



Ordinary Council Meeting

Agenda

18 May 2023

**Notice is hereby given in accordance with the provisions of the
Local Government Act 1993 that an
Ordinary Meeting of Warrumbungle Shire Council
will be held in the Coolah Chambers, Binnia Street, Coolah
on Thursday, 18 May 2023 commencing at 5:00 pm.**

Mayor: Cr Ambrose Doolan

Councillors: Kodi Brady
Dale Hogden
Zoe Holcombe
Aniello Iannuzzi (Deputy Mayor)
Carlton Kopke
Jason Newton
Kathryn Rindfleish
Denis Todd

Please note:

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Council's Vision Excellence in Local Government

Mission Statement

We will provide:

- Quality, cost effective services that will enhance our community's lifestyle, environment, opportunity and prosperity.
- Infrastructure and services which meet the social and economic needs and aspirations of the community now and in the future.
- Effective leadership and good governance, by encouraging teamwork, through a dedicated responsible well trained workforce.

Values

- ✓ **Honesty**
Frank and open discussion, taking responsibility for our actions
- ✓ **Integrity**
Behaving in accordance with our values
- ✓ **Fairness**
Consideration of the facts and a commitment to two way communication
- ✓ **Compassion**
Working for the benefit and care of our community and the natural environment
- ✓ **Respect**
To ourselves, colleagues, the organisation and the community, listening actively and responding truthfully
- ✓ **Transparency**
Open and honest interactions with each other and our community
- ✓ **Passion**
Achievement of activities with energy, enthusiasm and pride
- ✓ **Trust**
Striving to be dependable, reliable and delivering outcomes in a spirit of goodwill
- ✓ **Opportunity**
To be an enviable workplace creating pathways for staff development

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AGENDA

ACKNOWLEDGEMENT OF COUNTRY – Council acknowledges the Traditional Custodians of the Land at which the meeting is held and pays its respects to Elders both past and present and extends that respect to other Aboriginal people who are present.

Turn Off Mobile Phones

Audio Recording of Council Meetings

Apologies/Leave of Absence

Confirmation of Minutes

20 April 2023

Disclosure of Interest

Pecuniary Interest

Non Pecuniary Conflict of Interest

Mayoral Minute/s

Delegate Report/s

Reports of Committees

Reports to Council

Notices of Motion/Questions with Notice/Rescission Motions

Reports to be considered in Closed Council

Conclusion

.....
ROGER BAILEY
GENERAL MANAGER

WARRUMBUNGLE SHIRE COUNCIL

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Item 1 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 12 April 2023 to 10 May 2023

MAYORAL MINUTE – MAYORS ACTIVITY

<u>Date</u>	<u>Type</u>	<u>In/Out</u>	<u>Activity</u>
16-Apr	Email	In	Cr Rindfleish - Coolah Tennis Courts
17-Apr	Email	In	GM - IPART rate variations
	Email	In	GM - REZ key issues
	Email	Out	GM - IPART special rate variations
18-Apr	Email	In	Narromine Mayor - Biodiversity offsets
19-Apr	Email	In	GM - Coolah Flood study
	Email	In	Director Tech Services - Reservoir Street
	Email	Out	Director Tech Services - Baradine Main Street garden
20-Apr	Email	In	Director Tech Services - Baradine Main Street garden
	Email	In	GM - Coonabarabran Sporting Complex
	Email	In	Cr Brady - Council Business Paper
21-Apr	Email	In	GM - Dunedoo TRRRC
	Email	In	Chris Sheppard - NBN upgrades
24-Apr	Email	Out	CoREM - meeting with Energy Minister
27-Apr	Email	In	Bess Graham - meeting with Energy Minister
	Email	In	Armidale Mayor - CoREM Meeting
	Email	Out	Liz Crosby - meeting with Energy Minister
28-Apr	Email	In	Liz Crosby - meeting with Energy Minister
1-May	Email	In	GM - Dunedoo TRRRC
	Email	In	Warwick Giblin - wind turbine foundations
	Email	In	Cr Rindfleish - customer satisfaction survey
2-May	Email	In	Armidale Mayor - CoREM invitation
	Email	In	Bess Graham - Red Fleet letter
	Email	Out	Bess Graham - RFS Red Fleet
4-May	Email	In	GM - Regional Housing Plan
	Email	Out	GM - Castlereagh River Project
5-May	Email	In	Senator Catherine King - Local Roads and Community Infrastructure
10-May	Email	In	Director Corp & Comm Services - updated Emergency Services Levy

Date of Journey		Purpose of Journey	Odometer		KM Travelled
Start Date	End Date		Start	Finish	
12-Apr	12-Apr	Funeral - Lester Wong See	25422	25452	30
12-Apr	12-Apr	Mendooran Community Consultation Meeting	25452	25613	161
14-Apr	14-Apr	Meeting NW Equestrian Expo	25613	25643	30
20-Apr	20-Apr	Meeting GM and Deputy Mayor	25643	25673	30
20-Apr	20-Apr	Meeting NBN and Coonabarabran Council Meeting	25673	25703	30
25-Apr	25-Apr	Anzac Dawn Service Coonabarabran	25703	25733	30

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25-Apr	25-Apr	Binnaway Anzac Service	25733	25789	56
2-May	2-May	Coonabarabran office to sign letters	25789	25825	36
Total KM travelled for period 12 April 2023 - 2 May 2023					403

MAYORAL MINUTE - EXPENSES 8 April 2023 to 8 May 2023

<u>Date</u>	<u>Transaction Details</u>	<u>Comments</u>
	Nil	
Total expenditure for period 8/04/2023 - 08/05/2023		Nil

RECOMMENDATION

That Council notes the report on the Mayor's Activity and Log of Kilometres Travelled for the period 12 April 2023 to 10 May 2023.

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Item 2 Mayoral Minute – Damaging Increase in Emergency Services Levy Costs

Mayoral Minute – Damaging Increase in Emergency Services Levy Costs

Reason for Report

I am calling on Councillors to support representations to the NSW Government in response to the highly damaging increase in the Emergency Services Levy (ESL) imposed on all councils without warning for the 2023/24 financial year.

The ESL is a cost imposed on councils and insurance policy holders to fund the emergency services budget in NSW. The majority is paid as part of insurance premiums, with a further 11.7 per cent funded by councils and 14.6% by the NSW Government. The ESL represents cost shifting at its worse, as it is imposed on councils without any mechanism for councils to recover costs.

The levy increase for the State's 128 councils in 2023/24 amounts to almost \$77 million, with the total cost imposed on the local government sector increasing from \$143 million in the current financial year to \$219 million next year. This represents a 53.1% increase, completely dwarfing the IPART baseline rate peg of 3.7% for 2023/24, and Council's rate increase of 3.7%.

Reporting from across the State suggests that the increase in costs this year reflects a 73% increase in the State Emergency Service budget and an 18.5% funding increase to Fire and Rescue NSW. The impact of these large increases on councils' finances will be particularly severe in 2023/24 as a result of the NSW Government deciding to scrap the subsidy for council ESL payments.

For many councils, the unexpected cost hit will absorb almost all of their IPART-approved rate rise for this year and in some cases absorb more than 100%. This is placing local government budgets under enormous pressure as they struggle from the combined impact of the pandemic, extreme weather events, high inflation and wage increases.

IPART-approved rate rises are intended to compensate for the impacts of inflation and increases in council costs. Instead, the rate increase will have to be largely diverted to the significantly higher ESL payments this year. NSW councils will have no option other than to make cuts to infrastructure and services expenditure.

For the Warrumbungle Council, the ESL has increased by \$28,778 for 2023/24, bringing the total Council contribution to \$794,486. This amounts to 9.15% of the expected increase in rate income for 2023/24.

The timing of this development is particularly challenging for councils as it comes so late in the local government budgeting cycle, well after IPART's rate determination for the coming financial year.

All councils strongly support a well-funded emergency services sector and the critical contribution of emergency services workers and volunteers (many of whom are

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councillors and council staff). However, it is essential that these services be supported through an equitable, transparent and sustainable funding model. Local Government NSW has raised the serious concerns of the local government sector with the NSW Government and is seeking the support of councils across NSW in amplifying this advocacy.

This Mayoral Minute recommends that Council call on the NSW Government to take immediate action to:

- a. restore the ESL subsidy,
- b. decouple the ESL from the rate peg to enable councils to recover the full cost
- c. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services.

The Mayoral Minute also recommends that Council write to IPART advising of the financial sustainability impacts on of the ESL.

Attachment

1. Council's ESL invoice for 2023-24

RECOMMENDATION:

That Council writes to:

1. The Treasurer, the Minister for Emergency Services, the Minister for Local Government and local State Member(s):
 - a. Expressing Council's strong opposition to the NSW Government's last minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24 by scrapping the ESL subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community;
 - b. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 3.7% rate increase to provide essential community services and infrastructure has been significantly eroded.
 - c. Calling on the NSW Government to take immediate action to:
 - i. restore the ESL subsidy in 2023/24
 - ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost
 - iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.
2. The Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly

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disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.

3. The President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of councils' emergency services contribution.

**COUNCILLOR AMBROSE DOOLAN
MAYOR**

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Item 3 Councillors' Monthly Travel Claims

Division:	Executive Services
Management Area:	Governance
Author:	Executive Services Administration Officer – Joanne Hadfield
CSP Key Focus Area:	Civic Leadership
Priority:	CL2.1 Provide Council's leadership with a strong governance and management framework that promotes transparent and informed decision-making.

Reason for Report

To provide Council with details of monthly travel claims of councillors.

Background

At the Ordinary Council meeting in July 2017 it was resolved that, "*all Councillors make public their monthly travel claims effective immediately.*" (**Resolution No 10/1718**)

Councillor Monthly Travel Claims

Councillor	Kilometres	\$ per KM	Total Amount (\$)
Cr Brady	80	0.78	\$62.40
Cr Doolan	-	0.78	-
Cr Hogden	300	0.78	\$234.00
Cr Holcombe	-	0.78	-
Cr Iannuzzi	489	0.78	\$381.42
Cr Kopke	316	0.78	\$246.48
Cr Newton	-	0.78	-
Cr Rindfleish	348	0.78	\$271.44
Cr Todd	865	0.78	\$674.70
		Total:	\$1,870.44

Issues

Nil.

Options

Nil.

Financial Considerations

Outlined above.

Community Engagement

To inform the community.

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Attachments

1. Councillors Monthly Travel Claims

RECOMMENDATION

That the Councillors' monthly travel claims report in the amount of \$1,870.44 be noted for information.

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Item 4 Community Consultation Meetings

Division:	Corporate and Community Services
Management Area:	Children's and Community Services
Author:	Executive Services Administration Officer – Joanne Hadfield
CSP Key Focus Area:	Civic Leadership
Priority:	CL4 To have a well-informed community that has confidence in Council's decision- making processes.

Reason for Report

To present draft Minutes from the Community Consultation Meetings held in March/ April 2023 to Council.

Background

In March and April 2023, Council conducted a series of Community Consultation Meetings across the Shire. Meetings were held at the following venues:

- | | |
|----------------------------------|-------------------------|
| • Mullaley Sportsground Shed | Monday 20 March 2023 |
| • Coonabarabran Council Chambers | Tuesday 21 March 2023 |
| • Coolah Council Chambers | Monday 27 March 2023 |
| • Baradine Memorial Hall | Tuesday 28 March 2023 |
| • Dunedoo Jubilee Hall | Monday 3 April 2023 |
| • Binnaway Bowling Club | Tuesday, 4 April 2023 |
| • Mendooran Memorial Club | Wednesday 12 April 2023 |

Issues

As per the Terms of Reference for Community Consultation Meetings, as endorsed by Council at the September 2021 Council Meeting, Minutes of Community Consultation Meetings will be recorded and submitted to the Council Meeting for endorsement before being circulated.

Once Meeting Minutes have been endorsed by Council they will be circulated to meeting attendees. Minutes will also be uploaded to the Warrumbungle Shire Council website, and will therefore be available to all members of local communities.

The next round of dates for the Community Consultation Meeting R1 2023/24 – are as follows:

- | | |
|-------------|-------------------------|
| • Mendooran | Monday 23 October 2023 |
| • Binnaway | Tuesday 24 October 2023 |
| • Coolah | Monday 30 October 2023 |

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- Coonabarabran Tuesday 31 October 2023
- Baradine Monday 6 November 2023
- Dunedoo Tuesday 7 November 2023

Community Engagement

The level of engagement for this report is Inform.

Attachments

1. Mullaley Community Consultation Minutes - Monday 20 March 2023
2. Coonabarabran Community Consultation Minutes - Tuesday 21 March 2023
3. Coolah Community Consultation Minutes - Monday 27 March 2023
4. Baradine Community Consultation Minutes - Tuesday 28 March 2023
5. Dunedoo Community Consultation Minutes - Monday 3 April 2023
6. Binnaway Community Consultation Minutes - Tuesday, 4 April 2023
7. Mendooran Community Consultation Minutes - Wednesday 12 April 2023

RECOMMENDATION

That Council:

1. Endorse the draft Minutes from the 7 Community Consultation Meetings held in March and April 2023 for Round 2 2022/2023.
2. Note that Minutes from the Community Consultation Meetings held in March and April 2023 for Round 2 2022/2023 will now be released to meeting attendees and placed on Council's website.
3. Endorse the meeting dates for Round 1 2023/2024 as:
 - Mendooran Monday 23 October 2023
 - Binnaway Tuesday 24 October 2023
 - Coolah Monday 30 October 2023
 - Coonabarabran Tuesday 31 October 2023
 - Baradine Monday 6 November 2023
 - Dunedoo Tuesday 7 November 2023

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Item 5 Council Resolutions Report

Division:	Executive Services
Management Area:	Governance
Author:	Executive Services Administration Officer – Joanne Hadfield
CSP Key Focus Area:	Civic Leadership
Priority:	CL2.1 Provide Council's leadership with a strong governance and management framework that promotes transparent and informed decision making

Reason for Report

To provide Council with updated information on the progress of Council resolutions.

Background

The General Manager is responsible for overseeing the progression of information from relevant staff to Council via the Business Paper and monthly Council meetings.

Furthermore, the General Manager is responsible for ensuring appropriate information regarding Council resolutions and deliberations are provided to Directors and relevant staff. Each Council resolution is allocated to a directorate for action. Directors and Managers provide feedback to the General Manager on the progress of resolutions each month by way of the attached Council Resolution Report. Once an item is noted by Council as being complete it is removed from the Report.

Resolutions that remain 'In Progress' for a 12 month period will be reported to Council as a separate agenda item with a new Recommendation. This will provide Council staff the opportunity to detail the history and issues of outstanding items before Council reconsiders the matter.

Issues

This feedback is provided to Council for information purposes.

Options

Nil

Financial Consideration

Nil

Community Engagement

Level of Engagement - Inform

Attachments

1. Council Resolution Report

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RECOMMENDATION

That the Council Resolution Report be noted for information.

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Item 6 Revotes and High Value Projects Report

Division:	Executive Services
Management Area:	Governance
Author:	Executive Assistant to the General Manager – Erin Player
CSP Key Focus Area:	Civic Leadership
Priority:	CL1 That Council is financially sustainable over the long term

Reason for Report

To provide Council with updated information on the progress of projects that Council has funded by revote and projects that are considered to be high value and potentially high risk.

Background

From time to time, Council endorses changes to its adopted annual budget by way of a revote. A report on those projects that have been subject to a revote is compiled, with updates provided on progress.

The General Manager is responsible for overseeing the progression of information from relevant staff to Council via the Business Paper and monthly Council meetings.

Council is provided with information on revote items and their progress in the attached report.

Issues

Nil

Options

Nil

Financial Considerations

As set out in the report.

Community Engagement

To inform the community by placing the information on Council's website through the Business Paper.

Attachments

1. Revote Report
2. High Value High Risk Revotes

RECOMMENDATION

That the Revote and High Value Projects Report be noted for information.

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Item 7 Reviewed Policies

Division:	Corporate and Community Services
Management Area:	Governance
Author:	Manager Corporate Services – Jenni Maundrell
CSP Key Focus Area:	Local Government and Finance
Priority:	CL2.1 Provide Council's leadership with a strong governance and management framework that promotes transparent and informed decision-making

Reason for Report

The reason for this report is to seek Council adoption of four reviewed policies:

- Public Art
- Public Forum
- Records Management for Councillors
- Statement of Business Ethics

Background

These four policies are existing strategic policies of Council. Each have been reviewed and no material changes are proposed.

Issues

The attached policies have been reviewed and no material changes have been proposed. Therefore, they are being presented in a bundle.

The policies have each been formatted in line with the current Style Guide for Council policies, and updated as necessary such as dates on legislation or the name of government departments (eg, DLG to OLG) that have changed. However, the policy statements and operations remain materially unchanged.

The policies were endorsed by Council at the March 2023 Council meeting (Resolution 263/2223) for public exhibition and invitation of submissions. No submissions were received during the exhibition period. There are no changes proposed to the draft policies resulting from the public exhibition.

Options

Council may endorse each of the policies as presented, or with amendments.

Financial Considerations

Nil

Community Engagement

The level of community engagement for this item is Inform.

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Information is provided by way of the business paper report, which is published on the Council website.

Attachments

1. Reviewed Public Art Policy
2. Reviewed Public Forum Policy
3. Reviewed Records Management for Councillors Policy
4. Reviewed Statement of Business Ethics

RECOMMENDATION

That Council adopts the reviewed policies for:

1. Public Art;
2. Public Forum;
3. Records Management for Councillors; and
4. Statement of Business Ethics.

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Item 8 Draft Complaint Handling Framework

Division:	Corporate and Community Services
Management Area:	Governance
Author:	Manager Corporate Services – Jenni Maundrell
CSP Key Focus Area:	Civic Leadership
Priority:	CL3 Council fosters a safe, productive and professional workplace, enabling Council staff to source, manage and maintain services to the community

Reason for Report

To seek Council adoption of the draft *Complaint Handling Policy*, *Complaint Handling Procedure*, and *Unreasonable Customer Conduct Procedure* (the Complaint Handling Framework).

Background

The Complaint Handling Framework was developed to ensure Council handles complaints fairly, efficiently and effectively, while also providing guidance to staff on how to manage complaints and complainants, including those complainants displaying unreasonable behaviour.

Issues

The draft policy aims to:

- enable Council to respond to issues raised by people making complaints in a timely and cost-effective way,
- boost public confidence in our administrative process, and
- provide information that can be used by us to deliver quality improvements in our services, staff and complaint handling.

The draft *Complaint Handling Procedure* acts as a set of guidelines to follow in managing complaints. This procedure provides guidance on:

- receiving and acknowledging complaints;
- assessing and addressing complaints;
- providing reasons for decisions;
- record-keeping; and
- the three levels of complaint-handling:
 - frontline staff
 - internal review
 - external review.

Similarly, the draft *Unreasonable Customer Conduct Procedure* provides guidelines to follow in managing complaints, however this procedure details strategies and

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procedures for managing unreasonable customer behaviour. The procedure includes:

- definitions and examples of various kinds of unreasonable behaviour;
- steps that may be taken when responding to unreasonable behaviour;
- information about alternative dispute resolution;
- changing or restricting a customer's access to Council services
- dealing with aggressive and abusive customers;
- appendices covering:
 - individual rights and mutual responsibilities
 - incident form (for staff)
 - checklist to consider (when deciding to modify or restrict access; when reviewing a decision regarding access change/restriction)
 - template letters (warning; notifying of a decision to change or restrict access; notifying of an upcoming review; advising of outcome of review).

Council endorsed the draft Complaint Handling Framework at the February 2023 Council meeting (Resolution 223/2223) for public exhibition and invitation of submissions. One submission was received during the exhibition period, which is provided as Attachment 4 to this report. The submission stated:

Those who make complaints need to be kept informed throughout the process - acknowledgement of receipt, follow up with action to be taken and then after the complaint has been dealt with. This follow through of contact must be stressed.

Section 5.2 of the draft policy deals with responsiveness to complaints. There are no changes proposed to the draft as a result of the period of public exhibition.

Options

Council may endorse the documents as presented, or with amendments; or may decline to endorse any or all of the documents.

Financial Considerations

Nil

Attachments

1. Draft *Complaint Handling Policy*.
2. Draft *Complaint Handling Procedure*.
3. Draft *Unreasonable Customer Conduct Procedure*.
4. Submission on the draft *Complaint Handling Policy*

RECOMMENDATION

That Council adopts the draft Complaint Handling Framework.

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Item 9 Investments and Term Deposits – month ending 30 April 2023

Division:	Corporate and Community Services
Management Area:	Financial Services
Author:	Acting Accountant – Lisa Grammer
CSP Key Focus Area:	Civic Leadership
Priority:	CL1 That Council is financially sustainable over the long term

Reason for Report

As required by clause 212 of the *Local Government (General) Regulation 2021*, the details of all monies invested by Council under section 625 of the *Local Government Act 1993* must be reported to Council at each Ordinary Meeting.

Background

Council is authorised by s625 of the *Local Government Act 1993* (the Act) to invest its surplus funds in the forms of investment notified in an Order of the Minister dated 12 January 2011.

Clause 212 of the *Local Government (General) Regulation 2021* (the Regulation) requires a Council to provide a written report to the Ordinary Meeting of Council giving details of all monies invested and a certificate as to whether or not the investments have been made in accordance with the Act, Regulations and Council's Investment Policy.

Issues

Comments on Performance

Marketable Securities, Term Deposits and At Call Investment Accounts

In accordance with regulatory requirements and Council's Investment Policy, the majority of Council's current investment portfolio continues to be invested in term deposits and at call accounts.

Marketable Securities

Council currently holds no Marketable Securities.

Term Deposits

During the month, \$7,500,000.00 worth of term deposits matured, earning Council a total of \$183,805.32 in Interest. Of that total \$75,293.16 of interest was paid out at the 1-year anniversary of 2 13-month investments and 1 16-month investment.

In April, the following placements were made into term deposits:

- \$1,000,000 with NAB at a rate of 4.30%
- \$1,000,000 with NAB at a rate of 4.30%
- \$1,000,000 with MAQ at a rate of 4.42%
- \$ 500,000 with MAQ at a rate of 4.42%

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- \$1,000,000 with NAB at a rate of 4.40%
- \$ 500,000 with NAB at a rate of 4.55%
- \$1,000,000 with AMP at a rate of 4.75%

The balance of the term deposits at the end of the month was \$31,000,000.00.

At Call

At call accounts are used to hold funds for shorter periods and generally are adjusted on a weekly basis to meet cash flow requirements. During the month, \$2,424.01 interest was earned on the balances in the accounts and net transfers of \$1,100,000.00 were made from these accounts resulting in a month end balance of \$1,602,800.31.

Cash at bank balance

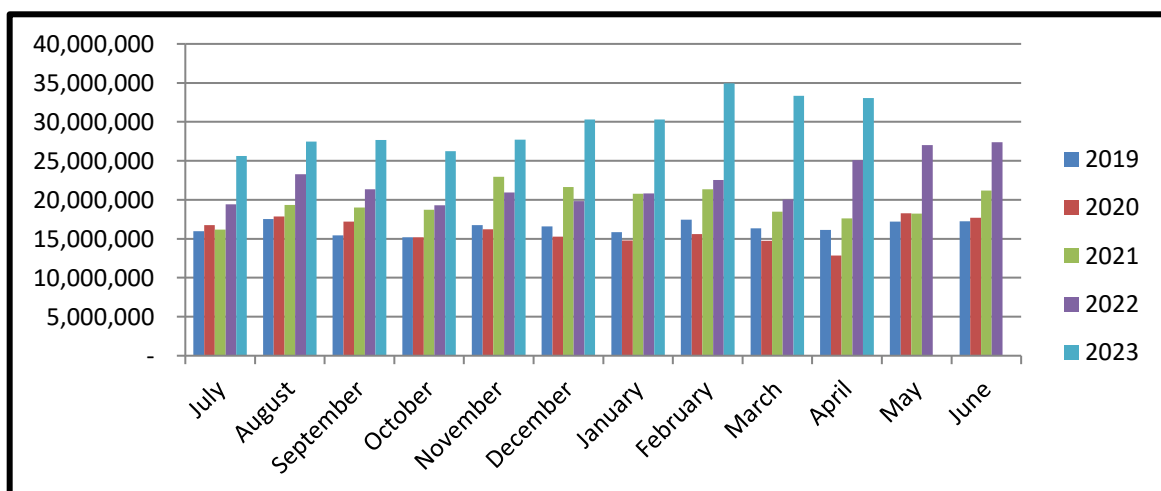
In addition to the at call accounts and term deposits, as at 30 April 2023, Council had a cash at bank balance of \$435,685.88.

Income Return

The average yield on Investments Council held for April 2023, of 4.1077%. Council uses the Bank Bill Swap Rate (BSW) supplied by the Australian Securities Exchange (ASX) which was 3.8715% for the month of April. The performance of investments for April, based on the comparison, was the portfolio exceeded the benchmark by 0.2362%.

Council's budget for year 2022/23 for interest on investments is \$147,000.00. At the end of April 2023, the amount of interest received and accrued should be around 83.33% of the total year budget, i.e. \$122,500.00 On a year to date basis, interest received and accrued totals \$462,273.84, which is 314.47% of the annual budget. Council's budget for interest on investments will be reviewed in the March Quarterly Budget Review.

Graph by Month Investments



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Table 1: Investment Balances – 30 April 2023

Financial Institution	Lodgement Date	Maturity Date	Total Days	Original Rating	Current Rating	Yield (%)	Investment Amount (Redemption Value)
At Call Accounts							
NAB	1-Apr-23	At Call	at call	ADI	ADI	0.05%	1,219.34
ANZ	1-Apr-23	At Call	at call	ADI	ADI	0.01%	6,555.71
CBA At Call 1	1-Apr-23	At Call	at call	ADI	ADI	0.02%	335.34
CBA At Call 2	1-Apr-23	At Call	at call	ADI	ADI	3.10%	1,602,800.31
							1,610,910.70
Term Deposits							
NAB	05-Dec-22	04-May-23	150	ADI	ADI	3.88%	1,000,000.00
WBC	29-Apr-22	10-May-23	376	ADI	ADI	2.50%	1,000,000.00
CBA	21-Mar-23	17-May-23	57	ADI	ADI	4.01%	1,000,000.00
NAB	28-Feb-23	19-May-23	80	ADI	ADI	4.15%	500,000.00
MAQ	19-Jan-23	22-May-23	123	UMG	UMG	4.04%	1,000,000.00
AMP	30-Nov-22	29-May-23	180	LMG	LMG	4.45%	1,000,000.00
WBC	29-Apr-22	31-May-23	397	ADI	ADI	2.50%	1,000,000.00
CBA	02-Feb-23	06-Jun-23	124	ADI	ADI	4.24%	1,500,000.00
NAB	14-Dec-22	13-Jun-23	181	ADI	ADI	4.10%	1,000,000.00
CBA - Sewer Fund	20-Dec-22	20-Jun-23	182	ADI	ADI	4.26%	2,000,000.00
MAQ	29-Apr-22	21-Jun-23	418	UMG	UMG	2.05%	1,000,000.00
WBC	27-Feb-23	27-Jun-23	120	UMG	UMG	4.27%	500,000.00
NAB	28-Feb-23	04-Jul-23	126	ADI	ADI	4.26%	500,000.00
WBC	29-Apr-22	12-Jul-23	439	ADI	ADI	2.55%	1,000,000.00
NAB	17-Apr-23	17-Jul-23	91	ADI	ADI	4.30%	1,000,000.00
NAB	24-Apr-23	24-Jul-23	91	ADI	ADI	4.30%	1,000,000.00
MAQ	24-Apr-23	01-Aug-23	99	UMG	UMG	4.42%	1,000,000.00
CBA	08-Mar-23	08-Aug-23	153	ADI	ADI	4.40%	1,000,000.00
MAQ	24-Apr-23	15-Aug-23	113	UMG	UMG	4.42%	500,000.00
MAQ	21-Feb-23	22-Aug-23	182	UMG	UMG	4.52%	1,000,000.00
WBC	27-Feb-23	28-Aug-23	182	UMG	UMG	4.63%	1,000,000.00
NAB	03-Apr-23	31-Aug-23	150	ADI	ADI	4.40%	1,000,000.00
CBA	27-Feb-23	25-Sep-23	210	ADI	ADI	4.74%	1,000,000.00

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NAB - Sewer Fund	20-Apr-23	17-Oct-23	180	ADI	ADI	4.55%	500,000.00
WBC	31-Jan-23	31-Oct-23	273	ADI	ADI	4.44%	2,000,000.00
MAQ	01-Mar-23	17-Nov-23	261	LMG	LMG	4.72%	1,000,000.00
AMP	24-Nov-22	24-Nov-23	365	LMG	LMG	4.60%	1,000,000.00
AMP	04-Apr-23	11-Dec-23	251	LMG	LMG	4.75%	1,000,000.00
NAB	23-Mar-23	19-Dec-23	271	ADI	ADI	4.40%	1,000,000.00
CBA	27-Feb-23	27-Feb-24	365	ADI	ADI	5.06%	2,000,000.00
						Sub-Total	31,000,000.00
						Total	32,610,910.70

Credit Rating Legend

P	Prime
ADI	Big Four – ANZ, CBA, NAB, WBC
HG	High Grade
UMG	Upper Medium Grade
LMG	Below Upper medium grade

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Table 2: At Call and Term Deposits – Monthly Movements

Bank	Opening Balance	Interest Added to Investment or Redeemed	Net Placements/ Withdrawals	Closing Balance
NAB	1,218.70	0.64		1,219.34
ANZ	6,555.66	0.05		6,555.71
CBA At Call 1	335.34			335.34
CBA At Call 2	500,376.30	2,424.01	1,100,000.00	1,602,800.31
Total at call	508,486.00	2,424.70	1,100,000.00	1,610,910.70
NAB	2,000,000.00	40,547.95	(2,040,547.95)	
WBC	1,000,000.00	12,535.89	(1,012,535.89)	
NAB	1,000,000.00	10,445.44	(1,010,445.44)	
MAQ - Sewer Fund	500,000.00	5,374.66	(505,374.66)	
NAB	3,000,000.00	39,608.22	(3,039,608.22)	
NAB	1,000,000.00			1,000,000.00
WBC	1,000,000.00	24,931.51	(24,931.51)	1,000,000.00
CBA	1,000,000.00			1,000,000.00
NAB	500,000.00			500,000.00
MAQ	1,000,000.00			1,000,000.00
AMP	1,000,000.00			1,000,000.00
WBC	1,000,000.00	24,931.51	(24,931.51)	1,000,000.00
CBA	1,500,000.00			1,500,000.00
NAB	1,000,000.00			1,000,000.00
CBA - Sewer Fund	2,000,000.00			2,000,000.00
MAQ	1,000,000.00			1,000,000.00
WBC	500,000.00			500,000.00
NAB	500,000.00			500,000.00
WBC	1,000,000.00	25,430.14	(25,430.14)	1,000,000.00
NAB	-		1,000,000.00	1,000,000.00
NAB	-		1,000,000.00	1,000,000.00
MAQ	-		1,000,000.00	1,000,000.00
CBA	1,000,000.00			1,000,000.00
MAQ	-		500,000.00	500,000.00
MAQ	1,000,000.00			1,000,000.00
WBC	1,000,000.00			1,000,000.00
NAB	-		1,000,000.00	1,000,000.00
CBA	1,000,000.00			1,000,000.00
NAB - Sewer Fund	-		500,000.00	500,000.00
WBC	2,000,000.00			2,000,000.00
MAQ	1,000,000.00			1,000,000.00
AMP	1,000,000.00			1,000,000.00

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AMP	-		1,000,000.00	1,000,000.00
NAB	1,000,000.00			1,000,000.00
CBA	2,000,000.00			2,000,000.00
Total Term deposits	32,500,000.00	183,805.32	(1,683,805.32)	31,000,000.00
Total	33,008,486.00	186,230.02	(583,805.32)	32,610,910.70

Compliance with Council's Investment Policy

Council's Investment portfolio is 100% compliant.

The table below provides compliance status against the Investment Policy:

Institution	Credit Rating	Investment \$	Actual Exposure	Max. Limit per Policy	Compliance status
Tcorp	Prime		0.00%	33.30%	Compliant
	Total Prime		0.00%	100.00%	Compliant
ANZ	ADI	6,555.71	0.02%	33.30%	Compliant
CBA	ADI	10,103,135.65	30.98%	33.30%	Compliant
WBC	ADI	6,500,000.00	19.93%	33.30%	Compliant
NAB	ADI	7,501,219.34	23.00%	33.30%	Compliant
	Total ADI	24,110,910.70	73.94%	100.00%	Compliant
MAQ	UMG	5,500,000.00	16.87%	20.00%	Compliant
	Total UMG	5,500,000.00	16.87%	60.00%	Compliant
ME	LMG	-	0.00%	10.00%	Compliant
AMP	LMG	3,000,000.00	9.20%	10.00%	Compliant
	Total LMG	3,000,000.00	9.20%	10.00%	Compliant
	Grand Total	32,610,910.70	100.00%		

Certification of Responsible Accounting Officer

I hereby certify that the investments listed in the report above have been made in accordance with section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2021* and Council's Investments Policy.



Responsible Accounting Officer – Lisa Grammer

RECOMMENDATION

That Council accept the Investments Report for the month ending 30 April 2023 including a total balance of \$33,038,486.19 being:

- \$1,602,800.31 in at call accounts.
- \$31,000,000.00 in term deposits.
- \$435,685.88 cash at bank.

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Item 10 Natural Disaster Response and Recovery Monthly Report for May 2023

Division:	Technical Services
Management Area:	Road Operations
Author:	Manager Road Operations – Kylie Kerr
CSP Key Focus Area:	Supporting Community Life
Priority:	SC4 The long-term wellbeing of our community is supported by ongoing provision of high quality services, health and aged care, education, policing and public safety, child, youth and family support, environmental protection and land management.

Reason for Report

The reason for this report is to provide a monthly update on the natural disaster response and recovery.

Background

Council at its meeting on 16 November 2022 resolved the following:

'150/2223 RESOLVED that:

- 1. Due to the impact of multiple 'Declared Natural Disasters', Council recognises the ongoing urgent need to repair and make safe road networks across the Shire;*
- 2. Council notes the applications for joint State and Federal DRFA funding for works arising due to the impact of Declared Natural Disaster Events have been made;*
- 3. Works associated with AGRN987 (November 2021), AGRN1030 (August 2022) and AGRN1034 (September 2022 onwards) are for the purpose of response to, or recovery from, 'Declared Natural Disasters';*
- 4. Council notes the Office of Local Government Circular No 22-17 dated 10 June 2022 provides that the Local Government (General) Regulation 2021 has been amended to prescribe a tendering threshold of \$500,000 for contracts entered into by councils for the purpose of responding to, or recovering from, a Declared Natural Disaster within 12 months of the declaration of the natural disaster;*
- 5. To assist in the recovery process Council endorses the engagement of contractors for the restoration of public assets;*

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6. Council determines that due to the unprecedented demand for the services of relevant consultants and contractors following recent rain and flood events throughout the State is an extenuating circumstance under s55(3)(i) of the LGA;
7. Council delegates authority to the General Manager (or his delegate) to execute the contracts that exceed \$250,000 referred items 4, 5 and 6 above, in consultation with the Mayor. Such works are to be carried out within the approved and funded Declared Natural Disasters AGRN987, AGRN1030 and AGRN1034.
8. Council receive monthly progress reports on the Disaster Recovery process.'

As previously reported to Council, as at 21 November 2022, in addition to the emergency works claim nine (9) works packages to the value of \$12,767,871.13 have been submitted for restoration works. As the submissions have been assessed and adjusted this value is now \$11,248,199 including emergency and immediate restoration (emergent) for November 2021 event and \$1,261,741 for September 2022 event. The variance between the original submission amount and current submission amount is due to a number of urban streets being removed from the submission due to Council being unable to meet the proof of damage criteria. Several of the causeways have also been moved from the November 2021 submission to September 2022 submission due to additional damage. September 2022 AGRN 1034 current estimate is \$1,261,741 with further defects still to be included. The estimate numbers will continue to move as each defect is assessed.

As of 8 May 2023, there are 1,773 defects for the November 2021 event and 80 defects for the September 2022 event identified. There will be no restoration defects for August 2022 event as this claim will be emergency works only.

To date the amount of \$7,943,696 has been approved for restoration and works have commenced.

National Disaster Event	Approved	Queried	Submitted	Grand Total
Road – bridge / structure			\$71,737	\$71,737
Road – culvert / floodway	\$2,614	\$9,587	\$4,761	\$16,962
Road – sealed	\$1,425,997	\$1,082,048	\$15,218	\$2,523,263
Road – unsealed – formed	\$5,709,509	\$711,716	\$1,435,934	\$7,857,159
Road – unsealed – unformed	\$10,916			\$10,916
Stormwater Infrastructure	\$6,919			\$6,919
Emergent Works	\$787,741			\$787,741
AGRN 987	\$7,943,696	\$1,803,351	\$14,255,913	\$11,248,199
Road – bridge / structure		\$661,590	\$528,198	\$1,189,788
Road – culvert / floodway			\$57,992	\$57,992
Road – unsealed – formed		\$13,961		\$13,961
AGRN 1034		\$675,551	\$586,190	\$1,261,741

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GRAND TOTAL	\$7,943,696	\$2,478,902	\$2,113,840	\$12,536,438
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- Approved refers to defects that have been assessed by TfNSW and the upper funding limiting has been set.
- Queried refers to defects that have been submitted and TfNSW are asking for additional information.
- Submitted refers to defects that have been submitted to TfNSW and are currently being assessed.

Note:

The estimated cost may change as Transport for NSW (TfNSW) assesses each defect in the submitted packages and sets upper limit for the restoration works.

Expenditure to the 8 May 2023 for AGRN 987, 1030 and 1034 is \$3,633,377 and includes emergent and full restoration works.

AGRN 897 Natural Disaster Restoration Works carried out in April 2023 on the following roads (in order of expenditure):

- Narrawa South Road

AGRN 1034 Natural Disaster Emergency Works carried out in April 2023 on the following roads (in order of expenditure):

- Purlewaugh Road
- Narrawa South Road (this was a culvert that wasn't part of the November 2021 restoration works)
- MR129
- Borambitty Road
- Munns Road

Emergency works include urgent repairs to make the roads safe and accessible, installing and removing road closure signs, removal of debris on bridges and causeways and immediate restoration works to return the asset to pre-disaster condition.

During April 2023, we are also delivering the following grant funded projects concurrently with the Natural Disaster Restoration Works:

- Pothole Repair Program – as of 2 May 2023 there has been 3,445 potholes repaired on 436km of local rural and urban roads under this program.
- Regional and Local Road Repair Program – preparing works schedule
- Regional Road Repair Program – Black Stump Way
- Regional Road Block Grant
- Fixing Local Roads – Tooraweenah Road Sealing Project
- LCRI Causeway Upgrades – Cobbora Road Causeway
- RMCC Maintenance, Heavy Patching, Guardrail Installation and Flood Restoration Works.

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The road crews are working six (6) days a week most weeks on our local rural roads performing pothole repairs. Crews are also working longer hours where necessary to get the works completed quicker. The additional hours staff are working are being monitored for negative safety impacts such as manual handling incidents as a result of fatigue and physical stress on the body.

Council has engaged a Contractor under the Casual Plant Hire Contract to supply an unsealed road maintenance crew to commence Natural Disaster Restoration Works in the Mendooran area.

Council is currently advertising for a Works Engineer. A key focus area for this position over the next 18 to 24 months will be coordinating the Natural Disaster Restoration Works, assessing heavy vehicle access applications and ensuring project management documentation is ready for major projects.

Three (3) tenders are currently being prepared for Natural Disaster Restoration Works and are expected to be advertised towards the end of May. The roads included in the tenders are as follows and are expected to be less than \$500,000 per Contract.

Tender 1 Sandy Creek Area	Tender 2 Upper Laheys Creek Area	Tender 3 North of Oxley (Goolhi and Surrounds)
Danabar Road	Brooklyn Road	Albert Wright Road
Dapper Road	Lincoln Road	Ameys Road
Diehm Road	Upper Laheys Creek Road	Apricot Lane
Lambing Hill Road		Bakers Lane
Sandy Creek Road		Balmoral Road
		Bellings Road
		Borah Creek Road
		Goolhi Road
		Keeches Road
		McEvoy's Road
		Quaker Tommy Road
		Rayak Road
		Reddens Road
		Schumacks Road
		Yaminbah Road

As the packages are approved, our strategy will be to carry out the approved works in accordance with the prioritisation process approved by Council.

‘113/2223 RESOLVED that Council:

- Endorses the Natural Disaster Recovery approach for the restoration of the Shire’s road network with road priorities as:*
 - Priority 1 – Regional Roads*
 - Priority 2 – Local Arterial Roads*

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- *Priority 3 – Local Distributor Roads*
 - *Priority 4 – Local Collector Roads*
 - *Priority 5 – Local Access Roads.*
2. *Endorses that lower priority roads may be considered to be brought forward in the program if it is more practical or cost effective to deliver the works along with a higher priority road.*
3. *Notes that all restoration works associated with the November 2021 natural disaster must be completed by 30 June 2024.'*

We will be using Council work crews as much as we can supplemented with contractors when available.

Issues

While we wait for our applications to be approved, Council can only carry out emergency works.

It is also important to note that the restoration works are to restore the damaged roads and road related infrastructure to pre-disaster conditions, there is no allowance for any improvements to the road network.

The funding submissions for ARGN 1030 and 1034 are currently being prepared with 90% of the inspections being completed. The submissions are required to be submitted to TfNSW by the 30 September 2023. Our submissions are currently being prepared and will be submitted between July and September 2023 once the emergent works period has finished at the end of June.

At the time of writing this report, 12 locations are recorded on NSW Live Traffic as having partial road closed or changed road conditions.

Main Street	Suburb	Other Information
Boomley Road	Dunedoo	Culvert under the road has been severely damaged in the 2021 & 2022 Natural Disaster Events.
Brooklyn Road	Dunedoo	Road has been severely damaged in the 2021 & 2022 Natural Disaster Events.
Sandy Creek Road	Dunedoo	Road severely damaged in the 2021 & 2022 Natural Disaster Events.
Yarrow Road	Mendooran	There is an unsafe level of sand and water on this causeway.
Neible Siding Road	Weetaliba	There is an unsafe level of water on this causeway.
Sandy Creek Road	Dunedoo	Causeway severely damaged in the 2021 & 2022 Natural Disaster Events.
Doganabuganaram Road	Neilrex	Road severely damaged in the 2021 & 2022 Natural Disaster Events.
Mount Bangalore Road	Mendooran	Road severely damaged in the 2021 & 2022 Natural Disaster Events.
Laheys Creek Road	Dunedoo	Road severely damaged in the 2021 & 2022 Natural Disaster Events.
Cumbil Road	Baradine	Causeway has been severely damaged from 2021 & 2022 Natural Disaster Events. A

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		section of the causeway and the road approach on the eastern side has been washed away. There is no access across the causeway.
Boomley Road	Dunedoo	Bridge approaches (road) was severely damaged in the 2021 & 2022 Natural Disaster Events.
Pandora Pass Road	Coolah	Causeway was severely damaged in the 2021 & 2022 Natural Disaster Events.

Options

There are options available to Council to deliver the Natural Disaster works once funding approval has been granted.

Given the quantum of work and the timeframe required in which to complete the works, procurement of contractors will be required to supplement Council staff.

As resolved by Council, contractors will be engaged for various packages of work bundled by location.

Financial Considerations

Council's costs are recoverable for services that directly relate to the restoration of essential public assets in accordance with the NSW Natural Disaster Essential Public Asset Restoration Guidelines.

The recoverable costs will be claimed from TfNSW via their normal invoicing process which includes submitting actual expenditure monthly. Council is also required to submit the corresponding Form 306 when submitting a claim for payment.

As per Council's resolution from the 16 February 2023 Council meeting, the nominated projects for Category D funding were submitted to the Office of Local Government. We were only able to submit a maximum of \$1 million. The seven (7) projects nominated totalled \$1.7 million so we had to remove the seventh project. Staff were assured that should one or more of the nominated projects not meet the criteria the seventh project could be reintroduced. While Council has received the \$1 million funding, the submission process for the nominated projects is not yet open. There has been no expenditure on the individual projects to date.

Council is delivering a number of projects using grant funding to return our road network to pre disaster condition and to address other unfunded road maintenance issues. The following table provides the financial status of these projects as at 10 May 2023.

Project	Budget	Expenditure	Percentage Spent	Construction Completion Date
Natural Disaster AGRN 987, 1030 and 1034	\$7,943,696	\$3,633,377	46%	30/06/2025
Pothole Repair Program	\$864,683	\$96,749	11%	01/01/2024
Regional and Local Roads Repair Program	\$4,590,987	\$0	0%	29/02/2024
Category D	\$1,000,000	\$0	0%	30/06/2025

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Community Engagement Considerations

The level of community engagement is to inform.

Attachments

Nil.

RECOMMENDATION

That Council note the Natural Disaster Response and Recovery Monthly Report for May 2023.

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Item 11 2022/23 Draft Crown Reserves Plan of Management

Division:	Technical Services
Management Area:	Urban Services & Facilities
Author:	Manager Urban Services & Facilities - Nicole Benson
CSP Key Focus Area:	Civic Leadership Supporting Community Life
Priority:	SC6 Our towns and villages are characterised by their attractiveness, appearance, safety and amenity.

Reason for report

The purpose of this report is to present Council and the community with the draft Crown Reserves Plan of Management (draft Plan of Management). The report also seeks Council's endorsement to categorise Reserve 17798 (known as former Police Reserve) – Lot 7035, DP1002144, located on land on the western side of John Street, Coonabarabran as a Park, with the classification of Community – Park. Importantly, the report seeks approval to publicly exhibit the draft Plan of Management following review and approval of the document by the Minister for Crown Lands.

Background

Changes introduced with the *Crown Land Management Act 2016* (CLM Act) mean that NSW Councils have been handed the management of certain Crown Reserves and dedications with Reserve Trusts have been abolished.

Council was granted \$90,000 from the Office of Local Government to complete the task of preparing Plan of Managements and Ward Planning & Consulting (Ward) were engaged to prepare a draft Crown Reserves Plan of Management.

Ward engaged with local schools, Local Aboriginal Land Councils, Landcare, RFS, Show Committees and other community-based groups in the preparation of the draft Plan of Management.

Following the engagement, in March 2021 Council's proposed categories and classifications were sent to Crown Lands. Feedback was received in August 2021 and was responded to.

In November 2021 Ward was advised by Crown Lands that they approved the categories assigned to 31 reserves. They also directed that Council alter the assigned categories to 24, as the Minister considered:

- a) the assigned category is not the most closely related to the purposes for which the land is dedicated or reserved, or

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- b) the management of the land by reference to the assigned category is likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved

The categories were amended in line with the direction and then added to the reserves listed contained within the draft Plan of Management.

Issues

Crown Reserve 17798 (former Police Reserve)

Reserve 17798 is Lot 7035, DP1002144 and located on land on the western side of John Street, Coonabarabran. The land is linked to Neilson Park on the eastern side of John Street via a shared pathway. At its meeting held on 21 July 2022 Council resolved that:-

'13/2223 RESOLVED that:

- 1. Council write to the Department of Planning and Environment – Land and Asset Management requesting that Council be appointed Crown Land Manager for Crown Reserve 17798 for Police Purposes.*
- 2. That when requesting that Council be appointed Crown Land Manager for R17798, an additional purpose for 'public recreation' also be requested to be added to the reserve.'*

Council was notified late December 2022 by the Department of Planning and Environment – Land and Asset Management that it had been appointed Crown Land Manager for Crown Reserve 17798 for Police Purposes; and that an additional purpose for 'public recreation' had also been added to the reserve. The appointment took effect from 23 December 2022.

The default classification for Crown land managed by Councils is community land. Council must now allocate a category and classification and notify the Minister. The proposal for this reserve is shown below: -

Reserve No	Categorisation	Classification
17798	Park	Community – Park

Draft Plan of Management

The draft Plan of Management contains three distinct sections:

- Section 1: Details WHY Council is conducting this work and writing the Plan of Management;
- Section 2: Sets the scene to outline WHAT the Warrumbungle Shire is like – WHERE it is, its people and major trends;
- Section 3 Outlines HOW Council and community intend to see their Crown Reserves managed now and into the future (THE PLAN).

The draft Plan of Management is generic, meaning that it has been written for a number of Reserves, condensed into the one document. The *Local Government Act 1993* allows for the preparation of generic plans of management for community land.

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The document captures the Crown Reserves which were previously a Reserve Trust, comprising Crown Reserves with a gazetted community/public purpose or Crown land dedicated to Council. These Reserves are now managed as community land under the *Local Government Act 1993* and Council is termed 'Crown Land Manager' under the *Crown Land Management Act 2016*.

The following steps outline the process of preparing this draft Plan of Management (from this point on):

1. Prepare draft Plan of Management
2. Council resolution to refer to Department of Planning, Industry and Environment (Crown Lands) for endorsement prior to publicly exhibiting the Plan of Management
3. Public exhibition and public hearing (where necessary)
4. Report to Council outlining submissions and preparation of final Plan of Management
5. Adoption by Council.

The document establishes clear direction for the Reserves and responsibilities for Council and the users of the community land. This plan also provides a basis for assigning priorities in works programming and budgeting within Council's financial capacity.

Options

Council may wish to review the draft Plan of Management document and/or the proposed category and classification. The NSW Department of Planning, Industry and Environment – Crown Lands must review the document and consent to its public exhibition.

Financial Considerations

Works identified within the draft Plan of Management will compete against other projects within Council's Delivery Program and subsequent Operational Plans for resources. Other sources of funds including developer contributions and/or grant funding will also be sought where applicable.

Community Engagement Considerations

Open consultation with the community regarding this Plan of Management process is integral to its success and ownership by the local community. It is also legislated that Councils conduct community consultation through public exhibition and public hearings, where required. As part of the process of open and inclusive consultation with this plan, a number of community and user groups with an interest in the reserves in this plan were given the opportunity early in the drafting of this plan, to give comment and suggestions on how they would like to see the reserve operated and managed. A number of responses were received and are contained within Appendix A (Community and User Groups Engagement) of the draft Plan of Management.

Once endorsed by the Minister, public exhibition of the draft Plan of Management for a period of at least 42 days will provide a larger opportunity for or community to participate in this process. The level of community engagement at this stage is to inform.

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Attachments

1. Draft Crown Reserves Plan of Management

RECOMMENDATION

That:

1. In accordance with Section 3.23 of the *Crown Land Management Act 2016*, notification be provided to the Minister of Council's categorisation of Reserve 17798.
2. The draft Crown Reserves Plan of Management be referred to the NSW Department of Planning, Industry and Environment – Crown Lands:
 - a. As the landowner, as required by Section 39 of the *Local Government Act 1993*.
 - b. For the Ministerial consent to exhibit the draft Plan of Management as required by Section 3.23(7)(d) of the *Crown Land Management Act 2016*.
3. Following the receipt of the Minister's consent and approval by the Department of Planning, Industry and Environment – Crown Lands as the landowner, the draft Crown Reserves Plan of Management be placed on public exhibition and advertised for a minimum period of 42 days and invite public submissions.
4. A report on the outcome of the exhibition be provided to Council prior to adopting the final document.

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Item 12 Update Report on Road Closure Part Castlereagh Avenue Binnaway for the Pump House Camping Ground Binnaway

Division:	Technical Services
Management Area:	Property
Author:	Manager Urban Services – Nicole Benson
CSP Key Focus Area:	Supporting Community Life
Priority:	SC3 A healthy and active community is supported by sport and recreational infrastructure

Reason for Report

To provide Council with an update on the status of Resolution 148/2122 relating to the Pump House Camping Ground located at Binnaway.

Background

Council at its meeting of 18 November 2021 resolved the following:

‘148/2122 RESOLVED that Council:

- 1. Note the update report on the Road Closure Part Castlereagh Avenue Binnaway for the Pump House Camping Ground Binnaway.*
- 2. Continues the part road closure of Castlereagh Avenue, Binnaway updating the licence agreement and submitting a Development Application for the Pump House Camp Ground, Binnaway as resolved previously via Resolution 162/1718.’*

A further report was considered by Council at its meeting on 16 November 2022 and Council resolved the following:

146/2223 RESOLVED that Council:

- 1. Notes the update report on the Road Closure Part Castlereagh Avenue Binnaway for the Pump House Camping Ground Binnaway.*
- 2. Continues the part road closure of Castlereagh Avenue, Binnaway updating the licence agreement and submitting a Development Application for the Pump House Camp Ground, Binnaway as resolved previously via Resolution 148/2122.*

Issues

The current camp ground is located on part of the road reserve associated with Castlereagh Avenue, Binnaway. To formalise an approval for the site to be used as a Primitive Camping Ground the road reserve area needs to be acquired by Council. It is also necessary for a fresh Development Application (DA) to be issued as the previous approval contravened the Local Government (Manufactured Home Estates,

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Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2005. The contravention related to the number of camp sites approved for the hectare area available.

In November 2018, letters were sent to neighbours notifying of road closure and relevant advertisement lodged giving 28 days' notice.

In December 2018, upon closure of the notice period, no submissions were received.

In May 2019, a surveyor was engaged to undertake survey work.

In April 2020, the survey plan was completed and plan registered.

In August 2020, solicitors commenced the road closure process and notification of the proposed road closure was sent to adjoining property owners.

In November 2020, solicitors prepared the application to Crown Lands for formal closure of public road.

In March 2021, solicitors initiated a process to respond to two objections and clarification of property ownership.

The objections have since been resolved.

Attached is a flowchart outlining the procedures for closing council roads under part 4 Division 3 of the Roads Act 1993.

It is important prior to closing a road, that Council is satisfied that the various requirements in the procedure are met.

To assist Council, a summary is provided in Attachment 2.

The likely timeframe from when Council advises relevant parties of its decision to Council receiving title for the former public road will be at least 6 months.

In accordance with action number 8, this report notes the progress with the Castlereagh Avenue, Binnaway road closure, that private objector objections have been resolved, and that the General Manager may be authorised to publish section 38 Road Closure notice in the Government Gazette.

Upon notification of the Council resolution, Council's solicitors will prepare the formal Notice, arrange execution and for the publication in the Government Gazette.

Options

Council has commenced implementation of the part road closure through the Department of Lands. Once the part road closure is finalised the remaining resolutions relating to the DA and licence agreement will be completed.

Financial Considerations

Costs for surveying and road closure application fees have been incurred to date – valued at \$13,257.

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Legal costs including disbursements to date are \$12,000.

The DA fees are expected to be in the vicinity of \$871, with the review of the licence condition likely to incur legal fees of approximately \$2,500.

Further surveyor fees to finalise the Deposited Plan for registration are estimated to be \$2,750.

Further legal costs and disbursements to complete the road closure are estimated to be \$5,500 inclusive of Land Registry Services registration fees.

Some work is also likely to be required to ensure the site addresses compliance requirements under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2005. Works noted to date include necessary upgrades to the septic tank and wastewater disposal system, changes to powered sites, upgrades to fixtures within the amenities ie new basins – works are expected to cost approximately \$5,000. This can be accommodated within existing budgets.

Community Engagement

This issue is of particular interest to the Binnaway community and is considered to be of moderate community impact. Therefore, the level of engagement is to inform and consult.

Attachments

1. Closing Council Roads Flow Chart
2. Action Status on Procedure for the Closure of Part Castlereagh Avenue, Binnaway

RECOMMENDATION

That Council:

1. Notes the update report on the Road Closure Part Castlereagh Avenue Binnaway for the Pump House Camping Ground Binnaway.
2. Authorises the General Manager to publish the section 38 Road Closure Notice in the Government Gazette.

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Item 13 Drinking Water Management System Improvement Plan Implementation – November 2022 Update Report

Division:	Environment and Development Services
Management Area:	Warrumbungle Water
Author:	Manager Warrumbungle Water – Thomas Cleary
CSP Key Focus Area:	Supporting Community Life
Priority:	SC4.4 The future requirements for water and power are identified and adequately planned for by service providers

Reason for report

To re-inform Council of the status regarding the implementation of action items on Council's Drinking Water Management System (DWMS) Improvement Plan.

Background

Under the *NSW Public Health Act 2010* Council is required to maintain a Drinking Water Management System consistent with the Framework for Management of Drinking Water Quality as documented in the Australian Drinking Water Guidelines (ADWG).

Council developed its DWMS in late 2014; part of this DWMS forms a risk based – and therefore priority based – Improvement Plan containing action items. Both documents, the DWMS and the Improvement Plan, were presented to Council in Item 11 of the December 2019 Business Paper report.

Resolution 228/1920 item 3 requires the preparation of regular reports – at four monthly intervals – on the progress of implementing the Improvement Plan action items. The following update reports were presented to Council:

- Item 11 of the April 2020 Business Paper
- Item 21 of the August 2020 Business Paper
- Item 18 of the December 2020 Business Paper
- Item 17 of the April 2021 Business Paper
- Item 14 of the August 2021 Business Paper
- Item 18 of the March 2022 Business Paper
- Item 14 of the July 2022 Business Paper
- Item 28 of the December 2022 Business Paper

Issues

In December 2019, 160 of the then 340 DWMS Improvement Plan action items were completed, closed or implemented with 180 items outstanding.

At the time of the July 2022 update report, 317 items have been closed, completed or implemented. Since then, there has been a minor review of the DWMS Improvement

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Plan on 29 of July 2022, with a implementation plan to close, complete or implement a number of items.

Meanwhile, 323 items have been closed or completed with 35 outstanding/in progress, out of the new total of 358 items; a summary table is presented below. The current Improvement Plan is included as Attachment 1.

Priority	Status						To do per priority
	Closed*	Complete	Imple-mented**	In progress	Not started	Total	In percent out of total
Very High	12	22	1	2		37	10.34%
High	58	68	20	14		160	44.69%
Medium	65	35	23	14		137	38.27%
Low	12	5	2	3		24	6.70%
Sum	147	130	46	35	0	358	100%

There are currently 35 outstanding 'In-Progress' items out of the total of 358 items which are being addressed as resources allow.

*Closed items were closed as they were covered by a new action or another action item or items; all action items including closed and new items remain within the overall DWMS Improvement Plan, hence the number of items consistently rises.

** Completed versus implemented items: 'completed' marks the finalisation of a certain milestone, for example the development of a Drinking Water Quality Policy; 'implemented' marks the successful realisation of a certain process, for example the ongoing entering of operational data into electronic spreadsheets.

Options

This report is presented for Council's information only.

Financial Considerations

The review conducted in July 2022 completed the engagement with the contractor.

The remaining 35 items requiring to be closed will be completed by staff in-house. At this stage, further assistance from a consultant is likely not to be required.

Operational and capital expenditure in relation to many DWMS Improvement Plan action items is distributed across a number of areas and normally not tracked against the DWMS; these include for example water treatment plant improvements and upgrades, operator training and water quality testing.

Community Engagement

The level of engagement is to 'Inform'.

Attachments

1. DWMS Improvement Plan May 2023

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RECOMMENDATION

That Council notes the Drinking Water Management System Improvement Plan Implementation – November 2022 Update Report.

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Item 14 Mendooran Water Quality Incident Review Report Implementation Progress Update

Division:	Environment and Development Services
Management Area:	Warrumbungle Water
Author:	Manager Warrumbungle Water – Thomas Cleary
CSP Key Focus Area:	Supporting Community Life
Priority:	SC4.4 The future requirements for water and power are identified and adequately planned for by service providers

Reason for report

To inform Council of the ongoing progress in implementing recommendations from the 2017 Water Quality Incident Review Report on the Mendooran boil water alert, as per Council Resolutions 196/1718 and 227/1920.

Background

Following the Mendooran boil water alert in June 2017, a Water Quality Incident Review Report was prepared, which was presented to Council November 2017 (Item 25). The final report contained 31 recommendations.

Previous reports on the implementation progress were given to Council in February 2018 (Item 39), as well as in May 2018 (Item 20), in August 2018 (Item 21), in December 2018 (Item 15), in March 2019 (Item 13), in June 2019 (Item 9), in September 2019 (Item 15), in December 2019 (Item 10), in April 2020 (Item 12), in August 2020 (Item 22), February 2021 (Item 21), August 2021 (Item 16), March 2022 (Item 19), July 2022 (Item 15) and December 2022 (Item 29).

Out of the 31 recommendations, 12 remain to be implemented.

Issues

Outstanding recommendations from the Mendooran Incident Review Report are listed below.

Outstanding Recommendations

Mendooran Incident Debrief Recommendations, Implementation Status and Comments
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Recommendation 1: <i>That online turbidity and chlorine residual monitoring is installed at Mendooran WTP.</i>

Status: Implementation

Safe and Secure Water Program (SSWP) funding was granted for a 'Mendooran Water Supply Modification Upgrade Concept Design'. The proposed upgrade includes the installation of further online instrumentation with appropriate feedback control to the
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Programmable Logical Controller (PLC) /Supervisory Control and Data Acquisition (SCADA).

Progress since last report:

- **SCADA upgrades have achieved practical completion.**
- **Council have applied for further funding under the SSWP to revise technical details associated with the concept design and business case.**

A draft Business Case has been completed for the Mendooran Water Supply Scheme Upgrade, based on previous reports including Concept Design Cost Estimates. This draft business case has not been endorsed by DPE and a new funding grant has been applied for through DPE to finalise technical details associated with the business case.

Once endorsement has been obtained for the business case Council will proceed with design and then construction of the proposed upgrades. This recommendation is due to completed in February 2024.

Recommendation 4: *That WSC investigates the installation of an inline booster pumping station on the outlet of the Standpipe reservoir to provide sufficient water pressure for a regular water main flushing program to be implemented, to improve the water supply system's firefighting capacity and reduce overall water age by only storing water volumes sufficient to meet peak day demands.*

Status: Implementation.

The proposed upgrade referred to an inline booster pump downstream of the standpipe reservoir, this will be assessed during the completion of the revised business case.

Change/progress since last report:

- **The inline booster pumping system will be presented in the business case to form part of the WTP upgrade scope.**

As per Recommendation 1, as part of proposed funding under the SSWP Council will be completing a hydraulic study to identify the best solution to mitigate the issues mentioned in recommendation 4 and this will form part of the revised business case to be presented to the SSWP.

In the event that an inline booster pump station is not approved Council will need to seek alternative funding opportunities or include this as a project in the Council funded capital works program. This recommendation is due for completion in June 2026.

Recommendation 5: *That WSC investigates options to reduce water age in the Coolabah rural residential estate water supply zone. This could include isolation of individual reservoirs i.e. Reservoirs No. 1, No. 2 and/or No. 3, on a seasonal basis to only store water volumes sufficient to meet peak day demands.*

Status: Implementation.

Change/progress since last report:

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- **Options to reduce water age in the Coolabah Reservoirs will be assessed as part of the proposed scope of works in revising the existing business case and concept design.**

This recommendation and the recommended solution will be discussed in detail as part of the business case submission to DPE. This recommendation will be completed in June 2026 following the completion of the SSWP project to upgrade the Mendooran Water Supply Scheme.

Recommendation 6: *That WSC review and regularly revise these water supply reticulation plans (Figures 4 & 5) as required to maintain up to date records.*

Status: Implementation

In collaboration with Council's GIS Officer.

Change/progress since last report:

- **Council has formed a Strategic Asset Management Steering Group and will budget for the completion and implementation of asset management systems.**

Issues exist with current GIS information being inaccurate and incomplete. To address this issue, the subject of Asset Management would need to be addressed. Council has formed an Asset Management Steering Committee to further develop Asset Management plans at Council and it is proposed that this recommendation will be completed in June 2025.

Recommendation 16: *That WSC review the LMWUA Water Treatment Plant Audit Report for the Mendooran WTP (September 2014), develop an Action Plan and urgently implement any outstanding recommendations. This Action Plan information should also be regularly reported back to DPE-Water.*

Status: Implementation

Change/progress since last report:

- **No additional progress has been completed since the last report.**

All recommendations from this report have been actioned and closed out except for one relating to sodium hypochlorite bunding. This action item will become void upon completion of the proposed upgrades to the Mendooran Water Supply Scheme which will see Council changeover from liquid chlorine dosing systems to chlorine gas dosing systems. This recommendation will be completed in June 2026.

Recommendation 17: *That WSC review all reservoir inspection reports (2014 and 2017) to develop an Action Plan and urgently implement any outstanding recommendations. This Action Plan information should also be regularly reported back to DPE-Water.*

Status: Implementation.

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Integrity issues of 12 reservoirs shire-wide, were rectified in May 2019.

Integrity issues of further 5 reservoirs shire-wide, were rectified in June 2020 after delays due to COVID travel restrictions with the contractor being located in QLD.

An action plan has been created with allocated priorities.

A contractor has been engaged to the value of \$110,000 to rectify some of the outstanding issues across Council's reservoirs. A further budget allocation of \$60,000 to replace internal corroded structures is contained within the FY21/22 budget.

Change/progress since last report:

- **This work has been undertaken and completed.**
- **All remaining outstanding items within the Action Plan will be included in the Mendooran Water Supply Scheme Business Case and will be implemented during construction of the proposed upgrades funded by DPE.**

This recommendation is due to be completed in June 2026.

Recommendation 18: *That WSC review and update the DWMS and the "DWMS Improvement Plan" is then kept up-to-date, recommended improvements are implemented in the order of identified urgency and progress of the "DWMS Improvement Plan" is reported regularly to the Senior Executive Team and Council.*

This information will also be passed onto NSW Health and DPE-Water for advice, review and comment.

Status: Implementation.

Change/progress since last report:

- **No additional progress has been completed since the last report.**

This recommendation will always be in an implementation stage and cannot be closed out as the DWMS is a live document and is required to be reviewed annually internally and externally every four years. The DWMS Improvement Plan is reported quarterly to the Senior Executive Team and Council. Council have undertaken a internal review of the DWMS in April 2023.

Recommendation 19: *That WSC review and finalise the DWMS Implementation Report (2016), so that the recommended "Emergency Response Plan" (ERP) can be utilised for any future incidents and emergencies.*

Status: Implementation.

Change/progress since last report:

- **No additional progress has been completed since the last report.**

To close this item out Council will need to secure funding from NSW Health to develop and implement an Emergency Response Plan. This recommendation is due to be closed out in December 2023.

Recommendation 20: *That WSC develop and implement a "Drinking Water Quality (DWQ) Monitoring Plan" which formalise staff/role responsibilities, authorities reporting*

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and communication protocols and review existing procedures for sampling and testing. The monitoring plan should be built based on the NSW Health Drinking Monitoring Plan (available on the NSW Health website).

Status: Implementation.

Change/progress since last report:

- **This recommendation has been completed with the submission of the updated DWMS (Drinking Water Management Strategy) and CCP (Critical Control Point) Reference Guides and Summaries by an external consultant.**
- **The DWMS and CCP reports are evolving working documents which will continue to be updated inline with current standards and technology.**

This recommendation will always be in a implementation stage and cannot be closed out as a Drinking Water Quality Monitoring Plan is based upon the CCP reference guide which is a working and evolving document.

Recommendation 29: *That the Human Resources records for relevant staff are reviewed, and that training is undertaken for all water supply operational staff, WTP operators and relief staff to upskill and to be appropriately trained in WTP processes (i.e. DPE-Water Part 1 and 2 as a minimum). It is also recommended that all staff involved with water quality sampling, testing and monitoring, undergo training and are involved in developing procedures for their work tasks.*

Status: Implementation

- **A Warrumbungle Water Training Program has been developed and completed**
- **Council continues to provide training to water supply operational staff.**
- **Fluoride training for staff is being organised through an external trainer.**

Recommendation 30: *That WSC investigate and implements a process of its WTP operators to be certified under the National Certification Framework (NCF).*

Status: Development

Council's HR Division has been seeking information to quantify what training is required to meet the certification requirements; this will enable a training organisation to be engaged that can deliver the training. No delivery timeframe is available at this stage.

Change since last report:

- **Nil to report.**

Recommendation 31: *That WSC investigate and implement a formalised preventative maintenance program for all the WTP, reticulation and reservoir assets.*

Status: Implementation.

Change/progress since last report:

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- **Council has formed a Strategic Asset Management Steering Group and will budget for the completion and implementation of asset management systems including a formalised preventative maintenance programme.**

An informal preventive maintenance program currently exists for the WTP, reticulation and reservoir assets. The formalisation of this program for Council water infrastructure assets is scheduled to be completed concurrently with the development of formal Asset Management Plans. This is due to be completed in June 2025.

Options

This report is presented for Council's information.

Financial Considerations

In relation to the DWMS implementation, NSW Health continues to provide financial support to help Council meet drinking water quality expectations and standards.

DWMS related expenditure and budget items – relating to Recommendations – include:

In FY22/23:

- 4 yearly reservoir inspections and cleans \$45k
- SCADA/Telemetry Project completion of an \$1M project. Funding has been sourced through an INSW funding deed valued at \$750k and council co-contribution of \$250k.

In FY23/24:

- Mendooran WTP business case will be submitted and endorsed by DPE. The budget amount in the budget is \$500,00
- The development of an Emergency Response Plan is available for funding through NSW Health. Further consultation is required with NSW Health to secure funding. It is forecasted that \$30,000 will be required to complete this recommendation.

In FY 24/25:

- Construction of the proposed Mendooran WTP upgrades will commence with a budget figure of \$1,750,000

In FY 25/26:

- Construction of the proposed Mendooran WTP upgrades will be finalised. Budget figure is \$2,500,000

Further committed and expected expenditures relating to Recommendations R18 and R20 include:

Community Engagement

The level of community engagement is 'Inform' as per Council's *Community Engagement Strategy 2020-2024*.

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Attachments

Nil

RECOMMENDATION

That Council notes the implementation progress of the recommendations within the Mendooran Water Quality Incident Review Report.

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Item 15 Contaminated Land Policy

Division:	Environment and Development Services
Management Area:	Planning and Regulation
Author:	Manager Planning and Regulation – Kelly Dewar
CSP Key Focus Area:	Civic Leadership
Priority:	CL2.1 Provide Council's leadership with a strong governance and management framework that promotes transparent and informed decision-making

Reason for report

To reason for this report is to seek Council endorsement of the Draft *Contaminated Land Policy*.

Background

The existing *Contaminated Land Policy* was adopted in March 2017. The policy was developed to provide a guide for the community and practitioners in relation to delivering Councils requirements relating to the use and or development of land that is or may be contaminated.

The policy aims to ensure that Council:

- Maintains a register of contaminated or potentially contaminated land and any information on remediation, abatement, or Site Audits of work on contaminated land undertaken in the Warrumbungle Shire Council area.
- Provide information to support Council's decision-making and to inform and liaise with the community on contaminated land.
- Ensure that appropriate consideration of contaminated land is made during development assessment and planning proposal processes.
- Ensure that changes to land use will not increase the risk to health or the environment.

Issues

The review of the policy required considerable updating as legislation had changed since 2017, and formatting of the policy was required to the new template.

Further to that, key definitions, associated legislation, and more information has been included in the policy statement to advise the role and actions that will be undertaken by Council relating to contaminated land as required.

To address the changes, a newly written policy has been provided to replace the old version.

Options

Council can endorse the draft policy as presented, or make amendments to the policy.

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Financial Considerations

Nil

Community Engagement

The level of community engagement is 'Inform' as per Council's *Community Engagement Strategy 2020-2024*.

If endorsed by Council, the draft policy will be required to be advertised for 28 days seeking public submissions.

Attachments

1. Draft *Contaminated Land Policy*
2. Existing *Contaminated Land Policy* – being replaced with new version

RECOMMENDATION

That:

1. Council endorses the Draft *Contaminated Land Policy* for the purposes of public exhibition for a minimum of 28 days.
2. A further report be presented to Council on the Draft *Contaminated Land Policy* after the public exhibition period is completed.

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Item 16 Business Use of Footpaths Policy Report

Division:	Environment and Development Services
Management Area:	Planning and Regulation
Author:	Environmental Compliance Officer – Frances Scott
CSP Key Focus Area:	Civic Leadership
Priority:	CL2.1 Provide Council's leadership with a strong governance and management framework that promotes transparent and informed decision-making

Reason for report

To present the draft *Business Use of Footpaths Policy* and guidelines for Council endorsement and seek resolution to publicly exhibit the draft policy for 28 days.

Background

The existing *Business Use of Footpath Policy* was adopted in February 2021 and was amended in June 2021.

The policy was developed to facilitate businesses, community groups and entertainers use of footpaths for either commercial or community activities, through the issuing of relevant approvals.

The policy promotes a safe environment for shoppers and patrons, without compromising the safety or amenity of the public domain for pedestrians using the public footpath and adjoining public spaces and for motorists parking or alighting from their vehicles.

Issues

The recent review conducted by staff of the policy and accompanying guidelines noted no changes were needed to either document, apart from updating into current templates.

Options

Council can endorse the reviewed policy as presented, or make amendments to the policy and accompanying documents.

Financial Considerations

Nil

Community Engagement

The level of community engagement is 'Inform' as per Council's *Community Engagement Strategy 2020-2024*.

If endorsed by Council, the draft policy will be required to be advertised for 28 days seeking public submissions.

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Attachments

1. *Business Use of Footpaths Policy*
2. *Guidelines for Business Use of Footpaths Policy*

RECOMMENDATION

That:

1. Council endorses the draft *Business Use of Footpaths Policy* and guidelines for the purposes of public exhibition for a minimum of 28 days.
2. A further report be presented to Council on the Draft *Business Use of Footpaths Policy* and guidelines after the public exhibition period is completed.

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Item 17 Compliance and Enforcement Policy

Division:	Environment and Development Services
Management Area:	Regulatory Services
Author:	Manager Planning and Regulation – Kelly Dewar
CSP Key Focus Area:	Civic Leadership
Priority:	CL4 To have a well-informed community that has confidence in Council's decision making processes.

Reason for report

The reason for this report is to seek Council endorsement of the draft *Compliance and Enforcement Policy*.

Background

The existing policy titled *Enforcement Policy* was adopted in August 2017.

The policy outlines how Council addresses compliance and enforcement matters as part of our regulatory functions.

Issues

The policy aims to ensure that Council:

- Meets obligations under the Local Government Act 1993,
- Exercises its regulatory functions consistently and without bias,
- Respond promptly, consistently and effectively in relation to allegations of unlawful activities,
- Establish clear guidelines for Council staff when dealing with Compliance and Enforcement matters.

The recent review of the existing policy identified it also dealt with compliance matters as well as enforcement and has been drafted in line with the *NSW Ombudsman Model Compliance and Enforcement Model Policy* template.

The template was used for the foundation of the Council policy and tailored to Councils specific needs including all or some of the template policy depending on the compliance roles within Council.

Council's policy has been updated to include a section of shared enforcement responsibilities and the role of Council where there is a private certifier.

Options

Council can endorse the reviewed policy as presented, or make amendments to the policy.

Financial Considerations

Nil

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Community Engagement

The level of community engagement is 'Inform' as per Council's *Community Engagement Strategy 2020-2024*.

If endorsed by Council, the draft policy will be required to be advertised for 28 days seeking public submissions.

Attachments

1. Draft *Compliance and Enforcement Policy*

RECOMMENDATION

That:

1. Council endorses the Draft *Compliance and Enforcement Policy* for the purposes of public exhibition for a minimum of 28 days.
2. A further report be presented to Council on the Draft *Compliance and Enforcement Policy* after the public exhibition period is completed.

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Item 18 Warrumbungle Local Environmental Plan 2013 Review

Division:	Environment and Development Services
Management Area:	Planning and Regulation
Author:	Manager Planning and Regulation – Kelly Dewar
CSP Key Focus Area:	Local Economy
Priority:	LE5 Opportunities exist for the establishment of light industries and a range of housing options.

Reason for Report

The reason for this report is to seek approval from Council to allow the Warrumbungle Local Environmental Plan 2013 Planning Proposal to be submitted to the Department of Planning, Industry and Environment (DPIE) for Gateway Determination.

Background

The Warrumbungle LEP 2013 (WLEP) is the main statutory document controlling local development within the Warrumbungle Local Government Area (LGA). The WLEP was gazetted on 29 November 2013. The WLEP comprises a written instrument, maps and is prepared in accordance with the mandatory requirements of the NSW State Government's Standard Instrument template. The WLEP can only be amended if Council were to prepare a Planning Proposal to present to the DPIE for Gateway Determination.

Since 2013 the WLEP has had minor amendments to address clause 4.2 allowing dwelling entitlements under land previously zoned as 1(c) and 1(b) zones (from Coonabarabran and Coolah LEP's) via inclusion of an additional sunset clause (being 4.2A) that has now since expired.

In 2022, Council resolved to prepare a Planning Proposal to reclassify community land to operational land for several land parcels belonging to Council. This amendment is nearing completion with the final clause preparations and drafting being undertaken by Parliamentary Counsel.

The 2022 resolution (307/2122) also resolved that heritage items listed in Table 6 of the *Warrumbungle Community Based Heritage Study* be added to the Planning Proposal for the WLEP Review.

No major reviews of the WLEP have been undertaken since gazettal in 2013, and whilst staff have commenced the process to review the document on a number of occasions, resources to complete the Planning Proposal through to finalisation have been difficult to implement due to other pressing priorities.

The current WLEP requires review to ensure it remains current and is able to respond appropriately to emerging development trends to achieve desired development outcomes.

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Issues

The WLEP 2013 planning proposal will address the issues with the current zoning and heritage items. Unfortunately, minimum lot size will not be addressed as part of this review due to significant and time-consuming justifications that are required for changes to minimum lot size.

The matters for inclusion in the WLEP Review are as follows:

- a) Rezoning of RU5 Village to Urban zones – settlements of Baradine, Binnaway and Mendooran will be rezoned to define the business, industrial and residential areas.
- b) Rezoning R1 General Residential and RU1 Primary Production land within the towns of Coolah, Coonabarabran and Dunedoo to reflect the current and future needs of the towns and to ensure that land use conflicts are minimised.
- c) Rezoning of R1 General Residential to E4 Industrial Land in Coonabarabran around the railway line to better reflect the current use and future use of the land.
- d) Rezoning of R1 General Residential to Recreation Land in Coolah, Coonabarabran and Dunedoo to reflect the current use of the land.
- e) Rezoning of heavy vegetated land zoned R1 General Residential land in Coonabarabran to R5 Large Lot Residential Land with a minimum lot size of 2ha.
- f) Rezoning across the Shire for Schools, Sewerage Treatment Works, Water Treatment Works, Cemeteries, Power Substations and Water Reservoirs to SP2 Infrastructure.
- g) Inclusion of the proposed Bypass Route and zoning of this route to SP2 Infrastructure.
- h) Update of Heritage Items in Schedule 5 identified by the Heritage Study adopted by Council in June 2019 Resolution 443/1819.
- i) Inclusion of Schedule 1 Additional permitted Uses for a number of lots that have existing uses that are no longer permitted in the Zone.
- j) Changes to a number of permitted and prohibited land uses in the Land Use Tables across the zones.
- k) Inclusion of the land use “Temporary Workers Camp” in the RU1 Primary Production and R5 Large Lot Residential zones.

A copy of the draft proposal is attached.

The process for preparing a Planning Proposal is as follows:

1. Council resolves to prepare a Planning Proposal under s3.33 of the *Environmental Planning and Assessment Act 1979*
2. The Planning Proposal is prepared and submitted to the DPIE for a Gateway Determination to proceed.
3. Agency referrals are completed as required under the Gateway Determination. The Planning Proposal cannot proceed until any matters of concern raised by an agency are resolved.
4. Community consultation is undertaken in accordance with the Gateway Determination – for a minimum period of 28 days.

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5. A report is prepared for Council addressing the submissions received during the public exhibition period.
6. Subject to Council Resolution, the Planning Proposal is forwarded to DPIE for finalisation and amendment of Warrumbungle LEP 2013.

Options

For the WLEP Review to progress, a resolution of Council to proceed to the next step is required.

Council does not have the staff or resources available to undertake the mapping and plan making process as such Council will be seeking assistance from the Department of Planning, Industry and Environment to complete the mapping and plan making.

Financial Considerations

The WLEP Review and preparation of Planning Proposal are being undertaken in-house by Council staff.

A budget allocation has been carried over for the past three years to provide sufficient funds for the review to be undertaken. This year's budget provides \$58,094, of which \$7,495 has been expended to date.

Attachments

1. WLEP Review – Planning Proposal
2. Appendix B - Mapping

RECOMMENDATION

That:

1. Council prepare a Planning Proposal to amend the *Warrumbungle LEP 2013* for purposes outlined in the Issues section of this report (a – k);
2. Council places the Planning Proposal on public exhibition for a minimum of 28 days;
3. Council not accept plan making delegations for the LEP Review Planning Proposal and seek this to be completed by Department of Planning, Industry and Environment; and
4. A report be prepared on submissions received to the exhibition of the Planning Proposal.

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Item 19 Renewable Energy Benefit Policy Report

Division:	Environment and Development Services
Management Area:	Planning and Regulation
Author:	Director Environment and Development Services – Leeanne Ryan
CSP Key Focus Area:	Strengthening the Local Economy
Priority:	LE3 The community benefits from the economic returns of local renewable energy production, and mining and extractive industries.

Reason for report

To seek Council adoption of the draft *Renewable Energy Benefit Policy*.

Background

The Central West Orana Renewable Energy Zone (CWOREZ) was formally established through declaration under section 19(1) of the *Electricity Infrastructure Investment Act 2020* published in the NSW Gazette on 5 November 2021.

The declaration formalises the zone and specifies its intended network capacity, geographic scope, and designated network infrastructure. The projected network capacity for the CWOREZ is 3 GW, with Dunedoo serving as the geographic centre.

The CWOREZ will host an array of renewable energy projects including (but not restricted to) wind farms, solar farms, battery energy storage systems, and associated infrastructure. Many of these developments will have long lasting effects on the Warrumbungle Shire as a result of the expected impacts.

These impacts are many, and include road and traffic; accommodation; workforce; social; economic; waste; water; sewerage; telecommunications; environmental; not to mention cumulative impacts when a number of the developments proposed are constructed simultaneously.

The scope of the policy extends past the Warrumbungle LGA boundary, and includes any renewable energy project that will impact the LGA (this includes development in adjoining LGA's that may create impacts on our residents or communities). This policy does not just relate to wind and solar energy, but extends to renewable energy, storage and transmission projects (and associated infrastructure) including pumped hydro, battery energy storage systems, hydrogen generation, transmission lines and any other form of renewable energy project or infrastructure.

Through the provisions of the *Environmental Planning and Assessment Act 1979* Council will be seeking a Planning Agreement with each developer that will be carrying out a renewable energy project that will likely create an impact on our residents and/or communities.

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The policy outlines the key components of Council intentions when entering into a planning agreement with a developer such as:

- The defined use of public purposes, and the material public benefits that can be expected from entering into a Planning Agreement with Council;
- The expected funding target of 1.5% (as a minimum) of the Capital Investment Value (CIV) of the project as a total value.

On this basis, the policy seeks a monetary contribution from each renewable energy developer that will generate an impact on the LGA. The funds received will be expended for public benefits.

Issues

The draft *Renewable Energy Benefit Policy* was presented to Council in March 2023 seeking endorsement to place on public exhibition for 28 days.

The draft policy was exhibited from 20 March to 17 April. One submission was received after the closing date and has been provided as an attachment to this report (names redacted).

Additional items have been added to the final policy under section titled Funding Target, these being:

- Inclusion of annual indexing as per CPI is to be applied to the 1.5% of CIV
- Proponents will be required to pay 10% of total quantum (of the 1.5% of CIV) upfront (to Council) within 30 days of signing Planning Agreement.

Options

To adopt the policy as presented, or with amendments.

Financial Considerations

The policy provides Council's position on planning agreements associated with renewable energy development, and the framework surrounding implementation of these agreements. A quantum of 1.5% (as a minimum) of Capital Investment Value of the project as a total value is sought from each developer through a formalised Planning Agreement.

Community Engagement

The level of community engagement is 'Inform' as per Council's *Community Engagement Strategy 2020-2024*.

Attachments

1. Draft *Renewable Energy Benefit Policy*.
2. Submission Received

RECOMMENDATION

That Council adopt the *Renewable Energy Benefit Policy* with the inclusion of:

- i. Annual indexing the contribution, and

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- ii. That proponents pay 10% of the Planning Agreement quantum within 30 days of the signing of the Planning Agreement.

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Item 20 Central-West Orana Renewable Energy Zone Report – May 2023

Division:	Environment and Development Services
Management Area:	Planning and Regulation
Author:	Director Development Services – LEEANNE RYAN
CSP Key Focus Area:	Strengthening the Local Economy
Priority:	LE3 The community benefits from the economic returns of local renewable energy production, and mining and extractive industries

Reason for Report

To provide Council with regular updates on Central-West Orana Renewable Energy Zone matters that relate to Council.

Background

Central-West Orana Renewable Energy Zone (REZ) is a renewable energy zone being set up by State Government.

The following broad points relate to the REZ project:

- It is the State's first renewable energy zone, and covers approximately 20,000 square kilometres.
- Incorporates parts of three LGA's being Warrumbungle, Dubbo and Mid-Western
- The REZ is proposed to unlock 3 gigawatts of new network capacity by mid 2020's (through solar and wind farms)
- Expected to bring up to \$5 billion in private investment to the Central-West Orana region by 2030.
- At its peak, the REZ is expected to support around 3,900 construction jobs in the region, however this could be as high as 5,000.
- Was selected by State Government following a detailed geospatial mapping exercise undertaken by NSW Government in 2018
- Formally declared by the Minister for Energy and Environment under section 19(1) of the *Electricity Infrastructure Investment Act 2020* and published in the NSW Gazette on 5 November 2021.
- EnergyCo is the Infrastructure Planner responsible for coordinating and leading the development of the REZ.
- In the future, the Minister may amend the declaration to expand the specified geographical area of the REZ, increase the intended network capacity, specify additional generation, storage and network infrastructure, provide further details and specifications or correct a minor error.
- There are 4 other REZ's proposed for NSW being located in New England, South-West, Hunter Central and Illawarra.
- The REZ will be supported by a large transmission line yet to be approved or constructed; EnergyCo have carriage of delivering this infrastructure.

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- The REZ will host eleven (11) preferred projects in Stage 1 (pending approval from DPE). These include a mix of both wind farms and solar farms of varying sizes. Many of these are partially or totally located in Warrumbungle LGA.
- More information on the REZ can be found on the Central-West Orana REZ website.

The below map shows the location of the REZ.



Within Warrumbungle Shire Council, the REZ will impact our LGA, but particularly the localities of Coolah, Leadville, Dunedoo, Birriwa, Cobbora and surrounds.

An interactive map to demonstrate the location of the various wind and solar farms within the REZ can be found on EnergyCo's website.

Many of the proposed projects are located across LGA boundaries, with delivery of projects potentially clashing and generating cumulative impacts. Some areas that maybe impacted include housing and accommodation, labour and workforce, road and traffic, waste, water, sewerage, telecommunications and social.

It is important to note that the REZ transmission line and associated wind farms, solar farms and battery energy storage systems are either State Significant Infrastructure or State Significant Development requiring approval from the State Government, not Council.

Issues

Over the past months, Council has been involved in a number of matters pertaining to the REZ as follows:

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- Attended meetings both online and in-person with potential REZ project developers regarding matters of concern to our LGA and the impacts on our communities; these were as follows:
 - Dapper Solar Farm with Origin Energy on 31/03/23
 - Liverpool Range Wind Farm with TILT Renewables on 03/04/23
 - Sandy Creek Solar Farm with bp Lightsource on 04/04/23
- Participated in CWOREZ Joint Meeting with EnergyCo, DPE, Mid-Western and Dubbo Regional Councils.
- Prepared and exhibited draft *Renewable Energy Benefit Policy* – to be presented to Council for adoption in a separate report.
- Attended a meeting with EnergyCo on 10/05/23 to discuss housing and workers camps; solutions are still be worked through. A housing working group will be formed shortly with key stakeholders involved.
- Attended a meeting with NSW Government representatives to discuss development of a regional housing delivery plan for the LGA; CWOREZ housing and workers camps were noted for inclusion in the plan. A workshop with Clrs on regional housing will be held on 30 May 2023.

The below Table 1 provides the current status of the major projects (currently listed on the DPE Major Projects Portal) that will impact on the Warrumbungle LGA.

Table 1: Major Projects that impact WSC

Major Project	LGA	Description	Status
Sandy Creek Solar Farm	Warrumbungle and Dubbo	750 MW solar farm and assoc. infrastructure	Preparing EIS
Dapper Solar Farm	Warrumbungle and Dubbo Regional	300 MW solar farm and assoc. infrastructure	Preparing EIS
Spicers Creek Wind Farm	Warrumbungle and Dubbo	Wind energy generation project with up to 122 wind turbines, with transmission connection and assoc. infrastructure	Preparing EIS
Cobbora Solar Farm	Warrumbungle and Dubbo	700 MW solar farm with energy storage and assoc. infrastructure	Preparing EIS
Central-West Orana REZ Transmission Line	Warrumbungle, Mid-Western, Dubbo, Upper Hunter	New twin double circuit 500Kv transmission lines between Wollar and the proposed substations at Methotherie and Elong Elong, and connections from these lines to projects in the REZ	Preparing EIS
Barneys Reef Wind Farm	Mid -Western	350 MW wind farm, including 65 turbines (220m), battery storage and assoc. infrastructure	Preparing EIS
Birriwa Solar Farm	Mid-Western and Warrumbungle	600 MW solar farm, energy storage facility and assoc. infrastructure	Response to Submissions
Tallawang Solar Farm	Mid-Western	500 MW solar farm with 500 MW/1,000 MWh battery energy storage system and assoc. infrastructure	Response to Submissions
Liverpool Range Wind Farm Modification 1	Warrumbungle, Upper Hunter and Mid-Western	Increase maximum tip height to 250m, decrease number of turbines to 220, amend	Response to Submissions

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		infrastructure, transport route and increase native veg clearing limits	
Valley of the Winds Wind Farm	Warrumbungle	Construct and operate wind farm up to 148 turbines, energy storage and assoc. infrastructure	Response to Submissions
Dunedoo Solar Farm	Warrumbungle	55 MW solar farm with energy storage and assoc. infrastructure	Determined
Orana Wind Farm	Warrumbungle and Mid-Western	Construct and operate wind farm up to 92 turbines, battery storage and assoc. infrastructure	SEARS

Considerable staff resources will be required to review the documents that are yet to be publicly exhibited such as the EIS's (that are currently under preparation) and the Response to Submissions documents. It is expected that there are also some projects not listed in Table 1 that may not have yet started the State Significant Development determination process.

Key Issues for Council

Council has been liaising with all the generation facility developers, EnergyCo, NSW Planning and neighbouring councils to ensure interests of residents and ratepayers are properly addressed. Council is also carefully scrutinising each project's EIS and tabling a detailed written submission.

A motion has also been tabled by Council at Local Government Annual Conference in October 2022 seeking a closer level of collaboration and support from the State Government. The motion was passed. Council has also lobbied the Premier and Deputy Premier seeking a greater level of collaboration in relation to the REZ.

Whilst Council has been generally supportive of renewable energy initiatives, the likely scope and extent of the cumulative impacts arising from all of the proposed or actual projects remains unquantified. The lack of meaningful detail on cumulative impacts, amongst other matters, means Council is not in a position to make an informed judgement as to the relative costs and benefits of the REZ and the generation facilities. For these reasons objections have been raised in relation to the proposals.

Key subjects of material interest to Council has included:

- a) The environmental, social and economic costs (who bears them?) and benefits (for whom?);
- b) The impact on Shire roads and increased traffic – including light, heavy and oversized;
- c) The accommodation of the various projects' construction workforces – how, where and duration;
- d) Jobs competition impacting local businesses;
- e) Waste volumes and types and their destination – associated with Project construction, replacement of PV modules after 15 - 20 years, the replacement of the battery components after 20 years and the decommissioning of the Project after 30 years; and

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- f) Securing a Planning Agreement and the process of distributing the Development Contribution funds.

Moving forward some direction from Council is required for staff and the stakeholders in relation to some aspects of these, including:

- Road and Traffic Impacts

Council is the roads authority for all local public roads within Warrumbungle Shire other than Crown roads, as per s. 7 of the Roads Act 1993. Prior to undertaking any works within a public road, specific consent for the detailed design and construction methodology must be obtained from the roads authority under ss. 87 and 138 of that Act. Before granting consent in relation to any works on classified (State or Regional) roads, Council must obtain concurrence from Transport for NSW unless Transport for NSW decides to exercise the functions of the roads authority under s. 64 for those works.

Warrumbungle Council is responsible for a road network of 2,518kms, comprising:

Regional Roads – Sealed	386kms
Local Roads – Sealed	479kms
Local Roads – Unsealed	1,507kms
Town Streets – Sealed	110kms
Town Streets – Unsealed	36kms

Jurisdiction for the State Highway/Roads and National Highway is a matter for Transport for NSW. These include the Castlereagh Highway, Mendooran Road (Coonabarabran – Mendooran), Newell Highway and Oxley Highway. Council has a Road Maintenance Council Contract (RMCC) in place for the maintenance of the State Highway and State Road.

Many of the energy generation developments will occur along narrow unsealed local roads that, at least during construction, will require significant upgrades and ongoing maintenance. Council expects the developer to pay for upgrades and maintenance costs across the life of the project. Even arterial and distributor roads will require significant upgrades in various locations. These roads are described in Council's Roads Asset Management Plan as:

Local Arterial Road – These are major local arterial roads that provide linkage between areas of industrial, commercial, and residential importance and the regional road network. They also provide for traffic movements between areas and regions. In town these roads would generally include the CBD area of town.

Local Distributor Road – These roads provide connections between arterial parts of the network and the local collector network. They generally have key traffic generators on them for an area and/or are strategically important.

In considering the impact on the network it is understood that:

- Wind turbine blades will be up to 90m in length (an increase from early indications of from 55m). This will substantially increase the loading and

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number of heavy vehicle axle movements which directly influence pavement wear and tear, blade truck swept paths which increase the road works footprints at intersections and sharp bends, and the complexity and impacts of temporary road closure and traffic management controls.

- The masses and number of heavy vehicle movements for supplies generally including steel, concrete, gravel and water will be significant. As the length of the blades for the wind turbines increases, their impact grows exponentially due to the compounding structural engineering requirements and larger concrete foundations, crane hardstand and component laydown areas needed to achieve the rotor swept area supported by the towers.
- Construction of the developments (other than pre-construction minor works) is likely to occur in parallel with the required road upgrades. This would cause significant traffic volumes including heavy vehicles to use public roads which are currently deficient in terms of relevant specifications (e.g. Austroads) for geometry and safety features, including (but not limited to) turning lanes, lane and shoulder widths and roadside hazards. Poor traffic safety performance and impacts are likely to arise.

Added to these impacts will also be the impacts from DIDO workers (drive-in-drive-out). These workers usually spend a fixed number of days working at the work site, followed by a fixed number of days at home.

Road safety can be of serious concern in DIDO regions with a mounting accident and death toll.

Another impact on the regions roads will be from oversize and over-mass (OSOM) vehicles. EnergyCo is working with Transport for NSW and the developers of planned generation projects to coordinate OSOM vehicle routes required to transport large energy equipment such as wind turbine blades. Upgrades for OSOM routes may include curve widening, intersection upgrades and installing new passing bays.

EnergyCo has developed an overview of required upgrades to facilitate OSOM movements between the Port of Newcastle and the REZ and is currently working with Transport for NSW to develop plans for implementation. As a key focus of these investigations, EnergyCo is looking to identify mitigation measures to manage road work impacts for road users and communities. The route used for OSOM deliveries to the Central-West Orana REZ has the potential to be used for other REZs and this is currently being discussed with Transport for NSW.

Road upgrades are being proposed for the OSOM vehicle routes between the Port of Newcastle and the REZ, including a large section of the Golden Highway between Denman and Dunedoo. It is intended that sections along the OSOM route will be upgraded as enabling work ahead of major construction to minimise impacts from OSOM deliveries into the REZ.

The large number of major projects currently in the development pipeline within or near Warrumbungle Shire represent a significant economic development opportunity for local residents, businesses, farmers and landowners. However, as a statutory

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authority Council holds legal responsibilities for managing certain risks and expenditure of community funds which may arise from these projects, if the impacts are unmanaged.

The objective is not to over-specify or burden developers with the cost of betterment of infrastructure for its own sake (which can be known as 'gold-plated' requirements), but rather to ensure the developer funds any necessary improvements to reduce, mitigate and offset in proportion to any negative impacts of the development, which the community could otherwise end up having to bear the cost of itself.

Indeed, planning frameworks in NSW and elsewhere have at their core this principal of 'nexus', that private developers should only be responsible for the issues they create and cannot be required (unless voluntarily) to generally improve an area or facilities beyond their direct and reasonable impacts. This principle is frequently tested and reinforced by decisions of the Land and Environment Court. Council (and third parties or Government agencies generally) are limited from making requirements over and above this principle, and such an approach could risk legal appeals. For this reason, it is important that any cash or other in-kind contributions (land, community facilities etc.) be closely tied to the point of need created or intensified by the developer.

The temporary construction and long-term operational traffic increases on Council's roads will result in increased risks for traffic safety, practical and legal access to land and between localities. There are many official standards and guidelines at various levels that recommend how these risks should be minimised as far as practicable, and Council generally has some discretion as to how they are practically applied within its area.

- Temporary Workers Camps

The energy generation facilities will require temporary accommodation services for their construction workers (say three years). These 'camps' are likely to have the capacity to house up to 400-600 workers. From discussions with the proponents there is currently no coordination or collaboration between the proponents or with EnergyCo on this issue.

Council's position on this issue to date has been that temporary workers accommodation camps should be established in, adjacent and/or close to towns (eg Dunedoo and Coolah).

It should be noted that given that these developments will be determined by the NSW Department of Planning and Environment the Department may override the local LEPs.

Advice from the Department is that:

SSDs are required to consider s4.15 of the EPA Act which includes the consideration of an EPI. Notwithstanding, an SSD may be granted development consent if it is partly prohibited in an EPI in accordance with s4.38(3) of the EPA Act. I am unsure of the assessment process/considerations under this clause as we are not in the assessments team.

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If the major project is an SSI, EPIs do not apply in accordance with s5.22 of the EPA Act. In this instance, provisions of an LEP are not considered.

- Securing Development Contributions via a Planning Agreement

As the sphere of government directly responsible for the day-to-day governance of Warrumbungle LGA, the issues Council has to manage are significant and diverse. Whether it be roads and bridges, water and sewerage systems, waste, community buildings, recreation or day care facilities, the availability and quality of this infrastructure and social services has a significant influence on the quality of life and wellbeing of its citizens and ratepayers.

Council seeks development contributions from the proponents via a Planning Agreement that acknowledges the tangible and intangible environmental, social and economic costs arising from the Proposal. Such funds will be applied to a public purpose that will ensure the provision of a public benefits.

Council has recently placed on public exhibition a draft policy that outlines the key components of Council intentions when entering into a planning agreement with a developer.

The Planning Agreement funds should be paid to and managed by Council. This is justified for the following reasons:

- a) As per the provisions of the EP&A Act, a Planning Agreement is secured with the LGA. With that comes certain statutory responsibilities and obligations for which Council is liable. Outsourcing Council management responsibilities to the general public, for instance a community group, carries considerable governance and legal risks. Similarly, under the Local Government Act, the Council has statutory obligations that are at odds with outsourcing funds to a community group;
- b) Under the EP&A Act, Council is legally responsible for managing and reporting on the performance of the Planning Agreement in all its facets. These aspects include decision-making for the allocation of funds, the appropriate management of said funds, the performance of projects allocated funding and annual reporting; and
- c) Funds administered by a community group may result in additional assets within the community that the Council is expected to maintain and replace throughout the assets lifecycle. Such assets might not be in accord with Council's four-year Delivery Program and Operational Plan, thus creating an unwanted and unsustainable financial burden on Council.

Council will utilise funds received for the benefit of the community of the Warrumbungle Shire Council Local Government Area. The benefits to the community includes (but may not be limited to) the following:

- Road infrastructure provision and maintenance;
- Housing opportunities and initiatives;
- Strategic planning;
- Economic development and investment attraction opportunities and initiatives;

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- Skills development;
- Community facilities and recreation opportunities;
- Youth welfare and support;
- Town centre development and maintenance;
- Other infrastructure provision that provides for the continued health, wellbeing and development of the community.

The Planning Agreement will need to stipulate the process by which the Development Contributions are to be allocated. Possible options include:

- a) Individual project committees with the authority to determine, within certain parameters;
- b) Individual advisory committees, who will make recommendations to Council;
- c) An overall committee, for all REZ related Planning Agreement funds, with the authority, within certain parameters, to determine where funds are spent;
- d) An overall committee, for all REZ related Planning Agreement funds, who will make recommendations to Council;
- e) Council in its own right; or
- f) Another process

Warrumbungle Shire and Upper Hunter Shire previously agreed with Tilt Renewables Australia that for the Liverpool Range Wind Farm there would be a Community Enhancement Fund S355 Committee. The Committee was to work across the two LGAs and the membership was to include:

- one councillor from each of the two host councils. Chaired by a councillor;
- two community representatives from each area of the host council (to be residents within ideally 20km of a turbine) who have not entered into a financial agreement with the Company and can demonstrate the skills and experience relevant to the Committee's Charter;
- one Company representative (non-voting)

The Committee was delegated the authority to 'evaluate and determine CEF funding applications.'

A committee based arrangement such as a community reference group is to try and ensure a representative selection of the community takes part in the decision making process. However, given the large number of proposed REZ developments, individual committees for each project will be unwieldy. A over-arching committee for all REZ related planning agreements is being contemplated.

A component of the planning agreement funding will be to go towards the maintenance of roads in the affected areas. These funds should be managed by Council through its road maintenance and asset management systems, through the IP&R process (to give Council comfort and oversight).

It is to be noted however that the Department of Planning & Environment will have the ultimate say in this matter.

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Options

The REZ and associated projects will continue to show their presence within Warrumbungle Shire. It is necessary for Council to remain engaged as information comes to light.

Financial Considerations

Staff time to attend meetings and prepare written submissions is required to be factored in. At the time of writing report Council has expended \$182,992.81 on matters relating to the REZ. This consists of the following expenditure:

- Staff costs = \$18,631.23
- Contractors = \$162,361.58

Community Engagement

The level of community engagement is 'Inform' as per Council's *Community Engagement Strategy 2020-2024*.

Attachments

Nil

RECOMMENDATION

That Council:

1. Notes the information in the Central-West Orana Renewable Energy Zone Report – March 2023.
2. Does not over-specify or burden developers with the cost of betterment of infrastructure for its own sake, but rather to ensure the developer funds any necessary improvements to reduce, mitigate and offset in proportion to any negative impacts of the development, which the community could otherwise end up having to bear the cost of itself. Further that this recommendation be read in conjunction with Recommendation 6 below.
3. Continues to advocate for appropriately designed, constructed and operated temporary workers camps to be located in, adjacent to or close to towns in the Warrumbungle Shire.
4. Agrees to appoint a community-based committee, that includes councillors, to provide recommendations to Council on the expenditure of funds for all REZ-related planning agreement funds, excluding those funds identified for roads.
5. Manages planning agreement funds identified for roads through its road maintenance and asset management systems.
6. Seeks for proponents to contribute to and/or provide infrastructure that can remain in place for future community benefit (legacy infrastructure), providing that such infrastructure has ongoing community benefit without being a financial burden on the community/Council.

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Item 21 Inland Rail Update Report – May 2023

Division:	Environment and Development Services
Management Area:	Economic Development and Tourism
Author:	Director Environment and Development Services – Leeanne Ryan
CSP Key Focus Area:	Strengthening the Local Economy
Priority:	LE2.2 Work with local business and industry to foster local economic development, innovation and expansion

Reason for Report

To provide Council with regular updates on Inland Rail discussions and matters that relate to Council.

Background

Inland Rail is a freight rail line that will connect Melbourne to Brisbane through regional Victoria, New South Wales and Queensland. With freight volumes set to almost double in the next 20 years, the Australian Government is building the rail line to address freight needs.

The following broad points relate to the Inland Rail project:

- Inland Rail 1,700km long, from Melbourne to Brisbane in less than 24 hours.
- Trains travelling on the Inland Rail track will be able to travel at speeds of up to 115km/h.
- The track will enable the use of double-stacked (containers), 1,800m long trains with a 21 tonne axle load. Each train could carry the equivalent freight volume as 110 B-double trucks.

Within Warrumbungle Shire Council, the Inland Rail will traverse part of our Shire to the north-west of Baradine. This section of the line sits in the Narromine to Narrabri section of the project, known as N2N. Approximately 42 kms of rail line relating to Inland Rail will be located within our local government area.

Update on N2N Section of the Project

The N2N section of the line is approximately 306kms in length, and is Inland Rail's longest section of new track. A detailed map of the alignment through Warrumbungle Shire can be found at: inlandrail.artc.com.au/where-we-go/#narromine-to-narrabri

Issues

The following updates on the project are provided:

- The Minister for Planning granted approval for the Inland Rail - Narromine to Narrabri Project on 21 February 2023. A copy of the determination is provided as Attachment 1 to this report.

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- Australian Government announced an independent review of Inland Rail on 7 October 2022, more information on the review can be found here www.inlandrail.gov.au/understanding-inland-rail/independent-review. The review focusses on planning, governance and delivery of Inland Rail. The independent review is expected to be completed by early 2023, with the findings provided to the Australian Government for consideration.
- The date of the Inland Rail Summit to be held in Toowoomba has been moved to 3 July 2023 (the original date was 28 March 2023). Councils directly on the Inland Rail route, or in close proximity have been invited to attend.
- Discussions on the Inland Rail Development Agreement (MIRDA) are continuing between ARTC and Council; and will be presented to a future Council meeting when finalised.
- On 22 March 2023 ARTC representatives provided Council with a briefing on the Inland Rail project. Items discussed included MIRDA, construction dates and timelines, contractor engagement, community consultation and engagement, sponsorships and donations and water bores.
- Proposed date of next project briefing with ARTC representatives has been tentatively set for 21 June 2023.

Options

The Inland Rail project will continue to show its presence within Warrumbungle Shire, as construction of the project approaches.

Financial Considerations

Nil

Community Engagement

The level of community engagement is 'Inform' as per Council's *Community Engagement Strategy 2020-2024*.

Attachments

1. Narromine to Narrabri SSI-9487 – Instrument of Approval

RECOMMENDATION

That Council notes the information in the Inland Rail Update Report – May 2023.

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Item 22 Development Applications

Division:	Development Services
Management Area:	Planning and Regulation
Author:	Administration Assistant Environment and Development Services – Jenni Tighe
CSP Key Focus Area:	Strengthening the Local Economy
Priority / Strategy:	LE5 Opportunities exist for the establishment of light industries and range of housing options

Development Applications (i) Approved – April 2023

Development Application / Complying Development	Date Lodged	Date Approved	Applicant's Name	Location	Town	Type of Development	Referral Days	Stop the Clock Days
DA45/2022	14/12/2022	24/04/2023	Taylor Made Buildings	121 Cliffdale Road	Uarbry	Installation of Manufactured Dwelling	129	0
DA1/2023	03/01/2023	24/04/2023	Integrated Consulting Pty Ltd	71-73 Digilah Street	Dunedoo	Residential Sub-division	10 *	0
DA3/2023	02/03/2023	24/04/2023	Paul Hunt	2 Burns Street	Coonabarabran	Patio	11	0

Note: The applicant lodges the DA via the NSW Planning Portal, Council makes all referrals to Government Agencies within two (2) days via the Concurrence and Referral dashboard through the NSW Planning Portal.

* Essential Energy

RECOMMENDATION

That Council notes the Applications and Certificates approved during April 2023, under Delegated Authority.

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Item 23 Notice of Motion – To build a performance-based budgeting system that can measure performance of council spending programs and projects

I hereby advise that I propose to move the following Notice of Motion at the Council meeting:

That Council build a performance-based budgeting system that can measure performance of council spending programs and projects.

RATIONALE:

The current problem

Warrumbungle Shire Council (WSC) cannot use its budget platform and system to measure performance -outcomes that are directly linked to the budgeted resource allocation.

The budget is an input-based line-item system. It is incremental that is uses last year's budget with additions or subtractions based on revenue position.

No links exist between performance delivery and efficiency of expenditure in achieving stated outcomes so that Council is denied access to this core information that is central to its oversight role.

The solution

A performance based budgeting system (PPBS) that is consistent with NSW Treasury Guidelines on Outcomes budgeting is required to improve strategic priority setting and efficiency of use of funds to achieve results.

As management advise there is lack of staff for projects of this type. Accordingly contracting of a consultant with appropriate experience is required. The consultant will undertake:

- Diagnostic of existing budget processes and systems
- Design and testing of architecture, processes and systems of new PPBS
- Conduct pilot of new system in one major spending area
- Test results and assist in conversion to new system
- Conduct training of staff and management.
- Training for Councillors
- To be investigated as soon as possible

**KATHRYN RINDFLEISH
COUNCILLOR**

General Manager's Comment

Firstly it should be noted that the Government Sector Finance Act 2018 does not apply to Local Government.

Council has obligations under the Integrated Planning and Reporting (IP&R) Framework and this is legislated (S.406 and Clause 196A). It would appear that some aspects of the Outcomes Budgeting reflect the IP&R Framework.

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Before advancing on the additional aspects of the Outcomes Budgeting we first need to ensure that our IP&R is correct, there is certainly areas where we need to improve upon here.

Attachment

1. Integrated Planning and Reporting Guidelines

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Item 24 Notice of Motion – Council allocate an appropriate person to manage the roads natural disaster relief grant funding packages and has this as their primary role

I hereby advise that I propose to move the following Notice of Motion at the Council meeting:

That Council allocate an appropriate person to manage the roads natural disaster relief grant funding packages and has this as their primary role

RATIONALE:

The grant funding received is well over 12 million dollars and is time frames which are potentially restrictive given the resources required in both material and labour. The projects have taken a larger about of time away from Councils other business including an increase in customer service issues and failure to comply with customer service charters.

By allocate this as a primary role and allowing that officer to focus solely on these projects, would increase the likelihood they will be complete in time with funding requirements and allow council to respond to other matters. Failure to meet funding requirements may mean losing the allocated funding and council having to bear the repair costs themselves.

Financial considerations: this may mean having to employ another person. However council has several vacancies meaning a surplus in allocated funds for wages. This could be used to facilitate this. It is also worth considering that if council is required to bear the repair costs themselves, without the grant funding, it would place a greater finically strain than ensuring compliance with the grant guidelines.

**KATHRYN RINDFLEISH
COUNCILLOR**

General Manager's Comment

The position of Works Engineer is currently being advertised. The responsibilities of the Works Engineer include:

- ***management of Council's natural disaster recovery program for essential assets, which will include the day to day coordination of contractors, providing works program to Council's Road Supervisors, maintaining databases and preparing payment claims***
- *preparation of documentation, invitation and assessment of tenders in accordance with provisions of the Local Government Act 1993 for projects under their control*
- *the management of private works program for the road related assets*
- *reviewing and assessing heavy vehicle access applications generated via the National Heavy Vehicle Regulator or direct approach to Council.*

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As for the works deadline, staff have already flagged with TfNSW that an extension of time to complete the November 2021 restorations will be required however the formal request is not required until October this year. Unofficially, TfNSW representatives have indicated that the extension of time is most likely to be approved. Correspondence has also been sent to the Minister for Regional Transport and Roads seeking her support for an extension of time to complete the restoration and other funded works.

It should also be noted that the approval of Natural Disaster funding has been a slow process in itself with the latest approval only being given on 20 April 2023. In addition to this claims to the value of \$3.3M are yet to be assessed by TfNSW.

In addition to this Council has recently recruited for another two Plant Operator positions. These are in addition to the normal staffing compliment. Also, additional contractors have been taken on and further contractors are being sought with three major contracts about to be released for tender.

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Item 25 Reports to be Considered in Closed Council

Item 25.1 Human Resources Monthly Report

Division: Executive Services

Author: Manager Human Resources – Chris Kennedy

Summary

The purpose of this report is to update Council in relation to activities undertaken by Human Resources including Staffing and Recruitment, Training and Workplace Health and Safety (WHS).

In accordance with the *Local Government Act 1993* (NSW) (*'the Act'*) and the *Local Government (General) Regulation 2005* (NSW), in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

The item relates to personnel matters concerning particular individuals (other than councillors) and is classified **CONFIDENTIAL** under section 10A(2)(a) of the Act, which permits the meeting to be closed to the public for business relating to the following:

- (a) personnel matters concerning particular individuals (other than councillors)

RECOMMENDATION

That the Human Resources Monthly Report be referred to Closed Council pursuant to section 10A(2)(a) of the *Local Government Act 1993* (NSW) on the grounds that the matter deals with personnel matters concerning particular individuals (other than councillors).

Item 25.2 Three Rivers Regional Retirement Community Information Report

Division: Environment and Development Services

Author: Director Environment and Development Services – Leeanne Ryan

Summary

The purpose of this report is to provide Council with an update on the Three Rivers Regional Retirement Community (TRRRC) project.

In accordance with the *Local Government Act 1993* (NSW) (*'the Act'*) and the *Local Government (General) Regulation 2005* (NSW), in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

The item relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and is classified **CONFIDENTIAL** under section 10A(2)(e) of the Act, which permits the meeting to be closed to the public for business relating to the following:

- (e) information that would, if disclosed, prejudice the maintenance of law

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RECOMMENDATION

That the Three Rivers Regional Retirement Community Information Report be referred to Closed Council pursuant to section 10A(2)(e) of the *Local Government Act 1993* (NSW) on the grounds that the matter deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Item 25.3 Dunedoo and Coolah Sewage Treatment Plant Upgrades Funding Report

Division: Warrumbungle Water

Author: Manager Warrumbungle Water – Tom Cleary

Summary

The purpose of this report is to seek resolution from Council to execute funding deeds for funding received under Safe and Secure Water Programme (SSWP) for upgrades to Dunedoo and Coolah Sewage Treatment Plant (STP) projects.

In accordance with the *Local Government Act 1993* (NSW) (*the Act*) and the *Local Government (General) Regulation 2005* (NSW), in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

The item relates to advice concerning commercial information and is classified **CONFIDENTIAL** under section 10A(2)(c) of the Act, which permits the meeting to be closed to the public for business relating to the following:

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

RECOMMENDATION

That the Dunedoo and Coolah Sewage Treatment Plant Upgrades Funding Report be referred to Closed Council pursuant to section 10A(2)(c) of the *Local Government Act 1993* (NSW) on the grounds that the matter deals with commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

FURTHER that Council resolve that:

1. Council go into Closed Council to consider business relating to confidential information.
2. Pursuant to section 10A(1)-(3) of the *Local Government Act 1993* (NSW), the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) as outlined above.

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3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993* (NSW).