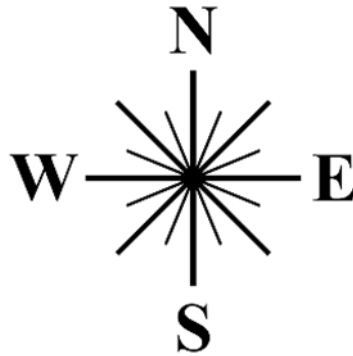


CENTRAL DARLING



SHIRE COUNCIL

ORDINARY COUNCIL MEETING

BUSINESS PAPER

22 FEBRUARY 2023

The Meeting will be held at 9.00 in the
Council Chambers, 21 Reid Street, Wilcannia

MISSION STATEMENT

To promote the Central Darling Shire area by encouraging development through effective leadership, community involvement and facilitation of services.

RECORDING AND WEBCAST OF COUNCIL MEETINGS

Council meetings are recorded and webcast on Council's website, your attendance and/or input may be recorded and publicly broadcast.

PUBLIC RECORDING PROHIBITED WITHOUT COUNCIL AUTHORITY

A person may only use a recording device, including audio and visual recording and any device capable of recording speech, to record a Council meeting by the resolution of the Council.

A person may be expelled from a Council meeting for having used a recording device without consent.

PHOTOGRAPHY PROHIBITED WITHOUT PERMISSION

Photography is not permitted at a Council meeting without the consent of the General Manager.

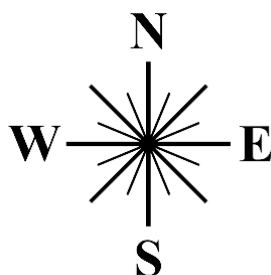
PUBLIC FORUM - EXTRACT FROM THE CODE OF MEETING PRACTICE POLICY

1. The Council may hold a public forum prior to each ordinary meeting of the Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary Council meetings and meetings of Committees of the Council.
2. Public forums are to be chaired by the Mayor or their nominee.
3. To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by same day 8.50am before the date on which the public forum is to be held and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
4. A person may apply to speak on no more than two (2) items of business on the agenda of the Council meeting.
5. Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
6. The General Manager or their delegate may refuse an application to speak at a public forum. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
7. No more than three (3) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting.
8. If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the General Manager or their delegate is to determine who will address the Council at the public forum.
9. If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the General Manager or their delegate may, in consultation with the Mayor or the

- Mayor's nominated Chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business.
10. Approved speakers at the public forum are to register with the Council any written, visual or audio material to be presented in support of their address to the Council at the public forum, and to identify any equipment needs no more than three (3) days before the public forum. The General Manager or their delegate may refuse to allow such material to be presented.
 11. The General Manager or their delegate is to determine the order of speakers at the public forum.
 12. Each speaker will be allowed five (5) minutes to address the Council. This time is to be strictly enforced by the Chairperson.
 13. Speakers at public forums must not digress from the item on the agenda of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard.
 14. A Councillor (including the Chairperson) may, through the Chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
 15. Speakers are under no obligation to answer a question put under Clause 4.14. Answers by the speaker, to each question are to be limited to three (3) minutes.
 16. Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.
 17. The General Manager or their nominee may, with the concurrence of the Chairperson, address the Council for up to three (3) minutes in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.
 18. Where an address made at a public forum raises matters that require further consideration by Council staff, the General Manager may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
 19. When addressing the Council, speakers at public forums must comply with this code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct, or making other potentially defamatory statements.
 20. If the Chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in Clause 4.19, the Chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the Chairperson's request, the Chairperson may immediately require the person to stop speaking.
 21. Clause 4.20 does not limit the ability of the Chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 14 of this code.
 22. Where a speaker engages in conduct of the type referred to in Clause 4.19, the General Manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the General Manager or their delegate considers appropriate.

23. Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a Council or Committee meeting. The Council is to maintain a written record of all conflict-of-interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration.

CENTRAL DARLING



SHIRE COUNCIL

ORDINARY COUNCIL MEETING

Wednesday, 22 February 2023

9.00

Council Chambers, 21 Reid Street, Wilcannia

BUSINESS PAPER AGENDA

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1 OPENING OF MEETING

The Council Meeting will be declared open by the Mayor/Administrator.

2 ACKNOWLEDGEMENT OF COUNTRY

We would like to acknowledge the traditional custodians of this land and pay respects to Elders past and present.

3 APOLOGIES AND LEAVE OF ABSENCE

3.1 APOLOGIES

3.2 LEAVE OF ABSENCE

4 DISCLOSURES OF INTEREST

Pursuant to the Model Code of Conduct for Local Councils in NSW Councillors and Council staff are required to declare any pecuniary or non-pecuniary conflicts of interest.

RECOMMENDATION:

That the Disclosures of Interest – Pecuniary and Non-Pecuniary be received and noted.

5 CONFIRMATION OF MINUTES

5.1 PREVIOUS MEETING MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on 14 December 2022 be received and confirmed as an accurate record.

6 NOTICE OF MOTION

Nil

7 MAYORAL (ADMINISTRATOR) MINUTE(S)

Nil

8 FINANCIAL REPORTS

8.1 COUNCIL 2022-2023 CURRENT GRANTS REGISTER

FILE NUMBER: GD23/1711
REPORT AUTHOR: SENIOR FINANCE OFFICER
RESPONSIBLE DIRECTOR: GENERAL MANAGER

EXECUTIVE SUMMARY:

The purpose of this report is to provide a summary reconciliation of Council’s current grant funding status as of 31 January 2023.

RECOMMENDATION:

That Council will:

1. Receive the report

BACKGROUND:

To deliver Council’s commitment to transparency and greater financial management it has developed a Grants and Contributions Register for public access to be presented during ordinary Council Meetings.

REPORT:

With that stated purpose in mind, Council will continue to update the respective incumbent Grants status details into its in-house Pulse program which documents all of Council’s Projects under each funding facility.

LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPERATIONAL PLAN:

Community Plan Strategic Plan Outcomes	Delivery Outcomes
GOAL 2: A strong regional economy supported by developing industries, strong businesses and increased employment.	<u>Objectives</u> 2.3 Improved infrastructure across the Shire.

SUSTAINABILITY ASSESSMENT:

	Assessment
Social	Positive
Environmental	Positive
Economic	Positive
Governance	Positive

Delivery Outcomes:

Accurate and timely reporting of funding sources and expenditure.

Financial and Resource Implications:

Ensures that any funding sourced is being deployed within the approved scope of services, works and facilities for which they were intended.

Policy, Legal and Statutory Implications:

Regulation 208 of the Local Government (General) Regulation 2005 provides a requirement that:

A member of the staff of a council who has control of any of the council's accounting records must—

- (a) produce those records for inspection and audit in proper order whenever directed or requested to do so by the council's mayor, responsible accounting officer, general manager (if not the council's responsible accounting officer) or auditor or by the Director-General or a person to whom the Director-General's functions under *section 430 of the Act* have been delegated or subdelegated under *section 745 of the Act*, and
- (b) render all practicable assistance to the mayor, responsible accounting officer, general manager, auditor, the Director-General, or such a delegate or subdelegate with respect to those records.

Risk Management - Business Risk/Work Health and Safety/Public:

Periodic reporting enables Council to keep both funding providers and the community informed on the deployment of those funds as intended and as such significantly mitigate the risk of inappropriate usage of those funds.

OPTIONS:

There are no alternative options.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:**Internal Exhibition:**

None

External Exhibition:

None

Attachments:

1. [Council Current Grants and Contribution Reconciliation](#)
2. [Morris & Piper Advisory Monthly Report January 2023](#)
3. [Morris & Piper Advisory Monthly Report December 2022](#)

8.2 CASH AND INVESTMENTS - JANUARY 2023

FILE NUMBER: GD23/1797
REPORT AUTHOR: FINANCE MANAGER
RESPONSIBLE DIRECTOR: DIRECTOR BUSINESS SERVICES

EXECUTIVE SUMMARY:

This report is to provide a summary of Council's cash and investments as at the 31st January 2023. Council's total cash assets as at 31st January is: \$10,509,252.34

RECOMMENDATION:

That Council will:

1. Receive the report

REPORT:

In accordance with *Clause 212 of the Local Government (General) Regulations 2005*, a monthly report setting out details of all money that Council has invested under *Section 625 of the Local Government Act 1993* is required to be submitted to Council.

Cash and Investment Accounts:

Cash and Investment Accounts	Current Month	Last Month	Movement	Interest Rate	Current Month Interest	YTD Interest
Westpac 11am Investment Account	\$8,000,000.00	\$11,300,000.00	(\$3,300,000.00)	1.05%	\$10,139.45	\$21,557.51
Operating Account	\$2,462,265.04	\$255,886.78	\$2,206,378.26	N/A	NIL	NIL
Post Office Clearing Account	\$46,987.30	\$46,987.30	NIL	N/A	NIL	NIL
Total Cash at bank as of 31st January 2023			\$10,509,252.34			

Commentary:

The net movement of cash for the month of January 2023 was a decrease of \$1,093,621.72.

Payments for wages and creditors for the month of January 2023 totalled \$3,386,576.55.

Receipts and transfers for the month of January 2023 totalled \$5,592,954.81 with major receipts being:

- Block Grant Funding \$1,431,500
- SCCF Round 5 1st Instalment \$ 665,206

Restrictions:

		Restriction Amount
Total Restriction as of 30 June		\$4,006,000

Attachments:

NIL

8.3 FINANCIAL PERFORMANCE REPORT - JANUARY 2023**FILE NUMBER: GD23/1798****REPORT AUTHOR: FINANCE MANAGER****RESPONSIBLE DIRECTOR: DIRECTOR BUSINESS SERVICES**

EXECUTIVE SUMMARY:

This report is to provide a summary of Council's financial performance against budget as at 31st January 2023.

The report indicates a YTD Net Operating Result before Capital Items of \$231,000 surplus, which is better than expected for this time of year.

The report shows two material variances for the month of January 2023.

Being:

1. A favourable variance of \$14,000 for Interest and Investment Revenue.
2. A favourable variance of \$421,000 for Employee Costs.

RECOMMENDATION:

That Council will:

1. Receive the report

BACKGROUND:

Council has been working towards improving its financial reporting systems to meet best practice financial reporting guidelines. In line with these objectives a monthly report is to be presented to Council on its financial performance against budget.

REPORT:

The monthly financial performance report provides Council with a summary of performance against budget as 31st January 2023.

Central Darling Shire Council						
Income & Expenses Budget Review Statement - Consolidated						
Income Statement January 2023	Amended Budget	Budget YTD	Actual YTD	Variance YTD	Variance %	Notes
	2022/23 as per QBR1					
	(\$000's)	(\$000's)	(\$000's)	(\$000's)		
Income						
Rates and Annual Charges	2,483	2,483	2,477	(6)	(0%)	
User Charges and Fees	10,544	3,975	3,674	(301)	(8%)	
Interest and Investment Revenues	54	35	49	14	40%	1
Other Revenues	405	235	250	15	6%	
Grants & Contributions - Operating	8,744	7,746	7,746	-	0%	
Grants & Contributions - Capital	24,466	10,910	10,910	-	0%	
Total Income from Continuing Operations	46,696	25,384	25,106	(278)	-1%	
Expenses						
Employee Costs	6,968	3,965	3,544	421	11%	2
Borrowing Costs	39	8	8	-	0%	
Materials & Contracts	8,507	6,400	6,311	89	1%	
Depreciation	4,324	2,522	2,522	-	0%	
Other Expenses	2,257	1,505	1,580	(75)	(5%)	
Total Expenses from Continuing Operations	22,095	14,400	13,965	435	3%	
Net Operating Result from Continuing Operations	24,601	10,984	11,141	157	1%	
Net Operating Result before Capital Items	135	74	231	157	212%	

General Notes:

Rates and Annual Charges are recognised as income when the rate is struck, generally the 1st of July.

Grants and Contributions are recognised when received, unless previously invoiced.

Depreciation is not a cash expense.

The annual budget was reviewed as at 30th September and presented to Council at the November meeting. Approved amendments to the budget have been incorporated into the above Income Statement. The next budget review will be as at the 30th December 2022, and will be presented to Council at its February 2023 meeting.

Variance Analysis:

The report shows two material variances for the month of January 2023.

Being:

1. A favourable variance of \$14,000 for Interest and Investment Revenue.
This variance is due to increased interest rates and Council having a higher level of cash to invest than expected. Council also takes a very conservative approach to this budget line.
2. A favourable variance of \$421,000 for Employee Costs.
This variance is due to Council currently having a number of vacant positions and a number of staff being on extended leave.

LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPERATIONAL PLAN:

Community Plan Strategic Plan Outcomes	Delivery Outcomes
GOAL 4: A consultative and professional Council providing relevant, attainable and efficient delivery of services as per the standards set by Council and providing community development and succession planning.	<u>Objectives</u> 4.1 Effective communication and consultation with Shire communities. 4.2 Efficient and effective services.

SUSTAINABILITY ASSESSMENT:

	Assessment
Social	Positive
Environmental	Positive
Economic	Positive
Governance	Positive

Financial and Resource Implications:

Monitoring of monthly against budget enables timely financial management.

Policy, Legal and Statutory Implications:

N/A

Risk Management - Business Risk/Work Health and Safety/Public:

Monthly financial reporting allows Council to keep informed of the progress of the budget to actual income and costs.

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal Exhibition:

N/A

External Exhibition:

N/A

Attachments:

NIL

8.4 OUTSTANDING RATES AND CHARGES UPDATE

FILE NUMBER: GD23/1868
REPORT AUTHOR: ACTING RATES OFFICER
RESPONSIBLE DIRECTOR: FINANCE MANAGER

EXECUTIVE SUMMARY:

This report provides an update on efforts to recover and reduce outstanding rates and charges.

RECOMMENDATION:

That Council will:

1. Receive the report
2. Receive a further report regarding outstanding rates and charges at the Ordinary meeting of Council scheduled for on 24 May 2023.

BACKGROUND:

At Council’s Ordinary Meeting on 20 May 2021, Council considered the report Outstanding Rates, Charges and Other Debts and resolved

“That the General Manager bring forward an action plan to reduce outstanding debt”.

Council has since received a series of reports on this topic at its Ordinary Meetings generally on a quarterly basis, the last being at the Ordinary Meeting of Council on 23 November July 2022 where Council resolved “That Council will:

1. Receive the report
2. Receive a further report regarding outstanding rates and charges at the Ordinary meeting of Council scheduled for on 22 February 2023.

REPORT:

Outstanding Rates and Charges Position Comparison

Position 31 October 2022 - Bracketed figures indicate movement since 30 June 2022.

Overdue Amount Range	Number of Properties		Percentage of Properties in Arrears	Total Overdue \$000’s		Percentage of Total \$ Overdue
\$10K plus	31	(0)	4.7%	\$578	(\$25)	53.1%
\$5K to <\$10K	25	(1)	3.8%	\$175	(\$11)	16.1%
\$2K to <\$5K	58	(5)	8.8%	\$183	(\$14)	16.8%
\$1K to <\$2K	44	(10)	6.6%	\$62	(\$14)	5.7%
\$500 to <\$1K	47	(-1)	7.1%	\$34	(-\$1)	3.1%
\$250 to \$500	109	(42)	16.5%	\$40	(\$17)	3.7%
\$100 to \$250	78	(28)	11.8%	\$14	(\$6)	1.3%
<\$100	270	(38)	40.7%	\$3	(\$1)	0.2%
Totals	662	(123)	100%	\$1,089	(\$87)	100%

As annual rates and charges were levied in July 2022 and therefore not reflected in the 30 June 2022 figures, a comparison with the position from approximately 12 months ago is provided below:

Position 31 January 2023 - Bracketed figures indicate movement since 31 October 2022.

Overdue Amount Range	Number of Properties		Percentage of Properties in Arrears	Total Overdue \$000's		Percentage of Total \$ Overdue
\$10K plus	32	(1)	5.0%	\$614	(\$36)	54.1%
\$5K to <\$10K	25	(0)	3.9%	\$172	(\$-3)	15.2%
\$2K to <\$5K	67	(9)	10.5%	\$212	(\$29)	18.7%
\$1K to <\$2K	39	(-5)	6.1%	\$55	(\$-7)	4.8%
\$500 to <\$1K	66	(19)	10.4%	\$47	(\$13)	4.1%
\$250 to <\$500	63	(-46)	9.9%	\$23	(\$-17)	2.0%
\$100 to <\$250	50	(-28)	7.8%	\$9	(\$-5)	0.8%
<\$100	295	(25)	46.3%	\$3	(\$0)	0.3%
Totals	637	(-25)	100%	\$1,135	(\$46)	100%

The tables above reflect a further deterioration in the overdue rates position in the 3 months since October 2022 and the previous 4 months since 30 June 2022. Although the number of properties decreased slightly in the past 3 months (from 662 to 637) the total overdue rates and charges increased by \$46. Approximately \$41,000 of legal and professional costs associated with the sale of land for unpaid rates (covered in more detail later in this report) is included in the figures above.

As reported to Council at the November 2022 meeting, recovery actions which commenced in September 2021, with the issue of 427 reminder notices with a value of \$984,000, resulted in payments totaling approximately \$95,000. However, these payments have partly been offset by approximately \$21,000 in legal costs added to the accounts subject to these actions.

A summary of outstanding amounts by action/status is provided below:

Action/Status	No. of Accounts	Amount Overdue \$000's
Arrangement- current	17	\$58
Arrangement expired/requires renewal	21	\$82
Await Estate Settlement or Future Sale of Land	13	\$90
Crown Land Licences - unable to sell	3	\$22
Direct call/email (Government)	27	\$60
Future recovery action	151	\$161
Future Sale for unpaid rates	10	\$44
Hardship Application sought/under review	3	\$34
Hardship Arrangement - Current	3	\$55
Judgement	6	\$63
Proposed Water Restriction	1	\$5
Rating Under Review	2	\$8
Sale of Land	32	\$362
Sale of Land - expected to be paid/withdrawn	3	\$79
Under \$100	295	\$3
Under \$250 / over \$100	50	\$9
Totals	637	\$1,135

The anticipated improved engagement rates from those actions did not eventuate. Therefore, a different, possibly more consultative, approach will be required to bring about payment and/or contact/discussion. A return to a regular, timely and cyclical debt recovery program will be critical to improved collections and is proposed to occur in parallel with a different approach to engagement and other activities including those reported below. An option that may be considered is engagement of external mediation specialists.

Achieving and maintaining engagement with defaulting ratepayers is especially difficult as is maintaining focus on the activities and areas that can return best value outcomes. The resignation of Councils Finance Officer Revenue in November 2022 and preparations for the sale of land for unpaid rates have prevented alternative approaches from being investigated, considered, or implemented as yet.

The challenges of recruiting skilled and experienced staff to the Shire remain and the impacts of this are evident in this space.

Restriction of Water Supply

This remains a tool to generate customer response/engagement. Several of properties have been identified as suited to this option however our resourcing challenges have prevented this action being implemented at this time.

Sale of Land for Unpaid Rates

At the Ordinary meeting of Council on 23 November 2022, Council resolved to sell 38 properties for unpaid rates.

The auction has been scheduled for 4 May 2023 and the required public notice of the proposed sales was published in the NSW Government Gazette on Friday 27 January 2023 and the Daily Barrier Truth (Broken Hill newspaper) on Wednesday 1 February 2023.

There are now 35 properties listed with 3 properties withdrawn since Council's resolution of 23 November 2023 following discussions with the relevant ratepayers/representatives. Discussions with a further 3 property owners/ratepayers indicate full payment will be made within the next few weeks (upon which those properties will be withdrawn also).

Electronic Delivery of Rates and Water Notices

The Office of Local Government Debt Management and Hardship Guidelines recommend making electronic billing and payments available to ratepayers. This service has now been introduced at Central Darling Shire Council, being launched with the issue of water consumption accounts in December 2022.

At the time of writing, there were 25 ratepayers registered to receive rates notices and 17 registered to receive water accounts by email. Potentially already 168 notices will issue by email each year which is approximately 2.7% of all rates and water notices issued annually. The registrations are expected to grow over the next few months with promotional material planned for inclusion with each physical mail notice issued through to and including the 2023-24 annual rate notices in July 2023. This will deliver Council some modest costs savings (through reduced print and postage volumes) but moreover provides ratepayers with an improved service and is anticipated to improve the payment on time rate.

LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPERATIONAL PLAN:

Community Plan Strategic Plan Outcomes	Delivery Outcomes
GOAL 3: A protected and supported natural environment and a sustainable and well maintained built environment.	<u>Objectives</u> 3.4 Improved infrastructure across the Shire. 3.3 Safe and reliable water supplies and road networks for Shire communities.
GOAL 4: A consultative and professional Council providing relevant, attainable and efficient delivery of services as per the standards set by Council and providing community development and succession planning.	<u>Objectives</u> 4.1 Effective communication and consultation with Shire communities. 4.2 Efficient and effective services.
GOAL 2: A strong regional economy supported by developing industries, strong businesses and increased employment.	<u>Objectives</u> 2.3 Improved infrastructure across the Shire.
GOAL 1: A healthy and cohesive community receiving recognition and supported by coordinated, appropriate and affordable services.	<u>Objectives</u> 1.2 Improved community services and facilities.

SUSTAINABILITY ASSESSMENT:

	Assessment
Social	NA
Environmental	NA
Economic	Positive Improved Cashflow
Governance	Positive Improved Collection Ratio

Financial and Resource Implications:

None identified.

Policy, Legal and Statutory Implications:

The relevant Policy, Legal and Statutory framework includes;

Local Government Act 1993

Civil Procedure Act 2005

Council's Debt Recovery Policy

Council's Economic Hardship Policy

The Office of Local Government's Debt Management and Hardship Guidelines

Risk Management - Business Risk/Work Health and Safety/Public:

None identified.

OPTIONS:

None identified.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal Exhibition:

None applicable.

External Exhibition:

None applicable.

Attachments:

NIL

8.5 QUARTERLY BUDGET REVIEW AS AT 31 DECEMBER 2022**FILE NUMBER: GD23/1985****REPORT AUTHOR: FINANCE MANAGER****RESPONSIBLE DIRECTOR: DIRECTOR BUSINESS SERVICES**

EXECUTIVE SUMMARY:

This report is to provide a summary of Council's financial performance against budget as at 31st December 2022. This report also recommends amendments to Council's budget.

RECOMMENDATION:

That Council will:

1. Receive the 2nd Quarter Budget Review as at 31 December 2022;
2. Adopt the variations to Council's 2022/23 Annual Budget.
3. Note that the projected operating surplus for the financial year 2022/23 is \$214,000.
4. Note that the projected capital works budgeted expenditure for the financial year 2022/23 is \$25.555 million.

BACKGROUND:

Regulation 203 of the Local Government (General) Regulation 2005 provides a requirement that:

(1) Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.

(2) A budget review statement must include or be accompanied by:

(a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and

(b) if that position is unsatisfactory, recommendations for remedial action.

In accordance with s.211 (Authorisation of expenditure) of the *Local Government (General) Regulations 2005*:

(1) A council, or a person purporting to act on behalf of a council, must not incur a liability for the expenditure of money unless the council at the annual meeting held in accordance with subclause (2) or at a later ordinary meeting:

(a) has approved the expenditure, and

(b) has voted the money necessary to meet the expenditure.

The QBRS appears as Attachment 1 and has been produced in accordance with the guidelines and standards issued by the Office of Local Government.

REPORT:**Operational Budget Result:**

The December Quarterly Budget review shows an increase in the projected 2022/23 operating surplus (before capital items) of \$79,000 to an overall projected operating surplus as at 30 June 2022 of \$214000.

This result reflects the following movements:

Income**1. Operating Grants:**

- Flood damage funding additional to budget due to flood events throughout the shire. - \$1,728,000
- Additional Aboriginal Water & Sewer funding to be received due to funding increment as per 5 year agreement - \$39,000
- Additional Stronger Country Communities Funding Round 5 not included in original budget, operational funding received - \$40,000
- Reduction in Roads to Recovery funding due to reallocation of roads projects to next year - \$123,000

Total adjustment to Operating Grants Budget - \$1,684,000 increase

2. Capital Grants

- Reduction in funding for the White Cliffs Water Treatment Plan due to milestones not being met due to staff resourcing issues - \$2,000,000
- Reduction in funding for the Wilcannia and Ivanhoe Water Treatment Plan due to milestones not being met due to staff resourcing issues - \$1,100,000

Total adjustment to Capital Grants Budget - \$2,475,000 decrease

Expenditure**3. Materials and Contracts Expense**

- Additional expenditure incurred due to flood damage. Any flood damage is funded by grants on completion of works. - \$1,728,000
- Reduction in roads expenditure due to reduction in Roads to Recovery funding - \$123,000

Total adjustment to Materials & Contracts Budget - \$1,605,000 increase

Capital Budget Result:

- Budgeted capital expenditure will decrease by \$4.190 million to \$25.555 million.

This result reflects the following movements:

1. Water Infrastructure

- Delays in works on water treatment plants due to lack of staffing resources and the availability of contractors.
- Total adjustment to Water Infrastructure - \$4.190 million decrease

LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPERATIONAL PLAN:

Community Plan Strategic Plan Outcomes	Delivery Outcomes
GOAL 4: A consultative and professional Council providing relevant, attainable and efficient delivery of services as per the standards set by Council and providing community development and succession planning.	<u>Objectives</u> 4.2 Efficient and effective services.

SUSTAINABILITY ASSESSMENT:

	Assessment
Social	Positive
Environmental	Positive
Economic	Positive
Governance	Positive

Financial and Resource Implications:

Monitoring of the Quarterly Budget Review enables timely financial management.

Policy, Legal and Statutory Implications:

Clause 203 (1) of the Local Government (General) Regulation 2005 requires Council’s Responsible Accounting Officer to prepare and submit a quarterly budget review statement to the governing body of Council.

Risk Management - Business Risk/Work Health and Safety/Public:

Quarterly reporting allows Council to keep informed of the progress of the budget to actual income and costs.

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal Exhibition:

No

External Exhibition:

No

Attachments:

1. [RAO Statement](#)
2. [Income & Expense by Type](#)
3. [Income & Expense by Activity](#)
4. [Income & Expense Budget Variation detail](#)
5. [Capital Budget Review](#)
6. [Capital Budget Variation Detail](#)
7. [Cash & Investments](#)
8. [Cash & Investments Variation Detail](#)
9. [KPI's](#)
10. [Other Expense Detail](#)

9 GOVERNANCE REPORTS

9.1 TOURISM ACTION PLAN

FILE NUMBER: GD23/520
REPORT AUTHOR: GENERAL MANAGER
RESPONSIBLE DIRECTOR: GENERAL MANAGER

EXECUTIVE SUMMARY:

The purpose of the report is seeking Council endorsement to public exhibit Council Draft Tourism Action Plan during March before Council consider adopting the Plan at its April Council meeting.

RECOMMENDATION:

That Council will:

1. Receive the report
2. Endorse to place the Tourism Action Plan on Public Exhibition for 28 days during March
3. Report to April Council meeting on comments received from the Public Exhibition with the intention of adopting the plan at the Council meeting.

BACKGROUND:

The Tourism Action Plan was developed as part of a suite of documents forming part of Council IP&R (Integrated Planning and Reporting) documents. The suite of documents consists of:

- Community Strategic Plan overarching the entire Shire.
- Place based Town and Village plans for White Cliffs, Wilcannia, Menindee Ivanhoe, Sunset Strip and Tilpa.
- Advocacy Plan
- Disability Inclusion Action Plan
- Tourism Action Plan
- Workforce Management Plan

The suite of abovementioned documents has been produced following extensive public consultation with communities and business operators throughout the shire. The Tourism Action Plan has been developed and aligned in conjunction with the draft Far Southwest Joint Organisational Destination Management Plan.

The Workforce Management Plan is currently in draft format and is going through internal consultation with staff before coming to Council for adoption in April 2023.

This now completes contractual work for Martin Bass from Helicopter View Pty Ltd in producing the suite of Community Strategic Plans and associated documents requested by Council.

REPORT:

Tourism Action Plan will need to go through a final community public consultation before Council can adopt the plan. Following February Council meeting the Tourism Action Plan be placed on public exhibition for 28 days for public comments before Council potentially adopts the plan at Aprils Council meeting.

LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPEARTIONAL PLAN:

Community Plan Strategic Plan Outcomes	Delivery Outcomes
GOAL 2: A strong regional economy supported by developing industries, strong businesses and increased employment.	<u>Objectives</u> 2.1 Expansion of industries and growth in businesses. 2.2 Employment growth.

SUSTAINABILITY ASSESSMENT:

	Assessment
Social	Positive
Environmental	Positive
Economic	Positive
Governance	Positive

Financial and Resource Implications:

Nil

Policy, Legal and Statutory Implications:

Nil

Risk Management - Business Risk/Work Health and Safety/Public:

Nil

OPTIONS:

Council may resolve not to continue with the Tourism Action Plan or add additional information into the plan prior to public exhibition.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal Exhibition:

No

External Exhibition:

Yes

Attachments:

1. [CDSC Tourism Action Plan](#)

10 CORPORATE SERVICES REPORTS

Nil

11 SHIRE SERVICES REPORTS

11.1 PROPOSED AMENDMENT TO THE STANDARD INSTRUMENT TEMPLATE - LOCAL ENVIRONMENTAL PLAN - CLAUSE 5.22 SPECIAL FLOOD PROVISION.

FILE NUMBER: GD23/1393
REPORT AUTHOR: SENIOR PLANNER
RESPONSIBLE DIRECTOR: DIRECTOR SHIRE SERVICES

EXECUTIVE SUMMARY:

To provide Council with information regarding the proposed amendment to the *Standard Template Local Environmental Plan* regarding the Clause 5.22 Special Flood considerations.

RECOMMENDATION:

That Council will:

1. Receive the report
2. **Receive and note Information on the proposed amendment to the *Standard Template Local Environmental Plan* regarding the Clause 5.22 Special Flood considerations.**
3. **Support the *Central Darling Local Environmental Plan 2012* adopting Clause 5.22 Special Flood Considerations. This is to assist council when future flood events occur within the Central Darling local government area.**

BACKGROUND:

The NSW Government commissioned an independent inquiry into the preparation for, causes of, response to and recovery from the 2022 flood events across NSW. The report and recommendations from this inquiry have now been delivered.

The NSW Department of Planning and Environment is working with other government agencies and key stakeholders, like councils, on the implementation of the government's response to the report as part of its commitment to ensuring there is greater resilience in communities across NSW.

The flood-prone land package provides advice to councils on considering flooding in land-use planning.

The updated guidance supports:

- better management of flood risk beyond the 1% annual exceedance probability
- best management practices in managing and mitigating severe to extreme flood events
- greater resilience built into communities in floodplains and reduces potential property damage and loss of life in recognition of increasing extreme flood events throughout NSW.

The package includes:

- a revised 9.1 local planning direction on flooding
- a new planning circular on flooding PS21-006
- a new guideline: Considering Flooding in Land Use Planning

- the *Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2021*
- the *Environmental Planning and Assessment Amendment (Flood Planning) Regulation 2021*
- the *State Environmental Planning Policy Amendment (Flood Planning) 2021*.

Special flood considerations clause

The Department of Planning and Environment is proposing to strengthen planning rules to better protect and manage new development in areas that could be at risk during floods through a special flood considerations clause (*clause 5.22 of the Standard Instrument—Principal Local Environmental Plan*).

The special flood considerations clause would apply to:

- sensitive and hazardous development, such as caravan parks, hospitals, and seniors housing, between the flood planning area and the probable maximum flood level
- development that is not sensitive or hazardous on land that the consent authority considers that, in a flood, may pose a particular risk to life and where people may need to evacuate, or where there are other safety concerns.

In 2021, 32 councils self-nominated to amend their LEPs by inserting the special flood considerations clause. The Explanation of Intended Effect (EIE) is seeking feedback on whether to include this clause in the LEPs of these identified councils.

The EIE also proposes updating 11 councils’ LEPs with minor housekeeping changes.

In response to the recommendations of the independent 2022 NSW Flood Inquiry conducted by Mary O’Kane and Mick Fuller, the Department of Planning and Environment is seeking feedback from councils on applying the clause to all NSW councils, by inserting the clause in either:

- all NSW council LEPs, or
- the State Environment Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP).

The EIE of the proposed amendments is on exhibition until 14 February 2023. All comments received during the exhibition of this EIE will be considered when finalising the amendments.

The *Central Darling Local Environmental Plan 2012* has not adopted this special flood consideration clause. It is recommended that Council adopt this clause in relation to future flood events that affect the Central Darling Shire Council area.

Council requires flood mapping to be incorporated into the *Central Darling Local Environmental Plan 2012*, for this provision to be effective.

LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPEARTIONAL PLAN:

Community Plan Strategic Plan Outcomes	Delivery Outcomes
GOAL 1: A healthy and cohesive community receiving recognition and supported by coordinated, appropriate and affordable services.	<u>Objectives</u> 1.1 Closer co-operation and cohesion between community groups. 1.2 Improved community services and facilities. 1.4 Improved opportunities for our communities.

	1.5 Enhanced public order and safety.
GOAL 2: A strong regional economy supported by developing industries, strong businesses and increased employment.	<u>Objectives</u> 2.3 Improved infrastructure across the Shire.
GOAL 3: A protected and supported natural environment and a sustainable and well maintained built environment.	<u>Objectives</u> 3.1 Collaborative approach to environmental management and protection. 3.3 Safe and reliable water supplies and road networks for Shire communities. 3.4 Improved infrastructure across the Shire. 3.5 Well planned towns in accordance with LEP and sound planning principles.
GOAL 4: A consultative and professional Council providing relevant, attainable and efficient delivery of services as per the standards set by Council and providing community development and succession planning.	<u>Objectives</u> 4.1 Effective communication and consultation with Shire communities. 4.2 Efficient and effective services.

SUSTAINABILITY ASSESSMENT:

	Assessment
Social	Positive
Environmental	Positive
Economic	Positive
Governance	Positive

Financial and Resource Implications:

The adoption of the proposed flood mapping and study is required for the operation of the “special flood provision”.

Policy, Legal and Statutory Implications:

The Department of Planning and Environment proposed amendment to the Standard Template Local Environmental Plan in regard to the Clause 5.22 Special Flood considerations, may be adopted for all Councils.

Council should support the Clause for flooding considerations within the *Central Darling Local Environmental Plan 2012* as this provision will assist council legally to deal with proposed development in flood affected land.

Council does require the flood mapping to be adopted into the *Central Darling Local Environmental Plan 2012*

This protects Council when future flood events occur within the Central Darling local government area.

Risk Management - Business Risk/Work Health and Safety/Public:

Council may be at legally responsible where there may be future loss of life or property on flood affected land if the special flood provision is not adopted.

OPTIONS:

Council adopts the Clause 5.22 Special Flood provision in order to control the type of future land uses and development along the banks of the Darling/ Baaka River. This should restrict the loss of housing and other valuable buildings due to flooding.

Council does not adopt the Clause 5.22 Special Flood provision; this may result is future legal action against council due to damage received during flood events upon the flood affected land.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal Exhibition: No

External Exhibition:

The information is upon the Department of Planning and Environment website.

<https://www.planning.nsw.gov.au/Policy-and-Legislation/Resilience-and-natural-hazard-risk/Flooding/Flood-prone-land-package>

<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2006-155a#sec.5.22>

Attachments:

NIL

11.2 PROPOSED ACCESS ROAD FOR THE NEW WILCANNIA WEIR AND COMMUNITY RIVER PLACE AT UNION BEND PARK.**FILE NUMBER: GD23/1398****REPORT AUTHOR: SENIOR PLANNER****RESPONSIBLE DIRECTOR: DIRECTOR SHIRE SERVICES**

EXECUTIVE SUMMARY:

To provide Council with the current status of the discussion between Department of Planning and Environment – Water – Regional Projects - Water Infrastructure, Department of Public Works and Central Darling Shire Council, regarding the Wilcannia Weir project and the proposed public access road for the new Wilcannia Weir and the Community River Place at Union Bend Park.

The Department of Planning and Environment (DPIE) – Water, has requested that Central Darling Shire Council take ownership of the proposed access road to the new Wilcannia Weir and the Community River Place at Union Bend Park.

RECOMMENDATION:

That Council will:

1. Receive the report
2. Note the status of the Wilcannia Weir project and proposed access road
3. Council staff continue negotiations with Department Planning and Environment – Regional Projects -Water, for Council preferred design and source of remuneration for ownership and ongoing maintenance for proposed access roads.
4. Council staff continue negotiations with Department Planning and Environment – Regional Projects -Water, with proposed Community River Place area at the Union Bend Park upgrade and the ongoing future maintenance of the Crown Reserve.
5. A report be provided to Council on the outcomes of discussion with Department Planning and Environment – Regional Projects- Water, on the proposed access road and Community River Place area at the Union Bend Park.

BACKGROUND:

Water Infrastructure NSW is designing and constructing a new weir for Wilcannia on behalf of the NSW and Australian Governments under the Sustainable Rural Water Use and Infrastructure Program.

Funding has been jointly committed to replace the weir at a new site location, which was supported by the community during previous investigations and consultation by the Department of Planning and Environment's Water Group.

The new weir will provide long-term town water supplies to preserve and enhance the social, economic and environmental benefits for Wilcannia, its people and its surrounds.

Water Infrastructure NSW is currently undertaking the detailed design and further environmental assessments for the new weir so it can progress to the construction phase if all environmental and planning approvals are received.

Benefits

The new weir aims to deliver a range of benefits including:

- improved water security for Wilcannia
- enhanced cultural connection to the river
- improved water management of the weir pool
- increased tourism opportunities and investment
- better recreational amenity to walk, swim, picnic and fish
- improved native fish migration.

Project status

Work is still progressing on the Wilcannia Weir Replacement Project, with both the Commonwealth and State Governments committed to delivering this project and its associated benefits for the local community.

Delays to the project are due to persistent rainfall, high river flows and wet site conditions that are impacting on the new weir's pre-construction site-based activities and investigations.

The time line for the Weir construction is not yet finalised.

Further geotechnical studies are needed to complete the detailed design of the new weir. These investigations will occur when the site is not flooded.

The public exhibition of the new weir's Environmental Impact Statement finished in mid-August 2022. Water Infrastructure NSW is now assessing the issues raised in the submissions and to develop responses (including identifying where further studies are required).

Community consultation

Water Infrastructure NSW is consulting with the community and wants to design and construct a weir that meets community needs and expectations and maintains the strong connection people have to the river.

Water Infrastructure NSW has held Community drop-in sessions, to share information and get feedback on the development of the project, are being held at key milestones.

Ancillary Wilcannia Weir Projects

The Wilcannia Weir project is more than just the construction of the new weir itself. Despite the impact of the weather and site conditions on the new weir pre-construction activities, there are several other works potentially being progressed in the meantime including:

- installing the stormwater mitigation system needed to protect the new weir pool, which could start from mid-2023 (a contract for these works is expected to be awarded by the end of 2022)
- completing Stage One of the Union Bend Road upgrades which were unexpectedly halted earlier in 2022 due to the ongoing wet weather
- delivering a Community River Place in 2023.

Union Bend Access Road

The proposed Union Bend Access Road, is currently a "track in use" that is situated upon the Wilcannia Common – Lot 7314 DP1181235 and the Crown Reserve at Union Bend – Lot 7315 and DP1181235.

Crown lands have informed the Department of Planning and Environment Water, that to formalise the “track is use” as a public road the following issues are to be resolved:

1. Road easement survey drawings by registered Land surveyor prepared,
2. Consultation with the Barkindji Native Title Corporation and the Wilcannia Aboriginal Land Council regarding the sale or transfer of the land (Wilcannia Common or the Union Bend Park Crown Reserve) to the Department of Planning and Environment Water (which will then transfer the road reserve easement land to Central Darling Shire Council).
3. Possible negotiation with the Barkindji Native Title Corporation for an Indigenous Land Use agreement for the access track is use, to become a public road.
4. Whether the Barkindji Native Title Corporation will allow the access track in use to be a public road under the management or ownership of Central Darling Shire Council.
5. Concerns have been raised from Department of Planning and Environment Water regarding proposed approval and construction time frames for the new Wilcannia Weir, if the issue of the road is not resolved.

Issue - Central Darling Shire Council

6. The first issue with the proposed road, is that it is currently designed and built to a 1 in 10 year flood height. (This is almost at present ground level). The current flood level is 1 in 50 year flood height of over 1m to 1.5m above existing ground level. The maintenance of a sealed road that is subject to inundation will be a significant ongoing cost to Council. This is due to the inundation of a bitumen road for more than 2 months will cause erosion of the roads gravel base and break up the bitumen road layer.
7. Department of Planning and Environment Water supports the current road design of 1 in 10 year flood height. This is due to the keeping of the current project time frame.
8. The Department of Planning and Environment Water does not support Councils suggestion to make an amendment to the approved REF(Review of Environmental Factors Report) approval for the Union Bend Access Road, to change the road of 8 metres to 20 metres, which will allow a 1 to 1.5m high access road. The Department has concerned on the project time frame, the cost of a higher and wider road. which only allows a road of 4m width. For a road at a 1 in 100 year height of between 1 – 2m would require a 20 metre road easement. The REF did not cover this size easement. There is a concern that the approval for a wider road easement would delay the project and cost more to construct.
9. The road will only be used once a year by Water NSW as the Weir is controlled remotely, the main road users would be the local community and Central Darling Shire Council for maintenance of the road and the water supply infrastructure.

Union Bend Park – Plan of Management for the Crown Reserve.

The Crown Reserve Lot 85567 - Union Bend Park, requires a stand-alone Plan of Management as the proposed land category and use of the lot is changing due to the proposed location of the new Wilcannia Weir adjacent to the reserve.

The location of the new Wilcannia weir adjacent to the Crown Reserve lot will result in an increase in the use of the Union Bend Park as a park and area of recreation.

The gazetted use of the Union Bend Park – Public Recreation (3 .12.1965) will remain for Lot 7315 DP 1181235 Wilcannia.

The Draft Plan of Management has been returned to Crown Lands for approval by the Minister. Following the Ministers approval the Draft Plan of Management is to be placed on public exhibition for a minimum of 28 days.

Central Darling Shire Council – water supply

This use of the Crown reserve and Wilcannia Common for the Councils water supply infrastructure may require a separate Indigenous Land Use Agreement. This is still required to be clarified following the negotiation with the Barkindji Native Title Corporation on the formalising of the track in use at Union Bend to be a public road.

Central Darling Shire Council water infrastructure at Union Bend is as follows:

- Three (3) bores,
- pipeline
- power poles and power lines and
- access road.

LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPEARTIONAL PLAN:

Community Plan Strategic Plan Outcomes	Delivery Outcomes
GOAL 1: A healthy and cohesive community receiving recognition and supported by coordinated, appropriate and affordable services.	<u>Objectives</u> 1.1 Closer co-operation and cohesion between community groups. 1.2 Improved community services and facilities. 1.3 Enhanced community spirit, cultural and arts awareness and pride. 1.5 Enhanced public order and safety.
GOAL 2: A strong regional economy supported by developing industries, strong businesses and increased employment.	<u>Objectives</u> 2.3 Improved infrastructure across the Shire.
GOAL 3: A protected and supported natural environment and a sustainable and well maintained built environment.	<u>Objectives</u> 3.1 Collaborative approach to environmental management and protection. 3.3 Safe and reliable water supplies and road networks for Shire communities. 3.4 Improved infrastructure across the Shire.
GOAL 4: A consultative and professional Council providing relevant, attainable and efficient delivery of services as per the standards set by Council and providing community development and succession planning.	<u>Objectives</u> 4.1 Effective communication and consultation with Shire communities. 4.2 Efficient and effective services.

SUSTAINABILITY ASSESSMENT:

	Assessment
Social	Positive
Environmental	Positive
Economic	Positive
Governance	Positive

Financial and Resource Implications:

The construction of the Union Bend Access public road at the height of 1 in 10 year flood level will result in an ongoing significant road maintenance cost which will need to be factored into the annual cost of road maintenance of the public roads across the Central Darling Shire Council area.

An Indigenous Land Use Agreement will have cost implications to Central Darling Shire Council. The cost will need to be negotiated with the assistance of the Council Crown Land Management Team and the National Native Title Tribunal and the Barkandji Registered Native Title Body Corporate or Barkandji PBC.

Policy, Legal and Statutory Implications:

An Indigenous Land Use Agreement may be required for the Central Darling Shire Council water supply infrastructure that is located on the Wilcannia Common and the Crown Reserve at Union Bend Park.

The Department of Planning and Environment Water have requested that Council include this road in their current Gazettal of roads, streets and lanes across the Central Darling Shire Council area.

Risk Management - Business Risk/Work Health and Safety/Public:

Not providing the Indigenous Land Use Agreement may have an impact on the access for Central Darling Shire Council to the water supply infrastructure.

The new Wilcannia weir and for the community to use this area in the Union Bend park requires road access. The negotiation between the of Department of Planning and Environment Water and the Barkindji Native Title Corporation will affect this outcome.

OPTIONS:

Support the Council taking the track in use to be turned into a public road for the new Wilcannia Weir, the Union Bend Community Place and the Central Darling Water supply infrastructure, despite the ongoing significant maintenance cost with the 1 in 10 year road height.

Not support the Council taking the track in use for a future public road, unless the design of the road is to a 1 in 50 or 1 in 100 year height above existing ground level (at certain points 2 metres above existing ground level).

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal Exhibition:

No

External Exhibition:

No

Attachments:

NIL

11.3 DEVELOPMENT APPLICATIONS APPROVED FEBRUARY 2023

FILE NUMBER: GD23/1473
REPORT AUTHOR: SENIOR PLANNER
RESPONSIBLE DIRECTOR: DIRECTOR SHIRE SERVICES

EXECUTIVE SUMMARY:

To provide Council with information regarding development applications to be approved in February 2023. The independent consultant SKM Planning prepared the delegated assessment report for both developments.

RECOMMENDATION:

That Council will:

1. Receive the report
2. note Information on the development applications D14/2022 PAN 282901 New Amenities Block at Victory Caravan Park – 26068 Barrier Highway Wilcannia and DA15/2022 PAN 284119 New Canteen Building at Ivanhoe Sportsground , 48 Leichhardt Street Ivanhoe.
3. Approve the development applications D14/2022 PAN 282901 New Amenities Block at Victory Caravan Park – 26068 Barrier Highway Wilcannia and DA15/2022 PAN 284119 New Canteen Building at Ivanhoe Sportsground , 48 Leichhardt Street Ivanhoe.

BACKGROUND:

The above development applications are for works on Crown Reserves under the management of Central Darling Shire Council. Therefore, the assessment of the two developments was undertaken by the independent consultant SKM Planning.

The development applications were exhibited on the Councils website for 28 days, there were no submissions.

SKM Planning prepared the delegated assessment planning reports. The reports supported the approval by Council of both development applications.

Both projects are funded through grant funds.

The new amenities block will benefit camping and caravan tourists to Wilcannia.

The new Canteen at Ivanhoe Sportsground will benefit the local community with better facilities in the sportsground.

LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPEARTIONAL PLAN:

Community Plan Strategic Plan Outcomes	Delivery Outcomes
GOAL 1: A healthy and cohesive community receiving recognition and supported by coordinated, appropriate and affordable services.	<u>Objectives</u> 1.2 Improved community services and facilities. 1.4 Improved opportunities for our communities.

GOAL 2: A strong regional economy supported by developing industries, strong businesses and increased employment.	<u>Objectives</u> 2.3 Improved infrastructure across the Shire.
GOAL 3: A protected and supported natural environment and a sustainable and well maintained built environment.	<u>Objectives</u> 3.4 Improved infrastructure across the Shire.
GOAL 4: A consultative and professional Council providing relevant, attainable and efficient delivery of services as per the standards set by Council and providing community development and succession planning.	<u>Objectives</u> 4.4 Engaged leaders and volunteers in each community.

SUSTAINABILITY ASSESSMENT:

	Assessment
Social	Positive
Environmental	Positive
Economic	Positive
Governance	Positive

Financial and Resource Implications:

Both development applications are funded from grant funding.

Policy, Legal and Statutory Implications:

The development applications were advertised on the council website for 28 days, as is legally required.

Risk Management - Business Risk/Work Health and Safety/Public:

No risk posed to the environment.

OPTIONS:

1. Council notes the information provided and approves the development applications.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal Exhibition:

External Exhibition:

The development applications were advertised on the Central Darling Shire Council website for 28 days.

Attachments:

NIL

11.4 ENVIRONMENTAL SERVICES UPDATE

FILE NUMBER: GD23/1559
REPORT AUTHOR: SENIOR PLANNER
RESPONSIBLE DIRECTOR: DIRECTOR SHIRE SERVICES

EXECUTIVE SUMMARY:

This report is to provide a summary of Council's Environment Services statistics for the month of December 2022 and January 2023.

RECOMMENDATION:

That Council will:

1. Receive and note the report

BACKGROUND:

<u>Statistics for December 2022/ January 2023</u>		
Development approvals / final certificates issued under Part 4, Part 5 of the <i>Environmental Planning and Assessment Act 1979</i> . Number of Certificates issued under the <i>Local Government Act 1993</i> .	Number of DAs Approved – New Dwellings	0
	Number of DAs Approved – Renovation	0
	Number of DA s approved – Commercial/ Industrial	0
	Number of DA s approved – Rural Industry/ Agriculture	0
	Number of DAs Approved – Other	0
	Total Value of DAs Approved	0
	Number of Construction Certificates / Crown Construction Certificates Issued	3
	Number of Complying Development Certificates issued	0
	Number of LGA S68 Approvals	0
	Number of Occupation Certificates Issued	0
	Number of Section 10.7 Planning Certificates issued (S68)	16
	Number of other approvals or certificates issued under the <i>Local Government Act 1993</i> (S138, S123 etc)	0
Animal Control Activities -	Animals in and Arriving at Council's Facility	
	Seized	21
	Returned to Owner	1
	Transferred to - Council's Facility from Seizure Activities	20
	Animals in and arriving at council's facility	
	Surrendered	6
	Animals leaving council's facility	
	Released to organizations for rehoming	17
Unable to rehome	2	

	Total in council facility	4
	Nuisance dog	1
	Incident dog attack	1
Water Sampling	Microbiology Samples Collected	19 samples and 6 pool samples, All samples were compliant except 2 samples had coliform at Whitecliffs Caravan Park and Warrali
	Chemistry Samples Collected	1
	Raw water pesticide sample	1
	Non-Compliant Samples	0

Attachment: Nil

LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPEARTIONAL PLAN:

Community Plan Strategic Plan Outcomes	Delivery Outcomes
GOAL 1: A healthy and cohesive community receiving recognition and supported by coordinated, appropriate and affordable services.	<u>Objectives</u> 1.2 Improved community services and facilities. 1.4 Improved opportunities for our communities. 1.5 Enhanced public order and safety.
GOAL 2: A strong regional economy supported by developing industries, strong businesses and increased employment.	<u>Objectives</u> 2.2 Employment growth. 2.3 Improved infrastructure across the Shire.
GOAL 3: A protected and supported natural environment and a sustainable and well maintained built environment.	<u>Objectives</u> 3.1 Collaborative approach to environmental management and protection. 3.3 Safe and reliable water supplies and road networks for Shire communities. 3.4 Improved infrastructure across the Shire.
GOAL 4: A consultative and professional Council providing relevant, attainable and efficient delivery of services as per the standards set by Council and providing community development and succession planning.	<u>Objectives</u> 4.1 Effective communication and consultation with Shire communities. 4.2 Efficient and effective services.

SUSTAINABILITY ASSESSMENT:

	Assessment
Social	Positive
Environmental	Positive
Economic	Positive
Governance	Positive

Financial and Resource Implications:

Nil

Policy, Legal and Statutory Implications:

NII

Risk Management - Business Risk/Work Health and Safety/Public:

Nil

Attachments:

NIL

11.5 ROADS AND AERODROME

FILE NUMBER: GD23/1721
REPORT AUTHOR: DIRECTOR SHIRE SERVICES
RESPONSIBLE DIRECTOR: DIRECTOR SHIRE SERVICES

EXECUTIVE SUMMARY:

The purpose of this report is to provide an update on road and aerodrome maintenance and capital works expenditure within the Central Darling Local Government Area.

RECOMMENDATION:

That Council will:

1. Receive and note the report

REPORT:

State Roads

Council are engaged by Roads and Maritime Services (RMS) to maintain the State Highway network within the Shire boundaries. The two State Highways are the Barrier Highway and the Cobb Highway.

Council are engaged under contract conditions specified under the Routine Maintenance Council Contract (RMCC). The contract details routine works required to be completed throughout the year and capital works which are supplied to Council via a Works Order (WO).

2022/23 RMCC Routine Maintenance preliminary allocation is: \$972,884

2021/22 RMCC Works Orders issued last financial year which are in progress include:

HW21 Kerpa St North IS Final seal	111.22.13	\$224,143.35
HW21 Mt Manara Sth IS Final Seal	111.22.14	\$235,509.20
HW21 Springdale IS Final Seal	111.22.15	\$339,003.50
HW21 Springdale South IS Final Seal	111.22.16	\$151,826.50
HW21 Bushley IS	111.22.17	\$1,218,598.73
HW21 Slamannon IS Borrow Pits and 2 groundwater tanks	111.22.18	\$58,416.00
HW21 Mt Manara crush and stockpile gravel	111.22.20	\$769,500.00
HW8 Alma Park Culvert Replacement	111.22.21	\$144,181.94
	Total WO	\$3,141,179.22

2022/23 RMCC Works Orders issued last financial year which are in progress include:

HW21 Mt Manara North IS Project	111.23.01	\$1,180,110.38
HW21 Mt Manara North IS Seal	111.23.02	\$308,421.02
	Total WO	\$1,488,531.40

Works Description	Original Budget	% Expended	Remaining budget
RMCC Routine	\$972,884	51%	\$475,457
WO 2021/22	\$3,141,179	69%	\$979,493
WO 2022/23	\$1,488,531	52%	\$714,481

Regional Roads

Council maintains 790km of Regional Roads throughout the Shire.

2022/23 Regional Road Block Grant amount (including roads, traffic and supplementary components) is \$2,863,000

2021/22 Regional Roads Repair Program was successful with \$400,000 funding of the \$975,000 total cost. The remaining funds to be sourced from the Regional Roads Block Grant which is reflected in the table below. MR433 Ivanhoe-Menindee Rd, 3km reconstruction and seal completion was delayed due to rain events and will continue into the second quarter of 2022/23

2022/23 Regional Roads Repair Program was successful with \$400,000 funding of the \$800,000 total cost. The remaining funds to be sourced from the Regional Roads Block Grant which is reflected in the table below. MR68C Pooncarie Rd, reconstruct and seal 2.64km of failed pavement which is programmed for completion by June 2023

Works Description	Original Budget	% Expended	Remaining Budget
Regional Road Block Grant	\$2,863,000 – \$575,000 – \$400,000 = \$1,888,000	95%	\$103,148
Regional Roads Repair Program 2021/22	\$975,000	100%	\$0
Regional Roads Repair Program 2022/23	\$800,000	0%	\$799,272

Local Roads

Council maintains 1600km of Local Roads throughout the Shire.

2022/23 The Financial Assistance Grant (FAG) – Local Roads Component is \$1,815,759

2022/23 Roads to Recovery (R2R) allocation is \$1,001,818. Two capital improvement projects are proposed to be delivered this year.

Water NSW have engaged Council to undertake Upgrade works to Union Bend Rd, Wilcannia. The project aims to provide all weather access for the new weir construction traffic scheduled for commencement 2022. The project will be delivered in 3 stages, stage 1 is programmed to commence Tuesday 7 December 2021. High Darling River Levels has delayed this project due to inundation.

Fixing Local Roads (FLR) Program was successful for funding of \$1,860,000 with contribution amount of 10% to complete the realignment, construction and seal of the ring road around Smiths Hill, White Cliffs

The Local Roads and Community Infrastructure Program Phase 3 (LRCI Rd 3) included allocation of \$1,600,000 to complete the realignment, construction and seal of the ring road around Turleys Hill, White Cliffs

The Fixing Local Roads Pothole Repair Round (Program) has been developed to provide funding for local and regional roads across regional and rural NSW.

Council applied to TfNSW for funding to address priority potholes on local roads and regional roads. The application for funding has been successful and the pothole repair work will be carried out by Council as the asset owner in accordance with the terms of the Program and the Deed received Mon 5 December 2022.

Works Description	Original Budget	% Expended	Remaining Budget
Local Roads Component (FAG)	\$1,815,759	31%	\$1,252,150
Mandalay Rd Floodways (R2R)	\$750,000	1%	\$747,090
Wilc-Menindee East Rd Formation (R2R)	\$251,818	0%	\$251,818
Smiths Hill White Cliffs (FLR)	\$1,860,000	46%	\$997,422
Turleys Hill White Cliffs (LRCI Rd 3)	\$1,600,000	7%	\$1,488,685

Union Bend Rd, stage 1	\$559,474	40%	\$335,499
Fixing Local Roads – Pothole Repair Round	\$821,414	0%	\$821,414

Aerodromes

Council maintains 6 aerodromes throughout the Shire; Wilcannia, Menindee, Ivanhoe, White Cliffs, Tilpa and Emmdale.

Council's application under the Remote Aerodrome Upgrade Program (RAUP) Rd 9 was successful. Emmdale aerodrome bore supply and grading works will receive \$52,750 being 50% of the project costs will be funded by the Federal Govt. The remaining 50% will be funded by Council.

Works Description	Original Budget	% Expended	Remaining Budget
Aerodromes R&M	\$210,500	26%	\$155,146
RAUP Rd 9	\$105,500	8%	\$97,074

Attachments:

NIL

11.6 SERVICES UPDATE

FILE NUMBER: GD23/1725
REPORT AUTHOR: DIRECTOR SHIRE SERVICES
RESPONSIBLE DIRECTOR: DIRECTOR SHIRE SERVICES

EXECUTIVE SUMMARY:

The purpose of this report is to provide an update on the services expenditure on all associated assets within the Central Darling Local Government Area.

RECOMMENDATION:

That Council will:

1. Receive and note the report

REPORT:**Services Operational:**

Works Description	Original Budget	% Expended	Remaining Budget
Parks & Gardens/ Sporting Facilities	\$196,000	69%	\$59,949
Ancillary Works	\$194,000	25%	\$146,410
Street Cleaning/Bins	\$193,000	87%	\$24,147
Buildings	\$431,000	36%	\$276,848
Swimming Pools	\$423,500	43%	\$239,735
Domestic Waste	\$204,000	43%	\$115,572

Services Infrastructure Capital Works

Council has received funding to improve facilities throughout the Shire through the Building Stronger Country Communities Funds Round 3, Local Roads and Community Infrastructure Program Round 2 and 3, Far West Joint Organisation Funding, DSP Local Drought Support, Crown Reserves Improvement Funding, Murray Darling Basin Economic Development Program

The infrastructure projects included in each funding stream are detailed below

Works Description	Original Budget	% Expended	Remaining Budget
BSCCF Rd 3 – Wilcannia Skate Park	\$260,000	100%	\$0
BSCCF Rd 3 - Playgrounds	\$188,340	39%	\$114,939
BSCCF Rd 3 – Sunset Strip Playground	\$85,000	100%	\$0

LRCI Rd 2 – Wil Post Office Flooring	\$100,000	52%	\$48,182
LRCI Rd 3 – Ivanhoe Oval Upgrade	\$200,000	0%	\$199,602
LRCI Rd 3 – Tilpa Park Playground	\$203,636	0%	\$203,636
MDBEDP – Victory Park Amenities	\$489,665	12%	\$430,981
DSP Drought – Addressing Project	\$300,000	68%	\$96,846
DSP Drought – Building demolitions Wilcannia	\$300,000	71%	\$86,080
DSP Drought – Minor Playground Upgrades	\$100,000	9%	\$90,976
DSP Drought – Streetscape Iv/Wilc	\$160,000	11%	\$142,603
DSP Drought – Community Hall Upgrades	\$20,000	29%	\$14,208
CRIF – Tilpa Electrical Upgrade	\$93,342	42%	\$49,657
CRIF – Victory Park Electrical Upgrade	\$117,000	0%	\$117,000

Attachments:

NIL

11.7 WASTE SERVICES, MENINDEE**FILE NUMBER: GD23/1726****REPORT AUTHOR: EHO****RESPONSIBLE DIRECTOR: DIRECTOR SHIRE SERVICES**

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with information relating to the Menindee landfill.

RECOMMENDATION:

That Council will:

1. Receive the report
2. Implement all actions recommended by the Waste Facilities Operations Strategic Plan and the Menindee Waste Facility Long Term Plan of Management.

BACKGROUND:

The Menindee Waste Facility is described as lot 71 DP 46640. It serves a population of 550 residents. The landfill uses the "Excavation and fill" method. There is an area set aside for stockpiling green waste and stocking piling of scrap material.

The site is not supervised for the collection of fees or site control due to resource constraints and prohibitive costs of manning the site.

Not using proper machinery for the compaction of wastes, unmanned landfill, lack of fences and segregation of wastes made Menindee landfill non-compliant with POEO Regulation 2014 (Waste). This results in environmental pollution, fire hazards and not having a well-maintained facility.

This report illustrates the problems and suggests solutions.

REPORT:

This report has been compiled using personal professional experience and with reference to two reports titled "Waste facilities operations strategic plan" and "Menindee Waste Facility Long Term Plan of Management" for Menindee prepared by Robert Bailey Consulting in January 2021.

Considerations

1. The Menindee landfill is unmanned but it would be uneconomic to be manned. If the landfill was open for specific hours there would be most likely a large incidence of illegally dumped rubbish outside of the landfill area.

Historically Council's landfills (Menindee) were manned. Due to the infrequency of people disposing of refuse it became uneconomic and expensive on human resources. By having the landfill manned, waste can be better segregated at the time of disposal, as compared to random disposal. Opening the landfill at certain times leads to the indiscriminate disposal of waste outside of the tip site.

2. Collection of monies especially if at the site can present security issues.

If the site is manned, and it is the intent to recoup expenses by charging a tip entry fee, then a secure method of collecting monies must be arranged. It has also been proven from experience that the imposition of a tip entry fee leads to the clandestine disposal of waste to avoid payment of the fee.

3. While it is unmanned it is difficult to enforce the segregation of waste e.g. green waste and metal from generic waste.

The segregation of waste can only reasonably be controlled and enforced if the landfill is manned.

The LTPM recommends a single disposal point with scrap metal only being segregated.

4. Wind-blown refuse is an issue that may be lessened by the use of mobile litter fences.

The use of mobile litter fences could be a reasonably cheap solution to minimize wind-blown refuse. They could also serve a secondary purpose by defining the area where waste is to be dumped.

4.1. Year 1 allocation includes portable windblown litter fences. Budget allocation exists for this and fences will be purchased and installed in March/April 2023.

5. A backhoe or front-end loader (FEL) are inappropriate types of machines to compress/compact waste. However, a specialist waste compactor/ traxcavator would neither be affordable, nor practical for such a small landfill.

Due to the small nature of the landfill, and the expense involved in purchasing specialist equipment for dedicated and exclusive use at the Menindee landfill (circa 400,000 AUD) it is reasonable that existing Council machinery be used as a compromise utilizing day labour.

If a specialist machine was to be contemplated for sharing between councils' major landfills, expenses would be further exacerbated by needing a semi-trailer to transport the same, with associated costs.

6. There needs to be education and training for the operator at the landfill to understand the process of compacting thinner quantities of waste and optimizing the available amount of cover material by using less.

This would only be achievable if there was a member of staff dedicated to the landfill with the appropriate machinery. That is not to say that all members of staff that may carry out work at the landfill should not receive some basic form of education and training on the best practice achievable with the existing resources.

7. Council does not have a green waste shredder consequently a large quantity of green waste must be stored before it is economic to engage a contractor. In the meanwhile, it poses a significant fire risk whether lit deliberately or by spontaneous combustion.

7.1. The LTMP recommends shredding and using it on top of the topsoil area.

Due to the relatively small volume of green waste received at the landfill, the purchase of a shredder could not be justified. The resultant amount of shredded green waste that would be produced and subsequently used as cover material would be marginal. The green waste should be stockpiled in the event that a contractor becomes available to shred the material. In the interim stockpiled green waste presents a fire hazard. The major problem with committing green waste to the landfill trench is that it does not compact well and as a consequence becomes expensive in the utilization of space.

8. Vehicle tyres pose a similar threat to the above if it is stockpiled. They may be disposed of in small quantities in the disposal trench.

Vehicle tyres should be separated in stockpiles not exceeding quantities exceeding five (5) tonnes per year (approximately 500 passenger vehicle tyres) prescribed by EPA. Future opportunities may present for the use of used tyres. At the present, they may be disposed of in small numbers with generic waste and buried.

LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPEARTIONAL PLAN:

Community Plan Strategic Plan Outcomes	Delivery Outcomes
GOAL 1: A healthy and cohesive community receiving recognition and supported by coordinated, appropriate and affordable services.	<u>Objectives</u> 1.2 Improved community services and facilities.
GOAL 4: A consultative and professional Council providing relevant, attainable and efficient delivery of services as per the standards set by Council and providing	<u>Objectives</u> 4.2 Efficient and effective services.

community development and succession planning.	
GOAL 2: A strong regional economy supported by developing industries, strong businesses and increased employment.	<u>Objectives</u> 2.3 Improved infrastructure across the Shire.
GOAL 3: A protected and supported natural environment and a sustainable and well maintained built environment.	<u>Objectives</u> 3.4 Improved infrastructure across the Shire. 3.1 Collaborative approach to environmental management and protection.

SUSTAINABILITY ASSESSMENT:

	Assessment
Social	Positive
Environmental	Positive
Economic	Negative
Governance	Positive

Financial and Resource Implications:

The current budget for the Menindee landfill is as follows:

- \$35,000 waste collection Menindee
- \$5,000 Tip Remediation Menindee
- \$20,000 Waste Operations, including landfill operations

The followings are the extra considerations should it be decided to man the landfill and provide mechanical resources in the future.

item	Cost	comments
Demountable building for the site manager	40,000	Workplace health and safety (WPHS) requirements would include air conditioning, running water, toilet
Staff	Approx. \$1100 per week (Salary per year, \$ 52800 +11% Superannuation=58608)	grade 4 step entry both casual and full time 8 hrs per day Wednesday to Sunday 10:00 am to 6:00 pm
Shredder	100,000	For green waste only
Compactor	400,000-500,000	Site specific machine which would necessitate ancillary costs such as prime mover
Permanent litter fences	15000	Depends on the number of purchased
Total	\$ 613,608-\$713,608	-

Policy, Legal and Statutory Implications:

Council needs to comply with statutory requirements (Protection of the Environment Operations (Waste) Regulation 2014) to fulfil requirements and satisfy EPA as a defence to land pollution.

Risk Management - Business Risk/Work Health and Safety/Public:

The EPA enforces strict rules for land pollution to deter illegal dumping of waste including asbestos, waste tyres, hazardous waste, and restricted solid waste. There is a defence against a land pollution charge for unlicensed landfills, if those facilities maintain certain minimum standards. By setting minimum operational standards for unlicensed landfills across NSW, the **Protection of the Environment Operations (Waste) Regulation 2014** (Waste Regulation) provides a defence to land pollution at unlicensed landfills.

This defence to potential prosecution under section 142 of the POEO Act would be available if the landfill operator, at the time of the alleged land pollution, maintained these minimum standards at their facility.

These standards include measures to

- reduce fire risk
- reduce odour, noise and dust
- control public access to the site
- generally maintain the facility

These minimum standards are not a mandatory practice, however, they do provide a defence for operators against potential prosecution for land pollution under section 142 of the POEO Act.

OPTIONS:

1. Do nothing Risk of council non-compliance with the statutory requirements set by Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation). The consequence could be potential prosecution under section 142 of the POEO Act.
2. Do minimum standards to meet the statutory requirements under section 142 of the POEO Act. This will reduce the risk of potential prosecution with POEO with:
 - Bury current green waste that is mixed with other wastes. This is because it is difficult to be segregated from other wastes. This reduces the fire risk.
 - Put the fences around the landfill in the areas where there are no proper fences. This will enable better control of public access to the site.
 - Put the mobile litter fences around each void. This avoids windblown rubbish to other sites.
 - Bury all current waste into the allocated trench with available machinery (FEL) and compact them as much as possible. This option won't give enough compaction of waste in the landfill but it will be within Council budget.
 - erect signage advising that the lighting of fires is prohibited.
3. Do all the actions that are proposed by Robert Bailey Consulting (Waste Facilities Operations Strategic Plan) including:
 - provide mobile litter fences and increase the frequency of litter collection and for waste placement, compaction and covering at the landfill sites.
 - erect signage advising that the lighting of fires is prohibited.
 - use crushed green waste for erosion and dust control over disturbed surfaces
 - adopt improved practices that will reduce the potential for the generation of leachate
 - train staff for better landfill operations and waste compaction.
4. Implement manned landfill operations.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal Exhibition:

Nil

External Exhibition:

Nil

Attachments:

1. [Waste Facilities Operations Strategic Plan](#)
2. [Menindee Waste Facility Long Term Plan of Management](#)

11.8 WATER AND SEWER

FILE NUMBER: GD23/1789
REPORT AUTHOR: DIRECTOR SHIRE SERVICES
RESPONSIBLE DIRECTOR: DIRECTOR SHIRE SERVICES

EXECUTIVE SUMMARY:

The purpose of this report is to provide an update on water and sewer maintenance, capital works and expenditure on all assets within the Central Darling Local Government Area.

RECOMMENDATION:

That Council will:

1. Receive and note the report

REPORT:

Water & Sewerage Operations:

- Wilcannia’s potable water supply is sourced from the Darling River Weir Pool
- White Cliffs town water supply is sourced from Wakefield Tank. Wakefield Tank storage supply is 7.5m, 10 months’ supply remaining.
- Ivanhoe town water supply is currently being sourced from Morrison’s Tank. Morrison’s Tank capacity, 350 megalitres. 18 months’ supply remaining
- The Aboriginal Communities Water and Sewer Program contributes to Councils operational costs for services supplied to the Wilcannia Mallee and Waralli precincts.

Works Description	Original Budget	% Expended	Remaining Budget
Wilcannia Water	\$340,000	61%	\$133,700
Wilcannia Sewer	\$115,000	46%	\$62,533
White Cliffs Water	\$205,750	29%	\$145,310
Ivanhoe Water	\$326,500	36%	\$209,070
Tilpa Water	\$22,500	7%	\$21,011
Aboriginal Communities Water and Sewer program	\$144,770	48%	\$74,827

Water and Sewer Capital Works

- Council awarded the contract for new Water Treatment Plants at Wilcannia, Ivanhoe and White Cliffs on 1 July 2021 to Membrane Systems Australia. Council received Section 60 approval on 10 August 2022.

MSA have now been procured by Enviro Pacific. The company brings further resources and expertise to the contract and staff are working with management to finalise Construction Certificate (CC) requirements. The CC has now been issued for White Cliffs.

Offsite fabrications and equipment purchases are in progress. Site works are now programmed to commence February 2023. The current program aims to complete all 3 Water Treatment by end of 2024

- The White Cliffs Reticulation design has been completed, Environmental inspections including Aboriginal Cultural Heritage Assessment have been completed and Aboriginal Heritage Impact permit (AHIP) was received June 2022. Tenders closed 27/9/2022. Public Works Advisory have been engaged to manage the design and tender process and Council were involved in the tender review process October 2022.

Council have submitted application for additional funding to complete the works in White Cliffs. Since time of funding awarded construction prices, materials, fuel etc have all increased resulting in higher than anticipated tendered prices.

Council received advice Mon 6 February 2023 advising that no additional funding is available at this time. Staff will meet with Public Works Advisory mid-February 2023 to discuss scope of works and further negotiations with the preferred vcivil works contractor for the town retic upgrade.

Additionally, Council staff will prepare detailed estimate to complete works in house. Resources and contractor availability will be investigated, and options reported back to Council at the Ordinary meeting of Council March 2023

- Tilpa Village emergency water supply works via a 17km pipeline and bore are in progress. The projects stage 2 works are funded through Local Roads and Community Infrastructure Program Phase 2. The works have been delayed due to high Darling River flows and route inundation, completion was forecast for Dec 2022 but is now postponed until the village can be accessed
- Smart meters and valve replacements are scheduled for 2022/23 in Ivanhoe and Wilcannia.
- Tilpa Village Solar Array and pump at the weir pool pump station will be upgraded
- Electrical switchboards at Ivanhoe, Morrisons Lake inlet and storage, will be replaced.

The table below reflects expenditure for Capital Projects.

Works Description	Original Budget	% Expended	Remaining Budget
White Cliffs WTP and Retic	\$5,500,000	22%	\$4,246,446
Wilcannia WTP	\$3,500,000	43%	\$1,994,397
Ivanhoe WTP	\$2,500,000	40%	\$1,490,771
Smart Meters	\$50,000	0%	\$50,000
Valve Replacements	\$150,000	5%	\$142,900

Tilpa Village Pipeline	\$318,750	97%	\$8,060
Tilpa Solar Array/ Pump	\$25,000	0%	\$25,000
Ivanhoe Raw Water Switchboard Upgrades	\$75,000	0%	\$75,000

Attachments:

NIL

11.9 REGIONAL ROADS REPAIR PROGRAM 2023-24**FILE NUMBER: GD23/1820****REPORT AUTHOR: DIRECTOR SHIRE SERVICES****RESPONSIBLE DIRECTOR: DIRECTOR SHIRE SERVICES**

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with information concerning the allocation of Regional Roads Repair Program (RRRP) funding for 2023-24

RECOMMENDATION:

That Council will:

1. Receive the report
2. Apply for \$450,000 maximum funding amount for 3km reconstruction and seal on MR433 Ivanhoe-Menindee Road
3. Allocate \$550,000 contribution amount in the 2023-24 budget for consideration in May/ June 2023

BACKGROUND:

The RRRP provides funds to assist councils in carrying out larger rehabilitation and development works on Regional Roads. The aim of the RRRP is to minimise the long term maintenance costs of these roads in line with their function and usage.

Under the RRRP, councils can apply for a 50 per cent contribution from the State Government for specific works. Selection criteria are determined by the Regional Consultative Committee (RCC), which also prioritises projects.

Applications for next financial year are due Friday 3 March 2023, 5pm

REPORT:

Historically, Council receives funding every 2 years from the subject program for works on Regional Roads. Notwithstanding past funding allocations, Council received the maximum amount in the 2021 and 2022 financial years. In preparation for next years budget, recommendation 3 above seeks to allocate funds in the event that Council is successful with next year's application.

MR433 Ivanhoe to Menindee Road has recently been closed for an extended time due to flood water and road inundation. The 3km section proposed to be reconstructed and sealed is from the end of the bitumen at Menindee towards Ivanhoe for a distance of 3km.

Detailed design and hydraulic culvert sizing has not been completed as yet but estimated costs are \$330,000 p/km based on previous similar construction costs. \$1,000,000 total estimated cost for 3km reconstruction and seal.

In the event that, following design receipt, costs are estimated above this figure council has opportunity to review and change the scope of works and associated costs.

Storm Damage restoration works do not allow road authorities to improve infrastructure pursuant to the Natural Disaster funding guidelines.

LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPEARTIONAL PLAN:

Community Plan Strategic Plan Outcomes	Delivery Outcomes
GOAL 1: A healthy and cohesive community receiving recognition and supported by coordinated, appropriate and affordable services.	<u>Objectives</u> 1.2 Improved community services and facilities.
GOAL 2: A strong regional economy supported by developing industries, strong businesses and increased employment.	<u>Objectives</u> 2.3 Improved infrastructure across the Shire.
GOAL 3: A protected and supported natural environment and a sustainable and well maintained built environment.	<u>Objectives</u> 3.4 Improved infrastructure across the Shire.

SUSTAINABILITY ASSESSMENT:

	Assessment
Social	Positive
Environmental	NA
Economic	Negative
Governance	Positive

Financial and Resource Implications:

Council has the contract plant resources and staff resources to deliver the project.

Include contribution amount in draft budget for consideration later this year

Policy, Legal and Statutory Implications:

Council is a Control Authority pursuant to the Roads Act 1993

Risk Management - Business Risk/Work Health and Safety/Public:

Business risk exists through budget exceedance and subsequent financial implications. Poor reflection on Council’s reputation if works are delivered to a poor standard.

WHS/ Public Risks are identified and controlled through project planning and system documents

OPTIONS:

The RRRP may only be spent on Regional Roads. All Regional Roads require improvement works and a further detailed report may be requested to review this information. At the time of report writing the MR433 section was deemed one of the highest priorities.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal Exhibition:

Nil

External Exhibition:

Nil

Attachments:

NIL

11.10 EMMDALE BORE

FILE NUMBER: GD23/1821
REPORT AUTHOR: DIRECTOR SHIRE SERVICES
RESPONSIBLE DIRECTOR: DIRECTOR SHIRE SERVICES

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with information relating to the Emmdale Bore and associated proposed pipeline so an informed decision can be made with respect to legal access.

RECOMMENDATION:

That Council will:

1. Receive the report
2. Pay the sum of \$35,255 (GST Incl) to Virginia Beard for the reimbursement costs of bore construction costs at the Emmdale Roadhouse
3. Create an easement over lot 2 DP 757003 for the purpose of rights of access to land and to construct a pipeline from the Emmdale Bore to the Emmdale Aerodrome

BACKGROUND:

Emmdale Aerodrome is an emergency airstrip located 100km east of Wilcannia, adjacent to the Emmdale Roadhouse. The aerodrome is an unsealed strip with poor fencing, emergency e-flare lighting, cones gable markers and windsock. There is a small metal clad building recently upgraded by the Rural Fire Service.

Council maintains the aerodrome via slashing and maintenance grading approximately once per year.

Water is required to maintain the aerodrome pavement to provide a safe landing area for aircraft and passengers.

Emmdale Roadhouse owner, Virginia Beard, applied for, and was granted, a licence to drill a domestic use bore adjacent to the roadhouse within the property boundaries. The water yielded was salty and unfit for purpose for domestic use.

On 9 December 2022, the Department of Planning and Environment – Water issued a Statement of Approval (85WA753988) (**Approval**) permitting the holder of the Approval to construct and use a bore of 225mm in diameter on Lot 2 in Deposited Plan 757003 (**Property**). The Approval was intended to replace the previous approval over the Property, being 85WA753800.

The Approval was issued to Central Darling Shire Council (**Council**). Notwithstanding that Council is the Approval holder, the Property is owned by Virginia

Council has made an offer to Vivid as per the attached draft agreement which includes the transfer of the ownership of the bore, rights of access to the bore on the Property and rights to install pipeline and a generator on the Property (**Agreement**).

REPORT:

Virginia is willing to assist Council and a formal agreement needs to be entered into so Council and Emmdale Roadhouse have legal rights to enter land into the future to maintain the Emmdale Aerodrome.

Legal opinion was sought with respect to the agreement and 3 options are available moving forward

(1) firstly, Council could seek a subdivision of the Property and have the relevant portion of the Property that the bore sits within (and that the proposed pipe will run) transferred or acquired by Council.

(2) secondly, an easement could be granted in favour of Council over the Property allowing access as well as rights to drain water from the bore; or

(3) finally, a lease or licence could be granting to Council allowing Council to access the Property

The recommendation above seeks to implement option 2.

Further information on each option listed is contained within the legal report attached to this report.

LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPEARTIONAL PLAN:

Community Plan Strategic Plan Outcomes	Delivery Outcomes
GOAL 1: A healthy and cohesive community receiving recognition and supported by coordinated, appropriate and affordable services.	<u>Objectives</u> 1.2 Improved community services and facilities. 1.5 Enhanced public order and safety.
GOAL 3: A protected and supported natural environment and a sustainable and well maintained built environment.	<u>Objectives</u> 3.4 Improved infrastructure across the Shire.
GOAL 4: A consultative and professional Council providing relevant, attainable and efficient delivery of services as per the standards set by Council and providing community development and succession planning.	<u>Objectives</u> 4.1 Effective communication and consultation with Shire communities.

SUSTAINABILITY ASSESSMENT:

	Assessment
Social	Positive
Environmental	NA
Economic	Positive
Governance	Positive

Financial and Resource Implications:

Council was granted \$52,750 under the Remote Aerodrome Upgrade Program Rd9 for Emmdale Aerodrome improvements.

Unfortunately, the acquisition of bore assets is not eligible under this funding and costs will need to be borne by Council. \$85,000 was budgeted for bore construction on the aerodrome. The transfer of ownership and licence will save considerable bore construction time and costs.

Policy, Legal and Statutory Implications:

As detailed in the attached legal opinion report

Risk Management - Business Risk/Work Health and Safety/Public:

Nil

OPTIONS:

3 options detailed in the attached report

COUNCIL SEAL REQUIRED:

Yes

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal Exhibition:

Nil

External Exhibition:

Nil

Attachments:

1. [Emmdale Bore Agreement](#)
2. [Emmdale Bore - Legal Advice](#)

12 MINUTES OF COMMITTEE MEETINGS

Nil

13 CONFIDENTIAL MATTERS

The *Local Government Act 1993* provides that Council may close to the public that part of the meeting that deals with matters of a confidential nature.

The grounds on which a meeting is closed to the public must be specified in the decision to close the meeting and recorded in the minutes of the meeting.

RECOMMENDATION:

That Council Meeting move into Confidential to consider the matters listed in the confidential section of the agenda in accordance with Section 10A 2 of the Local Government Act 1993 for the reasons specified.:

13.1 Amenities Building Victory Park Cravan Park - Award of Tender

FILE NUMBER: GD23/1818

REPORT AUTHOR: DIRECTOR SHIRE SERVICES

RESPONSIBLE DIRECTOR: DIRECTOR SHIRE SERVICES

Item 13.1 is confidential under the Local Government Act 1993 Section 10A(2) - (c) and (d) as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret.

13.2 Hardship Application

FILE NUMBER: GD23/1984

REPORT AUTHOR: ACTING RATES OFFICER

RESPONSIBLE DIRECTOR: GENERAL MANAGER

Item 13.2 is confidential under the Local Government Act 1993 Section 10A(2) - (b) as it relates to discussion in relation to the personal hardship of a resident or ratepayer.

RECOMMENDATION:

That Council moves out of Confidential and back into Open Chambers.

14 RESOLUTION TRACKER

14.1 RESOLUTION TRACKER

FILE NUMBER: GD23/2134
REPORT AUTHOR: EXECUTIVE ASSISTANT
RESPONSIBLE DIRECTOR: GENERAL MANAGER

RECOMMENDATION:

1. That the Resolution Tracker from the Ordinary Council Meeting held on December 14th 2022 be received and noted and any amendments be noted.

Attachments:

1. [Resolution Tracker December 2022](#)

15 MEETING CLOSE

The Ordinary Council Meeting will be declared closed by the Mayor/Administrator.

The next Ordinary Council Meeting will be held on Wednesday, 22 March 2023 in Council Chambers, 21 Reid Street, Wilcannia at 9am.