

## Town Water Risk Reduction Program—Outcomes and action items

Meeting 9 | 22 September 2021, 9:30 – 11:30 am

### Attendees

Table 1. Attendees.

Invitees	Guests	Others
<ul style="list-style-type: none"><li>• Clr Bill West, Local Government NSW</li><li>• Mr Brendan Guiney, NSW Water Directorate</li><li>• Ms Rebel Thomson Executive Officer Namoi Joint Organisation of Councils</li><li>• Mr Geoffrey Veneris, A/General Manager, Goldenfields Water County Council</li><li>• Mr Graham Kennett, General Manager, Kyogle Council</li><li>• Dr Annalisa Contos, Principal Consultant, Atom Consulting</li><li>• Dr Katrina Wall, Acting Manager NSW Health Water Unit</li><li>• Mr Peter Marczan, Manager Technical Assessments and Advice, Environment Protection Authority</li><li>• Mr Michael Blackmore, Director Water Utilities, DPIE Water</li><li>• Ms Melissa Gibbs, Director Policy &amp; Sector Development, OLG</li></ul>	<ul style="list-style-type: none"><li>• Mr Sanjiv Sathiah, Senior Policy Officer, Infrastructure and Finance, LGNSW</li><li>• Ms Carmel Krogh OAM, TWRRP Program Advisor</li><li>• Ms Amanda Chadwick, Executive Director Water Sector Reform, DPIE Water</li><li>• Mr Graham Attenborough, Chief Operating Officer, DPIE Water</li><li>• </li></ul>	<p>Town Water Risk Reduction Program team members:</p> <ul style="list-style-type: none"><li>• Ms Erin Cini – Director (Chair)</li><li>• Mr Sascha Moege</li><li>• Mr Glen Colley (Secretariat)</li><li>• Dr Nanda Altavilla</li><li>• Mr Josh Tickell</li><li>• Mr Padraig Gidney</li><li>• Mr Andrew Fraser.</li></ul>

### Apologies

- Mr David Kirby, LWU Manager, Brewarrina Shire Council
- Mr Aaron Drenovski, General Manager, Goldenfields Water County Council

## Outcomes

**Table 2. Agenda items and outcomes.**

Agenda item	Outcomes
1	<b>Acknowledgement of country/welcome</b>
2	<b>Outcomes/actions from the previous meeting</b> <ul style="list-style-type: none"><li>• All action items from the 25 August 2021 meeting were complete except:<ul style="list-style-type: none"><li>○ Glen Colley to:<ul style="list-style-type: none"><li>▪ contact David Kirby of Brewarrina Shire Council to further discuss Crown Lands issues relate to water and discuss further with DPIE – Crown lands and the Crown Lands Commissioner's Officer.</li><li>▪ provide further feedback to Graham Kennett and the Panel.</li></ul></li></ul></li></ul>

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### **Collaboration approaches- update**

- The TWRRP team presented an overview of the approach to consultation including working groups and focussed teams.
- It was noted that the team did not receive any EOIs from elected representatives, which could be an election timing issue and also that general availability could be a factor.
- The TWRRP team will follow up with LGNSW about how to best involve councillors in the working groups or other consultative mechanisms. The Panel reiterated its expectation elected representatives be targeted for consultation but noted that there is a risk that the bigger reform issues getting lost in the flood of other responsibilities and demands on their time. COVID is also having a significant impact.
- It was agreed that ongoing collaboration and consultation with elected representatives is a key goal of the program. It was suggested that a way to engage councillors may be to demonstrate some early wins of the TWRRP.
- It was noted that the TWRRP team have been contacting and meeting with those councils that have not participated in the Program to date to ensure their views are heard.

### **Strategic planning working group**

- It was suggested that representation from DPIE – Planning be considered to provide input on Environmental Planning and Assessment Act and Local Environmental Planning issues (e.g., alignment with/impact of council Local Strategic Planning Statements). This may also be relevant to the Co-regulator forum.
- In relation to issues such as Special Activation Precincts and Regional Jobs Precinct, it may be appropriate to have representation from Regional NSW.
- For example, concerns were expressed about the accuracy of DPIE - Planning population figures causing a lot of concern in the regions.
- The TWRRP team noted that DPIE – Planning and Regional NSW are represented on the Program’s Senior Officers’ Group (as are many other NSW Government agencies).
- The TWRRP team confirmed that they are meeting with Public Works Advisory to ensure they have a member appointed.

### **Technical assessment and approvals**

- Panel members suggested that the section 60 conversation needs to look at the resourcing issues faced by DPIE Water, and their impact on delays in assessment/approval.
- The TWRRP team confirmed that the new framework for section 60 will be finalised first and then resourcing will be considered.
- The membership of the working group selected by the department was discussed.

### **Performance monitoring**

- The TWRRP team confirmed that, while there is not a specific working group for this issue, there will be a focussed team. The TWRRP team requested input into ideas about who should be involved in this.
- It was noted that DPIE Water’s Operations Division has recently established a team focussed on water sector performance.
- It was also noted that, as the approach to performance monitoring is reliant on the outcomes of the other two working groups (i.e., defining the frameworks so that the

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## Outcomes and action items

Agenda item	Outcomes
	<p>regulators and council understand what they are monitoring), the performance monitoring timeframes follow the improvements to the regulation of strategic planning and technical assessments and approvals.</p> <ul style="list-style-type: none"><li>• There was no additional feedback from Panel members.</li></ul> <p><b>Skills and training</b></p> <ul style="list-style-type: none"><li>• LGNSW advised that Local Government Procurement and Hunter H2O are working together on skills and training. Therefore, LGNSW staff could add value to the group.<ul style="list-style-type: none"><li>○ The TWRRP team advised that they had contacted Jenny James of LGNSW to request she participate, possibly as a causal/part time member, if her availability is limited.</li></ul></li></ul>
4	<p><b>COVID-19 restrictions - discussion</b></p> <ul style="list-style-type: none"><li>• The TWRRP team posed the question about how to effectively partner and collaborate in the context of the current COVID-19 restrictions?</li><li>• The Panel provided the following comments:<ul style="list-style-type: none"><li>○ There are two components:<ul style="list-style-type: none"><li>▪ everyone is getting used to online collaboration, which is positive in terms of collaboration. However, the Team should focus on having more short meetings rather than long meetings, and not be afraid of making a phone call directly to people.</li><li>▪ Some LGAs are really under the pump in terms of resourcing the COVID response (particularly in the Central West and Far West), which is directly affecting the ability of those councils to prioritise other work.</li></ul></li><li>○ The Panel was supportive of the TWRRP Team prioritising the improvements to the regulatory framework (implementing the roadmap), as this is so overdue. The Panel noted that if other parts of the program need to be re-evaluated timing wise, then the sector will likely be comfortable with that if regulatory improvement remains a priority. For example, in relation to some regional collaboration projects. rather than trailing certain new approaches, consideration may need to be given to evaluating existing approaches instead (in terms of capturing the lessons learnt, benefits and costs in an evidence-based way, not focused on assessing shortcomings).</li></ul></li></ul>

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Agenda item	Outcomes
5	<p><b>Roadmap stakeholder feedback - update</b></p> <ul style="list-style-type: none"><li>• The TWRRP team provided an overview of the feedback received on the draft roadmap to an improved regulatory framework and advised of key changes relating to performance monitoring and resources that rely on other actions (eg, strategic planning and technical assessment improvements) before they can be progressed.</li><li>• Panel members provided the following comments:<ul style="list-style-type: none"><li>○ implementation of the roadmap will be a key area of interest for many stakeholders and should be explained to the sector in more detail.</li><li>○ There was a discussion about how the department separates its regulatory and advice support functions. While it was noted that the draft roadmap highlights the sector's support for separating the functions, the Panel noted that the department should consider the value of allowing these two roles to be undertaken by the same people to ensure consistency of approach.</li></ul></li></ul>

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### IP&R/IWCM integration project - update

- The TWRRP team provided an update on this work, including an overview of forthcoming council consultation workshops in early October 2021.
- The Panel provided the following feedback on the draft review report findings and recommendations:
  - Much of what the report highlights as revised approach is actually how things are happening already but not always public facing.
  - The proposed approach outline should better address the State and regional planning context.
  - The principle of integrating the IP&R and IWCM frameworks should be taken as agreed, as it is stated in the draft regulatory roadmap that this will occur. This does not need to be tested further with sector.
  - Any attempt to integrate the two frameworks should avoid mandating further, detailed compliance requirements.
  - IWCM and IP&R should not be mandatory gateway processes for funding water infrastructure and operations. This is the key fault of the current approach to IWCM and was never intended as such. It is a mandated compliance framework, which is onerous, and does not necessarily reflect the reality.
  - The draft report is good but needs to focus more on what we heard. Similarly, the report recommendations should focus more on continuous improvement. Don't let the ideal benchmark hold back the steps that councils are making.
  - The draft report needs to better acknowledge the change that has occurred in water strategic planning at the State level in recent years. When Best Practice Management framework was created, LWUs were the only ones doing strategic planning – needs to acknowledge that Regional Water Strategies and the State Water Strategy now also exist and will impact on council level planning.
  - Kyogle Shire Council will provide further feedback to the TWRRP team offline.
  - The TWRRP team should engage with half a dozen general managers across the regions to get their perspective on the draft report. The TWRRP team will follow up with Clr West and Graham Kennett for suggestions.
  - The TWRRP team should be careful to ensure that the language used in communications about this doesn't imply that councils are not complying, performing well, or misunderstanding requirements. There are complexities and issues that impact on this, including DPIE Water and OLG having competing understanding of requirements re water strategic planning.
  - There is still uncertainty and concern about where new Audit, Risk and Improvement Committee requirements of the LG Act will land. This must be considered in relation to any commentary about the use of such committees for risk monitoring/mitigation purposes.
  - It needs to be acknowledged that while councils must be able to justify any changes to water pricing, this is not always transparent.
  - The report could also be used as a way to share insights from the sector with OLG on potential changes to the way it manages/supports the IP&R framework and to the framework itself.

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## Outcomes and action items

Agenda item	Outcomes
7	<p><b>Councillor awareness and training - Discussion</b></p> <ul style="list-style-type: none"><li>• The TWRRP team provided an overview of the recent work in this area.</li><li>• The Panel suggested that the TWRRP team:<ul style="list-style-type: none"><li>○ appoint a well-respected person who understands and can articulate the views of elected representatives to present the webinar.</li><li>○ engage someone from the Department to talk about IP&amp;R and asset management.</li></ul></li><li>• The TWRRP team will set up a meeting with LGNSW to discuss</li><li>• The TWRRP team are keen to get more councillors to appear in videos. Mayors from the following councils were suggested:<ul style="list-style-type: none"><li>○ Shoalhaven City Council</li><li>○ Nambucca Shire Council</li><li>○ Bathurst City Council</li><li>○ MidCoast Council</li><li>○ Parkes Shire Council.</li></ul></li><li>• Panel members were asked to provide any feedback directly to the TWRRP team.</li></ul>
8	<p><b>Co-regulator participation reflections</b></p> <ul style="list-style-type: none"><li>• NSW Health reflected on its involvement in the TWRRP to date and reiterated that it is committed to the process. Additionally, NSW Health advised that<ul style="list-style-type: none"><li>○ It is positive to have an ongoing forum with such a good cross section of the sector to discuss key issues.</li><li>○ There are good relationships with DPIE Water at the operational level (inspectors etc).</li><li>○ The TWRRP co-regulator work has been a good driver for NSW Health and DPIE Water to document and formalise those roles for the sake of transparency and understanding.</li></ul></li><li>• EPA reflected on its involvement in the TWRRP and advised:<ul style="list-style-type: none"><li>○ that the outcomes TWRRP is aiming for align very naturally with the outcomes EPA is looking for.</li><li>○ EPA is committed to participating in the working groups.</li><li>○ EPA's strategic plan has been published and is on the website (along with other nesting documents – e.g., EPA regulatory strategy, which will be supplemented by a regulatory policy describing how EPA makes its decisions).</li></ul></li><li>• The TWRRP team is in the process of engaging an independent consultant to oversee all of this work. The coregulator approach will be progressed after that happens.</li><li>• Panel members asked whether the WIC Act is being considered in the context of co-regulation?<ul style="list-style-type: none"><li>○ The TWRRP team advised that DPIE Water's Water Utilities Team is responsible for this issue now and is actively participating in discussions.</li><li>○ IPART is also participating in the co-regulator forum.</li></ul></li></ul>

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Agenda item	Outcomes
9	<p><b>Implementation – update</b></p> <ul style="list-style-type: none"><li>DPIE Water's Operational team gave an update about work in relation to the future implementation of the TWRRP outcomes, which included:<ul style="list-style-type: none"><li>Empowered collaboration program – operations and TWRRP team participated to help shift the mindset from pure regulator approach to a collaborative/partnerships approach for staff to work with the sector. Won't be the silver bullet so we are conscious of continuing the improvement of the culture.</li><li>Resources – three additional regional engineers are in the process of being recruited, and two centralised planning staff.</li><li>the assessment of s60 applications and IWCM strategies will be decentralised to help work through the backlog.</li><li>Many DPIE Water Operations Division staff are involved in the TWRRP process – they are listening (and hearing) and committed to working with the sector to develop solutions (embedding the cultural change).</li></ul></li><li>The Water Leakage Program (and water efficiency process) has been met with lots of enthusiasm from JOs about helping LWUs on this process.</li></ul> <p>The Panel welcomed the briefing but reiterated the need to enact early wins in relation to improving the regulatory framework and communicate to the sector what is happening as soon as possible.</p>
10	<p><b>Panel items for discussion</b> – No items were raised.</p>
11	<p><b>Next meeting</b></p> <ul style="list-style-type: none"><li>27 October 2021, 9:30-11:30 am.</li></ul>

## Actions arising from 22 September 2021 meeting

**Table 3. Summary of actions.**

Item no.	Action	Responsibility	Due date
9.1	Contact Brewarrina Shire Council and Crown Lands re issues relating to Crown lands approvals	Glen Colley	27 October 2021
9.2	Follow up with LGNSW about how to get councillors involved in the working groups or other consultative mechanisms	TWRRP Team	30 September 2021
9.3	Provide input about who should be involved in the performance monitoring focused team.	Panel members	27 October 2021

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Item no.	Action	Responsibility	Due date
9.4	Provide further feedback to the TWRRP team about the IP&R/IWCM integration draft report.	Graham Kennett	29 September 2021
9.5	Provide feedback on councillor training resources	Panel members	25 September 2021

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