at **9:30 am**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 OCTOBER 2022**

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING
THURSDAY 11 AUGUST 2022**

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4 ADOPTION OF MINUTES OF PREVIOUS MEETING	4
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6.3 Traffic Management Arrangements For 2022 Bowral Classic	7
6.4 2022 Tulip Time Parking And Signage.....	8
6.5 Lake Alexandra Car Park Accessible Parking Space	9
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6.7 No Stopping Zone On Narellan Road, Moss Vale	11
6.8 Tyree Place, Braemar, No Stopping Zone	12
7 DATE OF NEXT MEETING	13
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AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING THURSDAY 11 AUGUST 2022

MINUTES OF THE TRAFFIC COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS ON THURSDAY 11 AUGUST 2022 AT 9:30 AM

Present:

Formal (Voting) Members:	Mr Shaun Robinson	Manager Assets
	Mr Blair Oliver	* Transport for NSW
	Ms Suzy Kon	Transport for NSW
	Chief Inspector Jason Horn	NSW Police
	Senior Constable Adam Churchill	NSW Police
	Mrs Katherine Wood	Representing the Member for Goulburn
	Ms Zoe McInerney	* Representing the Member for Wollondilly
Informal (Non-Voting) Members:	Mr Michael Rayner	Traffic Engineer
	Mr Brian Speed	Road Safety Officer
	Mr Chris Moule	* Berrima Buslines
Minutes:	Mrs Liz de Graaf	Administration Officer

NOTE: Some meeting participants attended the meeting remotely via ZOOM audio visual link. This is indicated by *. The remaining participants were present in the Council Chambers, Civic Centre for this meeting.

1 OPENING OF THE MEETING

The Traffic Engineer opened the meeting and welcomed the Committee members.

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 OCTOBER 2022**

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING
THURSDAY 11 AUGUST 2022**

2 ACKNOWLEDGEMENT OF COUNTRY

The Traffic Engineer acknowledged country:

“Wingecarribee Shire Council acknowledge the Gundungurra and Tharawal people as the traditional custodians of this land we now call the Wingecarribee Shire. I pay my respect to Elders both past, present and emerging. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today.”

3 APOLOGIES

There were no apologies at this meeting.

4 ADOPTION OF MINUTES OF PREVIOUS MEETING

That the minutes of the Traffic Committee meeting held on Thursday 12 May 2022, recommendation numbers TC2022/8 to TC2022/15 inclusive, copies of which were forwarded to Committee members, be adopted as a correct record of the proceedings of the meeting.

5 DECLARATIONS OF INTEREST

There were no declarations at this meeting.

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 OCTOBER 2022**

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING
THURSDAY 11 AUGUST 2022**

6 AGENDA REPORTS

6.1 Road Safety Officer - Progress Report

Report Author: Road Safety Officer

Authoriser: Director Service and Project Delivery

PURPOSE

Reporting on promotions and activities of the Road Safety Officer (RSO).

RECOMMENDATION

THAT the projects/campaigns currently coordinated by Council's Road Safety Officer be noted.

TC 2022/18

Unanimous support:

Manager Assets	✓
Transport for NSW	✓
NSW Police	✓
The representative for the Member for Goulburn	✓
The representative for the Member for Wollondilly	✓

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 OCTOBER 2022**

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING
THURSDAY 11 AUGUST 2022**

6.2 Police report on recent crashes in the Shire

Report Author: Administration Officer
Authoriser: Director Service and Project Delivery

PURPOSE

Reporting on recent road crashes in the Shire recorded by Police.

RECOMMENDATION

THAT the information be received and noted.

TC 2022/19

Unanimous support:

Manager Assets	✓
Transport for NSW	✓
NSW Police	✓
The representative for the Member for Goulburn	✓
The representative for the Member for Wollondilly	✓

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 OCTOBER 2022**

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING
THURSDAY 11 AUGUST 2022**

6.3 Traffic Management Arrangements for 2022 Bowral Classic

Report Author: Traffic Engineer
Authoriser: Director Service and Project Delivery

PURPOSE

Reporting on the traffic arrangements for the 2022 Bowral Classic event.

RECOMMENDATION

THAT there is no objection to the traffic arrangements proposed for the 2022 Bowral Classic and Criterium events on Saturday 15 October 2022 or the main Bowral Classic (4 courses) event on Sunday 16 October 2022 subject to approval by the Police Service and completion of the approval process for Class 2 Race Events as per the NSW Guidelines for Bicycle Road Races and the Guide to Traffic and Transport Management for Special Events including the approval of specified speed reductions and granting of Road Occupancy Licenses (ROL) by TfNSW.

TC 2022/20

Unanimous support:

Manager Assets	✓
Transport for NSW	✓
NSW Police	✓
The representative for the Member for Wollondilly	✓
The representative for the Member for Goulburn	✓

AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 OCTOBER 2022

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING THURSDAY 11 AUGUST 2022

6.4 2022 Tulip Time Parking and Signage

Report Author: Traffic Engineer
Authoriser: Director Service and Project Delivery

PURPOSE

Reporting on the parking and signage for 2022 Tulip Time near Corbett Gardens. Tulip Time Festival dates in Corbett Gardens are from Friday 16 September to Monday 3 October.

RECOMMENDATION

THAT there is no objection to the following parking and signage changes be implemented and signage to be removed:

- 1. Original signage to be removed and No Stopping / Emergency Vehicles Excepted and 'Permit Holder Only' signs to be installed between 6am and 7am Wednesday 14 September;*
- 2. Bus Zone signs and disabled parking zone signs to be installed between 6am and 7am on Friday 16 September. A temporary kerb ramp is to be installed in the proposed disabled parking spaces on Wingecarribee Street;*
- 3. No Stopping / Emergency Vehicle Excepted, Bus Zone and Accessible Parking signs to be removed and original signage arrangement reinstated on Monday 3 October; and*
- 4. 'Permit Holder Only' signs to be removed on Tuesday 4 October.*

TC 2022/21

Unanimous support:

Manager Assets	✓
Transport for NSW	✓
NSW Police	✓
The representative for the Member for Wollondilly	✓

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 OCTOBER 2022**

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING
THURSDAY 11 AUGUST 2022**

6.5 Lake Alexandra Car Park Accessible Parking Space

Report Author: Traffic Engineer
Authoriser: Director Service and Project Delivery

PURPOSE

To install an accessible parking space at the Lake Alexandra car park.

RECOMMENDATION

THAT the proposed accessible parking space layout be approved for installation.

TC 2022/22

Unanimous support:

Manager Assets	✓
Transport for NSW	✓
NSW Police	✓
The representative for the Member for Wollondilly	✓

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 OCTOBER 2022**

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING
THURSDAY 11 AUGUST 2022**

6.6 Changes to Centre Line Marking on Church Avenue, Colo Vale

Report Author: Traffic Engineer
Authoriser: Director Service and Project Delivery

PURPOSE

To install a double barrier line on Church Avenue, Colo Vale.

RECOMMENDATION

THAT the proposed double barrier line be approved for installation on Church Avenue, Colo Vale.

TC 2022/23

Unanimous support:

Manager Assets	✓
Transport for NSW	✓
NSW Police	✓
The representative for the Member for Wollondilly	✓

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 OCTOBER 2022**

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING
THURSDAY 11 AUGUST 2022**

6.7 No Stopping Zone on Narellan Road, Moss Vale

Report Author: Traffic Engineer
Authoriser: Director Service and Project Delivery

PURPOSE

To create a No Parking Zone on Narellan Road, Moss Vale.

RECOMMENDATION

THAT the proposed No Stopping Zone be approved for installation on Narellan Road, Moss Vale, opposite Burcham Road.

TC 2022/24

Unanimous support:

Manager Assets	✓
Transport for NSW	✓
NSW Police	✓
The representative for the Member for Goulburn	✓

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 OCTOBER 2022**

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING
THURSDAY 11 AUGUST 2022**

6.8 Tyree Place, Braemar, No Stopping Zone

Report Author: Traffic Engineer

Authoriser: Director Service and Project Delivery

PURPOSE

To install a No Stopping Zone on Tyree Place Braemar, opposite Tyree Industries, to allow for turning movements of heavy vehicles.

RECOMMENDATION

THAT the proposed No Stopping Zone on Tyree Place Braemar be approved for installation.

TC 2022/25

Unanimous support:

Manager Assets	✓
Transport for NSW	✓
NSW Police	✓
The representative for the Member for Wollondilly	✓

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 OCTOBER 2022**

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING
THURSDAY 11 AUGUST 2022**

7 DATE OF NEXT MEETING

The next meeting will be held on Thursday 10 November 2022 in the Council Chambers, Civic Centre, Elizabeth Street, Moss Vale commencing at 9:30am.

8 MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10:20 AM

10 MEETING CLOSURE