

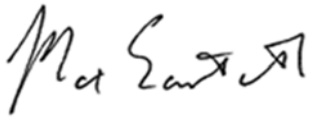


NOTICE OF MEETING

NOTICE is hereby given that an **Ordinary Meeting of Gwydir Shire Council** will be held in the temporary Council Chambers located in the upstairs meeting room within the Roxy Complex, on **Thursday 23 April 2020** (commencing at **9.00am**) to discuss the items listed in the Agenda.

Your attendance is respectfully requested.

Yours faithfully,



Max Eastcott
General Manager

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GWYDIR SHIRE COUNCIL

B U S I N E S S P A P E R

AGENDA

ORDINARY MEETING April 23, 2020 9.00am

OFFICIAL OPENING AND WELCOME – MAYOR

APOLOGIES

CONFIRMATION OF THE MINUTES

RECOMMENDATION:

THAT the Minutes of the Ordinary and Confidential Ordinary Meeting held on Thursday, March 26, 2020 as circulated be taken as read and CONFIRMED.

PRESENTATION

CALL FOR THE DECLARATIONS OF INTERESTS, GIFTS RECEIVED AND CONFLICTS OF INTEREST

COMMITTEE OF THE WHOLE - CONFIDENTIAL ITEMS

1. Closed Organisation and Community Development Report for March 2020

It is recommended that the Council resolve into Committee of the Whole with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (a) of the Local Government Act, 1993, on the grounds that the report contains personnel matters concerning particular individuals.

2. Proposed Local Government (COVID-19) Splinter Award 2020

It is recommended that the Council resolve into Committee of the Whole with the press and public excluded to allow consideration of this item, as provided for under Section

10A(2) (a) of the Local Government Act, 1993, on the grounds that the report contains personnel matters concerning particular individuals.

MAYORAL MINUTE (If any)

DEFERRED ITEMS – Nil

OFFICERS' REPORTS (As listed)

COMMITTEE OF THE WHOLE – OPEN

Councillors' Reports

Item 1 Councillors' Monthly Activity Statement for March 2020**DELIVERY PROGRAM****GOAL: 4. Proactive Regional and Local Leadership****OUTCOME: 4.1 WE ARE AN ENGAGED & CONNECTED COMMUNITY****STRATEGY: 4.1.2 Enable broad, rich and meaningful engagement to occur - GM - external**

The Councillors' activity schedule for March 2020 commitments is outlined below:

March, 2020		
Councillor	Event	Date
Cr J Coulton (Mayor)	Meet with the Coote family – Warialda Meeting Room	2 nd March
	Namoi Unlimited Board Meeting - Walcha	3 rd March
	Level Crossing Presentation to Gwydir Shire Council – Warialda Chambers	4 th March
	Country Mayors Meeting - Sydney	6 th March.
	Senior Leadership Team Meeting	10 th March
	Funding Announcements various locations with Adam Marshall	11 th March
	Meeting re North Star – Warialda Chambers	16 th March
	Northern Regional Planning Panels - teleconference – Bingara Reception Meeting Room	18 th March
	Opening of the All Abilities Park – Warialda - Cancelled	20 th March
	Official Opening of the Bingara Library	20 th March
	Community Meeting – The Roxy Theatre Bingara - Cancelled	23 rd March
	Ordinary Council Meeting – Warialda	26 th March
	Community Meeting – Warialda Town Hall - Cancelled	26 th March
	Warialda Honey Festival - Cancelled	28 th March
	Inverell Legacy Club's Presidents Luncheon-Inverell RSM Club - Cancelled	29 th March
Public Interest Disclosures Information Session – Warialda – Cancelled	31 st March	

Cr Catherine Egan (Deputy Mayor)	Austin Mack Gravesend Funeral - Bingara	5 th March
	BROC Meeting – St George	12 th & 13 th March
	Northern Regional Planning Panels – teleconference – Bingara Reception Meeting Room	18 th March
	Special Events Meeting – Bingara Reception Meeting Room	18 th March
	Opening of the All Abilities Park – Warialda - Cancelled	20 th March
	Official Opening of the Bingara Library	20 th March
	Community Meeting The Roxy Theatre Bingara - Cancelled	23 rd March
	Commemorative Birth Certificate Ceremony – Bingara Toy Library - Cancelled	24 th March
	Community Meeting – Warialda Town Hall – Cancelled	26 th March
	Disability Access Committee Meeting – Bingara - Cancelled	27 th March
	Public Interest Disclosures Information Session – Warialda - Cancelled	31 st March
Cr David Coulton	Warialda Rail Handover	6 th March
	Opening of the All Abilities Park – Warialda – Cancelled	20 th March
	Official opening of the Bingara Library	20 th March
	Community Meeting – The Roxy Theatre Bingara - Cancelled	23 rd March
	Ordinary Council meeting - Warialda	26 th March
	Community Meeting – Warialda Town Hall – Cancelled	26 th March
	Gwydir LEMC Teleconference	27 th March
	Public Interest Disclosures Information Session – Warialda - Cancelled	31 st March
Cr Stuart Dick	Namoi Gwydir BFMC Meeting – Narrabri	3 rd March
	Warialda Rail Handover	6 th March
	RFS Meeting - Tingha	7 th March
	RFS Meeting	13 th March
	Gwydir Service Agreement - Bingara	19 th March
	Warialda Historical Society Meeting	19 th March
	Community Meeting – The Roxy Theatre – Bingara - Cancelled	23 rd March
	Gwydir LEMC Teleconference	26 th March

	Ordinary Council Meeting – Warialda	26 th March
	Community Meeting – Warialda Town Hall - Cancelled	26 th March
	Warialda Honey Festival - Cancelled	28 th March
	Public Interest Disclosures Information Session - Cancelled	31 st March
Cr Dixon OAM	Warialda Rail Handover	6 th March
	Official Opening of the Bingara Library	20 th March
	Community Meeting – The Roxy Theatre Bingara - Cancelled	23 rd March
	Community Meeting - Warialda Town Hall - Cancelled	26 th March
	Disability Access Committee Meeting – Bingara - Cancelled	27 th March
	Public Interest Disclosures Information Session- Warialda - Cancelled	31 st March
Cr T Galvin	Opening of the All Abilities Park – Warialda - Cancelled	20 th March
	Community Meeting – The Roxy Theatre Bingara - Cancelled	23 rd March
	CEF Fundraiser Meeting – Warialda - Cancelled	24 th March
	Ordinary Council Meeting - Warialda	26 th March
	Community Meeting – Warialda Town Hall - Cancelled	26 th March
	Disability Access Committee Meeting – Bingara - Cancelled	27 th March
	Public Interest Disclosure Information Session – Warialda - Cancelled	31 st March
Cr J Moore	Warialda Historical Society Meeting	19 th March
	Official Opening of the Bingara Library	20 th March
	Drought Dinner – Wallaroo Hotel Coolatai	21 st March
	Community Meeting – The Roxy Theatre Bingara - Cancelled	23 rd March
	Ordinary Council Meeting – Warialda	26 th March
	Community Meeting – Warialda Town Hall – Cancelled	26 th March
	Warialda Honey Festival – Cancelled	28 th March
	Public Interest Disclosures Information Sessions – Warialda - Cancelled	31 st March
Cr G Smith	Gwydir Service Agreement – Bingara	19 th March
	Opening of the All Abilities Park – Warialda - Cancelled	20 th March

	Community Meeting – The Roxy Theatre Bingara - Cancelled	23 rd March
	Ordinary Council Meeting – Warialda	26 th March
	Community Meeting – Warialda Town Hall – Cancelled	26 th March
	Public Interest Disclosures Information Sessions – Warialda - Cancelled	31 st March
Cr F Young	BROC Meeting – St George	12 th & 13 th March
	Official Opening of the Bingara Library	20 th March
	Community Meeting – The Roxy Theatre Bingara - Cancelled	23 rd March
	Ordinary Council Meeting – Warialda	26 th March
	Gwydir LEMC Teleconference	26 th March
	Disability Access Committee Meeting – Bingara - Cancelled	27 th March
	Community Meeting – Warialda Town Hall - Cancelled	26 th March
	Public Interest Disclosures Information Sessions – Warialda - Cancelled	31 st March

The cancelled meetings are recorded to highlight the impact from the COVID_19 pandemic of the Gwydir Community.

OFFICER RECOMMENDATION

THAT the Councillors' activity statement for March be received

**Item 2 Gwydir – Consequence Management Guide Communicable
Diseases - COVID-19**

FILE REFERENCE

DELIVERY PROGRAM

GOAL: **1. A healthy and cohesive community**

OUTCOME: **1.1 WE HAVE HEALTHY AND INVITING SPACES AND
PLACES**

STRATEGY: **1.1.2 Encourage and enable healthy lifestyles choices -
OCD - external**

AUTHOR Acting Local Emergency Management Officer

DATE 15 April 2020

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/ SUMMARY RECOMMENDATION

This report recommends that the Council endorses the Consequence Management Guide (CMG) adopted by the Local Emergency Management Committee

TABLED ITEMS Nil

BACKGROUND

A Consequence Management Guide (CMG) is a hazard specific document which provides agreed emergency management arrangements in a 'checklist' concept. This is particularly useful during the initial stages of an emergency and provides for easy reference.

The attached document outlines the strategies and actions that are required by each Emergency Services Agency if faced with a pandemic.

The Combat Agency, NSW Health, is responsible for leading the discussions and activating the document during a pandemic.

The Gwydir Local Emergency Management Committee (LEMC) is currently in a 'Monitoring' status in relation to the NSW Health response to COVID-19.

LEMC is currently undertaking weekly, Thursdays 2pm, teleconferences.

Liaison Officers that are present:

- New England Health
- Police NSW

- NSW Fire and Rescue
- Family and Community Family Services
- Gwydir Shire Council
- NSW Rural Fire Service
- NSW Transport
- Rural and Remote Medical Services
- State Emergency Services
- Department of Education – Warialda High School
- Essential Energy

OFFICER RECOMMENDATION

THAT Council endorses the Gwydir Local Emergency Management Consequence Management Guide that was adopted by the Local Emergency Management Committee on the 9th April 2020.

ATTACHMENTS

AT- LEMC Minutes

AT- Consequence Management Guide (CMG)

Teleconference - Local Emergency Management
Committee Meeting
9th April 2020, 2pm

Gwydir Shire
Council



PRESENT: Rowan O'Brien (LEOCON - NSW Police), Wayne Zikan (FRNSW); Cr David Coulton (Chair); Alisa Akins (Acting LEMO), Sue Mack (NE Health); Leanne Fitzgerald (NE Health), Anthony Byrnes (REMO), Cr Frances Young, Andrew Woollett (Essential Energy), David Lindsay (LLS), Ben Buckland (NSW Transport), Scott Mack (RFS), Bianca Wilson (RaRMS), Saul Standerwick (GSC)

APOLOGIES: Alex Eddy (GSC), Danielle Barrett (Reflection Park), Katrina Miegel (SES), Matthew Smith (FACS), Danielle Perrett (GSC), Stuart Dick (GSC)

TIME: 30min 29sec

David Coulton (Chair) opened the meeting thanking everyone for calling in to the meeting.

LECON & NSW Police- Rowan O'Brien

LEOCON, Rowan wishes to have the CMG finalised and approved and sent to Regional.

Police, Rowan has been busy doing local media releases and Radio interviews. Reinforcing the ministries directions and areas that will be policed more. Also, highlighting the public that due to the business continually plans we do have heap more police available then normal.

Inverell Police are looking into strategies like having a 'Flying Squad' to help other areas in the state that are short on staff. Reporting weekly on staff available to re- deploy elsewhere.

Both Copeton and Pindari Dams are closed, and Police will have task crews monitoring that.

The need for compliance checks has near come to a halt. The overseas travellers that where is the region, have been isolated for 14 days so that case has closed.

NE Health - Sue Mack (Bingara) and Leanne Fitzgerald (Warialda)

Teleconference - Local Emergency Management
Committee Meeting
9th April 2020, 2pm

Gwydir Shire
Council

Report Attached

BINGARA ACTIVITY

- Ongoing updating of Pandemic Plan
- Screening station available, mostly conducted at the Bingara MPS
- Need to liaise with Bingara Medical Centre regarding influenza Immunizations for community and how we can implement a safe plan.
- Bingara has 4 Accredited Nurse Immunizers
- Facility is locked - NO VISITORS 24/7 except Palliative.
- Reduced Activity in Community Health / Allied Health – screening via phone prior to appointment.
- All Staff have undertaken COVID Presentation Simulation Sessions.

WARIALDA ACTIVITY

- Screening station available, mostly conducted at Warialda Medical Practice
- NO visitors to the facility. Exceptions will be made on compassionate grounds with individual situations being assessed.
- Hospital locked 1730 – 0830 daily, all day weekend and public holidays.
- Doors closed between main reception and ward area during the day.
- All community and allied health clients screen prior to appointment and on arrival, by administration staff.

Stay up to date with our latest developments via the [HNE Health Facebook page](#), [HNE Health YouTube channel](#) as well as [Patientinfo.org.au](#) and the [Warialda Facebook page](#).

Health do encourage that you have a flu shot this year.

Sue has been on a link up with Retrieval Services on how to manage for the recovery stage, what is expected from the different combat areas.

RaRMS

Bianca advised no changes since last week.

As of next week's, meeting, Practice Managers Chloe (Warialda) and Ann-Marie (Bingara) will join this meeting, instead of Bianca, to be able to give a local perspective on the meeting from RaRMS.

Both Centres still have a lock-door policy in place.

Both using telehealth to access health care. Some are doing face to face but that is at staff discretion. Using health pathways and polices. PPE has been hard to get and RaRMS have gone to a new supplier to get some.

REMO – ANTHONY BYRNES

It's great to know that the confirmed cases remain stable.

Teleconference - Local Emergency Management
Committee Meeting
9th April 2020, 2pm

Gwydir Shire
Council

The ADF task requests will be sent out if required.

FaCs

- Disaster Welfare have a liaison officer based in the SEOC (State Emergency Operations Centre) during Operational hours.
- Disaster Welfare (DW) are assisting in the supply of essential food and grocery items to people in home quarantine or isolation that have been directed to be Health and have no means of accessing these goods independently.
- These requests for essential food and grocery items are being handle via the SEOC
- Request are coming through from National Corona Hotline, NSW Public Health and Service Now
- Most of these requests are triaged by Health for Disaster Welfare to facilitate
- Requests are not in the high numbers for across the state
- Groceries are now been provided in the way of set hamper that is being delivered by courier or other means required likely NSW SES
- Through the SEOC DW are currently supporting people in mandatory quarantine in hotels with provisions of personal care items.
- Any external messaging regarding these support tasks need to be distributed via PIFAC (Public Information Functional Area Coordinator).

These services are not covered under Natural Disaster Funding and DW has no special funding source. Accommodation and groceries are currently being covered by NSW Health and Treasury.

The coordination of these tasking's is happening at a State level and will continue to do so during this pandemic.

RFS – Scott Mack
Business as normal

Extra PPE has arrived, and small packs are being compiled for each truck including masks in case we need to assist and for protection.

LEMO – Alisa Akins

Recommendation:

THAT the Gwydir LEMC considers and endorses the Consequence Management Guide on COVID-19 for distribution to the REMO.

Next Meeting

Teleconference – Thursday 16th, 2pm
Dial: 02 9916 6345
Pin: 2013

GWYDIR - CONSEQUENCE MANAGEMENT GUIDE

COVID-19 COMMUNICABLE DISEASE

1. GENERAL DESCRIPTION

This hazard/activity addressed by this guide has a risk rating of HIGH.

COVID-19 is a new strain of coronavirus that has not been previously identified in humans. It was first identified in Wuhan, Hubei Province, China, where it caused a large and ongoing outbreak. There has since been widespread transmission of COVID19 internationally. On 11 March 2020 World Health Organization (WHO) declared COVID-19 a pandemic. This outbreak impacts significantly on health care services and has had a broader impact including community service disruption, economic disruption, and closure of schools and major events.

The NSW Health Supporting Plan (HEATHPLAN) outlines the arrangements to be adopted by NSW Health in order to coordinate all the health service resources available to the state HSFAC for the prevention, preparation, response and recovery from the impact and effects of this health emergency under the EMPPLAN where a State response is needed. The Pandemic subplan also contributes to these arrangements.

2. CONTROL

- The Combat Agency for this hazard is New South Wales Health (NSW Health).

Note: The SEOCCON is responsible for controlling and coordinating the emergency response operations of NSW Government Agencies in support of NSW Health as the Combat Agency (Lead Agency).

3. COMMAND / CO-ORDINATION

- Agencies command their own resources under the co-ordination of the GWYDIR LEOCCON.
- The nominated Local Emergency Operations Centre is at Gwydir Shire Council, JA McGregor Drive, Warialda

4. TRIGGERS

These occurrences will trigger the activation of an EOC:

- Directed by NSW Health
- Directed by SEOCCON and / or REOCCON.

On request from Hunter New England Local Health District – Health Services Functional Area Coordinator (HSFAC).

GWYDIR - CONSEQUENCE MANAGEMENT GUIDE

COVID-19 COMMUNICABLE DISEASE

5. STRATEGIES	
Strategy	Details
Decreasing spread by promoting a healthy community	<ul style="list-style-type: none"> Encouraging vaccination in the community when Novel Vaccine becomes available in addition to seasonal vaccine if applicable to support community wellbeing Cough and sneezing etiquette and hand hygiene education Social distancing Public information and media strategies
Isolation and quarantine	<ul style="list-style-type: none"> People with suspected or confirmed disease requested to refrain from social contact to reduce spread of the virus People who come into contact with suspected or confirmed disease requested to refrain from social contact
Pandemic assessment centres	<ul style="list-style-type: none"> Special clinics established to enable suspected or confirmed cases to be directed away from emergency departments to reduce possible exposure to the virus.
Vaccination clinics	<ul style="list-style-type: none"> Large vaccination clinics will be the most efficient and effective mechanism to deliver pandemic specific vaccines to the public.
Schools, childcare centre, events and workplaces	<ul style="list-style-type: none"> Schools, childcare centres, events or workplaces may be closed before cases are detected in these venues to reduce the risk of disease spread. Schools, childcare centres, events or workplaces may be closed after introduction of cases to stop the disease spread.
Protect the vulnerable	<ul style="list-style-type: none"> Identify those that are at risk of having significantly poorer outcomes if they contract the disease. Measures are taken to identify and use appropriate medical care. Hospital bed capacity is enhanced.

GWYDIR - CONSEQUENCE MANAGEMENT GUIDE

COVID-19 COMMUNICABLE DISEASE

6. Actions		
Item	Responsibility	
Health	NSW Health	<ul style="list-style-type: none"> Bingara Multi-Purpose Service Pandemic Plan 2020 Warralda Multi-Purpose Service Pandemic Plan 2020 Hunter New England Local Health District Pandemic Plan 2020 NSW Health Pandemic Influenza Plan (2016) Case definition Ensure adequate Business Continuity Plans are activated for essential health infrastructure
Animals/Rural/Domestic Wildlife	Local Lands Services	<ul style="list-style-type: none"> Coordinate animal welfare, support evacuation of animals, arrange assessment of animals and temporary care as required, arrange emergency fodder, food and water, arrange destruction of animals and dispose of animals.
Education	Department of Education	<ul style="list-style-type: none"> Students mainly working from home though the school is open. Cleaners must 'viro' clean all high touch surfaces. All staff are welcome to work from home and 75% are. Any reported Covid-19 cases are reported to the DEC hotline to await their direction. New England Public Health will liaise with NSW Dept. Education, Catholic Education Office (St Joseph's School) and local childcare centres. Facilitate closing classes or schools following requests from NSW Health. Assist in conducting clinics as necessary. Assist in distributing advice and information to children and parents.
	NSW Health	<ul style="list-style-type: none"> Have available information for distribution and/or the capacity to obtain/print as required.
Mass Fatalities / Deaths	NSW Police Force [NSW Coroner]	<p>Responsible for management of mass fatalities if service providers have exceeded their capacity and resources. Morgue capacity: Warralda Hospital 2 Bingara Hospital 2</p>
	<p>Note: Mass Fatalities - Refrigerated Containers and storage for the use of mass numbers of deceased may be available from Hunter New England Area Disaster Controller</p>	

GWYDIR - CONSEQUENCE MANAGEMENT GUIDE

COVID-19 COMMUNICABLE DISEASE

Funeral Services	Gwydir Shire Council	<p>As of March 2020, there are 2 cemeteries located within the Shire but there are no crematoria. Council would utilise the following operating cemeteries:</p> <ul style="list-style-type: none"> • Bingara Lawn Cemetery – 104 plots available • Warialda Lawn Cemetery – 318 plots available <p>Wall niches are available for cremated remains memorials at:</p> <ul style="list-style-type: none"> • Bingara – 18 Niches • Warialda - 22 Niches <p>Ensure adequate number of graves available.</p> <p>In the event of a severe pandemic with significant mortality consider the use of portable cool rooms. Police responsibility</p>
Isolation and Quarantine	NSW Health	<p>Centres may be required for establishment for accommodating contaminated persons.</p> <p>Monitoring persons in isolation and quarantine:</p> <ul style="list-style-type: none"> • Ensure adequate medications – Warialda and Bingara Pharmacy • Ensure adequate food and consumables for those in isolation/quarantine – Meals on Wheels • Staff supporting people in isolation/quarantine are provided with PPE and training in use of PPE – all agencies
Medical Centres	<p>RARMS</p> <p>Remote and Rural Medical Services</p>	<p>Practice Level - Act in accordance with RACGP Standards 5th Edition:</p> <ul style="list-style-type: none"> • Disaster Recovery Plan (Core Std3) • Emergency Response Plan (Core 3.3.) • Infection Prevention and Control (GP Std4) <p>RARMS Health:</p> <ul style="list-style-type: none"> • Business Continuity Plan • COVID19 Pandemic Policy 2020 • Triage – Coronavirus Practice Plan 2020 • PPE Training per PPE Procedure – NSQHS Standards <p>Flu Clinics in accordance with NSW Health vaccination Clinics guidelines</p>
Maintaining Essential Services	All Agencies	<p>Review Business Continuity Plans</p> <ul style="list-style-type: none"> • Promote prevention strategies (vaccination, hand hygiene, social distancing, cough and sneeze etiquette) • Monitor staff absenteeism • Unwell staff to return home

GWYDIR - CONSEQUENCE MANAGEMENT GUIDE

COVID-19 COMMUNICABLE DISEASE

Media Public Information	NSW Health Health New England	<ul style="list-style-type: none"> • Provide appropriate liaison with media. • Inform the community of event impact and recovery. • Media programs to raise awareness of good hygiene practices. • All media enquiries to be directed to the HNE Communication team HNE@HNE.nsw.gov.au 																				
Pandemic Assessment Centres (PAC)	NSW Health	<ul style="list-style-type: none"> • PAC planned for Warialda and Bingara Multi-Purpose Service – Community Health • Flow for patients has been planned • Emergency Department Screen Station in place. • Flow kept away from Residential Aged Care. 																				
Power	Gwydir Shire Council Essential Energy	<ul style="list-style-type: none"> • Assist with providing building for Pandemic Assessment Centres – for mass COVID 19 Testing • Manage, protect and restore energy and utility services infrastructure and facilities. • Provide advice on hazards relating to utility services. • Perform safety checks prior to reconnection. • Refer to: <ul style="list-style-type: none"> • Essential Energy COVID-19 Controls and Response Matrix • Pandemic Operating Protocols COVID-19 																				
Residential Aged Care Facilities	NSW Health Gwydir Shire Council Tourlandi Trust	<ul style="list-style-type: none"> • Australian Government Directives and Policies • Coronavirus (COVID19) guidelines for outbreaks in residential care facilities. • Health New England policy and procedures. • NO visitors to whole of site – Warialda and Bingara Multi-Purpose Services <table border="0"> <tr> <td>Warialda Hospital</td> <td>27 Beds</td> <td>Long Street</td> <td>Warialda</td> <td>0267289000</td> </tr> <tr> <td>Naroo Aged Care Facility</td> <td>36 Beds</td> <td>Long Street</td> <td>Warialda</td> <td>0267291314</td> </tr> <tr> <td>Bingara Hospital</td> <td>21 Beds</td> <td>Copeton Dam Road</td> <td>Bingara</td> <td>0267280100</td> </tr> <tr> <td>Tourlandi Aged Care Facility</td> <td>28 Beds</td> <td>Old Bora Road</td> <td>Bingara</td> <td>0267242199</td> </tr> </table> <ul style="list-style-type: none"> • Welfare Checks on the Vulnerable people in the Community • Access to food consumable, medication etc 	Warialda Hospital	27 Beds	Long Street	Warialda	0267289000	Naroo Aged Care Facility	36 Beds	Long Street	Warialda	0267291314	Bingara Hospital	21 Beds	Copeton Dam Road	Bingara	0267280100	Tourlandi Aged Care Facility	28 Beds	Old Bora Road	Bingara	0267242199
Warialda Hospital	27 Beds	Long Street	Warialda	0267289000																		
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Tourlandi Aged Care Facility	28 Beds	Old Bora Road	Bingara	0267242199																		

GWYDIR - CONSEQUENCE MANAGEMENT GUIDE

COVID-19 COMMUNICABLE DISEASE

Security	NSW Police	<ul style="list-style-type: none"> Coordinate the security of evacuated premises and damaged areas.
Telecommunication Radio Network Towers	Telstra Gwydir Shire Council	<ul style="list-style-type: none"> Manage and protect and restore telecommunications infrastructure and facilities. Coordinate additional telecommunications support for EOC. Refer to (TELCOPLAN) Supporting Plan
Transport	Transport for NSW Gwydir Shire Council	<ul style="list-style-type: none"> Coordinate provision of essential Public transport, freight services and emergency bus transport. As necessary, Close State Roads, Rail and Air transport corridors. Close local roads as required.
Vaccination Clinics	NSW Health Gwydir Shire Council	<ul style="list-style-type: none"> Hunter New England Health planning has identified areas for clinics in health facilities Warralda and Bingara Multi-Purpose Service – Community Health.
Water and Sewerage Waste	Gwydir Shire Council	<ul style="list-style-type: none"> Warralda Town Hall Hope Street Warralda The Living Classroom Narrabri Road Bingara If further are required Gwydir Shire Council will assist in identifying additional locations if required. Ensure availability of adequate parking and traffic control. Ensure availability of adequate security.
Welfare	Communities and Justice	<ul style="list-style-type: none"> All landfills remain open however, the Warralda Landfill 'Return and Earn' has been suspended. Manage, protect and restore water and sewerage infrastructure and facilities. Assists in the supply of essential food and grocery items to people in home quarantine or isolation that have been directed to by Health and no means of accessing these goods independently. Support people in mandatory quarantine in hotels on returning from overseas with provision of personal care items. All request for support to be via the SEOC

GWYDIR - CONSEQUENCE MANAGEMENT GUIDE COVID-19 COMMUNICABLE DISEASE

Accommodation for Medical Staff	Hunter New England Health Gwydir Shire Council	Warialda MPS Nurses Accommodation – 4 rooms – Health staff. Bingara Caravan Park 7 Self Contained Cabins Warialda Caravan Park 5 Self Contained Cabins Living Classroom Bingara 2 Self Contained Rooms 4 Rooms (Sleep 4 Bunk Beds)
Decontamination	Fire & Rescue NSW [assisted by NSW Rural Fire Service]	Support NSW Health – provision of logistic support and resources for decontamination facilities and capabilities.

<p>7. RECOVERY</p> <p>Recovery Operations will be managed by the LEMC and commence during the response phrase.</p> <p>NSW Health as the Combat Agency shall -</p> <ul style="list-style-type: none"> • Provide information to people on safety matters and the restoration of belongings/areas which have been impacted • Plan to systematically restore services • Provide impact assessments • Assist with clean-up operations • Assist with the safe return of evacuees • Provide representation on Recovery Committees • Conduct Multi-Agency After Action Review • Prepare for potential second wave of pandemic 	<p>8. SUPPORTING DOCUMENTS</p> <ul style="list-style-type: none"> • State Emergency Management Plan • Regional Emergency Management Plan • Gwydir Local Emergency Management Plans • National Action Plan for Human Influenza Pandemic • NSW Human Influenza Pandemic Plan • State Emergency Management Sub Plans • Functional Area Supporting Plans, including Health, Energy and Utilities, Engineering Services, Transport Services, Welfare Services
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EVACUATION CENTRES		Gwydir - CONSEQUENCE MANAGEMENT GUIDE		COVID-19 COMMUNICABLE DISEASE	
Centre Name	Address	Owner of Facility	Type	Contact	Capacity (based on non-social distancing)
Warialda Golf Club	Holden St, Warialda	Warialda Golf and Bowling Club	Sporting Club	Matthew Williams 0427 956 075	200
Warialda Rail Sports Club	3 Avoca St, Warialda Rail	NSW Dept of Lands Gwydir Shire Council	Sporting Club	Erin Hall 0428 241 333 Suzanne Webber 0427 241 931	40
The Living Classroom Bingara	4 Narrabri Rd, Bingara	Gwydir Shire Council	Training/ Bunkhouse	Rick Hutton 0438 355 197	170
Crooble Memorial Hall	Railway St, Crooble	Crooble Memorial Hall Trust	Community Hall	Nathan Miller 0405 396 515 0267 540 231	150
North Star Sporting Club	Yetman Rd, Yetman	North Star Sporting Club Board of Directors	Sporting Club	Scott Donaldson 0427 295 043	150
Croppa Creek Sporting Club	Buckle Road, Croppa Creek	Croppa Creek Bowling Club	Sporting Club	Lawrie Timmins 0267 545 224 0427 545 227	120
Coolatai Town Hall	Wallangra Rd, Coolatai	Coolatai Town Hall Community Trust	Community Hall	Kerry Simpson 0427 299 046	120
Upper Horton Sporting Club	Cobbadah St, Upper Horton	Upper Horton Sporting Club Inc	Sporting Club	Stuart Steiger 0267 830 038 0428 822 238	200
Gravesend Town Hall	Railway Avenue, Gravesend	Gravesend Community Group Inc	Community Hall	Karen Withers 0267297034	120

GWYDIR - CONSEQUENCE MANAGEMENT GUIDE

COVID-19 COMMUNICABLE DISEASE

10. VULNERABLE FACILITIES & INFRASTRUCTURE

Name

- The whole community
- Overseas Visitors / Travellers
 - People over 65 years
 - Aboriginal people
 - People with chronic medical conditions
 - People with impaired immune systems.

Refer to:

- Gwydir Shire Council EMPLAN Annexure D – Community Profile
- Gwydir Shire Council EMPLAN Annexure E – Vulnerable Facilities

CONSEQUENCES OF PANDEMIC:

- Many people may become unwell and some may die.
- People who are sick, or close contact with sick people may have to stay at home.
- Workplace modification / or closure.
- Unable to go to work because of being sick or workplace closures.
- Utilities, transport and other services disrupted.
- Schools, businesses, entertainment, sporting venues closed.
- Health care delivered differently, and health care resources stretched or exceeded.
- Panic buying of certain medications and PPE supplies.
- Panic actions to access Vaccinations or vaccines.
- Panic stockpiling of food and essential supplies.
- Panic purchase of Fuel and Gas.

In NSW the “whole-of-government” approach is informed by the international and national pandemic phases of: Identification (virus that has sustained human to human community anywhere in the world); Entry (entry of virus into Australia / NSW); Severity (determination of virus effects, in terms of impact on the health of individuals and its consequential impact on community); vaccination (vaccine availability); end (measured by disease activity returning to seasonal levels).

GWYDIR - CONSEQUENCE MANAGEMENT GUIDE

COVID-19 COMMUNICABLE DISEASE

PUBLIC HEALTH ACT: used to close places where people congregate, segregating or isolating people or restricting access to an area. Public authorities can be directed to take actions, modify or cease actions in the interest of Public Health.
 Pandemics pose additional challenges to the traditional emergency due to the unpredictable and broad nature of pandemics.

11. NOTES

	Endorsed LEMC	LEOCON Chief Inspector Rowan O'Brien New England Police District
Date	2 nd April 2020	Prepared: Alisa Akins - Gwydir Shire Council LEMO Approved: Gwydir Local Emergency Management Committee Date: 9 th April 2020

Item 3 Monthly Investment and Rates Collection Report for March 2020**FILE REFERENCE****DELIVERY PROGRAM****GOAL:** 5. Organisational Management**OUTCOME:** 5.1 CORPORATE MANAGEMENT**STRATEGY:** 5.1.2 Information management systems - CFO - internal**AUTHOR** Manager, Finance**DATE** 8 April 2020**STAFF DISCLOSURE OF INTEREST** Nil**IN BRIEF/ SUMMARY RECOMMENDATION**

At each monthly Ordinary Meeting, the Council is presented with the schedule relating to Investments, as at the end of the previous month.

TABLED ITEMS Nil**BACKGROUND**

In accordance with Clause 19(3) of the Local Government (Financial Management) Regulation 1993, the following information provides details of Council's funds invested as at 31 March 2020.

Direct Investments

Broker	ID	Investment Name	Rating	Type	Next Rollover	Yield	Current Value
NAB	2020.07	NAB	AA	TD	31/03/2020	1.60%	\$1,000,000.00
NAB	2020.08	NAB	AA	TD	31/03/2020	1.60%	\$1,000,000.00
NAB	2020.09	NAB	AA	TD	14/04/2020	1.60%	\$1,000,000.00
Grand Total							\$3,000,000.00

Managed Funds

Fund	Investment Horizon	Type	3 Mth Avg Yield	Current Value
Regional Australia Bank	At Call	Cash	See report	\$347,383.70
Tcorp Cash Fund	At Call	Cash	See report	\$5,861,498.49
Tcorp Medium Term Fund	At Call	Cash	See report	\$1,006,553.50
Grand Total				\$7,215,435.69

Total Investments

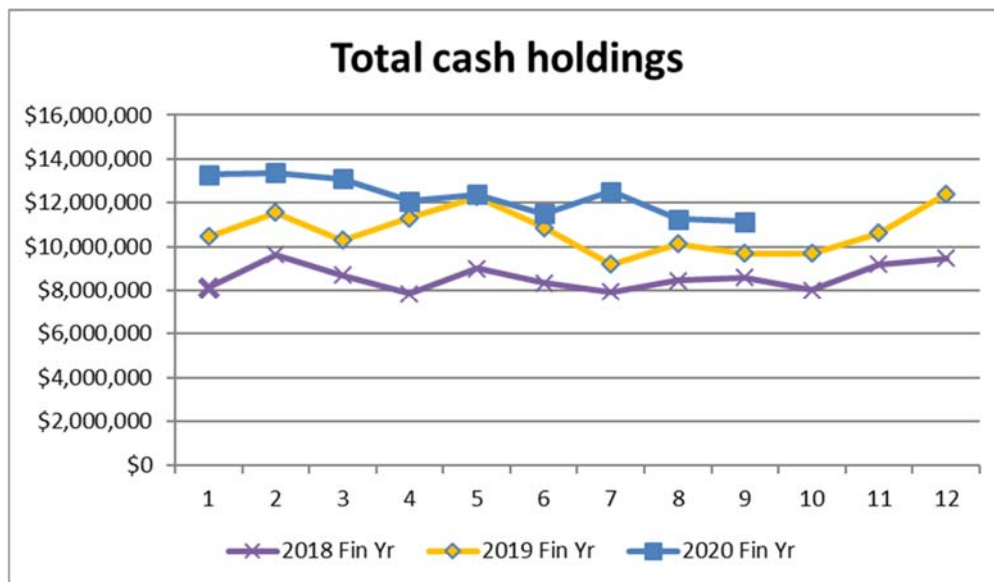
Direct Investments	\$3,000,000.00
Managed Funds	\$7,215,435.69
Grand Total	\$10,215,435.69

Cash and Investments

Total Investments	
Direct Investments	\$3,000,000.00
Managed Funds	\$7,285,053.95
Grand Total Investments	\$10,285,053.95

Total Cash and Investments	
Investments	\$10,285,053.95
Cash at bank	\$ 858,281.54
Grand Total Cash and Investments	\$11,143,335.49

General Fund Cash	
Total cash and investments	\$11,143,335.49
LESS:	
Water fund*	-\$891,859.52
Sewer fund*	-\$3,447,108.24
Waste fund*	-\$3,281,141.50
Other restrictions:	
Employee leave entitlements*	-\$1,200,000.00
Carry over works in progress*	-\$800,000.00
Asset replacement*	\$0.00
Bonds and deposits	-\$363,000.00
Unexpended grants*	-\$750,000.00
Developer contributions	-\$7,000.00
*These figures may change with end of year processing	
Discretionary General Fund Cash	\$403,226.23

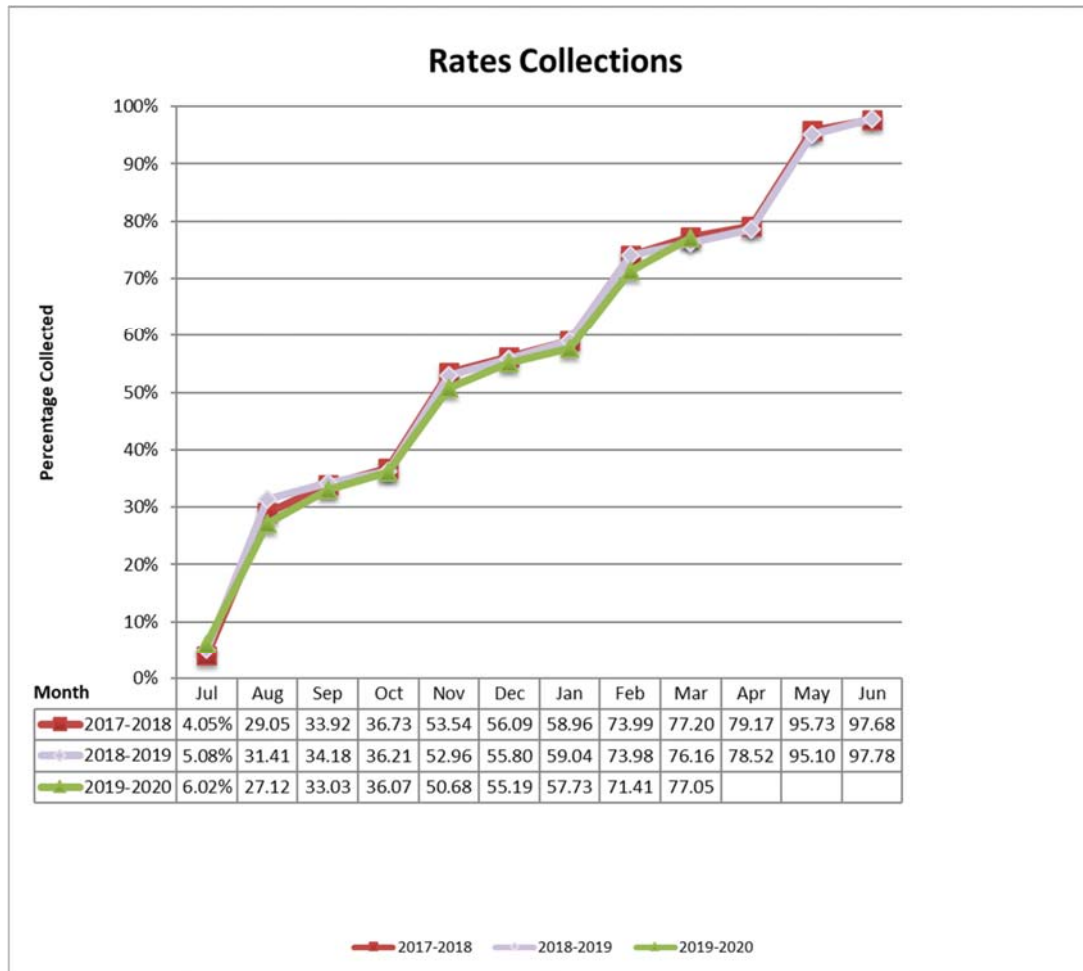


I, Helen Thomas, Finance Manager and Responsible Accounting Officer for Gwydir Shire Council, certify that the Council's investments have been made

in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005 and Council's Investment Policy (F.01.03), as amended.

RATES COLLECTIONS

The graph below represents a comparative of the percentage collections for the current year against the two previous rating years. The current years collections are up to 31 March 2020.



OFFICER RECOMMENDATION

THAT the monthly Investment and Rates Collection Report for March be received

ATTACHMENTS

There are no attachments for this report.

Item 3 Monthly Technical Services Report - March 2020**FILE REFERENCE****DELIVERY PROGRAM****GOAL:** 5. Organisational Management**OUTCOME:** 5.1 CORPORATE MANAGEMENT**STRATEGY:** 5.1.3 Administrative functions - GM - internal**AUTHOR** Manager, Engineering Services**DATE** 14 April 2020**STAFF DISCLOSURE OF INTEREST** Nil**IN BRIEF/ SUMMARY RECOMMENDATION**

The monthly Technical Services report has been identified by Council as the process of reporting the activities carried out monthly by the Technical Services Department.

TABLED ITEMS Nil**COMMENT****1. TECHNICAL SERVICES AND ADMINISTRATION**

Technical Services infrastructure, planning, design and surveys were carried out in-house. The Technical Services staff continue to provide customer service to the Gwydir Shire residents.

2. ENGINEERING SERVICES**Warialda Truck wash**

The Truck Wash facility is complete and ready to open pending receipt of a trade waste license to discharge waste from the facility into the Warialda sewer treatment plant.

Maintenance Grading

Rainfall has made it possible to commence maintenance grading in several areas throughout the Shire.

The following roads received maintenance grade in March;

- Wearnes Road
- Caroda Road

- Adams Scrub Road
- Reserve Creek Road
- Bereen Road
- Currangandi Road
- County Boundary Road
- Bristol Lane
- Buckie Road
- Forrest Creek Road
- Hibernia Lane
- Mungle Road

The following roads were resheeted in March;

- Gragin Road
- Agincourt

The MR134 Delungra Road repair program has commenced. The South Construction crew will be rehabilitating 1.57km of the Delungra Road.



The North Construction crew have started works on the 2.4km, RR7705 North Star Road Repair Program.



Reactive Maintenance crews works on the following throughout March.

- Footpath maintenance
- Service Requests
- Water Deliveries

Roads Maintenance Council Contract – Works Orders issued by RMS

All Work Orders issued by RMS are quality assurance schedule of rates projects carried out by Council staff under the Roads Maintenance Council Contract with Roads and Maritime Services.

A final design has been approved for segment 5340 on MR63 Fossickers Way and all documentation has been submitted for approval to the RMS. This segment is programmed to begin on 20th April 2020 and will involve widening the existing pavement, replacing the shoulders with a suitable road base material, extending and replacing pipelines, ripping and re-compacting the existing pavement, and lastly placing a 100mm sub-base layer and a 100mm base layer over the top with a 7mm primer-seal. Works are expected to continue until the end of the financial year.

Designs have been submitted to RMS with a review now in progress for three segments programmed for rehabilitation next financial year. These segments include 5150 and 5255 on MR63 Fossickers Way and 8270 on HW12 Gwydir Highway. Further programmed works this financial year will include approximately 4 weeks of heavy patching throughout various segments, where required. A heavy patching program has been scoped out and Work Orders have been issued by the RMS. Heavy patching works are programmed to start towards the end of April. No reseals are programmed for completion this financial year.

Routine maintenance continues each week undertaking inspections, rest area services, vegetation control and bitumen repairs.

Other Services

Street services continued to be maintained for vehicular, pedestrian and public conveniences:

Storm water drainage facilities continue to be maintained:

Aerodromes at Warialda and Bingara continue to be maintained and inspections are done monthly:

Existing quarry sources are continually being utilised and future sources are being investigated as time permits with other competing projects:

The radio and television towers continued to be maintained.

3. DESIGN AND ASSET SERVICES

Survey, design and soil testing is continuing for the 2019-2020 works programs. Progress is as follows:

Delungra Road

With construction commencing, the survey team has been ensuring that all the gear is running smoothly.

RMS Projects for Next Financial Year

With three separate RMS rehabilitation projects scheduled for next financial year, the design team have been busy designing and drafting plans to send to RMS for approvals.

ARTC – Inland Rail

The engineering department have been in discussions with ARTC about all things inland rail for the Narrabri to North Star section. We have been busy reviewing their level crossing designs and having meetings with them when necessary.

4. ENVIRONMENTAL DEPARTMENT

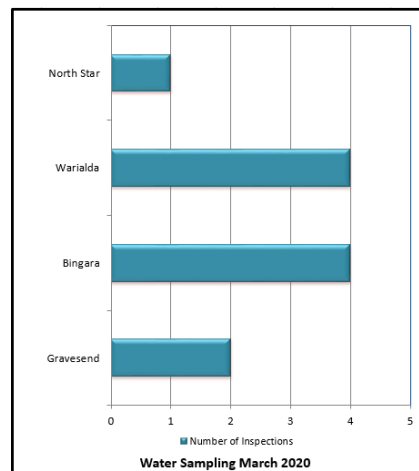
The Department continues to receive enquiries and provide advice on a range of health matters including

- Overgrown properties
- Food premises design and fit-out
- Food handling practices
- Mobile food vendors
- Licensing
- Water carting
- Pet Ownership

Water Surveillance

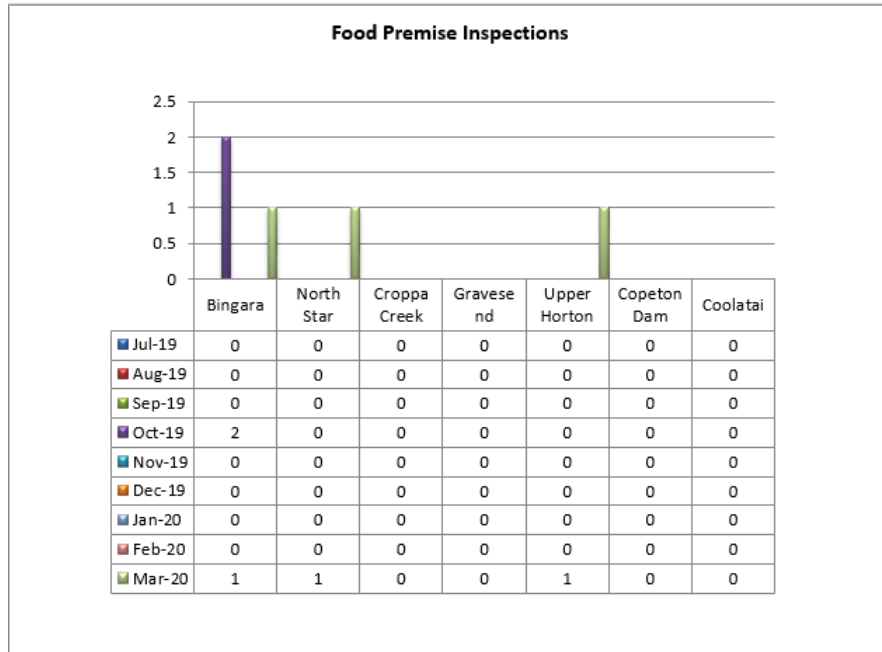
The Department continues to carry out routine weekly microbiological sampling of the water supply in the towns of Warialda and Bingara, fortnightly sampling of Gravesend and monthly sampling at North Star.

Health Related Inspections



Food Premise Inspections/Re-inspections

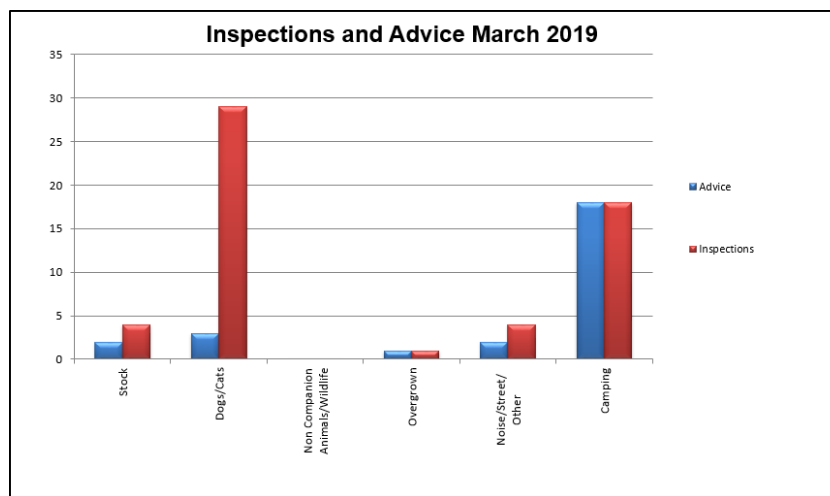
Food Premise Inspections are carried out on an annual basis for each food business. The graph below shows inspections that have been carried for the current reporting year. Enquiries or complaints are actioned as necessary.



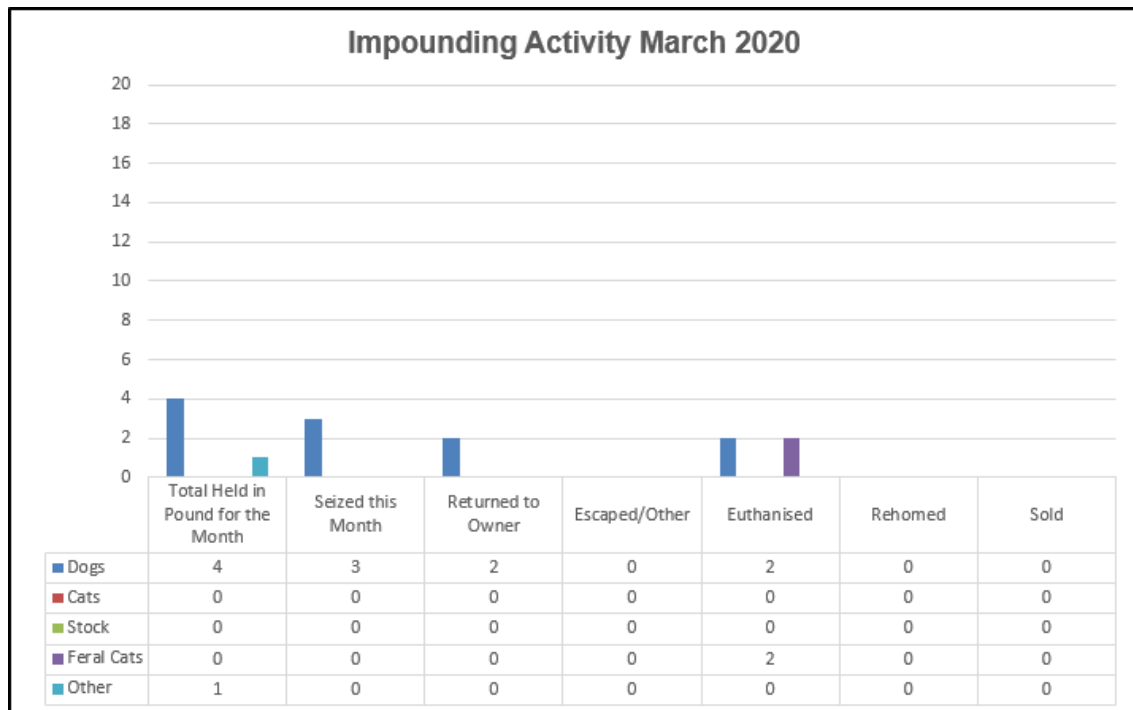
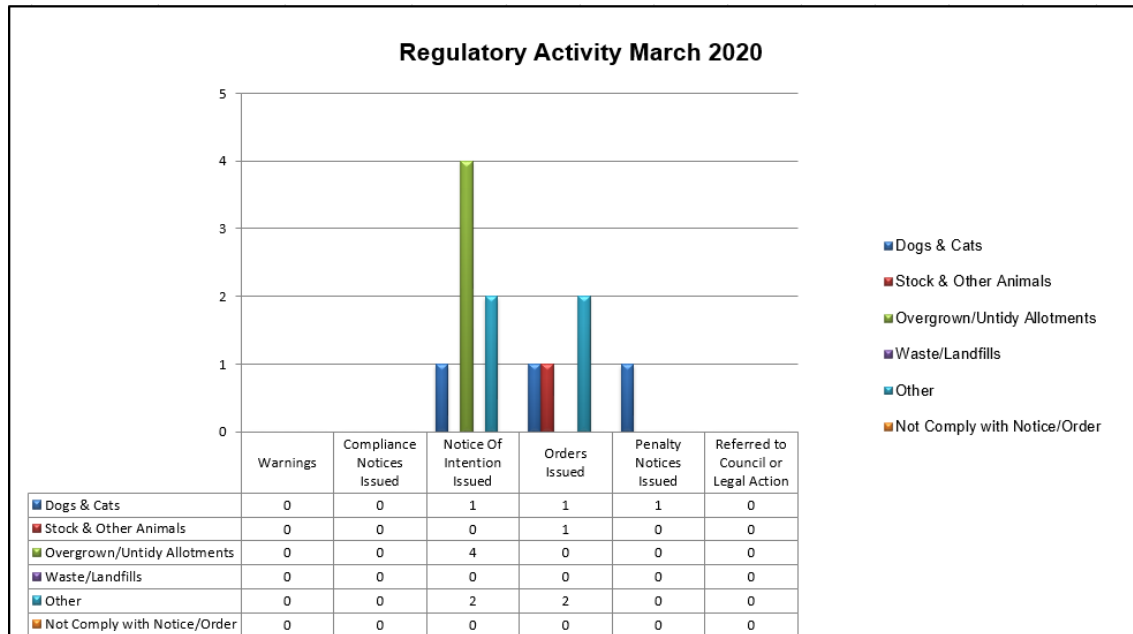
Compliance and Regulatory Control

Council received complaints regarding roaming stock and dogs, noise, the keeping of animals and other concerns during the month of February 2020. These are investigated and actioned as necessary and are detailed in the following table.

Advice and Inspections



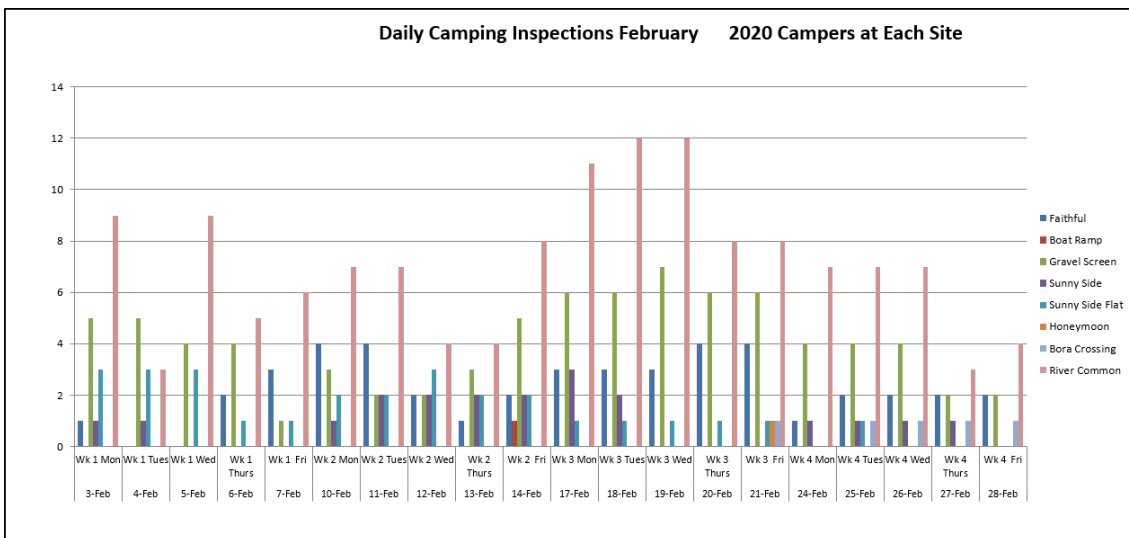
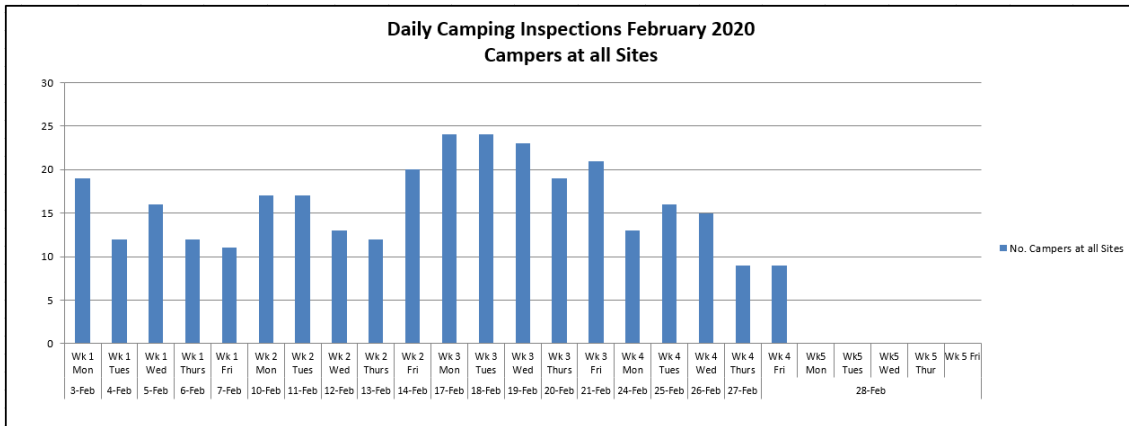
Regulatory Activity

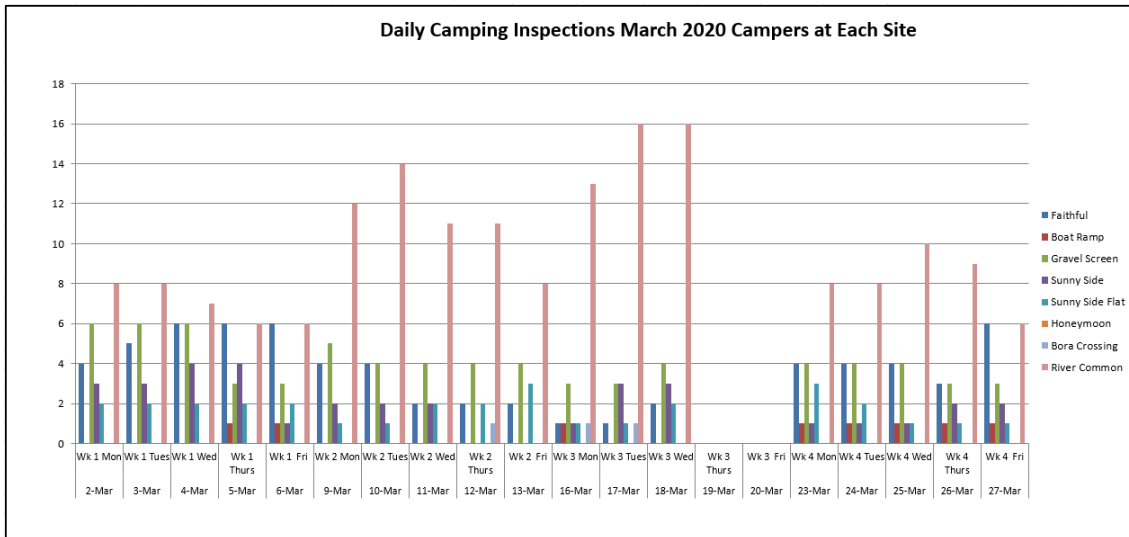
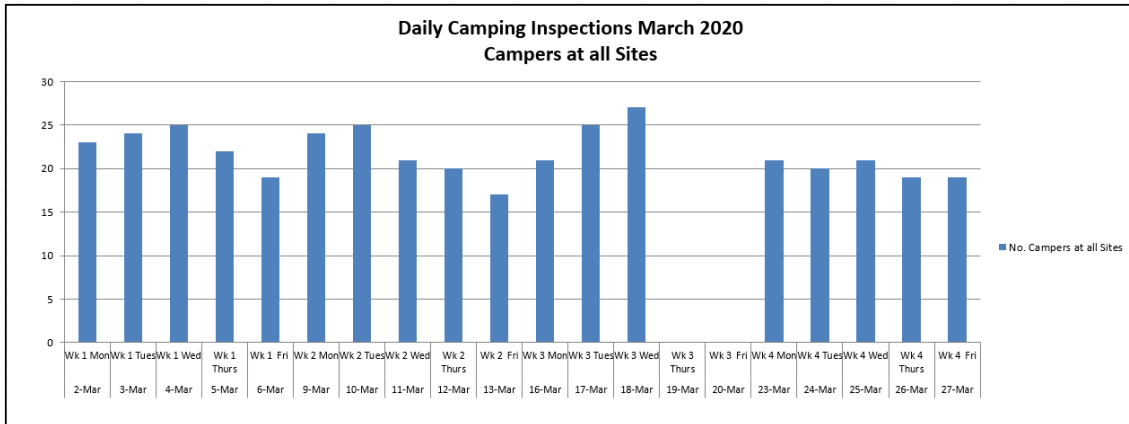


RIVERSIDE CAMPING

Council's Compliance Officer aims to carry out daily checks along the river to ensure that camping is being conducted in a safe and hygienic manner. Flyers promoting local events and services are distributed to campers and enquires from campers are addressed as necessary. The graphs below show total numbers of campers and the distribution of campers at the different campsites.

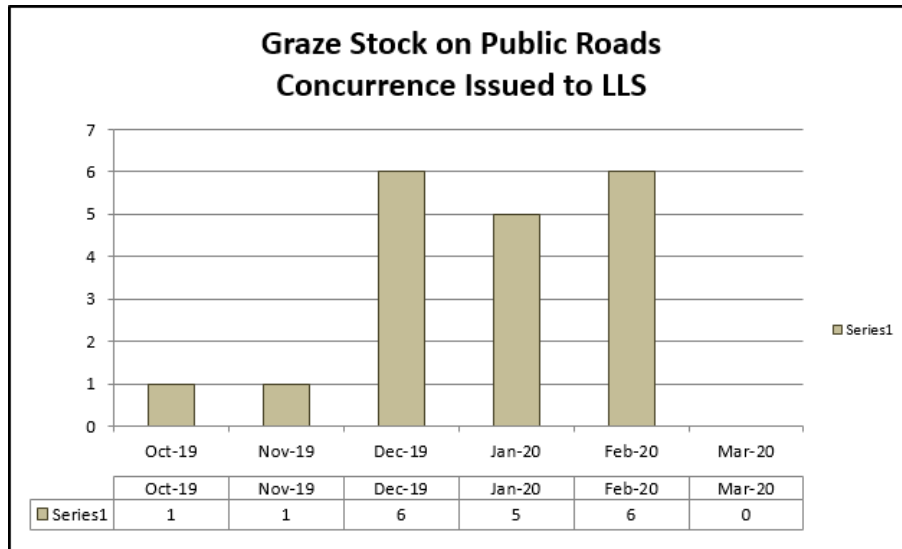
The current restrictions imposed regarding the Covid-19 pandemic have seen bans imposed on all non-essential travel and the subsequent closure of campgrounds. Whilst the campgrounds are officially closed there are some exemptions in place for people who were already set up on the campground on 1 April 2020. No new campers are currently allowed to set up at the campgrounds, and any existing campers have been encouraged to return home if possible or must remain in their existing position for the duration of the ban.





GRAZING PERMITS

As the Consent Authority for road reserves Council has issued concurrence to the North West Local Land Services for no Roadside Grazing Permits during the month of March 2020. Recent rainfall has provided welcome relief in the district and the demand for roadside grazing has eased. The following graph shows the applications received March 2020 compared to the previous 6 months.

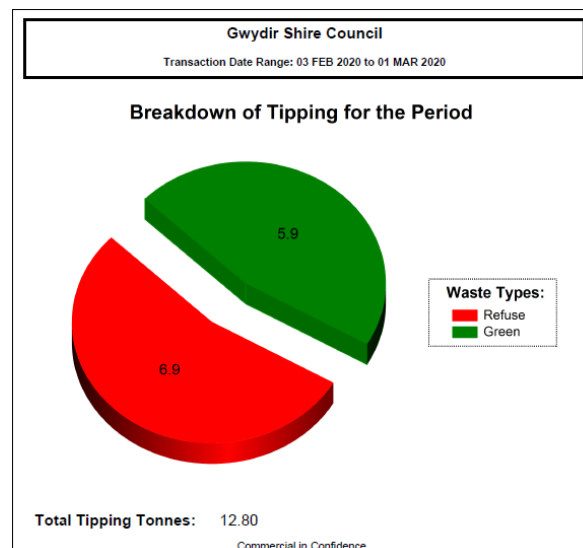


WASTE SERVICES

Scheduled kerbside collection of waste, recycling and green waste was carried out throughout the Shire. Customer service requests are processed and actioned as necessary.

All Waste Recovery Centres in the Shire continue to be supervised/monitored and maintained. Staff continues to make changes to the site layout and signage to improve onsite operation and access for residents unloading waste and recyclable materials. Council is continuing to supply mulch from chipped green waste to residents.

Breakdown of Waste Collection

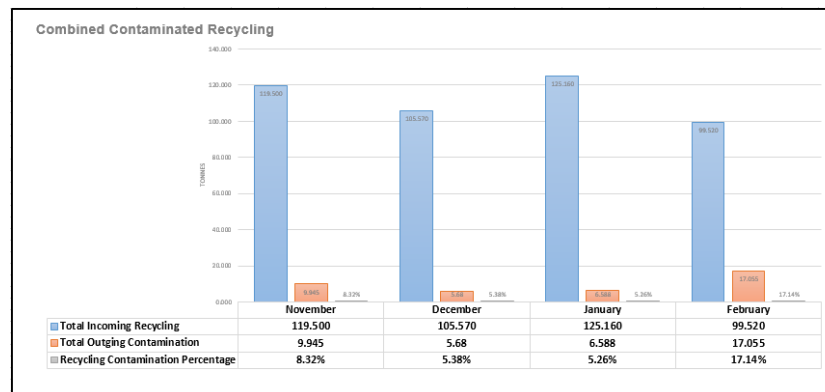
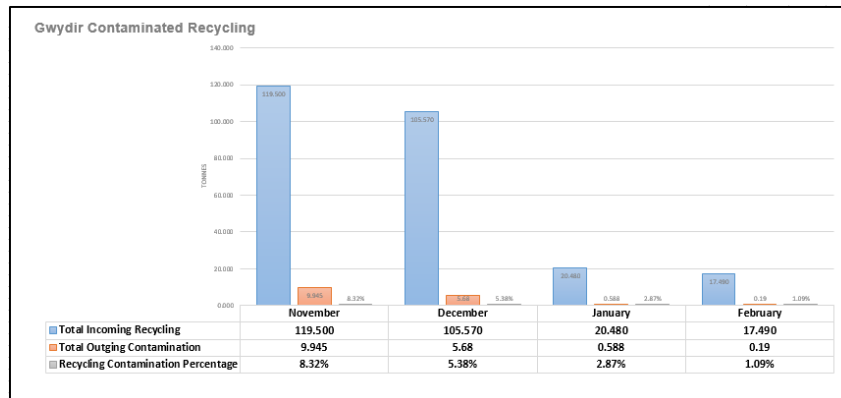


CONTAMINATION REPORTING

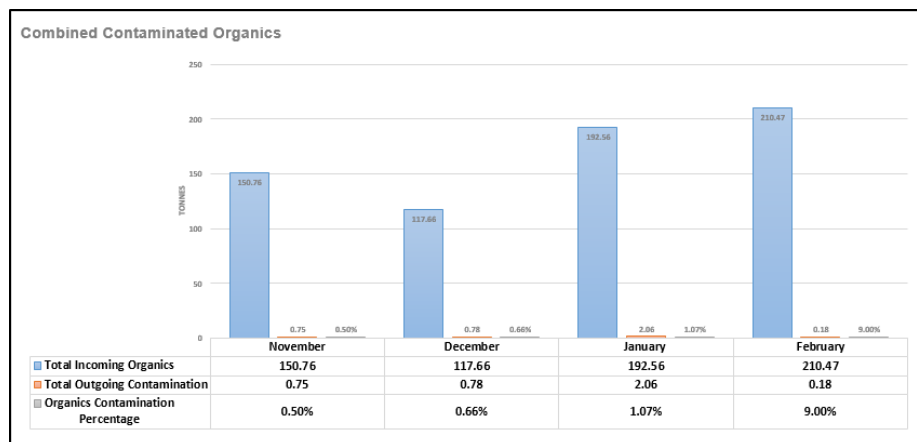
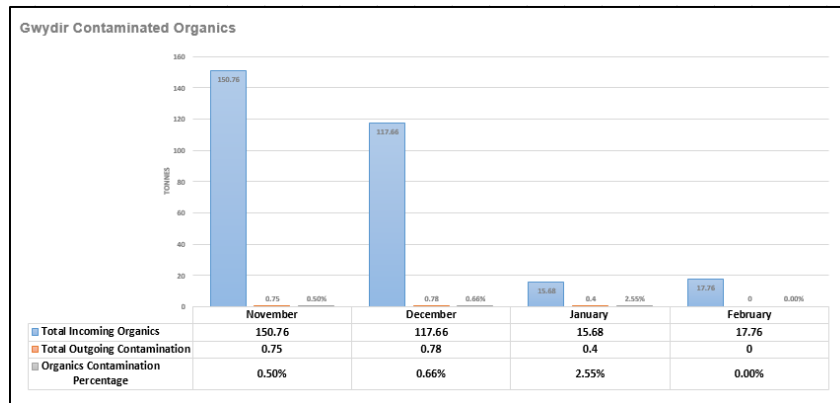
Cleanaway have refined the collection of their contamination data and now report on contamination rates for each Council area (Moree, Narrabri and Gwydir). This gives an accurate reflection of the contamination rate for waste generated within the Gwydir Shire area, rather than the previously reported statistics, which were unable to accurately report which LGA was experiencing problems with contamination in the recycling and organics waste collections.

The graphs below show contamination rates for both the Gwydir Shire and the combined collections area for the month of February compared to the previous 3 months, noting that there is some overlap of data collected prior to January 2020.

Recycling Contamination



Organics Contamination



Comment from Cleanaway

Contamination rates on recycling had a significant increase during February 2020.

Recycling coming through our transfer station for Moree & Gwydir seemed as good as previous months and for most of the time we did not remove any contamination from the recycling in Moree.

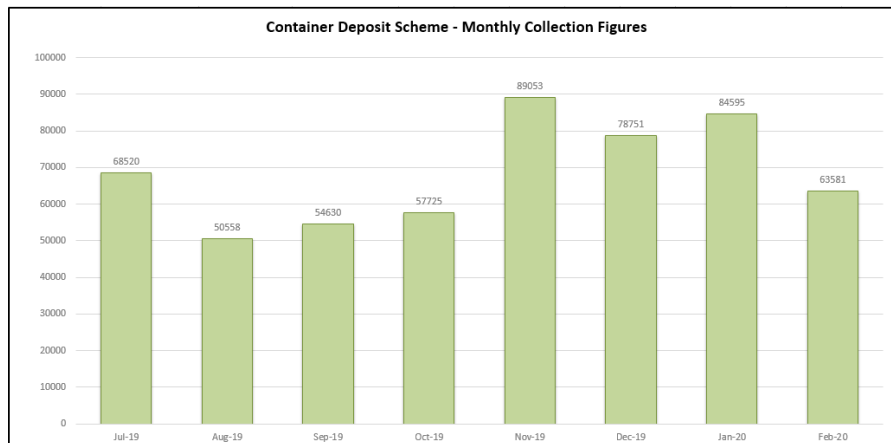
All contamination weights were tipped off at Challenge Narrabri and we have investigated the weights recorded. We have identified that due to the large rain events in Narrabri for February there was a large amount of water in the recycling plant which has contributed to additional weight of contaminated products, additional products becoming contaminated and also water getting into the skip bins that are weighed for contamination. The skip bins pose the biggest area of concern and we are currently seeking options to make changes in this area as a matter of urgency. We will liaise with councils once we have a solid resolution.

CONTAINER DEPOSIT SCHEME

The Container Deposit Scheme (CDS) has now been operating at the Warialda Landfill since June 2018. Customers have embraced the scheme and there have now been over **1,165,000** eligible cans and bottles returned since the inception of the program. The graph below shows the monthly

deposits for the month of February 2020 compared to the last 7 months. This is a fantastic effort that has drastically decreased the amount of recycling being deposited in the traditional manner.

The NSW Container Deposit Scheme Coordinator, Exchange for Change publishes the details of the volume of containers from return points by LGA and material type on their website: www.exchangeforchange.com.au, by following this link you can view statistics for all collection points within NSW.



NOXIOUS WEEDS CONTROL

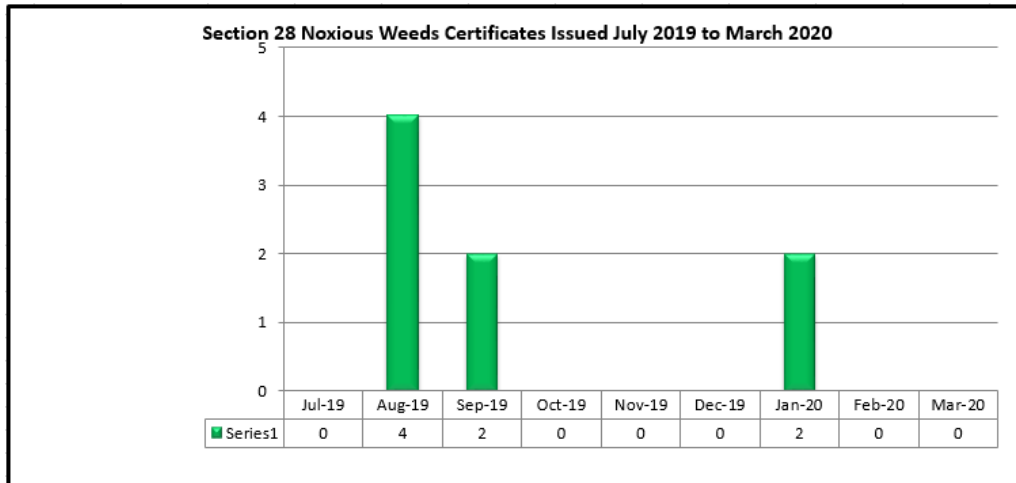
Property Inspection Program

Staff continue to assist farmers and the community with:

- Funding advice
- Noxious weeds advice
- Property inspections
- Spraying of noxious weeds
- Property inspections are currently being undertaken in Section D.

Section 28 Noxious Weeds Certificates

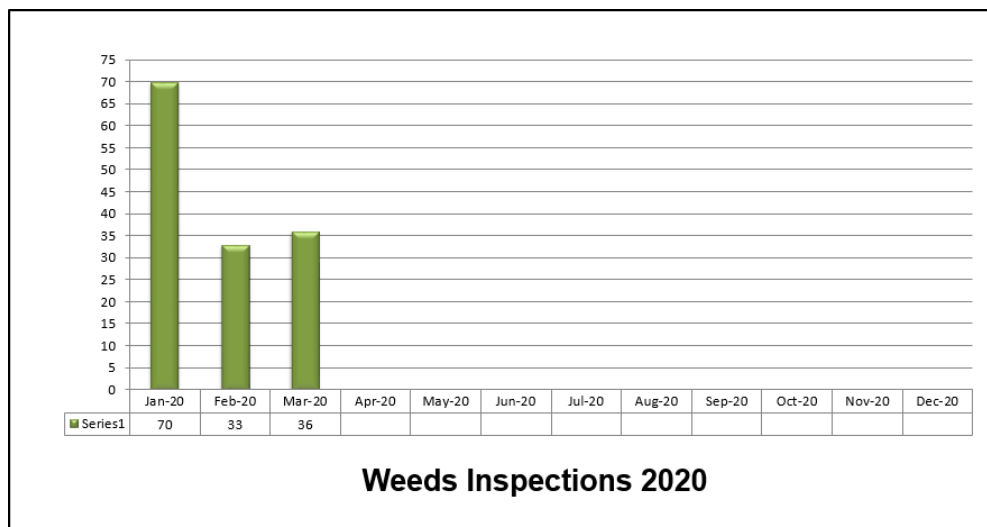
No certificates were issued for the month of March 2020. The graphs below show the noxious weeds certificates issued since July 2020.



Weeds Inspections

Property inspections are currently being undertaken in Section D, with property owners being offered support and advice on managing weeds during the current adverse conditions.

The following graphs and charts show the noxious weeds inspections carried out in 2020.



Noxious Weeds Inspections for the Month of March 2020

<i>Areas Inspected</i>	<i>No.</i>	<i>Ha</i>	<i>Rd km</i>	<i>Weeds Present</i>
Private Property	2	20.36		Green Cestrum
Private Property – <u>High Risk</u>	4	2180.56		African Boxthorn, Blue Heliotrope, Tree Pear
Private Property – High Risk Re-inspection	1	3600		Parthenium Weed
Roadside	5	471.80	94.36	Tree Pear, Sweet Briar, Mother of Millions, Harissa Cactus, Tiger Pear
Roadside – High Risk Pathways	6	1041.4	168.68	Tree Pear, African Boxthorn, Cats Claw Creeper, Green Cestrum, Tiger Pear, Harissa Cactus, Mimosa Bush
Other Council Lands	4	3.72	-	Caltrope
Waterways – High Risk Pathways	2	214	-	Green Cestrum, Cats Claw Creeper
Recreational Areas	4	45	-	Blue Heliotrope
Department of Lands	1	79	-	Harissa Cactus, Tiger Pear, Mother of Millions
Truckstops	7	35	-	None Found

Noxious weeds control works for March 2020

Road/Property	Locality	Weed Code	Area Ha	Road km	High Risk Road	Council Road	Other
Bingara River Common West	Bingara	bb-ng-mb-gc	40				1
Baroma Downs Rd	North Star	ab	102.8	20.56	1		
Croppa Creek Rd	North Star	ab	115.75	23.15	1		
North Star Rd	North Star	ab	411.25	82.25	1		
Towarra Rd	Keera	bb	135.25	27.05		1	
North Star Hall	North Star	caltrop - pigweed	0.5				1
Yallaroi Hall	Yallaroi	caltrop - pigweed	3				1
Crooble Hall	Crooble	caltrop - pigweed	3				1
Bingara River Common West	Bingara	thornapple	40				1
Asset Protection Zone Mosquito Crk	Warialda	sn	5				1
Bingara River Common West	Bingara	thornapple	40				1
Whitlow Rd	Whitlow	mm	116.9	23.38		1	
Bingara River Common East	Bingara	gc-mm-mv-tp	30				1
Copeton Dam Rd	Bingara	nb-gc	261.7	52.34	1		
Killarney Gap Rd	Rocky Creek	nb	332.5	66.5	1		
Gwydir Hwy	Warialda	gc-mm	289.5	57.9	1		
Gravesend Rd	Gravesend	gc-mm	78.45	15.69	1		
Eden Forest Rd	Gravesend	gc-mm	61.15	12.23	1		

Weed Control – Bingara River Common & Junction Park

On the 31 March – 1 April 2020 the BGL Enviro Mulching were engaged to clear and mulch the Thornapple plants (commonly known as Castor Oil) on the Bingara River Common and Junction Park.

The machine used pulverises the material leaving next to no trace. Prior to the mulching some trial chemical controls were undertaken but the process left the unsightly dying plants on the Common and the job of spraying the remaining plants and removing the dead and dying vegetation across the site was to be a monumental task and cost.

With a referral from the Technical Services Department, the contractor was engaged and made quick work of the dead and dying Thornapple plants.



The Environment and Sustainability Department report for March 2020 was compiled with information available at the time of preparing the report.

5. DEVELOPMENT AND BUILDING SERVICES

The Department continues to receive enquiries and provide advice on a range of planning and building matters including:

- Minor structure construction e.g. sheds
- Commercial opportunities and construction
- Basix (Building Sustainability Index)
- Bushfire requirements
- Building construction standards and requirements
- Stormwater
- Licensing and owner builder requirements
- Fees and charges

The following Construction Certificate (C/C), Building Information Certificate (BIC) and S68 applications have been approved for the month.

No.	Property Description	Development/ Work	\$	C/C	BIC	S68
1/2020	128 Racecourse Road Warialda NSW 2402	Partial demolition and extensions to the existing female amenities building.	\$25,000	✓		
9/2020	12692 Gwydir Highway Warialda NSW 2402	Warialda Truck Wash			✓	
10/2020	12921 Gwydir Highway Warialda NSW 2402	Dwelling and Shed			✓	

The following Construction Certificate (C/C) applications were approved by a Private Certifier and lodged with Council during the month.

No.	Property Description	Development/ Work	\$	C/C
4/2020	85 Burundah Drive Warialda NSW 2402	14m x 9m enclosed shed	\$17,000	✓

NO. OF COMPLAINTS/INSPECTIONS

Type	No.	Yr. to Date	Actioned	Pending
Building	38	106	103	3

BUILDING MAINTENANCE

The Department continues to receive requests to carry out minor maintenance and these are generally dealt with in a timely manner. Otherwise the works are scheduled into maintenance staff building activities including new works for attention.

Projects Worked on during March 2020.

Staff worked on the following projects during March:

- Bingara Showgrounds Poultry Shed – Work in progress.
- Gwydir Oval Amenities – Work in progress.
- Bingara Museum – Commenced work on additions to building.
- General Repairs and Maintenance.

6 TOWN SERVICES

Water and Sewerage

During March water and sewerage operators attended twenty-six service line repairs, seven water main breaks, and six sewer blockages. Work was undertaken on the truck wash bay, Warialda treated effluent pumps, Bingara Showground, Gwydir oval, Bingara cemetery, Roxy Theatre, Warialda cemetery, Naroo, Nicholson oval and Warialda works depot.

Level 1 water restriction commenced in October 2019, basically means no fixed sprinklers between 10am and 6pm at night. Handheld hoses are permitted to be used. Restrictions will remain in place even though demand has reduced it is good practice to be water wise.

There are three projects funded by NSW Office of Water under Safe and Secure Water Program. Gravesend water quality investigation is 70% complete with Hunter H2O undertaking site inspection during March and collection of raw water samples were sent to ALS laboratory in Sydney for testing for a wide range of parameters.

A contract for detailed design of the Bingara sewer extension has been awarded to Pressure System Solutions. The company has been working with Council reviewing property boundaries, existing sewer infrastructure, water infrastructure and other services. A site inspection is scheduled for April 2020, following this residential premises will be reviewed for the overall design. The third project is the Automation and telemetry investigation. Two separate audits have been undertaken and the project is 50% complete.

Parks

Parks, gardens, sports fields, cemeteries and Council facilities have been maintained during March. Turf was installed at Gwydir oval Bingara and All Abilities Park in Warialda.



Gwydir oval turf

Drought Casuals Projects

Council has employed a team of casual staff under the drought assistance program. The team has undertaken projects such as painting street furniture in Maitland Street Bingara, installing colourbond fences and concrete slab at the Bingara cemetery, installing crowd control fences and assisting in laying turf at Gwydir oval.



Crowd fence at Gwydir oval

Gwydir Oval New Amenities Building

Mezzanine floor, roof trusses and broadcast box frame were installed during March. The internal plumbing is underway and concrete footpaths and front aprons are scheduled for April.



Gwydir oval new amenities building

Showground

The showground is being maintained. A grant proposal was submitted for additional lighting at the Bingara Showground.

The site for the general-purpose shed was cleared during January and during February the concrete slab was installed by Council's building crew. The shed construction has commenced by Council's building crew, which are also working on Gwydir oval and Bingara Museum. The aim is to complete the shed prior to the Show in May, which will most likely not go ahead due to COVID 19 restrictions.



General Purpose shed at Bingara showground

Plant and Workshop

Fabrication of working platform at Truck wash over the sludge pit and storm water diversion gates. Replacement of walkway platform at the Bingara town water pump station has been undertaken during March. The new loader has arrived, the new grader has been ordered and should arrive before the end of June.

All Common Expiry date vehicles have been passed for registration.



New Caterpillar loader

Major workshop repairs carried out in Bingara and Warialda workshops was;
Rock Crusher
Pig Trailer – brakes and suspension repairs
Water truck transmission repairs
Water truck – fuel tank repairs

OFFICER RECOMMENDATION

THAT the Monthly Technical Services Report - March 2020 be received

ATTACHMENTS

There are no attachments for this report.

Item 4 New England Joint Organisation**FILE REFERENCE****DELIVERY PROGRAM****GOAL:** 4. Proactive Regional and Local Leadership**OUTCOME:** 4.2 WE WORK TOGETHER TO ACHIEVE OUR GOALS**STRATEGY:** 4.2.1 Build strong relationships and shared responsibilities - GM - external**AUTHOR** General Manager**DATE** 14 April 2020**STAFF DISCLOSURE OF INTEREST** Nil**IN BRIEF/ SUMMARY RECOMMENDATION**

This report is for information only.

TABLED ITEMS Nil**BACKGROUND**

The Council previously resolved to investigate becoming an Associate Member of the New England Joint Organisation (NEJO).

This Council's request has been considered by the NEJO Board and it is agreeable to Gwydir Shire Council becoming an Associate Member.

It is true that a picture is worth a thousand words and this map detailing the member councils of the NEJO clearly outlines why it is in this Council's interests to maintain a close relationship with the NEJO:



The current member councils of the NEJO are Narrabri, Moree Plains, Inverell, Uralla (all bordering council to Gwydir), Tenterfield, Glen Innes Severn and Armidale Regional.

COMMENT

The fee set for an Associate Membership of NEJO is \$8,500 per annum.

Gwydir Shire Council hasn't, as yet, been formally advised of the NEJO Board decision and has only received a telephone call.

The full members of the NEJO pay the base amount of \$8,500 plus a per capita amount based on the population of each local government area.

CONCLUSION

The appropriate Associate Membership Fee will be included in 2020/2021 Budget for consideration by the Council during the budget deliberations.

A more formal resolution is inappropriate until the official advice is received.

OFFICER RECOMMENDATION

THAT the report regarding Associate Membership to the New England Joint Organisation be received

ATTACHMENTS

There are no attachments for this report.



REVISED LATE ITEM AGENDA

Content	Page No
OFFICERS REPORTS	
6. Monthly Executive Report for March 2020	2
7. Monthly Organisation and Community Development Report for March 2020	6
8. Donations 2020/2021	33
9. Goode v Gwydir Shire Council	40

Item 6 Monthly Executive Report for March 2020**FILE REFERENCE****DELIVERY PROGRAM****GOAL:** 5. Organisational Management**OUTCOME:** 5.1 CORPORATE MANAGEMENT**STRATEGY:** 5.1.3 Administrative functions - GM - internal**AUTHOR** General Manager**DATE** 27 March 2020**STAFF DISCLOSURE OF INTEREST** Nil**IN BRIEF/ SUMMARY RECOMMENDATION**

The monthly Executive report details the activities carried out by the Department during the months of March 2020.

BACKGROUND

The monthly Executive report forms part of a regular reporting regime. The purpose of the report is to inform Council of the activities carried out within the Department.

COMMENT**PLANNING AND DEVELOPMENT** - Report unavailable at this time**GWYDIR LEARNING REGION** - Report unavailable at this time**CARAVAN PARKS**

A new commercial sized dryer has been purchased to replace the old one at the Bingara Caravan Park.

Warialda and Bingara Caravan Parks were closed on Friday 27 March as directed by the NSW Government (COVID-19).

This direction does not apply to permanent residents or those visitors who were already staying at the Caravan Parks.

SWIMMING POOLS

Unfortunately, the Bingara Swimming Pool was unable to host a fun day using the inflatable obstacle course due to the onset of the COVID-19. This event will be held next swimming season.

Bingara Pool closed on Friday 20 March (COVID-19). Although the pool closed early the lessee has been assisting Council, doing various tasks as required. The demolition of the existing pool will occur over the next month.

Warialda Pool closed Sunday 22 March (COVID-19).

Both the Bingara and Warialda Swimming Pools are now being used by various relocated Council outdoor staff as their works depots.

CRANKY ROCK

Cranky Rock Recreational Reserve was closed to the public on Friday 27 March (COVID-19).

A mobile cell-fi tower and a UHF have been installed at the residence.

MYALL CREEK

Council staff have undertaken weed control over the Myall Creek Memorial site.

WARIALDA RAIL PUBLIC RECREATION RESERVE HANDOVER

The Gazettal Notice for appointing Gwydir Shire Council as the Crown Land Manager has occurred, therefore, Council can manage the Reserve on a day-to-day basis from the handover date, which was Friday, 6 March 2020.

Councillors Marilyn Dixon, David Coulton and Stuart Dick were present at the handover.

COUNCIL'S CLEANING CONTRACT

COVID-19 has greatly impacted the cleaning of Council's facilities.

On Monday 30 March all public amenities, except the Warialda Saleyards, Warialda Café (Corner Hope and Stephen Streets), Warialda Visitor Information Centre (External), Bingara Maitland Street and Bingara Cunningham Park, were closed.

Other facilities closed to the public include gyms, toy libraries, libraries, CSHP outlets, The Roxy, Visitor Information Centres, Nicholson Oval, Warialda Recreation Ground and Stadium, Warialda Memorial Hall, The Living Classroom and Bunkhouse.

Cleaning of all closed premises has been suspended, or reduced, with staff undertaking these duties themselves.

Due to the relocation of the Council Depot staff into different groups, cleaning has been added at the Bingara Showground, The Living Classroom, Bingara Swimming Pool, Warialda Swimming Pool and the Warialda Truck Wash.

During the reporting period, in addition to the scheduled regular program, cleaning was completed at:

Living Classroom and Bunkhouse – various meetings/courses,
Gravesend School visit, Writers' Workshop, line dancing

Warialda Recreation Ground – Warialda High School sports, Redneck Rally

Warialda Memorial Hall – Seniors' Week Bingo, martial arts, yoga classes.

PROPERTY MANAGEMENT

During this period of social distancing and isolation, Council staff are telephoning each resident weekly (or their carer) who are living at Whitfeld Place, the Plunkett Street and Holden Street units and the Bingara Caravan

Park, to 'check in' and to ensure that they are alright and to offer assistance when needed. This assistance includes any deliveries that may be required.

GOVERNANCE

Declarations of Interest

Declarations of Interest	Pecuniary – significant	Pecuniary – less than significant	Non-Pecuniary – significant	Non-Pecuniary – less than significant
March – Committee	There were no Committee Meetings held in March.			
March – Ordinary	0	1	0	0

*Cr Smith declared a less than significant pecuniary interest in DA 8/2020 mentioned in Item 3 Monthly Executive Report – February 2020.

Customer Service Requests

Customer Service Requests	Building Services	Technical Services	Town Utilities	Environmental and Sustainability Services	OCD	Total Received	Total Pending as at 31.03.2020
July Received	14	45	19	13	0	91	
July Pending	0	0	0	0	0		0
August Received	15	84	25	24	0	148	
August Pending	0	0	0	1	0		1
September Received	15	131	14	19	0	179	
September Pending	0	0	1	0	0		1
October Received	17	98	10	13	0	138	
October Pending	0	0	0	0	0		0
November Received	3	121	18	1	0	143	
November Pending	1	0	1	0	0		2
December received	19	135	11	6	4	175	
December pending	0	1	0	1	0		2

January received	16	90	23	22	0	151	
January pending	0	0	0	4	0		4
February received	20	52	21	21	0	114	
February pending	0	3	3	5	0		11
March Received	15	34	32	25	0	106	
March Pending	6	3	9	11	0		29
Total Requests						1245	
Total Pending							50

Public Interest Disclosure Training

The NSW Ombudsman's Public Interest Disclosure (PID) information sessions set down for the end of March have once again been postponed.

Council Elections

The NSW Government advised that the Local Council Elections which were to be held on Saturday 12 September have been postponed.

Bushfire Community Resilience and Economic Recovery Fund – Phase 1 (BCRERF)

On 30 March, Council submitted a BCRERF application for funding of \$98,000 for the Gwydir – Building Resilience project. This funding will cover a new SMS alert system across the Shire, Customer Service and Retail Workshops, Motivational Presentation by Justin Herald, Gwydir Gift Card initiative (*Why Leave Town*) and business grants to beautify shopfront facades.

OFFICER RECOMMENDATION

THAT the monthly Executive Report for March 2020 be received

ATTACHMENTS

There are no attachments for this report.

**Item 7 Monthly Organisation and Community Development
Report for March 2020****FILE REFERENCE****DELIVERY PROGRAM****GOAL:** 5. Organisational Management**OUTCOME:** 5.1 CORPORATE MANAGEMENT**STRATEGY:** 5.1.3 Administrative functions - GM - internal**AUTHOR** Organisation Development Director**DATE** 27 March 2020**STAFF DISCLOSURE OF INTEREST** Nil**IN BRIEF/ SUMMARY RECOMMENDATION**

The monthly Organisation and Community Development report details the activities carried out by the Department during March 2020.

BACKGROUND

The monthly Organisation and Community Development report forms part of a regular reporting regime. The purpose of the report is to inform Council of the activities carried out within the Department.

WORK HEALTH AND SAFETY**Incidents**

March has seen a 75% reduction in incidents, compared to February 2020. Two incidents occurred throughout March (Naroo and Engineering Services), one resulting in a lost-time injury of a Naroo employee.

Incident Management Framework

Council's incident management processes were audited in February 2020 which identified a number of areas requiring improvement. Following this feedback, an incident management framework was developed and presented to the Safety Consultative Committee for adoption. The incident management framework was adopted and is effective immediately.

The new incident management framework provides guidance on how to appropriately investigate an incident, identify the causal factors which contributed to the incident and implement controls to prevent a reoccurrence.

Training in incident management will be made available once COVID-19 restrictions are lifted.

Risk

Due to the COVID-19 pandemic, a Crisis Management Team was appointed and held regular teleconferences throughout the month. Council's Crisis

Management Plan was enacted along with Councils Pandemic Emergency Response Sub Plan.

A significant amount of supporting tools and documentation were created for each Department to assist with risk management. The Crisis Management Team is constantly monitoring the COVID-19 situation and is responding to the pandemic as required.

Education

There was an exponential increase of Toolbox talks held during March. Seventy-two of the 92 Toolbox talks held, provided information to staff about COVID-19 and the steps being taken by Council to minimise employee and community risk of contracting the virus.

MARCH 2020		
Organisational Lead and Lag Indicator Snapshot (see Attachments 1 and 2)		
Lead Indicators	Current Month	Total (from 1 July 2019)
Number of Hazards Reported	1	1
Number of Near Misses Reported	0	1
Number of Workplace Verifications	0	43
Number of Tool Box / Safety Meetings / Training	92	107
TOTAL	93	152
Lag Indicators	Current Month	Total (from 1 July 2019)
Number of Incidents	2	48
Number of First Aid Treatments (FAT)	0	5
Number of Medical Treatment Injuries (MTI)	0	6
Number of Lost Time Injuries (LTI)	1	17
Working Days Lost Due to Injuries	8	332
Working Days Restricted Duties	11	85
Number of Employees	206	~228
Total Hours Worked	23,161	196,996
Total Lost Time Injury Frequency Rate (LTIFR)	43.17	86.29
Total Recordable Injury Frequency Rate (TRIFR)	43.17	116.75

AGED CARE SERVICES

Over the last month, Naroo residents and staff have worked tirelessly during this challenging time, however remaining positive and equipped to get through the crisis together. They are rising to the challenge, which the COVID-19 has created, with the goal of keeping loved ones safe and happy.

The decision to close the doors to visitors into the facility was vital in controlling potential risks of infection. Staff are aware of the impact this will have on families and residents, however, it is seen as a necessary step to protect the health and wellbeing of those in care.

Occupancy: 36

Meetings

- Resident Meeting held 10 March
- All Staff Meeting held 11 March
- The decision was made, due to the ongoing COVID-19 crisis, that the Dementia Friendly Alliance meetings would be suspended until later in the year.

National Aged Care Pilot

Naroo has now completed the first stage of the National Aged Care Pilot.

Naroo was registered to be part of the Quality Indicators (QI's) pilot relating to both new and existing domains - medication management, falls and fractures, unplanned weight loss, use of physical restraint and pressure injury.

Participation in this pilot is an opportunity for Naroo and Gwydir Shire Council to trial and provide feedback of the indicators prior to the implementation from 1 July 2021.

Staffing

Occupancy increased to 36 and staff shifts were returned to normal to meet resident ratios.

Dementia Training

Tele-Conference Dementia Support Australia – Supports staff and carers with information, advice and assessment for people with dementia. Staff were engaged via Teleconference mentoring which supports resident connections in life. The conference was aimed at developing positive approaches based on Love, Attachment, Comfort, Identity, Inclusion and Occupation.



Although we have no visitors at the moment this doesn't mean that we are alone and looking out for each other.

Activities

Gone Fishing – There was some serious competition with the Naroo fishing event, with one lucky winner awarded seriously yummy treats.

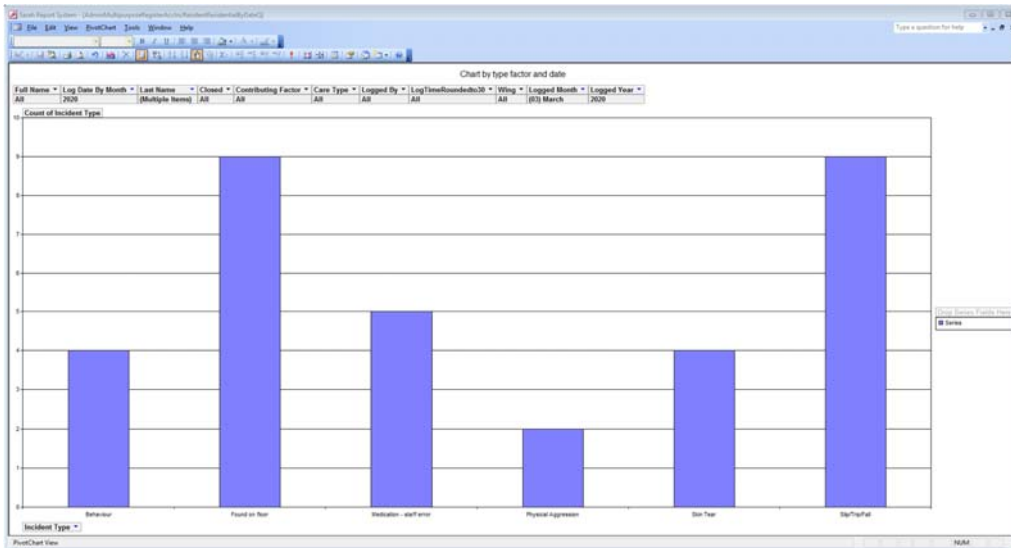


Smart Solutions to Social Distancing

Hugs were enjoyed all round, thanks to the talented Activities staff with this genius invention, which brought many smiles, to say the least.



Quality Report



- Behaviours – 4
- Resident found on floor – 9
- Medication errors staff – 5
- Physical Aggression – 2
- Skin tears – 4
- Slip/Trip or fall – 9

Work Health and Safety (WHS): Workplace Inspection completed as attached.

GSC Commonwealth Home Support Program (CHSP) Quarterly Report

January to March 2020	Bingara CHSP	Delungra CHSP	Warialda CHSP
Day Centre			
Clients receiving service	77	11	59

Meals	125	70	326
Hours	1281	262	775
Social Support			
Clients	77	11	59
Hours	1281	262	775
Food Service (Meals on Wheels)			
Clients	5	1	3
Meals	168	23	205
Transport			
Number of clients	72	11	24
Number of trips	506	56	128
Transport (Youth)			
Number of clients	0	0	0
Number of trips	0	0	0
Volunteers			
Number of volunteers	17	4	98
Hours	72	190	450
Outings		1	Cancelled COVID-19
Attendance		6	

Bingara CHSP

With the COVID-19 crisis hitting the country, things have changed a great deal over the past few weeks.

Bingara CHSP still had two morning teas on Tuesdays before having to sadly inform clients that this function could no longer be conducted until further notice. On 9 March, clients travelled to Guyra for the Seniors Extravaganza. A wonderful time was had by all with the Bingara table lucky enough to win the major lucky seat prize.

The final access bus trip travelled to Inverell on 6 March, before, unfortunately, this service was cancelled until further notice.

Out of town medical transport has been busy. In March 166 trips for 38 clients were conducted. Clients still need to be able to attend their specialist appointments in Tamworth, Moree, Inverell and Armidale. This essential service will continue until advised otherwise.

The Bingara CHSP office is now closed to the public but transport enquiries are now taken over the phone. Staff will now have the opportunity to catch up on the backlog of paperwork.

The office has been advised that no over 70 year old volunteers can continue delivering Meals on Wheels. Therefore, CHSP staff will do this at lunch time, 5 days per week. CHSP is also expecting an increase in the number of meals

as they have been advised that Touriandi Lodge have ceased outside meals from 9 March.

Warialda / Delungra CHSP

The COVID-19 situation has affected everyone. Consequently, transport is now only for medical appointments and Day Centres have ceased all activities. Meals on Wheels clients are still receiving meals and volunteers are following hospital procedures when entering to collect meals for delivery.

Staff have been keeping busy updating files, renewing care plans, general recordkeeping and assisting at Naroo with activities in the afternoons.

ECONOMIC DEVELOPMENT

Tourism/Events

Warialda Honey Festival

Unfortunately, due to restrictions on public gatherings, as a result of COVID-19, the 2020 Honey Festival scheduled for 28 March was cancelled.

Some costs for this event, such as advertising, were already incurred. However, for the most part, the events team were able to recover funds through refund, or have had payments held over for next year's event.

Visitor Information Centres / Roxy Theatre COVID-19 Closures

As of 24 March, the Gwydir Shire Visitor Information Centres, The Roxy Theatre and Gwydir Libraries were closed to the public. The staff at these services are working on cleaning up these spaces, or continuing with outstanding projects. In some instances, staff are taking excess leave until the service resumes as normal.

At the Bingara VIC, Council are taking the opportunity to complete maintenance works by painting and recarpeting the space. This will complete a long list of improvements to the centre, which have taken place over the last 6 months, including updates to furniture and displays.

Services NSW

Council's Services NSW agencies are two of only a few Council services to remain open, with the COVID-19 situation monitored to ensure the safety of staff.

A large section of the community are still using the service for non-essential or basic transactions, many of which can be performed online or over the phone. An education campaign encouraging people to go online or phone ahead has now gone out on social media and in the newspaper.

Grant Launches and Announcements

Due to COVID-19, the launch of All Abilities Park in Warialda scheduled for 20 March, failed to proceed. However, under the instruction of The Hon Adam Marshall, the Bingara Library opening went ahead, albeit a more reserved occasion than what was originally planned. Despite the small gathering, the morning was attended by a number of key representatives including the coordinator of Central Northern Regional Libraries, Kay Delahunt. A library open day, featuring all the festivities planned for the opening, will take place once the COVID-19 crisis is over.



Cr Catherine Egan, Mayor John Coulton, MP Adam Marshall and Gail Phillpott.

A number of funding announcements for the Stronger Country Communities Fund Round 3 took place during March, with photo opportunities arranged for the Crooble Hall, Warialda Churches, Warialda Pool, Gravesend Tennis courts and the Bingara Historical Society upgrades.



Meredith Miller, MP Adam Marshall, Janny Cruikshank and Gary Whibley.

Gwydir Libraries Branch Activities March 2020

Be Connected Tutorials for Seniors

Be Connected	Participants for period
Bingara	10
Warialda	1
Total	11

Statistics

	Bingara	Warialda
Door count	1451	339
PC usage	155	79
WIFI usage	285	164
New membership	18	2
Loans	684	368

Bingara	Total programs	Attendees
Adult	5	26
Kids	12	235
Be Connected tech	4	12
Community	10	388
Total	21	661

Warialda	Total programs	Attendees
Adult	6	14
Kids programs	5	41
Be Connected	1	1
Community		
Total	12	56

Outreach

Sessions	Bingara Sessions	Warialda Sessions	Attendees/ Total
Personal home delivery	4	8	
Aged care hostel delivery	2	0	
Nursing home delivery	0	1	
Golden Oldie Craft - Touriandi	1		12
Golden Oldie Craft - Naroo		1	6
Library branch promotions	4		
Outreach Bingara	6		
Outreach Warialda			

Total	17	10	18
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Bingara Library

The new Bingara Library was officially opened on 19 March 2020.

School groups visited each morning during the following week. Group visits included the Bingara Preschool, CHSP and Touriandi residents

Warialda Library

The library launched several programs prior to the closure due to COVID-19.

COVID-19 Closure

Both Librarians continue to work behind closed doors, at this stage.

Tasks include: Click and Collect services, planning and preparing future programs and outreach services, weeding; removing stock that does not fit the exchange criteria and collection development; identifying gaps and stagnant stock from the shelves.

Gwydir libraries have offered a Click and Collect service for members. Bingara Street Library has proven to be very popular with residents who are taking items to read daily.

The Willoughby Library has donated items to Gwydir libraries. The plan was to place a deposit station library in each village. This will go ahead once COVID-19 has cleared.

The Regional Library Manager has offered deleted and duplicate stock from the Central Northern Regional Library collection. The items will be changed to GSC bulk loans and remain barcoded enabling us to gather statistics.

Warialda Street Library will be available from 7 April, once stock arrives from Bingara via the CNRL courier.

THE ROXY COMPLEX

Roxy Theatre

Date	Purpose	Numbers
March 13	Community Comfort Fundraiser	Approx 80
March 23	Community Meeting	Cancelled due to COVID-19
March 27, 28	Sapphires Live Performance	Cancelled due to COVID-19
March 29	NWTC Film Club	Cancelled due to COVID-19

Roxy Conference Room

Date	Purpose	Numbers
March 5	FACS	Approx 20
March 10, 11	NWLLS – Weed Control	Approx 20
March 13	Ray White Rural Auction	Approx 40

March 15	NWTC Play Reading	
March 23	IPAR Presentation	Cancelled due to COVID-19

Roxy Meeting Room

Date	Purpose	Numbers
March 3	Juvenile Justice Meeting	3
March 23	IPAR Presentation	Cancelled due to COVID-19

Trade Training Kitchen

Date	Purpose	Numbers
No bookings for March		

VISITOR INFORMATION CENTRES**Warialda Visitor Information Centre**

January 2020	February 2020	March 2020
Opening hours = 177	Opening hours = 150	Opening hours = 150
Volunteering hours = 44	Volunteer hours = 27.5	Volunteering hours = 23

Bingara Visitor Information Centre

January 2020	February 2020	March 2020
Opening hours = 164.5	Opening hours = 166	Opening hours = 125.5
Volunteer hours = 28	Volunteer hours = 36	Volunteer hours = 28

Income – Warialda VIC	\$January	\$February	\$March
Caravan Park	470.00	0	0
Centre hire	0	30.00	60.00
Merchandise sales	1,097.00	1,148.00	1,862.55
Goods on consignment sales	0	50.00	75.00
Warialda Christmas Carnival	0	0	0
Warialda Honey Festival	0	30.00	0
Subtotal	\$1,567.00	\$1,258.00	\$1,997.55
Less Caravan Park money banked	470.00	0	0
Total Monthly Income	\$1,097.00	\$1,258.00	\$1,997.55

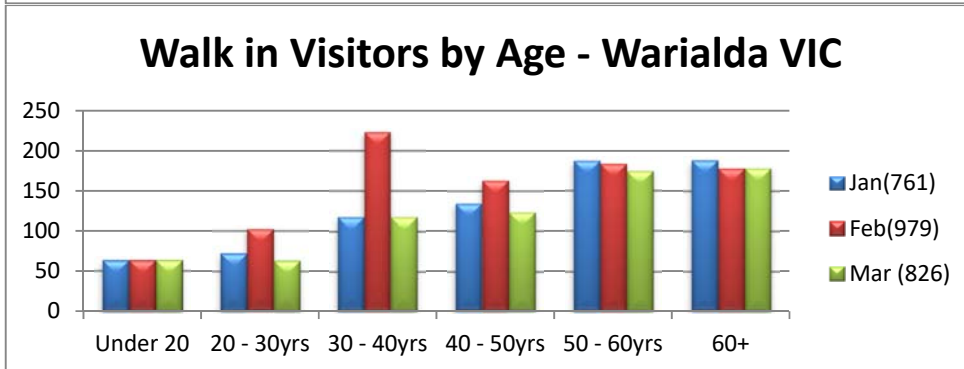
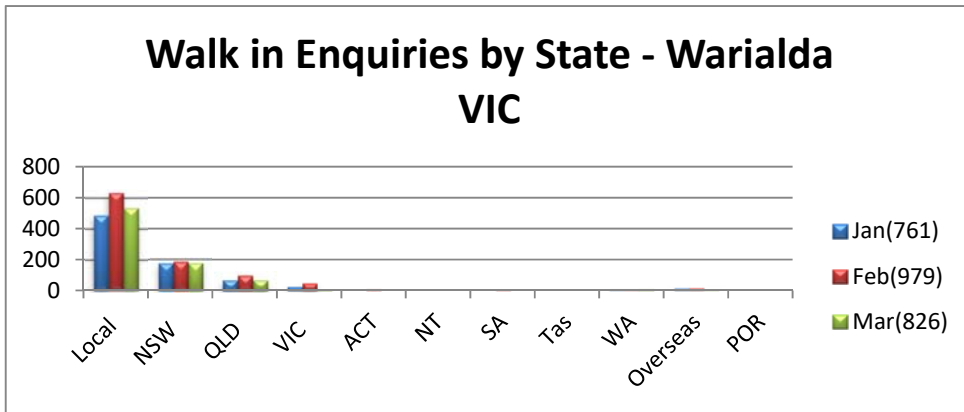
Income – Bingara VIC	\$January	\$February	\$March
Products on consignment	3.00	158.00	27.00

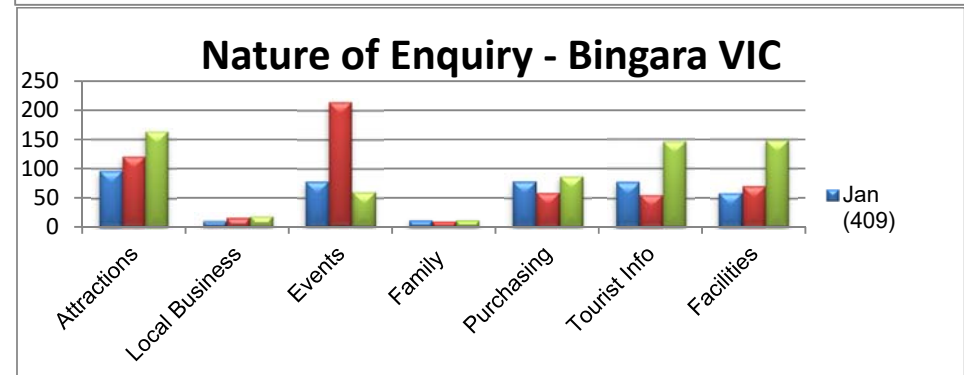
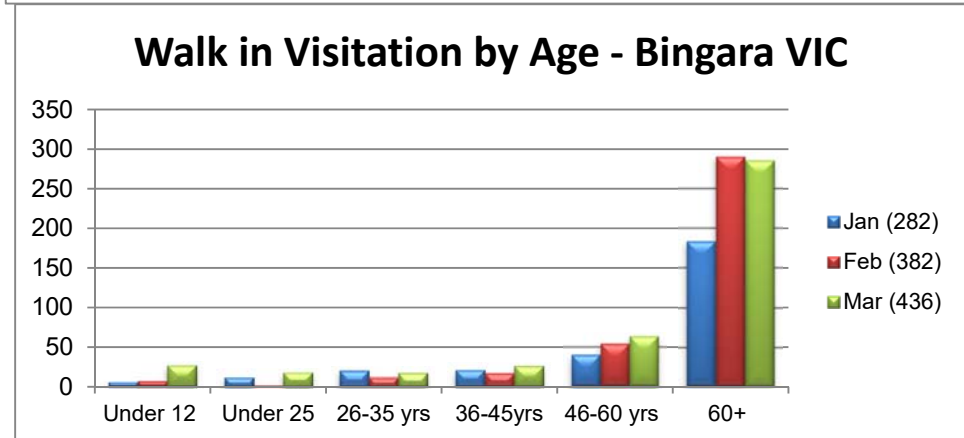
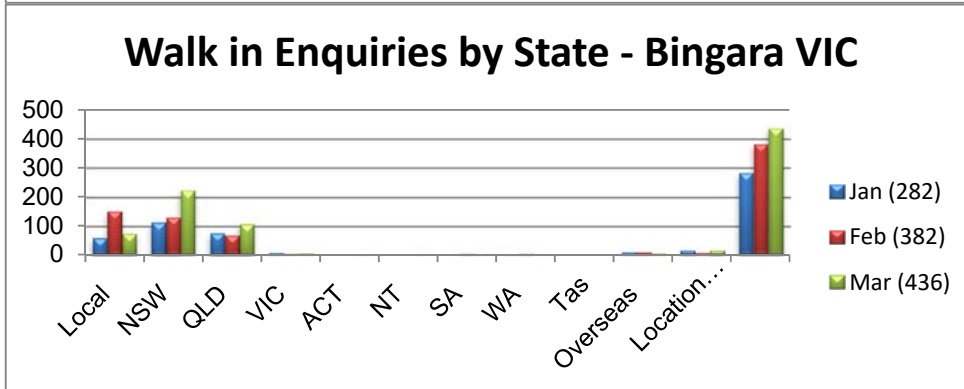
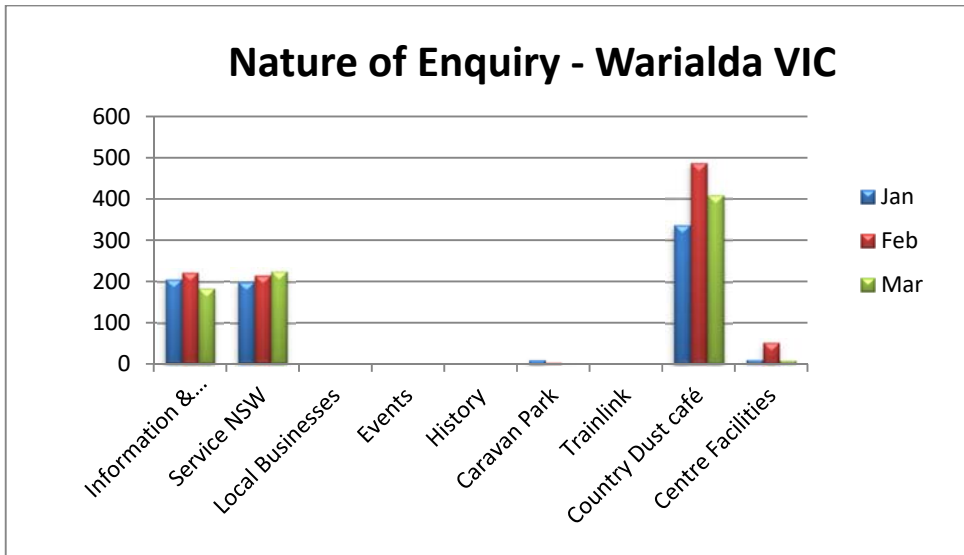
Merchandise	750.00	473.00	777.50
Subtotal	\$753.00	\$631.00	\$804.50
Less payments to consignees	2.10	110.60	18.90
Monthly Income Bingara VIC	\$750.90	\$520.40	\$785.60
Roxy Tour Income	70.00	40.00	215.00
Total Monthly Income Bingara VIC	\$820.90	\$560.40	\$1,000.60

Cranky Rock Sites	January	February	March
Powered sites	7	14	52
Unpowered sites	5	10	16
Total	12	24	68

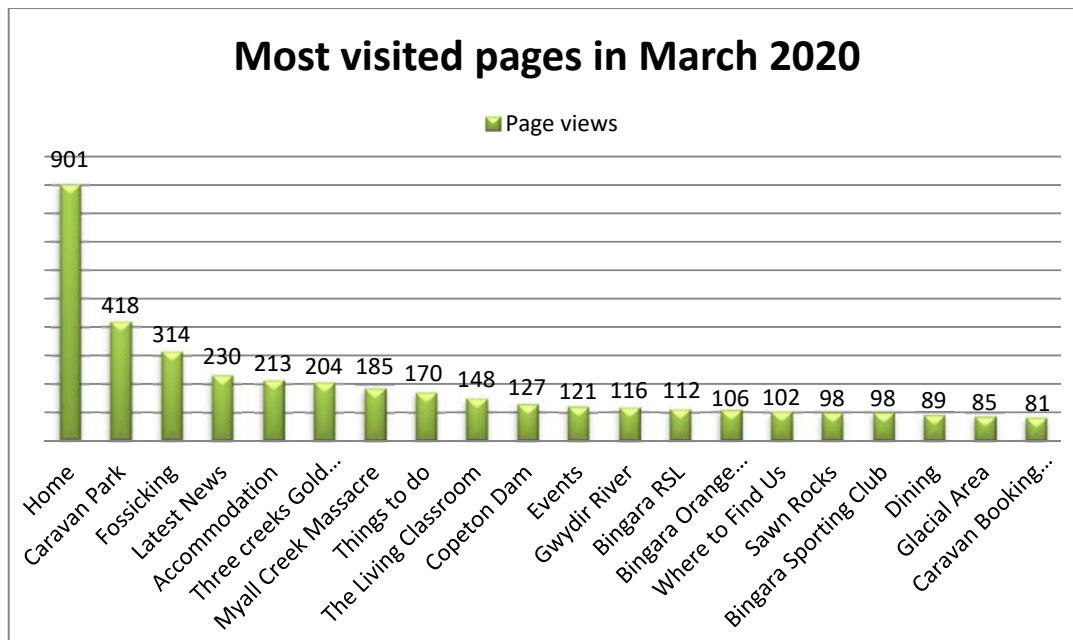
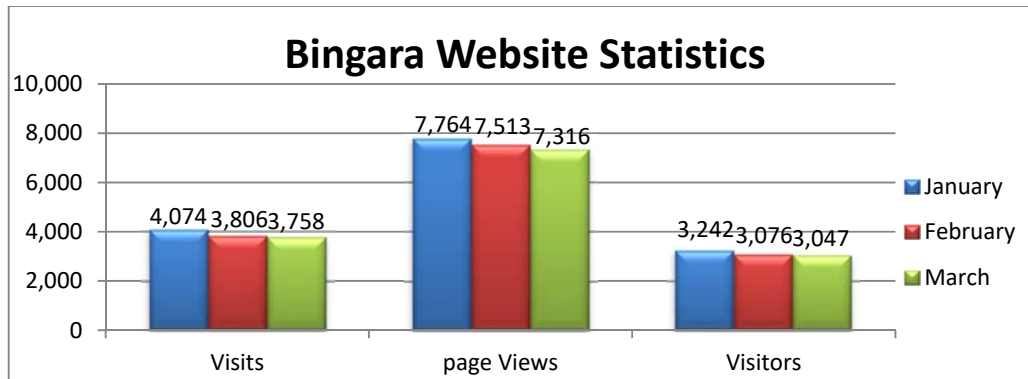
Visitors at Warialda VIC	January	February	March
Visitors	226	278	193
RMS clients	199	215	225
Cafe	336	486	408
Total Warialda VIC	761	979	826

Visitors at Bingara VIC	January	February	March
Visitors	282	382	436





Bingara Website



SOCIAL SERVICES

Bingara Neighbourhood Centre

Funding body – Family and Community Services

Bingara Neighbourhood Centre continued to provide assistance with the new round of drought assistance through the Salvation Army. Grant applications have been a focus for community groups and face-to-face service has now been terminated. The Neighbourhood Centre continues to provide support via email and phone services only.

Centrelink

Due to current COVID-19 Bingara Centrelink Agency has temporarily moved to a self-service access point. It remains open between 10:00am – 12:00pm daily by appointment only.

Be Connected (Broadband for Seniors)

Month	Number of participants
January	0
February	5
March	3

During March 'Be Connected' had three returning learners and three first time learners booked in. During this time topics covered included how to use a smart phone, what is the best phone to purchase, data usage and cost, how to purchase and apply credit to a mobile phone. Due to the current COVID-19 crisis this service is now closed.

Youth Service

Funding body – Family and Community Services

Youth Council

On Tuesday 3 March, the Youth Council met at Warialda to discuss the upcoming Youth Week Activities and finalise the activities. There was a meeting scheduled for 17 March to run a test on the activities and to work out the timeframes for the Youth Week event. With the current situation with COVID-19, the decision was made to postpone the event until further notice and postpone the Youth Council meetings.

Youth Mentoring Program

Month	Number of participants
January	2
February	4
March	2

The Youth Mentoring program has been assisting young people with Centrelink, Medicare, travel bookings, behaviour management, and licence applications.



*Kool Skool Kids***Bingara Toy Library**

*Funding body – Early Childhood Education and Care Directorate
NSW Department of Education and Communities*

Bingara Toy Library	January	February	March
Toy Library members - children utilising the service	31 children 3 KSK program	47 children 65 KSK program	37 children 57 KSK Program
Toy Library members - parents/adults attending	17 adults	38 adults	32 adults
Total memberships at Bingara Toy Library	11 borrowers 18 non borrowers 2 birth	9 borrowers 17 non borrowers 3 birth	11 borrowers 18 non borrowers 3 birth
Toys returned	7	6	1
Toys borrowed	5	3	2
Children/ Group using toys (members)	4	drs	1
Craft/songs/stories/ free play	31 children 16 adults	21 children 15 adults	19 children 13 adults

3 March: Bubz Biz Body Shop party by Sharna from Warialda. There were beautiful products to try, smell and feel. Sharna gave a brief overview of the products out on display, had samples to try and to take home. Many orders

were made. Sharna gave a tub of body butter as a donation to the Toy Library for hosting the event. 13 children and 13 adults attended.

10 March: Handout on language and literacy. Staff talked about the importance of talking to children, reading and singing nursery rhymes. An overview was given and all information would be emailed out to families who attended rather than printing twenty pages. Families were told that Sandy Scotton will be attending the service in May to extend on this topic. 13 children and 10 adults attended.

17 March: St Patrick's Day. Teeth Talk and PowerPoint presentation was delivered by staff. This presentation was provided to the service from Hunter New England Health some years ago covering all things from teeth care, mouth hygiene and diet for teeth care. 5 children and 5 adults attended.

Due to COVID-19, all services have now closed to the public until further notice. All families have been notified by text message, email and on Facebook. Staff will remain at the service to clean all toys and resources along with completing reports/paperwork. The service continues to operate via email and phone services only, offering support through group discussions ideas and information. The Toy Library staff will continue to make contact with members to ensure their health and safety at this difficult time.

Supported Playgroup Development Worker

Funding body – Family and Community Services

Warialda Toy Library	January	February	March
Total daily attendance count for children, (no. of children having utilised the service calculating each day over the month)	34	126	87
Full borrowing members (new)	0	0	0
Non borrowing members (new and/or renew)	0	0	0
Casual borrowing members (new or renew)	1	0	0
Commemorative Birth Certificate – voucher memberships	0	0	0
Commemorative Birth Certificate applications received	0	4	0
Toys returned	0	0	11
Toys borrowed	0	11	0
Groups using the service (FDC carers, Church and Pharmacy)	4	4	4
Monday group activity morning	5	29	15
Tuesday group activity morning	3	27	25
Wednesday group activity morning	10	N/A School Term	N/A School Term

Thursday group activity morning	12	42	24
Friday group activity morning	4	28	23

Due to the Pandemic, the Warialda Toy Library service operated for just 8 days during March 2020.

2 March: Children engaged in free play while families were provided with literature on physical and brain development.

3 March: Rice with funnels and containers were provided to children prompting problem solving, curiosity and exploration. This experience created opportunity for sensory play and the experience was extended when children were provided with pva glue and paper. Children utilized these materials to make this activity a craft experience as they set about gluing the rice to the paper.

5 March: Finger painting and a toy car wash were provided for the children to participate in. Both activities were provided as an extension in sensory exploration.

6 March: Fine motor skills were encouraged as children utilised playdough and cheerios with straws, threading the cheerios over the straws took much persistence. Trial and error and hand and eye coordination were exhausted during this experience as children manipulated the small circular object up and over the straws using their fingers and hands to execute the experience.

9 March: Information was provided to attending families regarding social and emotional development.

10 March: Science exploration took place. Children spent time during this session squirting vinegar from syringes into small pots of bicarb soda, discussing the reaction and colours created with the eruption of the pots when bicarb and vinegar were mixed. This experience prompted cognitive skills, fine motor and eye and hand coordination skills

12 March: Children attended the service session to create an indoor forte, facilitating emergent gross motor skills as the children, lifted, dragged, balanced and climbed throughout the created forte.

Playgroup Location	January	February	March
Warialda – Monday morning	5	29	15
Gravesend – Wednesday morning	School Christmas Holidays	8	8
Bingara – Thursday morning	School Christmas Holidays	24	14
Total	5	61	37



Bingara Playgroup fun

Playgroups for the month of March were only supported for two sessions each due to the COVID-19 shutdown requirements.

Warialda and Gravesend emphasised play experiences supporting gross motor skills and cooking during those 2 sessions and Bingara focussed on fine motor and sensory play exploration.

Due to COVID-19, Toy Library and Playgroups have ceased until further notice. All families have been notified by text message, email and on Facebook. Staff will remain at the service to clean all toys and resources along with completing reports/paperwork. The Service continues to operate via email and phone services only, offering support through group discussions ideas and information. The Toy Library staff will continue to make contact with members to ensure their health and safety at this difficult time.

Bingara Preschool

*Funding body - Early Childhood Education and Care Directorate
NSW Department of Education and Communities*

Days	January
Tuesday	15
Wednesday	15
Thursday	18
Friday	9

Excursions and Visitors: Due to the COVID-19 pandemic, all excursions have been cancelled. Visitors are not encouraged (unless providing an essential service to the Preschool).

COVID-19: Bingara Preschool is still open and operational. As per recommendations from the Health Department, we are only providing care for children whose families have no other care option. The Preschool has seven children still attending the service.

Bingara Preschool has implemented a COVID-19 Management Plan with the following **procedures** in relation to stopping the spread of COVID-19:

- Sanitising all hands on arrival and departure of the service.
- Practicing and advocating social distancing (staff, children, families).
- Strictly following the COVID-19 Bingara Preschool Policy (created 20 March).
- Frequently washing the children's and staff hands properly.
- Discussing hand washing and COVID-19 with the children using appropriate language and tools.

As there are less children attending, the Bingara Preschool educators have been completing other tasks within the service. These tasks in March have included categorising the books and cleaning out the green house.

The educators are currently working on activity packs that will be posted out to all Bingara Preschool families.

Tharawonga Mobile Resource Unit

*Funding body – Department of Education | Department of Employment
Australian Government*

Day	Venue	2-3yo	3-5yo	Transition to school	Total In Attendance
Monday	Yetman	0	5	2	5
Tuesday	North Star	3	10	3	13
Wednesday	Yallaroi	0	5	1	5
Thursday	North Star	2	8	3	10
Thursday	Gravesend	4	9	5	13
Friday	Gravesend	4	9	4	13
Friday	Crooble	1	5	1	6

Numbers of children attending Tharawonga had slowly begun to increase again with lots of new enrolments.

Tharawonga has ceased face-to-face service due to staff illness and the lack of casual staff available during this time. Service delivery has been altered to an online program. This has pushed staff to learn some new technology skills. Each day a page from a colouring book written by a local author has been emailed so that children will have the complete reading book by the time they go into school holidays. Permission has been gained from the author to read her series of books online and she has videoed herself to put on the Tharawonga Facebook page, reading her latest instalment.

Online programs have been researched for children's areas of interest and implemented with each educator taking on their role in the group of reading books, singing songs or sharing activities. Children are encouraged to discuss

their own pets and hopefully, reciprocal videos posted to the closed Facebook page.

Sessions will be presented on YouTube, Houseparty and the closed group Tharawonga Facebook. This has been well received. Houseparty has offered children the opportunity to connect with up to four friends at once and the session can be locked for privacy and safety.

Planned children's health checks, immunisations and hygiene training have been postponed until people are safe to be brought together again.

Staff will be working from home until given instruction to do otherwise. Tharawonga staff are dedicated to keeping children school ready even in the event that the service does not open again for a prolonged period of time.

Crooble

Crooble children communicated through Houseparty and this has been well received. Their group leader has put together some learning packs that have been posted to children.

Gravesend

Gravesend's group leader has designed a more personal program where children are spoken to by phone each Thursday and Friday, which are their usual days of attendance. Videos have been sent to the children via the closed Facebook page with dances and songs that they have been learning. This will assist them to maintain previously learned skills whilst in isolation. Whilst revision will be attended to each week, children will also be taught new nursery rhymes and songs during the temporary service closure.

North Star

The temporary closure sees families participating in online learning. What children are missing out on in the physical delivery of the program, they will be gaining extra skills with technology that they would not normally have had an opportunity to develop. Children from North Star have been sent a package by mail and this should arrive early next week. There are craft items and name recognition learning aids for children to play with. Fortunately, Tharawonga children are mostly from farming families and can access plenty of outdoor play, especially if guided by older siblings who have been kept home from school.

Yallaroi

Yallaroi children were contacted through Houseparty and have been invited to participate in the Facebook home video challenge. Technological skills will be advanced during the period of closure. Parents are learning along with their children.

Yetman

The service has moved to the Yetman Public School, which was working well. As Yetman teachers have been working from home, no service was required this Monday and then the Tharawonga temporary closure occurred.

CONSULTATION

Consultation has occurred within the Organisation and Community Development Directorate.

POLICY IMPLICATIONS

Policy implications are those relating to the 2019/2020 Operational Plan and the Policies of Gwydir Shire Council.

FINANCIAL, ECONOMIC and RESOURCE IMPLICATIONS (including Asset Management)

The activities carried out by the Organisation and Community Development Department are in line with the 2019/2020 Operational Plan.

SUSTAINABILITY IMPLICATIONS (Social and Environment)

The activities undertaken by the Organisation and Community Development Department regarding social and environmental factors are targeted in line with the 2019/2020 Operational Plan.

OFFICER RECOMMENDATION

THAT the monthly Organisation and Community Development Report for March 2020 be received

ATTACHMENTS

AT- Indicators

AT- Safety Report Guidance Notes to assist in interpretation

Department	Current Month				Total (Financial Year)			
	Hazards Reported	Near Miss Reported	Workplace Verifications	Toolbox/Safety Meetings/Training	Hazards Reported	Near Miss Reported	Workplace Verifications	Toolbox/Safety Meetings/Training
Social Services				6				7
Naroo and Aged Services				6				7
Community Assets				6			2	7
Finance				6				7
People and Culture				6				7
IT and Business Improvement				6				7
Marketing and Economic Development				6				7
Safety, Risk & Procurement				6			2	7
Planning and Environment				6			3	9
Building Services				7			12	9
Utilities	1			10	1		9	19
Engineering Services				6			15	11
TOTAL	1			77	1	1	43	104

Department	Current Month				Total (Financial Year)			
	Incidents Reported	First Aid Treatments	Medical Treatment Injuries	Lost Time Injuries	Incidents Reported	First Aid Treatments	Medical Treatment Injuries	Lost Time Injuries
Social Services								
Naroo and Aged Services	1			1	3	2	1	4
Community Assets					11		1	
Finance					2		2(external)	
People and Culture					1			
IT and Business Improvement								
Marketing and Economic Development								
Safety, Risk & Procurement								
Planning and Environment					6	1	1	2
Building Services					4		1	1
Utilities					9	1	1	4
Engineering Services	1				15	1		5
TOTAL	2			1	52	5	6	17

Organisational Lead and Lag Indicator Snapshot			
Lead Indicators	Current Month	Total (from 1 July 2019)	Guidance Notes
Number of Hazards Reported	1	1	Hazard – A behaviour or a condition which has the potential to cause injury or damage to property or and/or the environment. No energy released
Number of Near Misses Reported	0	1	Near Miss – Any unplanned event, that under different circumstances, could have caused injury or damage to property and/or environmental harm. Energy released but no impact
Number of Workplace Verifications	0	43	Workplace Verification – Is the process of confirming a task is being conducted in a manner which complies with Council's health, safety and environmental requirements
Number of Tool Box / Safety Meetings / Training	104	119	Tools used to alert the workforce about potential hazards and learnings from past incidents (internal and external). Training is topical and focuses on a WH&S element
TOTAL	105	164	

Lead Indicators – Leading indicators measure the proactive actions taken to prevent an injury or illness.

Lead data helps improve future performance by identifying weaknesses and allowing action before a failure occurs.

Lead indicators offer a more complete picture of progress towards safety culture excellence by tracking the increase in positive employee behaviours.

Lag Indicators	Current Month	Total (from 1 July 2019)	Guidance Notes
Number of Incidents	2	48	Incident - An event which causes injury or property damage and/or adverse effects on the environment or the community. Energy released which results in injury or damage
Number of First Aid Treatments (FAT)	0	5	FAT - Treatments carried out in the workplace which required no assistance from a physician or other medical personnel
Number of Medical Treatment Injuries (MTI)	0	6	MTI - An injury or disease sustained by an employee that resulted in treatment given by a physician or other medical personnel
Number of Lost Time Injuries (LTI)	1	17	LTI - An injury sustained by an employee that leads to loss of productive work in the form of absenteeism (i.e. fatality, permanent disability, time lost from work of one day/ shift or more)
Working Days Lost Due to Injuries	8	332	Number of working days lost due to LTIs
Working Days Restricted Duties	11	85	Number of working days whereby an employee was on restricted duties
Number of Employees	206	~228	Number of employees (fulltime, part-time, casual) that were employed by Council during the reporting period
Total Hours Worked	23,161	196,996	Number of hours worked by all employees (fulltime, part-time, casual) during the reporting period
Total Lost Time Injury Frequency Rate (LTIFR)	43.17	86.29	LTIFR - The number of lost-time injuries within a given reporting period, relative to the total number of hours worked in that period (Number of lost time injuries in reporting period) ----- x 1,000,000 (Total hours worked in reporting period)

Total Recordable Injury Frequency Rate (TRIFR)	43.17	116.75	<p>The number of lost-time injuries per hour worked is a small number. To make it easy to interpret, a multiplier of one million is used and LTI/FR are reported as the number of lost-time injuries per million hours worked.</p> <p>According to the Safe Work Australia, the Industry Standard for Local Government Administration is 12.6</p> <p>TRIFR - The number of MTI's and LTI's within a given reporting period, relative to the total number of hours worked in that period</p> <p>(Number of total recordable injuries in reporting period) / (Total hours worked in reporting period) x 1,000,000</p> <p>The number of recordable injuries per hour worked is a small number. To make it easy to interpret, a multiplier of one million is used and TRIFR is reported as the number of recordable injuries per million hours worked.</p> <p>The TRIFR system ensures that there is equal treatment for all safety incidents.</p>
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Lag Indicators – Lagging indicators are a retrospective set of metrics used to measure the outcome of an activity.

Lag indicators tell us, after the fact, how many people were injured in a way that impaired their ability to work. Lag data is easy to measure but it only provides one piece of the puzzle. When used in isolation, it doesn't provide a clear picture of safety performance.

When looking at lead and lag indicators together, they provide a clearer picture of safety performance and assist in determining the direction required in order to improve safety performance.

Item 8 Donations 2020/2021

FILE REFERENCE

DELIVERY PROGRAM

GOAL: 5. Organisational Management

OUTCOME: 5.1 CORPORATE MANAGEMENT

STRATEGY: 5.1.1 Financial management and accountability systems -
CFO - internal

AUTHOR General Manager

DATE 16 April 2020

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/ SUMMARY RECOMMENDATION

This report recommends that a draft Donations' List, as outlined in this report, be advertised for public comment as a component of the IP & R 2020/21 documentation.

TABLED ITEMS Nil

BACKGROUND

The draft donations' list are attached for consideration.

OFFICER RECOMMENDATION

THAT the report be received and the 2020/21 donations' list be endorsed.

ATTACHMENTS

AT- Draft Donations' List

Summary							
Classification	Definite Donation Requests	Subject to event or activity being held	Potential Donations' Total	Source of funds			
				General Fund	Sewer Fund	Water Fund	Waste
Donations less than \$1,000	\$13,200	\$2,800	\$16,000	\$16,000			
Donations greater than \$1,000	\$31,000	\$30,100	\$61,100	\$61,100			
Foregone income	\$56,807		\$60,000	\$13,397	\$11,912	\$17,757	\$13,741
Internal allocation	\$25,000	\$8,000	\$33,000	\$33,000			
Totals	\$126,007	\$40,900	\$170,100	\$123,497	\$11,912	\$17,757	\$13,741
In-Kind contributions allocated across other expenditure areas	\$5,250	\$32,500	\$37,750	\$37,750			

Donations < \$1,000		
Organisation	Donation requested	Donation Requested
Upper Horton Rodeo and Campdraft	Annual sponsorship	\$500
Warialda Sports Council Awards	Annual sponsorship	\$350
Bingara Sporting Club Awards	Annual sponsorship	\$350
Warialda Rugby League Football Club	Annual sponsorship	\$500
Bingara Bulls Rugby League Football Club	Annual sponsorship	\$500
Bingara Missiles League Tag	Annual sponsorship	\$300
Warialda Ladies League Tag	Annual sponsorship	\$300
Warialda High School	Annual academic prizes	\$475
Bingara Central School	Annual academic prizes	\$650
Warialda Primary School	Annual academic prizes	\$300
St Josephs Primary School	Annual academic prizes	\$300
Gravesend Primary School	Annual academic prizes	\$300
North Star Primary School	Annual academic prizes	\$300
Croppa Creek Primary School	Annual academic prizes	\$300
Unallocated	Donations requests received during the year	\$10,575
Totals		\$16,000
Subject to event or activity being held		\$2,800
Definite		\$13,200

Donations > \$1,000		
Organisation	Donation requested	Donation Requested
Barraba PA & H Association	Annual donation	\$1,500.00
Warialda P & A Association	Annual donation	\$1,500.00
Bingara Show Society	Annual donation	\$1,500.00
Bingara Orange Festival	Annual sponsorship	\$10,000.00
Gwydir Art Prize (Subject to being held)	Annual sponsorship	\$2,500.00
Warialda Honey Festival	Annual sponsorship	\$10,000.00
Friendly Faces Helping Hands Foundation	Donation	\$1,000.00
Warialda Historical Society (Previous commitment by Council to 5 year project)	Who, when, where Cemetery Project (5 Year Project - Year 2)	\$5,000.00
Bingara Sporting Club (If grant application is successful)	Upgrade to club amenities	\$20,000.00
Bush Bursary NSW Doctors' Network	Annual sponsorship	\$2,000
Warialda Rotary	Australia Day Celebrations Warialda	\$1,100.00
Barwon Medical Scholarship	Annual sponsorship	\$3,000.00
Warialda Motor Sports Club	Warialda Off Road event	\$2,000.00
Totals		\$61,100.00
Subject to event or activity being held		\$30,100.00
Definite		\$31,000.00

FOREGONE INCOME						
Organisation	Donation requested	Recommended donation	General Fund	Sewer Fund	Water Fund	Waste
All junior and school sports plus community groups	Waiving of all hire fees	\$5,000	\$5,000			
Anglican Church, North Star	Waiving water & waste charges	\$707			\$420	\$287
Bingara Bullets Rugby League Club	Use of oval and training lights	\$800	\$800			
Bingara Radiance Club	Rates and other charges subsidy	\$2,281	\$734	\$500	\$420	\$627
Catholic Church, Presbytery, St Joseph's Primary School and Convent	Water, sewerage and waste charges	\$9,945	\$75	\$3,210	\$3,176	\$3,484
CWA North Star	Rates and other charges subsidy	\$1,249			\$420	\$829
CWA Warialda	Rates and other charges subsidy	\$2,998	\$1,324	\$425	\$420	\$829
Gravesend Showground	Waste charges	\$878			\$656	\$222
Gwydir Rugby Club	Use of oval and training facilities	\$1,000	\$1,000			
Presbyterian Church Warialda	Water, sewerage and waste charges	\$1,624	\$75	\$500	\$420	\$629
Salvation Army Bingara	Water, sewerage and waste charges	\$1,357	\$75	\$500	\$420	\$362
Scots Presbyterian Church, Bingara	Water, sewerage and waste charges	\$1,107	\$50	\$425	\$420	\$212
St Johns Anglican Church, Bingara	Water, sewerage and waste charges	\$2,669	\$75	\$925	\$840	\$829
St Mary's Catholic Church, Bingara	Water, sewerage and waste charges	\$3,802	\$75	\$1,425	\$1,260	\$1,042
St Simon and Jude's Anglican Church, Warialda	Water, sewerage and waste charges	\$1,899	\$75	\$425	\$420	\$979
Uniting Church, Bingara	Water, sewerage and waste charges	\$1,132	\$75	\$425	\$420	\$212
Unleash The Black Dog Ball	Waive hire fees of Roxy and kitchen	\$1,000	\$1,000			
Bingara Central School	Partial waiving of water charges	\$5,000			\$5,000	
Waiving Development Appin and other fees	For community group activities requiring a development application	\$1,500	\$1,500			
Carinda House	Water, sewerage and waste charges	\$3,133	\$1,389	\$502	\$420	\$822
Warialda P & A Association	Rates, water, sewerage and waste charges	\$6,897	\$75	\$2,650	\$2,625	\$1,547
Warialda Rail Recreation Reserve	Waste charges	\$829				\$829
Totals		\$56,807	\$13,397	\$11,912	\$17,757	\$13,741
Subject to event or activity being held		\$7,800	\$7,800			
Definite		\$49,007	\$5,597	\$11,912	\$17,757	\$13,741

Council Internal Donations'			Recommended Donation
Organisation	Donation requested		
Willoughby-Gwydir exchange program	Annual allocation		\$6,000.00
Gwydir Learning Region	Annual allocation		\$20,000.00
Gwydir Learning Region's Country Education Foundation Committee	Annual allocation		\$5,000.00
Industry awards	Prizes and assistance during annual business award event		\$2,000.00
Totals			\$33,000.00
Subject to event or activity being held			\$8,000.00
Definite			\$25,000.00

IN KIND SUPPORT (From maintenance budgets if normal operations return)			Recommended Allocation
Organisation	Donation requested		
Bingara events unallocated	Support for community events		\$10,000.00
Bingara Jockey Club	Preparation for annual race day		\$2,000.00
Bingara RSL Club and Sub Branch	Upkeep of memorial gardens in Bingara		\$750.00
Bingara Show Society	Maintenance of showground		\$3,000.00
Carinda House Committee	Maintenance requests		\$750.00
Myall Creek Memorial Committee	Ground maintenance for annual commemoration		\$2,000.00
Warralda Apex Committee	Support during events		\$500.00
Warralda Events unallocated	Support for community events		\$10,000.00
Warralda Jockey Club	Preparation for annual race day		\$2,000.00
Warralda Preschool	Building Maintenance		\$1,000.00
Warralda P&A Association	Support during events		\$3,000.00
Warralda Tennis Club	Ground maintenance		\$750.00
Community Groups	Printing and photocopy		\$2,000.00
Totals			\$37,750.00
Subject to event or activity being held			\$32,500.00
Definite			\$5,250.00

Item 9 Goode v Gwydir Shire Council**FILE REFERENCE****DELIVERY PROGRAM****GOAL:** 2. Building the business base**OUTCOME:** 2.1 OUR ECONOMY IS GROWING AND SUPPORTED**STRATEGY:** 2.1.2 Support the growth of our business community -
OCD - external**AUTHOR** General Manager**DATE** 21 April 2020**STAFF DISCLOSURE OF INTEREST** Nil**IN BRIEF/ SUMMARY RECOMMENDATION****TABLED ITEMS** Nil**BACKGROUND**

Mr. Goode's action against Gwydir Shire Council in the Land and Environment Court challenging the Council's approval of the Warialda Truck Wash has been dismissed. The full judgement is attached.

The Court has reserved the question of costs. Mr. Goode has suggested that the litigation was in the public interest and, as such, the usual order that costs follow the event should not be made. Her Honour has advised Mr. Goode that he will need affidavit evidence to support the claim that it was in the public interest.

In that regard, Her Honour has made the following orders in respect of costs:

1. The applicant is to file any affidavit evidence and submissions by 4 May 2020; and;
2. The Council is to file any affidavit evidence and submissions in reply by 11 May 2020.

I believe that the Council should pursue the recovery of costs to offset the Council's costs in this matter.

OFFICER RECOMMENDATION

THAT the report be received that the Council seeks costs in this matter.

ATTACHMENTS**AT-** Judgement



**Land and Environment Court
New South Wales**

Case Name: David Goode v Gwydir Shire Council

Medium Neutral Citation: [2020] NSWLEC 33

Hearing Date: 18 March 2020

Date of Orders: 20 April 2020

Date of Decision: 20 April 2020

Jurisdiction: Class 4

Before: Pain J

Decision: (1) The amended summons dated 24 July 2019 is dismissed.

(2) Costs are reserved.

Catchwords: JUDICIAL REVIEW – no failure by local council to consider properly its development application for truck wash facility – no failure to consider development application for truck wash facility as designated development

Legislation Cited: Biosecurity Act 2015 (NSW) ss 3, 6, 385
Crown Lands Act 1989 (NSW) s 34A
Environmental Planning and Assessment Act 1979 (NSW) ss 4.2, 4.10, 4.12, 4.15
Environmental Planning and Assessment Regulation 2000 (NSW) Sch 3: Pt 1 (cl 32), Pt 2 (cl 35), Pt 5 (cl 47)
Gwydir Local Environmental Plan 2013 Dictionary, Land Use Table – Zone RU1
Local Government Act 1993 (NSW)
Roads Regulation 2008 (NSW) reg 11

Cases Cited: Attorney-General (NSW) v Quin (1990) 170 CLR 1; [1990] HCA 21
Chamwell Pty Ltd v Strathfield Municipal Council

(2007) 151 LGERA 400; [2007] NSWLEC 114
Evans v Maclean Shire Council (2003) 138 LGERA
229; [2003] NSWLEC 352
Gilbank v Bloore (No 2) [2012] NSWLEC 273
Kindimindi Investments Pty Ltd v Lane Cove Council
(2006) 143 LGERA 277; [2006] NSWCA 23
Marrickville Metro Shopping Centre Pty Ltd v
Marrickville Council (2010) 174 LGERA 67; [2010]
NSWCA 145
Minister for Aboriginal Affairs v Peko-Wallsend
Ltd (1986) 162 CLR 24; [1986] HCA 40
Mison v Randwick Municipal Council (1991) 23
NSWLR 734; 73 LGRA 349
Moore v Yarrowlumla Shire Council (2002) 120
LGERA 109; [2002] NSWLEC 62
Royal Agricultural Society of NSW v Sydney City
Council (1987) 61 LGRA 305
Silverwater Estate Pty Ltd v Auburn Council [2001]
NSWLEC 60
Teys Australia Southern Pty Ltd v Burns (2015) 206
LGERA 186; [2015] NSWLEC 1

Category: Principal judgment

Parties: David Goode (Applicant)
Gwydir Shire Council (Respondent)

Representation: COUNSEL:
D Goode in person (Applicant)
T To (Respondent)

SOLICITORS:
N/A (Applicant)
Wilshire Webb (Respondent)

File Number 19/183535

JUDGMENT

- 1 The Applicant Mr Goode is a resident of Warialda Gwydir Shire in northern New South Wales. He has commenced judicial review proceedings alleging errors or shortcomings in Gwydir Shire Council's (the Council) determination to grant development consent on 14 January 2019 to Development Application (DA) No 10.2018.13.1, a truck wash facility in Warialda. The Council is the proponent for development. Mr Goode represented himself.
- 2 The grounds of judicial review were clarified and narrowed in the hearing to be: (i) inadequate consideration of impacts and suitability of the site by the Council; and (ii) failure of the Council to process the DA as "designated development".
- 3 The inadequate consideration ground was raised with respect to: (i) siting of the truck wash facility (including odour, noise and visual impacts of the site); (ii) impact on water supply; (iii) impact on the Council's Sewerage Treatment Plant (STP); and (iv) biosecurity risks.
- 4 The relief sought and grounds of review in the amended summons filed 24 July 2019 are:

Declare invalid a determination of the Gwydir Shire Council to Grant DA 13/2018.

The following objections are raised:

1. The siting of the Truck Wash

*Currently, livestock trucks are cleaned at the point of delivery of the livestock. The Warialda Truck Wash will create a precedent which alters existing practice. Exposure to effluent being spilt on roads will increase as trucks burdened with effluent will be encouraged to return to Warialda to be cleaned, a distance of approximately 70 kms. Gwydir Shire Council intends to compete on price with existing Truck Washes in order to encourage patronage.

*The conclusion and recommendation from The Statement of Environmental Effects says that the proposal is an area that has a 450m minimum buffer from Warialda residents. This is disputed. There is one residence within 330 m on the southern side of the development and there are a number of residences on the northern side which will fall within the claimed 450m buffer.

*The Truck Wash is to be situated upstream from Warialda on the Warialda Creek. The Creek flows through the town and its foreshores are well maintained to provide scenic appeal and area for recreational use. It is an ideal picnic site. A weir in the Creek is adjacent to the CDB and is occasionally used as swimming hole as are other holes in the Creek.

*Unrealistic assessment of affects [sic] on amenity of the environment with especial regard to odour impact and twenty- four hour usage of the Truck Wash.

*Heightened risk of public exposure to Q Fever bacteria because of increased opportunity for spillage on roads and the proximity of the Truck Wash to residential areas.

This information is from a NSW Health Factsheet last updated 24/1/2018. This disease has debilitating short term effects and can produce devastating [sic] long term effects.

The Factsheet can be assessed at

<https://www.health.nsw.gov.au/infectious/factsheets/pages/qfever.aspx>

Quotations

"People usually get infected by breathing in the Q Fever bacteria that is in the air or dust."

"while mowing grass contaminated by infected animal excretions."

"when visiting, living or working in/near a high risk industry."

"Even people who do not have contact with animals may be infected."

"The bacteria can survive in the soil and dust for many years and be spread over several kilometres by the wind."

"Infected animals have no symptoms."

Currently within Warialda, heavily laden livestock trucks from the west and south proceed along the Gwydir Highway passing homes and the Primary School. They spill polluted material and potentially discharge infectious bacteria in effluent onto the roads. When this effluent dries it may release into the air endangering school children and residents.

The Warialda Truck Wash will not solve this problem and may exacerbate it on roads approaching from the east and north.

***What is required is priority re-allocation of government funding, to tighten and enforce regulations; to provide incentives to transport companies to update holding tanks; AND provide secure, gated, underground dump points along the journeys being travelled by these heavy livestock transport vehicles so that if necessary effluent levels in holding tanks can be reduced on route.**

2. Processing of Assessment of DA 13/2018

*Gwydir Shire Council is – the applicant

- owner and operator of the Truck Wash
- and is the authority determining DA 13/2018

*No detail is provided in the application as to how to deal with solids from the Truck Wash and what impacts this will have on the environment.

*A possible modification to DA 13/2018 is foreshadowed in Part D to deal with the solids issue. This would limit the opportunity for public comment for whatever is proposed.

*There are grounds for believing that Council may intend to develop an irrigation system at the site for the disposal of effluent. [story in Warialda Standard September 30 2015]

3. Conflicting Claims as to Benefits

Claims have been made that the Truck Wash will deal with threats of bio-security arising from plant material and seeds from noxious weeds being carried by trucks to/ from farms.

However, usage of the Truck Wash will be restricted to those trucks carrying livestock only.

[Attachment 1 Statutory Planning Considerations DA 13/2018] [Ex 1 Statement of Reasons]

4. Impact on Warialda Water Supply

*Detailed analysis will be provided which challenges Council's assumptions.

*Warialda has experienced Level 1 water restrictions this last summer with warnings of possible increased restrictions.

*The population of Warialda is already increasing and there are prospects that this will continue as business and community groups are promoting Warialda's advantages.

*Another DA is being prepared for the Council for a Greenhouse project at Warialda that may create hundreds of jobs and a huge increase of demand on water supply.

5. Impact on Warialda Sewerage Treatment Plant and Infrastructure

*Existing surplus capacity at the STP to degree claimed, will be challenged.

*No assessment of impact of population growth has been made [please see previous statement re water supply.]

*Effluent is to be pumped from the proposed Truck Wash on the eastern perimeter of Warialda to the STP on the western side through existing pipes. Blockages and breakdowns in this old system would bring further distress and

unfavourable reputation to residents and businesses in this town, which prides itself on its good appearance and amenity.

...

7. Lack of Precision in Calculations

*The amount of animal waste in each truck will vary according to the length of journey and other factors. Council's calculations seem to be based on 2 ½ hour journeys- the distance travelled from Myola Feedlot to Bindaree Abattoir. How much will this waste increase over perhaps a 7 hour, or more, journey as stock are brought to northern feedlots over great distances from the south and west?

...

*Council's calculations as to operational costs do not include man and machinery hours needed to remove solids from the sludge pits utilising the skid steer loader ramp included in the plans for DA 13/2018.

*Page 23 Statement of Environmental Effects "The final volume to be pumped from the site is expected to be half the total volume. The specific figures are highly variable and no detailed research for other similar facilities has been published."

*The liquid effluent pumped from the Truck Wash to the sewerage treatment plant is said to represent " ...a potential increase of 20% or more of the liquid volume to be treated at the STP. Council has advised that the system available is in excess of Warialda's requirements and is considered to be suitable for purpose."

*Advice from Michael Lewis Regional Operations Officer-Armidale. EPA "The Warialda STP is designed for a capacity of up to 1500 equivalent persons but currently runs at around 1400 EP, so it does have spare capacity".

My comment The above figures do not represent 20% additional capacity and do not take account of population increase AND usage of the proposed Truck Wash being much in excess of what is forecast.

8. Failure to Process DA13/2018 as Designated Development

I contend that the Truck Wash should have been assessed as a designated development.

1.1 refer to Schedule 3 Environmental Planning and Assessment Regulation 2000.

The Truck Wash will deal with material coming from agricultural production and may release effluent sludge or other waste within 100 metres of a natural waterway in the event of overflow from a holding pond or from stockpile of dried sludge being washed by heavy rain.

Warialda Creek is located approximately 100m north west of the proposed development site. Warialda Creek flows through the town of Warialda and has

scenic appeal. A weir in the creek behind the CBD is occasionally used as a swimming hole or as a picnic site.

2. I refer also to item 32a[iii] [sic] of Schedule 3.

Water [sic] management facilities or works that comprise more than 1000 tonnes per year of effluent.

[If the Truck Wash processes 5 trucks per day it may create in excess of 100 tonnes of effluent per day.

The amount of effluent in trucks will vary, depending on where the journeys commenced. Some will have travelled for many hours and hundreds of kms from the south or the west delivering cattle to Bindaree Abattoir at Inverell or feedlots to the north of Warialda. Others will commence at the feedlots and deliver cattle to Bindaree Abattoir.

Given the growing demand for red meat protein, especially in Asian markets the long distance transport of cattle is set to keep on increasing. The sparsely populated districts to the north of Warialda, which also have ready access to grain supplies, will likely be used for more feedlots. Myola Feedlot is expanding from 20,000 head capacity to 35,000 head capacity.

Therefore, accurate estimates of growth in demand for the Truck Wash {and therefore demand on water supply and the sewerage treatment works} are unknowable.]

3. I refer also to Part 2 Schedule 3 item 33 [sic]

Are alterations or additions designated development?

Alterations or additions to an approved development are not designated development if in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development.

As Council intends to make alterations or additions to the development in order to dry and process sludge, the whole development should have been assessed as designated development from the beginning.

...

- 5 The following overview of relevant facts was included in the Council's summary of argument and the Court does not understand these are disputed (footnotes omitted):

- 5.1 The development site the subject of the Consent is part of a Crown Reserve on the eastern side of the town of Warialda.

The extent of the Reserve is illustrated on an aerial map. It straddles the Gwydir Highway.

- 5.2 The Reserve is the subject of a licence granted by the Minister administering the Crown Lands Act to the Council.
- The licensed area is a relatively small part of the Reserve, and corresponds to the development site.
- The permitted use under the licence is use for a "Truck Wash Facility".
- 5.3 The development site, and the Reserve generally, is zoned RU1 Primary Production under the Gwydir Local Environmental Plan 2013 (LEP).
- 5.4 The development site is located adjacent to a designated Warialda High Productivity Vehicle Route, a heavy truck transport route by-passing Warialda, and commonly servicing cattle trucks from the north, west and south of Warialda to an abattoir at Inverell to the east.
- 5.5 The development application for the Truck Wash Facility was lodged on 18 April 2018 (DA). The DA was accompanied by a Statement of Environmental Effects prepared by SMK Consultants dated April 2018.
- 5.6 The DA was publicly notified on 19 April 2018, with submissions required by 16 May 2018.
- 5.7 The applicant made the only submission to the DA.
- 5.8 SMK Consultants responded to the submission with further information to address the matters raised, on 30 October 2018.
- 5.9 SMK Consultants also provided additional information about the landscaping of the development site and a landscaping plan, on 20 December 2018.
- 5.10 A council officer carried out an assessment of the DA on 10 January 2019. A report was compiled for this purpose.
- 5.11 The Consent was granted on 14 January 2019.
- [Statement of Reasons dated 14 January 2019 prepared]
- 5.12 The Truck Wash Facility was constructed during 2019-2020, at a cost of over \$1.2 million, including associated sewerage and water supply work. It is not presently in operation (pending the outcome of these proceedings).
- 5.13 The Truck Wash Facility was partly funded by State Government grant.
- 5.14 A building information certificate was issued in respect of the Truck Wash Facility, on 3 March 2020.

Legislation

Environmental Planning and Assessment Act 1979 (NSW)

- 6 Relevant sections of the *Environmental Planning and Assessment Act 1979* (EPA Act) provide:

Part 4 Development assessment and consent

Division 4.1 Carrying out of development – with consent, without consent and prohibited

...

4.2 Development that needs consent

- (1) **General** If an environmental planning instrument provides that specified development may not be carried out except with development consent, a person must not carry the development out on land to which the provision applies unless—
- (a) such a consent has been obtained and is in force, and
 - (b) the development is carried out in accordance with the consent and the instrument.

Maximum penalty—Tier 1 monetary penalty.

- (2) For the purposes of subsection (1), development consent may be obtained—
- (a) by the making of a determination by a consent authority to grant development consent, or

...

Division 4.3 Development that needs consent (except complying development)

...

4.10 Designated development

- (1) Designated development is development that is declared to be designated development by an environmental planning instrument or the regulations.
- (2) Designated development does not include State significant development despite any such declaration.

...

4.12 Application

...

- (8) A development application for State significant development or designated development is to be accompanied by an environmental impact statement prepared by or on behalf of the applicant in the form prescribed by the regulations.

...

4.15 Evaluation

- (1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—

(a) the provisions of—

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
- (v) (Repealed)

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

...

Environmental Planning and Assessment Regulation 2000 (NSW)

- 7 Relevant clauses of Sch 3 of the Environmental Planning and Assessment Regulation 2000 (EPA Regulation) include:

Schedule 3 Designated development

Part 1 What is designated development?

...

32 Waste management facilities or works

- (1) Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and—
- (a) that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste—
 - (i) that includes any substance classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or
 - (ii) that comprises more than 100,000 tonnes of “clean fill” (such as soil, sand, gravel, bricks or other excavated or hard material) in a manner that, in the opinion of the consent authority, is likely to cause significant impacts on drainage or flooding, or
 - (iii) that comprises more than 1,000 tonnes per year of sludge or effluent, or
 - (iv) that comprises more than 200 tonnes per year of other waste material, or
- ...
- (d) that are located—
- (i) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or
 - (ii) in an area of high watertable, highly permeable soils, acid sulphate, sodic or saline soils, or
 - (iii) within a drinking water catchment, or
 - (iv) within a catchment of an estuary where the entrance to the sea is intermittently open, or
 - (v) on a floodplain, or

- (vi) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

...

Part 2 Are alterations or additions designated development?

35 Is there a significant increase in the environmental impacts of the total development?

Development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development.

...

Part 5 How are distances measured for the purposes of this Schedule?

...

47 Waterbodies

The distance from a waterbody is to be measured as the shortest distance between—

- (a) the top of the high bank, if present, or
- (b) if no high bank is present, then—
 - (i) the mean high water mark in tidal waters, or
 - (ii) the mean water level in non-tidal waters,

and the boundary of the development site.

Gwydir Local Environmental Plan 2013

- 8 The Gwydir Local Environmental Plan 2013 (NSW) (GLEP) defines “rural industry” as follows:

Dictionary

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

Note. Rural industries are not a type of industry—see the definition of that term in this Dictionary.

...

- 9 The Land Use Table for land zoned rural provides:

Land Use Table

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Building identification signs; Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home-based child care; Home occupations; Intensive plant agriculture; Roads

3 Permitted with consent

Aquaculture; Cellar door premises; Dual occupancies (attached); Dwelling houses; Extractive industries; Funeral homes; Group homes; Home industries; Intensive livestock agriculture; Offensive industries; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 3

4 Prohibited

Advertising structures; Amusement centres; Boat building and repair facilities; Car parks; Charter and tourism boating facilities; Centre-based child care facilities; Commercial premises; Correctional centres; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Health services facilities; Highway service centres; Home occupations (sex services); Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation facilities (indoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Serviced apartments; Sex services premises; Storage premises; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

...

Biosecurity Act 2015 (NSW)

- 10 Provisions of the *Biosecurity Act 2015* relevant to Mr Goode's argument include:

Part 1 Preliminary

...

3 Objects of Act

- (1) The primary object of this Act is to provide a framework for the prevention, elimination and minimisation of biosecurity risks posed by biosecurity matter, dealing with biosecurity matter, carriers and potential carriers, and other activities that involve biosecurity matter, carriers or potential carriers.
- (2) The other objects of this Act are as follows—
 - (a) to promote biosecurity as a shared responsibility between government, industry and communities,
 - (b) to provide a framework for the timely and effective management of the following—
 - (i) pests, diseases, contaminants and other biosecurity matter that are economically significant for primary production industries,
 - (ii) threats to terrestrial and aquatic environments arising from pests, diseases, contaminants and other biosecurity matter,
 - (iii) public health and safety risks arising from contaminants, non-indigenous animals, bees, weeds and other biosecurity matter known to contribute to human health problems,

(iv) pests, diseases, contaminants and other biosecurity matter that may have an adverse effect on community activities and infrastructure,

(c) to provide a framework for risk-based decision-making in relation to biosecurity,

(d) to give effect to intergovernmental biosecurity agreements to which the State is a party,

(e) to provide the means by which biosecurity requirements in other jurisdictions can be met, so as to maintain market access for industry.

...

6 Act does not give rise to or affect civil cause of action

(1) A provision of this Act does not confer a right of action in civil proceedings based on a contravention of the provision.

(2) Except as otherwise expressly provided by this Act, this Act does not affect or limit a civil right or remedy that exists apart from this Act, whether at common law or otherwise.

(3) Without limiting subsection (2), compliance with this Act does not necessarily show that a civil obligation that exists apart from this Act has been satisfied or has not been breached.

...

Part 23 Miscellaneous

...

385 Restraint of contraventions of requirement imposed by or under Act

(1) The Secretary may bring proceedings in the Land and Environment Court for an order to restrain a contravention (or a threatened or apprehended contravention) of any requirement imposed by or under this Act.

(2) If the Court is satisfied that a contravention, or a threatened or apprehended contravention, will occur or is likely to occur, unless restrained by order of the Court, it may make such orders as it thinks fit to restrain the contravention or other conduct of the person by whom the contravention is committed or by whom the threatened or apprehended contravention is likely to be committed.

(3) Without limiting the powers of the Court under this section, an order under this section may suspend any biosecurity registration or permit.

Roads Regulation 2008 (NSW)

11 Regulation 11 of the Roads Regulation 2008 (now repealed) provided:

Division 3 Protection of roads and traffic

11 Things placed on and use of roads

- (1) A person must not:
- (a) place on a road anything that is likely to injure any person or damage any vehicle, or
 - (b) place on a road anything that is likely to restrict or endanger the use of a road by the public or interfere with public convenience, or
 - (c) load or unload a vehicle on or from the shoulder of a road in a manner that is likely to cause damage to the road, or
 - (d) allow to escape onto a road any liquid or any loose or waste material.

Maximum penalty: 20 penalty units.

- (2) Subclause (1) does not apply to:
- (a) the placement on a road of a building waste storage container, to the extent to which its placement is authorised by or under the Local Government Act 1993, or
 - (b) the placement on a road of a garbage bin, bag or other receptacle or of other refuse collectible by the council, to the extent to which its placement is authorised by or under the Local Government Act 1993, so long as it is placed:
 - (i) beside the carriageway of the road, and
 - (ii) out of the line of traffic, or
 - (c) the doing of anything on a road with the consent of the relevant roads authority, or
 - (d) the temporary placement of anything on a road as a result of the breakdown of the vehicle or animal by which it is being carried.
- (3) A person who leaves anything on a road because of the breakdown of the vehicle or animal by which it is being carried:
- (a) must place it out of the line of traffic, and
 - (b) must ensure that it is adequately guarded to prevent its being a danger to the public, and
 - (c) must ensure that it is adequately lit at night, and

- (d) must cause it to be removed from the road as soon as practicable.

Maximum penalty: 20 penalty units.

A. Inadequate consideration ground

Mr Goode's evidence

- 12 Mr Goode tendered a bundle of material (Ex A) and Transport for NSW "Fixing Country Truck Washes Program Overview" document (Ex B). Mr Goode also provided a bundle of documents on the biosecurity risk issue (MFI 1). The bundle marked MFI 1 contained extracts of the *Biosecurity Act* and extracts from, inter alia, the "Statement of Environmental Effects" (SEE), "Statement of Reasons", and annexures to the affidavits of Max Eastcott, all of which were formally tendered by the Council as part of a bundle of material marked Ex 1.

Bundle of material (Ex A)

- 13 From his bundle of material (Ex A), Mr Goode relied on an email from the Department of Industry Lands & Forestry which included details of Licence RI 589484 (Licence) issued to the Council by the Department for the purposes "amenities building, concrete ramp, drain water, effluent disposal system, landscaping, parking area, road construction, settling ponds, tank [and] waste disposal". Mr Goode included a copy of Condition 23 of the Licence requiring the holder not to commit nuisance including any noxious nuisance or offensive trade business or any act resulting in nuisance, damage or disturbance to the owners or occupiers of adjoining or neighbouring lands and buildings. The entire Licence was included in the Council's bundle of material (Ex 1).
- 14 An extract from the report *Australian Animal Welfare Standards and Guidelines: Land Transport of Livestock* published by the Commonwealth Department of Agriculture, Fisheries and Forestry in 2012 titled "Transport vehicles and facilities for livestock" stated "there should be a cleaning program for livestock crates and containers between journeys".

- 15 Six A4 coloured photographs showed the truck wash facility from various angles. The first five photographs appeared to show the truck wash facility under construction as visible from the road. The sixth photograph appeared to be a closer depiction of construction work on the site.
- 16 Three aerial satellite images created by Mr Goode using a Google Maps application showed the truck wash facility in the context of Warialda town. Digital measurements created by Mr Goode using Google Maps were displayed on each map between the truck wash facility and different points selected by Mr Goode. Distances of 449.40 metres and 448.19 metres between the truck wash facility and residential dwellings were shown on two images, and 90.32 metres between the truck wash facility and Warialda Creek were shown on one image.
- 17 As part of the assessment process, Council staff prepared a site analysis plan that showed the proposed truck wash facility site and surrounding area. This plan, originally annexed to the Council's "Development Assessment Checklist & Site Inspection", was included in Mr Goode's bundle of material with the addition of highlighting to draw attention to measurements between boundaries of the truck wash facility and buildings/dwellings at three points, being 350 metres, 391 metres and 330 metres.
- 18 A "Wind Rose" diagram from weather forecast website <https://www.willyweather.com.au/> showed a Warialda wind forecast based on a five year average. Mr Goode relied on this diagram to submit that the dominant wind was easterly.
- 19 An extract from "Beef cattle feedlots: waste management and utilisation" issued by Meat & Livestock Australia titled "Managing human exposure to contaminants" Appendix 2 outlined the contaminants found in feedlot manure.

Transport for NSW Fixing Country Truck Washes Program Overview (Ex B)

- 20 The Transport for NSW "Fixing Country Truck Washes Program Overview" document (Ex B) refers to a NSW and Commonwealth Government grant

program to co-fund truck wash upgrades, including details of eligibility, application process, and various assessment criteria.

21 Criteria 1 states:

Criteria 1: Productivity and Safety Benefits

Applicants will need to demonstrate how the project will achieve productivity benefits for freight in the region. The questions that applicants should consider include how the project:

- Leads to improvements in the 'whole of journey' for freight in the overall supply chain *e.g. truck is only required to travel from point A to B instead of A to B to C, as there is now a truck wash at B, whereas previously there was not.*
- Improves the safety of heavy vehicle operations and/or any other modes *e.g. improved road conditions due to lower spill rates*
- Is related to or dependent on any other projects inside or outside the applicant's local Government area *e.g. development of a high productivity route or opening of new saleyard.*

22 Criteria 5 states:

Criteria 5: Biosecurity and Environmental Benefits

Applicants will need to demonstrate how a project would have a positive impact on biosecurity and the environment. The questions that applicants should consider include how the project:

- Improves biosecurity *e.g. preventing the spread of weeds or disease*
- Reduces pollution and improves amenity *e.g. reduced spillage on roads*
- Reduces water and energy usage *e.g. facilities are more efficient.*

Council's evidence

Affidavit evidence

23 The Council read two affidavits of Max Eastcott affirmed 11 October 2019 and 13 March 2020 respectively. The text of the affidavits is largely relevant to the exercise of the Court's discretion. It need only be considered if Mr Goode is successful in his proceedings. Some of the material annexed to the affidavit was referred to in the course of argument.

- 24 The 11 October 2019 affidavit was accompanied by an exhibit marked ME1 which the Council tendered in the hearing (Ex 1). Mr Eastcott has been General Manager of the Council for 18 years and in that time has been responsible for its operations and functions under the *Local Government Act 1993*. Mr Eastcott deposed that the truck wash facility is a component of a larger development of the new “Warialda High Productivity Vehicle Route” (Route). The objectives of developing the Route are to improve the local agricultural freight industry, improve road safety, and improve amenity values in the centre of town.
- 25 Warialda is a vital link for the agricultural industry however current road and infrastructure is insufficient to safely and efficiently meet industry demands within the Council municipality. The Route will provide freight vehicles with a new 3.7 kilometre bypass enabling freight vehicles to avoid a significant hazard intersection.
- 26 The truck wash facility is located so that it is easily accessible for those using the Route. The truck wash facility will assist in preventing spread of weed seeds and contaminants by allowing drivers to remove foreign matter from vehicles and machinery. This will include cattle trucks emptying effluent tanks and cleaning manure, avoiding environmental harm through the spread of foreign plant material and disease present in effluent waste. Building the truck wash facility will mean trucks are no longer required to travel significant distances to be able to wash down in an environmentally friendly facility. Wastewater from the truck wash facility will be captured and cleaned in the existing STP, reducing water loss and minimising local environmental impacts.
- 27 The truck wash facility has been supported by the NSW Government as part of the “Fixing Country Truck Washes Program”. The Council secured \$364,900 in funding from the NSW Government for the project.
- 28 Annexed to the affidavit of 13 March 2020 was a contract with Lachlan Hall Constructions (Annexure B), photographs of the truck wash facility site taken

by Mr Eastcott (Annexure C), Building Information Certificate (Annexure D), liquid trade waste application (Annexure E), letter from the Council to NSW Department of Planning, Industry and Environment (DPIE) (Annexure F), email from NSW Environment Protection Authority (EPA) to the Council dated 18 February 2020 (Annexure G), and letter from EPA to the Council dated 11 March 2020 (Annexure H).

- 29 On or about 1 February 2019 the Council entered into a contract with Lachlan Hall Constructions for the concreting component of construction of the truck wash facility. Work was commenced on the site on or about 5 April 2019. Lachlan Hall Constructions have carried out the following construction: wash down ramps, effluent dump pits, sludge put bases, and sludge pits. In addition to works carried out by Lachlan Hall Constructions, the Council also completed the following works: completion of stormwater network, installation of internal sewer and electrical networks, completion of water network including site supply tank, completion of amenities building, completion of roadworks, and installation of solar lighting.
- 30 Construction was completed on 12 March 2020. The Council issued Building Information Certificate BIC 9/2020 in respect of the truck wash development on or about 3 March 2020. The Council lodged an application for approval to discharge liquid trade waste into the Council's sewer on 12 March 2020. On the same date the Council sent a letter to the Trade Waste Regulatory Team at DPIE seeking comment and concurrence.
- 31 A regional operations officer of the EPA attended and inspected the truck wash facility on 18 February 2020. On 19 February 2020 Mr Eastcott instructed the Council to carry out minor maintenance works as raised in the course of the EPA carrying out its inspection. These works have either been completed or are scheduled to be undertaken when the facility becomes operational.

Development consent

32 From its bundle of material (Ex 1), the Council relied on the "Notice of Determination of a Development Application D/A 13/2018" granted on 14 January 2019 by the Council (development consent). The development consent was granted subject to conditions of consent. The scope of the approval required the Council to carry out development generally in accordance with the DA, the conditions of consent, the SEE, additional information in response to Mr Goode's submission (SMK Consultants 30 October 2018), and additional information on landscaping (SMK Consultants 20 December 2018). Three plans were approved with the development consent as part of the SEE. Two locality plans generated on Google Earth showed the truck wash facility in the context of Warialda. The "General Arrangement Plan" showed the arrangement of the truck wash facility including, inter alia, drainage, water mains, pipework, sewer mains, sludge pits, stormwater detention, washdown ramp and wash bays. The Council also provided an A3 version of this plan which was marked MFI 2.

33 The conditions of consent included operating conditions for occupation of the truck wash facility including, with respect to holding ponds and solids usage, storage or sale:

2. Maintaining of holding ponds

- a. The holding ponds must be maintained to ensure that sedimentation does not reduce their capacity by more than 20% of the design capacity.
- b. All holding ponds, evaporation ponds and associated drains must be maintained to prevent infiltration.

34 The future treatment of sludge was not the subject of the consent as provided in the following condition:

3. Solids usage, storage or sale

The use, storage or sale of sludge from or on the site does not form part of this approval and must be considered under a modification or separate application.

35 The conditions of consent required certain landscaping works as follows:

7 Landscaping

The applicant shall implement the vegetation screening/ landscaping plan in accordance with the document "Warialda Truckwash - Additional Information on Landscaping" (prepared by SMK Consultants and dated 20 December 2018) and the following:

a. **Revegetation works**

Revegetation works should allow for at least 3 shrub/groundcover species per tree planted.

b. **Local species**

All species used in landscaping shall generally be native vegetation which occurs locally.

c. **Irrigation**

To assist in the management of urban salinity in the local area and to contribute to water sensitive urban design goals, a "smart" irrigation system shall be installed on the site to prevent unnecessary watering of vegetated areas (that is, automatic sprinklers should not activate during rain or at times of adequate soil moisture and irrigation periods should be appropriate for the species being watered).

d. **Maintenance**

All landscaping on the site shall be maintained in a healthy state for the life of the development, and in the event that any vegetation dies or is removed, that vegetation shall be replaced by vegetation of the same species and as much as practicable the same maturity as that which dies or was removed.

e. The landscaped area of the development is to be maintained at all times in accordance with the approved landscape plan.

Reason: To ensure that the landscape component of the development is maintained to an acceptable standard.

f. All unbuilt upon or unsealed areas are to be grassed and planted with appropriate trees and shrubs.

Reason: To enhance the development and protect the amenity of the area.

j. This development consent does not imply any approval or permit the removal of trees or native vegetation from the site (other than that required for removal as a bushfire hazard reduction measures).

Reason: To comply with the requirements of the *Environmental Planning and Assessment Act, 1979*.

Licence

- 36 The Council's Licence was issued by the Department of Industry Lands & Forestry on 2 March 2018 for permitted use of the land under s 34A of the *Crown Lands Act 1989*.

Statement of Environmental Effects

- 37 A SEE dated April 2018 was prepared by SMK Consultants. Under the heading "Local Planning Instruments", the SEE said the truck wash facility is best described as a "rural industry" as defined in the GLEP.
- 38 The proposed development was outlined in the SEE as follows:

1.1 Proposed Development Outline

The proposed development is for a truck washdown facility to be located adjacent to the Warialda High Productivity Vehicle Route – Gwydir Highway intersection. The site is located on part of Lot 7311 in Deposited Plan 1136470. The development site is zoned RU1 – Primary Production under the Gwydir Local Environmental Plan 2013 (LEP) and comprises an area of approximately 2.21 hectares.

The Truck Wash Facility is designed to prevent the spread of weed seeds and contaminants by allowing drivers to remove weed seeds, soil and other foreign matter from vehicles and machines. The facility will be regularly utilised by cattle trucks moving cattle through the district. In accordance with Section 11 of the 2008 Roads Regulation which states *that a person must not allow liquid, loose or waste material to escape onto a road*, a penalty can apply for each breach of the regulation. Cattle trucks are therefore required to empty their effluent tanks and clean the manure from within the trailer to avoid regulatory issues whilst hauling stock to and from regional farms. The facility will therefore provide one option for stock carriers to empty their effluent holding tanks.

The washdown facility in this area will benefit rural landholders and industry to reduce the potential spread of weeds and other contaminants by vehicles travelling between sites throughout the area.

- 39 In considering matters of environmental assessment, the SEE indicated that the closest surface water is Warialda Creek, located approximately 100 metres north-west of the truck wash facility. Potential impacts on the creek from the development would be erosion and sediment transport during construction and potential spillage or addition of pollutants to the waterway.

- 40 In relation to water supply, the SEE outlined predicted peak flows from the wash-down ramp and dump points at 12.4 litres per second. With each wash taking an estimated 20-45 minutes, at 30 minutes per truck the truck wash facility was expected to utilise 22,320 litres. On water supply, the truck wash facility would be connected to the town water supply. A static on-site water supply tank of 100,000 litres would be regularly refilled from the water main. Water for amenities would be supplied by a rainwater tank.
- 41 Regarding quantities of effluent, an average truck using the truck wash facility would have a tank capacity of approximately 350 litres. With 30-40 trucks using the truck wash each week, total effluent tank volume would be in the order of 10.5 kilolitres to 14 kilolitres per week, or between 1.5 and two kilolitres per day. Total wastewater generated on the site will range between 660 kilolitres to 907 kilolitres. Tank effluent is a minor component in this volume and includes sludge which will be settled and then removed for disposal as organic solids. This could potentially be incorporated in sewage solids or sold to local farmers for application on cropping areas once dried. Total discharged waste volume of between 300 to 450 kilolitres per week represents a potential 20 per cent increase of the liquid volume of effluent generated by Warialda residents to be treated at the STP. The system available exceeds Warialda's requirements and would be suitable for purpose.
- 42 On air quality, air pollution can result from exhaust emissions from machinery used during construction and dust generated during earthworks. Standard dust control measures would minimise these impacts.
- 43 On noise impacts, the manoeuvring of trucks and a pressure washer were assessed and the existing buffer distance between the site and closest residences was considered sufficient to allow appropriate attenuation of general noise from the truck wash. The pressure washer has potential to generate excessive noise and the SEE recommended the design of the facility include shielding of the pump associated with the pressure washer or selection of a quiet motor.

- 44 On odour, sources of odour would include cattle trucks, effluent from trucks, and liquid effluent generated during washing trucks. Holding ponds and spilt liquid effluent would be the key sources of odour. The general prevailing winds would take the odour away from the town area and into open woodland and grazing country. The closest residence to the facility is located north-west at approximately 450 metres. The potential for unacceptable odour generation from the site is considered low.

Mr Goode's objection

- 45 Mr Goode lodged an objection to the DA with the Council in May 2018. In response, SMK Consultants wrote to the Council on 30 October 2018 and said that the Roads Regulation raised by Mr Goode identifies a potential penalty for dropping waste material on a public road, specifically animal effluent from cattle or sheep trucks. SMK Consultants advised that the truck wash facility would have the effect of reducing the potential for this to occur and that transporting stock within the region without stopping to wash either during or after hauling stock is not identified as a breach of the Roads Regulation as suggested in Mr Goode's objection.
- 46 A landscaping plan attached to a letter from SMK Consultants to the Council dated 20 December 2018 showed plans for a tree buffer to be planted along an edge of the truck wash.

Statement of Reasons

- 47 The Statement of Reasons dated 14 January 2019 was issued by the Council with the development consent and addressed the issues considered in granting development consent.
- 48 The Statement of Reasons included staff comments on various aspects of the truck wash facility. On whether the truck wash facility is compatible with RU1 zoning objectives under the GLEP, the staff comment concluded that the facility complements regional biosecurity controls by enabling effective activities servicing the agricultural industry by decreasing the risk of vehicles

acting as weed or pathogen vectors between rural properties. Further, the truck wash facility supports ongoing operations of agricultural enterprises in the area by providing infrastructure contributing to biodiversity control measures and maintenance of animal welfare standards. This enables expansion and development of the regional agricultural industry.

- 49 On water supply, the staff comment on the expected peak flows of 12.4 litres per second was that despite the SEE not clearly indicating whether the existing Warialda town water supply bore licence would be sufficient to cater for the increased usage, the Council's Town Utilities and Plant Manager has confirmed that the current water licence and current usage would mean the water supply has capability to absorb extra daily usage by the truck wash facility.
- 50 On wastewater generation, the staff comment referenced the Council's Town Utilities and Plant Manager's verbal confirmation of the ability of the existing sewerage treatment system to absorb extra flows generated by the truck wash facility.
- 51 On odour emissions, the staff comment noted the truck wash facility would be located at sufficient distance from the nearest dwelling to minimise the impact of any odours. This did not mean dwellings in the area would not be affected by odour from time to time particularly in adverse weather conditions. A vegetation screen along northern, western and southern sides of the truck wash facility would assist in odour disbursement.
- 52 On hazards, the staff comment observed that the site of the truck wash facility is not subject to local flooding or subsidence slip. It is however prone to bushfire and it was hence proposed in the staff comment that no hazardous chemicals be used in the operation of the truck wash facility.
- 53 On suitability of the site for development under s 4.15(1)(c) of the EPA Act the staff comment indicated that the truck wash facility was consistent with the purposes listed under the Licence. The truck wash facility will be ideally

located alongside the Route and will be readily accessible to trucks travelling in all directions. The slope of the land lends itself to effective controlled drainage.

Trade waste application

- 54 An application for approval to discharge liquid trade waste into the Council's sewer (trade waste application) was annexed to the affidavit of Max Eastcott affirmed 13 March 2020. The application was for effluent from stock trucks and cow manure. In a letter dated 12 March 2020 to the Trade Waste Regulation Team of DPIE, the Council sought DPIE comment and concurrence for approval and conditions for the truck wash facility.

Mr Goode's submissions

- 55 Mr Goode submitted that inadequate consideration was given to various aspects of the suitability of the site for a truck wash facility and its impacts as identified in the part of the amended summons pressed at the hearing and in those parts of the written submission he was allowed to rely on (a new issue was not permitted). These should have been taken into consideration in determining the DA as required by s 4.15(1) of the EPA Act.
- 56 The siting of the truck wash facility is inappropriate as it will require trucks to travel up to 70 kilometres from feedlots and abattoirs in the region. Existing practice is that trucks are cleaned at the point of delivery of livestock. According to Roads Regulation reg 11, trucks should be washed after delivering stock and before leaving the delivery facility. By requiring trucks to travel long distances to the truck wash facility, the Council is encouraging vehicles to breach the *Australian Animal Welfare Standards and Guidelines: Land Transport of Livestock*. This is also contrary to Criteria 5 in the Transport for NSW "Fixing Country Truck Washes Program Overview" document (Ex B) which says that truck washes should help reduce spillage on roads and prevent the spread of weeds or disease. The biosecurity risk this creates is expanded on below.

- 57 Mr Goode submitted that the travel times between the truck wash facility and feedlots and abattoirs considered in the Statement of Reasons did not account for the increase in effluent arising from journeys of more than 2.5 hours, which should be anticipated given the location of the truck wash facility. This increase will impact on town water supply and capacity of the STP, bringing into question the suitability of the site. Further, the Council has not adequately considered what will be done with waste in holding ponds and the use, storage or sale of sludge from on the site. A suggestion in the SEE to on-sell waste as organic manure is not appropriate as the waste cannot be considered organic.
- 58 The siting of the truck wash facility is also inappropriate because of the odour, noise and the visual amenity impacts of the site. The site analysis plan and Google Maps measurements show that residential dwellings are within the 450 metre buffer between the site and dwellings contemplated in the SEE. This discrepancy reflects the quality of the approval process and shows that impacts of odour and noise on property values and amenity were inadequately considered. Neither the SEE nor the Statement of Reasons acknowledged the easterly wind shown in the Wind Rose diagram that will carry odour across the town of Warialda. The photographs tendered by Mr Goode show that because of how the truck wash facility is positioned the rear of trucks being emptied will be in clear view of those driving past. Sufficient consideration was not given to the spoiling effects of the truck wash facility upon entry to the town.
- 59 On water supply, Mr Goode submitted that the 20-45 minutes per wash estimate in the Statement of Reasons was an underestimate. If the time taken to wash a 5B double truck extends to 60 minutes, the water said to be available at the truck wash facility will be exceeded by 449,600 litres. The estimate for water usage is clearly incorrect and the actual amount needed will have undesirable social and economic impacts that are against the public interest. There is no evidence of consultation with the NSW Office of Water regarding water supply prior to preparation or approval.

- 60 On overloading the STP, Mr Goode submitted that the final volume of liquid effluent to be pumped from the truck wash facility will be half of the total volume of wastewater generated on the site. It also represents a 20 per cent increase of liquid volume to be treated at the STP. A more realistic calculation of times needed to wash trucks as submitted above would lead to a much greater estimate of effluent. There is no evidence of consultation with the EPA regarding STP capacity.
- 61 On biosecurity, Mr Goode submitted that inadequate consideration had been given to the impacts of biosecurity hazards and risks to humans posed by pathogens and chemicals in feedlot waste that would come to the truck wash facility in manure, particularly through increased exposure to the bacteria causing Q Fever. No consideration was given by the Council to information such as that in the "Managing human exposure to contaminants" document extracted from "Beef cattle feedlots: waste management and utilisation" issued by Meat & Livestock Australia, specifically that pathogens and chemicals may remain active in water discharged into Warialda Creek and onto the golf course. The distance travelled by trucks between feedlots and abattoirs and the truck wash facility does not comply with Criteria 1 or Criteria 5 of the Transport for NSW "Fixing Country Truck Washes Program Overview" document (Ex B).
- 62 The truck wash facility also amounts to a noxious nuisance which is against the conditions of the Licence granted to the Council by the Department of Industry Lands & Forestry.
- 63 In reply, Mr Goode submitted that Council's reference to the adequate capacity of the STP was to a verbal agreement only. No signed document can attest to its adequate capacity. Further, landscaping to deal with the visual impact of the truck wash facility would not cover the entire line of sight from the road meaning the facility would remain exposed to the public.

Council's submissions

- 64 The Council submitted that all the issues raised in relation to inadequate consideration by Mr Goode seek to impermissibly review the merits of the development consent and do not fall within the scope of judicial review: *Kindimindi Investments Pty Ltd v Lane Cove Council* (2006) 143 LGERA 277; [2006] NSWCA 23 at [79] (Basten JA); *Marrickville Metro Shopping Centre Pty Ltd v Marrickville Council* (2010) 174 LGERA 67; [2010] NSWCA 145 at [110] (Tobias JA). The Council submitted that no basis was made out to impugn the validity of the development consent on this ground and sought dismissal of the summons.
- 65 On the siting of the truck wash facility and alleged impacts including odour, noise and visual amenity, the Council submitted that Mr Goode's contentions went to his lack of confidence in the assessment by the Council. Mr Goode's allegations disputed matters of fact, or the merits of the development. The matters raised suggest a larger disagreement with policy decisions about truck routes and consequential potential for spillage of effluent on public roads, which are not matters the subject of the development consent. Hence, no judicial review ground was identified. In any event, significant consideration was given to these issues in the SEE and the Council's determination as identified in the Statement of Reasons.
- 66 In relation to odour and capacity of holding ponds for sedimentation, a condition of consent limits the extent of storage in a holding pond to 20 per cent. In relation to landscaping for the purposes of ameliorating visual impact, a plan was approved.
- 67 Mr Goode's submissions on the impacts of the inadequate consideration of the truck wash facility on water supply were an impermissible challenge to the merits of the Council's decision. In any event, water availability was expressly considered in the SEE and in the determination.

- 68 Similarly, the availability and capacity of the STP was also expressly considered in the SEE and in the determination and Mr Goode's submissions on this topic were also a challenge to the merits.
- 69 On biosecurity, the Council submitted that Mr Goode's complaint was not justiciable: *Biosecurity Act* ss 6, 385. In any event, the complaint rests on the premise that trucks would be encouraged to return 70 kilometres to Warialda to be cleaned after unloading. There is no proper basis for this premise, nor is a judicial review ground raised. Mr Goode's submission that the truck wash facility is a noxious nuisance in contravention of the Licence issued by the Department of Industry Lands & Forestry is irrelevant to the validity of development consent.
- 70 Regarding conflicting claims as to benefits, the Council submitted this claim arises from a false premise that the truck wash facility will be restricted to those trucks carrying livestock only. This restriction was not proposed by the DA or imposed by the development consent. In any event, this is a challenge to the merits of the decision.
- 71 The alleged lack of precision in calculations raised by Mr Goode seeks to engage in merits review.

No failure to properly consider by Council

- 72 The onus of proof lies on Mr Goode as the Applicant in these judicial review proceedings to establish his case on the balance of probabilities, if a cause of action is identified. As the Council submitted the merits of the Council's decision to grant itself development consent are not relevant to these judicial review proceedings. The merits of a decision cannot be considered in judicial review proceedings: *Gilbank v Bloore (No 2)* [2012] NSWLEC 273 at [48] citing *Minister for Aboriginal Affairs v Peko-Wallsend Ltd* (1986) 162 CLR 24; [1986] HCA 40 at 42 (*Peko-Wallsend*); and *Teys Australia Southern Pty Ltd v Burns* (2015) 206 LGERA 186; [2015] NSWLEC 1 at [90] citing *Attorney-General (NSW) v Quin* (1990) 170 CLR 1; [1990] HCA 21 at 35-36 (Brennan J). Grounds alleging a failure to properly consider relevant matters face a high

hurdle where there is material prepared and assumed to be considered by the Council on those matters: *Peko-Wallsend* at 39 cited in *Gilbank v Bloore (No 2)* at [48]. Unfortunately these observations apply to all the matters identified by Mr Goode as relevant to this ground. A fair reading of the grounds in the amended summons which are set out above in [4] and Mr Goode's written submissions summarised above is that the matters identified, which Mr Goode no doubt sincerely considers are important, are relevant to a merits assessment of the truck wash facility.

- 73 Mr Goode is critical of the location of the truck wash facility away from activities such as saleyards and feedlots. He considers the location near Warialda Creek is unacceptable and has amenity impacts on the town of Warialda and its surrounds due to odour, noise and visual impact. He also considers that the calculation of the amount of water to be used is understated. Those are merit matters.
- 74 Mr Goode alleges a biosecurity risk due to possible increased spillage on roads citing Q Fever, and identifies a current problem in this regard. As the Council submitted, no part of the *Biosecurity Act* can be availed of by Mr Goode in the context of this case in light of ss 6 and 385. Under s 6(1) no right of action is conferred by a contravention of any provision. Only the Secretary can bring proceedings in the Court to restrain a breach of that Act under s 385. I also note that one of the justifications for the project as identified in the SEE is the need to reduce biosecurity risks such as contaminants from travelling stock trucks.
- 75 Mr Goode alleges the truck wash facility does not comply with Criteria 1 or Criteria 5 of the Transport for NSW "Fixing Country Truck Washes Program Overview". I note that the Council secured funding of \$364,900 for the truck wash facility under this program, according to Mr Eastcott as outlined above at [27]. This suggests that the objectives of this program are met by the truck wash facility. Once again this is not strictly a matter I need consider as it is a merit issue.

- 76 The provisions of the Roads Regulation relied on by Mr Goode do not assist his case other than to identify other means by which the problem of spillages from trucks on roads are regulated.
- 77 For the reasons identified by the Council in its submissions summarised above at [65]-[71] all the issues identified by Mr Goode were identified and considered in the SEE and the Statement of Reasons.
- 78 The siting of the truck wash facility and its odour and noise impacts on residences were considered in the SEE and Statement of Reasons as outlined above at [42]-[44] and [51]. On odour, a condition of consent limits the extent of storage in a holding pond to 20 per cent as outlined above at [33]. While Mr Goode relied on the Wind Rose diagram he tendered to suggest that an easterly wind was the prevailing wind and there would be impacts on Warialda, the issue of odour was considered by the Statement of Reasons. To the extent Mr Goode submitted that residences were inappropriately closer than 450 metres, relying on the site analysis plan outlined above at [17], the 450 metre distance in the SEE was an observation about the proximity of the closest residence to the truck wash facility, not a prescribed buffer as outlined above at [44].
- 79 On visual amenity, landscaping was expressly considered and a landscaping plan approved as part of the conditions of consent as outlined above at [35]. That Mr Goode considers that plan to be inadequate is not relevant in a judicial review ground.
- 80 The impact of the truck wash facility on water supply was expressly considered in the SEE and Statement of Reasons as outlined above at [40] and [49]. Likewise the amount of effluent to be produced and the capacity of the STP was considered as outlined above at [41] and [50].
- 81 Further, the Council's consultants addressed concerns raised by Mr Goode in his letter of May 2018, as outlined above at [5].

- 82 A further issue identified in relation to the processing of the DA was that no detail was provided on how the solids from the truck wash facility would be dealt with. A condition of consent Part E Condition 3 specifically requires a modification or new DA to deal with that matter. Mr Goode is critical that a modification to the DA to deal with that issue is referred to, rather than a new DA, because this would limit public comment. No reference was made to authorities such as *Mison v Randwick Municipal Council* (1991) 23 NSWLR 734; 73 LGRA 349 where the Court of Appeal has held that failing to assess an essential environmental impact of a proposal can result in invalidity of a development consent. I am not being critical of Mr Goode in any way in making that observation. His assertion that such a matter should have been dealt with as part of the DA is however no more than that.
- 83 Assertions about lack of precision in calculations and conflicting claims as to benefits are assertions about matters of merit.
- 84 This ground of review fails.

B. Designated development ground

- 85 Mr Goode submitted that the Council failed to consider the DA as if it was designated development. He asserted that the truck wash facility was a waste management facility that comprises more than 1,000 tonnes of effluent per year as defined in Sch 3 cl 32(1)(a)(iii) of the EPA Regulation (not cl 32(a)(ii) as stated in Mr Goode's summons and submissions).

Evidence

- 86 Additional evidentiary material relied on by Mr Goode was a media article published on The Australian Dairy Farmer website, on 20 March 2015 titled "A fine mess" tendered as part of his bundle of materials (Ex A). This article reported that NSW police and Roads and Maritime Services (RMS), were dealing more severely with carriers spilling livestock effluent onto roads during transit. The article reported that NSW police and RMS were requiring removal

of waste material from the roadway and issuing fines under Roads Regulation reg 11.

Mr Goode's submissions

- 87 Mr Goode submitted that the DA should have been processed as designated development because the truck wash facility amounted to a waste management facility under Sch 3 cl 32(1)(a)(iii) of the EPA Regulation given the amount of sludge/effluent to be produced is likely to exceed 1,000 tonnes per year. The article titled "A fine mess" is illustrative of problems arising from trucks carrying significant volumes of effluent. As the quantity of effluent to be produced will exceed 1,000 tonnes per year it is more appropriate to characterise the truck wash facility as a waste management facility not as rural industry.
- 88 Under cl 32(1)(d)(i) a locational criteria is that a waste management facility must not be within 100 metres of a waterway. The development site may release effluent sludge or other waste within 100 metres of a natural waterway, Warialda Creek, if there is an overflow from holding ponds or stockpiles.
- 89 Alterations and additions are also identified in the SEE which may give rise to designated development under Pt 2 cl 35 of Sch 3 of the EPA Regulation (summons refers incorrectly to cl 33) due to their environmental effects. As the Council intends to make alterations and additions to dry and process sludge the whole development should have been assessed as designated development from the beginning.

Council's submissions

- 90 The Council accepts that if the proposed development is designated development within the meaning of the EPA Regulation, the DA would have needed to have been accompanied by an environmental impact statement (EIS): EPA Act ss 4.10, 4.12(8). However, the proposed development is not designated development.

- 91 The issue that arises from Mr Goode's allegation is the proper characterisation of the purpose of the development: *Silverwater Estate Pty Ltd v Auburn Council* [2001] NSWLEC 60 at [78]-[85] (Talbot J); *Moore v Yarrawlumla Shire Council* (2002) 120 LGERA 109; [2002] NSWLEC 62 at [13]-[18] (Pearlman J); *Evans v Maclean Shire Council* (2003) 138 LGERA 229; [2003] NSWLEC 352 (Talbot J).
- 92 Characterisation of purpose should be dealt with in accordance with well-settled principles as summarised by Preston CJ in *Chamwell Pty Ltd v Strathfield Municipal Council* (2007) 151 LGERA 400; [2007] NSWLEC 114 (*Chamwell*) at [27]-[45]. The focus should be on the end purpose, rather than individual components or aspects, of an activity. Both the SEE and the Council in determining the DA characterised the purpose of the development as rural industry under the GLEP. Rural industry is defined to include the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise. The purpose of the truck wash facility is consistent with this definition. It is designed to prevent the spread of weeds and contaminants by allowing the washing of trucks and machines. Ancillary to that purpose, stock carriers can carry empty effluent holding tanks. Not all trucks are equipped with such tanks. The washing of trucks and machines is the appropriate and correct characterisation, focusing at the appropriate level of generality: *Royal Agricultural Society of NSW v Sydney City Council* (1987) 61 LGRA 305 at 310 (*Royal Agricultural Society of NSW*). The dominant purpose of the truck wash facility is not waste disposal. As a result of truck washing, wastewater and some solids will be produced. That does not render the dominant purpose to be waste disposal.
- 93 If characterisation of the land use as rural industry was not accepted and it was instead found to be a "waste management facility", the requirements of clause 32 of Sch 3 are nevertheless not met. Therefore even if the land use was characterised as a waste management facility it would still not be designated development.

- 94 If cl 32(1)(d) is relevant in relation to locational criteria concerning proximity to Warialda Creek the SEE identifies that the creek is located approximately 100 metres north-west of the proposed development site. Clause 47 of Sch 3 provides a rule for measurement of distances to waterbodies. It prescribes distances to be measured from the top of the high bank. No evidence has been adduced by Mr Goode of where the high bank is located nor evidence to establish a distance of less than 100 metres between a high bank to the development site. Even if the truck wash facility is a waste management facility, the application of this clause has not been established by Mr Goode.

Truck wash facility not designated development

- 95 Mr Goode as the Applicant bears the onus of establishing this judicial review ground that the development falls within Sch 3 of the EPA Regulation and is designated development for the purpose of s 4.10 of the EPA Act. Mr Goode sought to establish the facility is a waste management facility to which cl 32(1)(a)(iii) applies. For the reasons given by the Council this ground of review fails. Primarily, the dominant purpose of the development is a “rural industry” as defined in particular (f) in the Dictionary of the GLEP and as permitted under the RU1 rural zone in the GLEP. The extract of the Land Use Table for that zone is set out above in [9]. The dominant purpose is not waste management. That there are waste products resulting from the washing of trucks does not change the nature of that dominant purpose. As identified in *Chamwell* the focus must be on the end purpose served by an activity rather than considering individual components of that activity. Activity must be considered at an appropriate level of generality, see *Royal Agricultural Society of NSW*. Clause 32 of Sch 3 of the EPA Regulation does not apply to this truck wash facility.
- 96 Even if established that the truck wash facility is for waste management purposes, it is not demonstrated by Mr Goode that the threshold in cl 32(1)(iii) about the amount of effluent applies.

97 For the further reasons stated by the Council summarised above in [94] no part of cl 32(1)(d) of Sch 3 has been established as applying.

98 That Mr Goode considers that the possible alteration of the development in the future in relation to dealing with sludge renders the whole development as designated is not established by any admissible evidence. That submission is not accepted.

99 This ground of review fails.

Conclusion

100 Mr Goode has been unsuccessful in these judicial review proceedings and they should be dismissed.

101 The usual order in unsuccessful proceedings is that an applicant pay the costs of a respondent. No submissions have been made in relation to costs. I will provide an opportunity to the parties to make submissions before finalising any costs order.

Orders

102 The Court orders:

(1) The amended summons dated 24 July 2019 is dismissed.

(2) Costs are reserved.

I CERTIFY THAT THIS AND THE 38 PRECEDING PAGES ARE A TRUE COPY OF THE REASONS FOR THE JUDGMENT OF THE HONOURABLE JUSTICE N. H. M. PAIN.



Associate

Date **20 April 2020**