



AGENDA

ORDINARY COUNCIL MEETING

26 OCTOBER 2020

MEMBERSHIP: Councillors J Diffey, V Etheridge, D Grant, D Gumley, A Jones, S Lawrence, G Mohr, K Parker, J Ryan and B Shields

The meeting is scheduled to commence at 5:30pm.

PRAYER:

O God, Grant that by the knowledge of thy will, all we may resolve shall work together for good, we pray through Jesus Christ our Lord. Amen!

ACKNOWLEDGEMENT OF COUNTRY:

"I would like to acknowledge the Wiradjuri People who are the Traditional Custodians of the Land. I would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Aboriginal peoples from other nations who are present".

Page

CCL20/162 CONFIRMATION OF MINUTES (ID20/1302) 5
Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 28 September 2020.

CCL20/163 LEAVE OF ABSENCE (ID20/1303)

CCL20/164 PUBLIC FORUM (ID20/1304)

MAYORAL MINUTES:

CCL20/165 RECOGNITION OF ACHIEVEMENT OF TYLER EVERINGHAM IN 2020 SUPERCHEAP AUTO BATHURST 1000 (ID20/1333) 22
The Council had before it the Mayoral Minute regarding Recognition of achievement of Tyler Everingham in 2020 Supercheap Auto Bathurst 1000.

- CCL20/172 COMPULSORY ACQUISITION OF LOT 101 AND 102 IN DP1264341 - PART CROWN LOT 7005 DP 1019852 AND PART LITTLE RIVER - TERRABELLA ROAD, TERRABELLA - LITTLE RIVER BRIDGE RECONSTRUCTION (ID20/1134)** 55
- The Council had before it the report dated 2 September 2020 from the Property Development Officer regarding Compulsory Acquisition of Lot 101 and 102 in DP1264341 - Part Crown Lot 7005 DP 1019852 and Part Little River - Terrabella Road, Terrabella - Little River Bridge Reconstruction.
- CCL20/173 RESCINDING COUNCIL POLICIES (ID20/800)** 66
- The Council had before it the report dated 15 September 2020 from the Manager Infrastructure Delivery regarding Rescinding Council Policies.
- CCL20/174 ADOPTION OF COUNCIL POLICY - BITUMEN SEALING OF COUNCIL ROADS (ID20/1272)** 81
- The Council had before it the report dated 6 October 2020 from the Manager Infrastructure Delivery regarding Adoption of Council Policy - Bitumen Sealing of Council Roads.
- CCL20/175 REVIEW OF VILLAGE LANDFILL AND TRANSFER STATIONS (ID20/1281)** 87
- The Council had before it the report dated 13 October 2020 from the Manager Resource Recovery and Efficiency regarding Review of Village Landfill and Transfer Stations.
- CCL20/176 DEVELOPMENT APPLICATION D17-238 (4) - SERVICE STATION AND TWO (2) LOT SUBDIVISION**
PROPERTY: LOT 4142 DP 1245646, NO. 6 BURRAWAY ROAD, BROCKLEHURST
APPLICANT: LIBERTY OIL CORPORATION PTY LTD
OWNER: MR I E WALKER (ID20/1274) 109
- The Council had before it the report dated 12 October 2020 from the Senior Planner regarding:
Development Application D17-238 (4) - Service Station and Two (2) Lot Subdivision
Property: Lot 4142 DP 1245646, No. 6 Burraway Road, Brocklehurst
Applicant: Liberty Oil Corporation Pty Ltd
Owner: Mr I E Walker.

- CCL20/177 R20-3 NANIMA SEWAGE TREATMENT PLANT (STP) REZONING (ID20/1223)** 132
The Council had before it the report dated 13 October 2020 from the Growth Planning Projects Leader - Digital Futures regarding R20-3 Nanima Sewage Treatment Plant (STP) Rezoning.
- CCL20/178 PROPOSAL (R18-4 63 FITZROY STREET, 2R GILGANDRA ROAD) APPLICANT BARNSON PTY LTD ON BEHALF OF TAYLOR MADE HOMES PTY LTD (ID20/1324)** 242
The Council had before it the report dated 16 October 2020 from the Growth Planning Projects Leader - Digital Futures regarding Proposal (R18-4 63 Fitzroy Street, 2R Gilgandra Road) Applicant Barnson Pty Ltd on behalf of Taylor Made Homes Pty Ltd.
- CCL20/179 BEAUTIFICATION OF DUBBO CBD - PROPOSED TREE PLANTING FOLLOWING PUBLIC EXHIBITION. (ID20/1301)** 447
The Council had before it the report dated 11 October 2020 from the Manager Recreation and Open Spaces regarding Beautification of Dubbo CBD - proposed tree planting following public exhibition..
- CCL20/180 COMMENTS AND MATTERS OF URGENCY (ID20/1305)**



Confirmation of Minutes

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 28 September 2020.

RECOMMENDATION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 28 September 2020 comprising pages 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

Appendices:

- 1 [↓](#) Minutes - Ordinary Council Meeting - 28/09/2020
- 2 [↓](#) Minutes - Committee of the Whole - 28/09/2020



REPORT

ORDINARY COUNCIL MEETING

28 SEPTEMBER 2020

PRESENT: Councillors J Diffey, V Etheridge, D Grant, D Gumley, A Jones, S Lawrence, G Mohr, K Parker, J Ryan and B Shields.

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager CEO, the Manager Governance and Internal Control, the Community Support Officer, the Communications Partner, the Director Organisational Performance, the Director Culture and Economy, the Director Infrastructure (M Lewis), the Director Development and Environment (S Jennings) and the Director Liveability.

Councillor B Shields assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.30pm at the Dubbo Civic Administration Building, Council Chamber, with a prayer for Divine Guidance to the Council in its deliberations and activities. The acknowledgement of country was also read by Councillor A Jones.

Please note that Councillor D Gumley was in attendance at this meeting via audio only, under the current COVID-19 provisions.

CCL20/139 CONFIRMATION OF MINUTES (ID20/1164)

Confirmation of the minutes of the proceedings of the Ordinary Council Meeting held on 24 August 2020.

Moved by Councillor A Jones and seconded by Councillor V Etheridge

MOTION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 24 August 2020 as attached as Appendix 1 in the Attachment report be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

CARRIED

CCL20/140 LEAVE OF ABSENCE (ID20/1165)

There were no applications for leave of absence received.

CCL20/141 PUBLIC FORUM (ID20/1166)

There were no speakers during public forum.

MAYORAL MINUTES:**CCL20/142 ANNUAL MAYOR'S REPORT (ID20/1186)**

The Council had before it the Mayoral Minute regarding Annual Mayor's Report.

Moved by Councillor B Shields

MOTION

That the Mayor's year in review speech be noted.

CARRIED

CCL20/142a AUDITOR-GENERAL'S REPORT ON WATER (ID20/1231)

The Council had before it the Mayoral Minute regarding the Auditor General's Report on Water.

Moved by Councillor B Shields

MOTION

That the Auditor-General's report and its findings be noted.

CARRIED

Councillor J Diffey declared a non-pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor J Diffey is employed by NSW Parliament as the Senior Electorate Officer for the State Member of the Dubbo Electorate, Mr D Saunders.

MATTERS CONSIDERED BY COMMITTEES:**CCL20/143 REPORT OF THE DEVELOPMENT AND ENVIRONMENT COMMITTEE- MEETING
14 SEPTEMBER 2020 (ID20/1167)**

The Council had before it the report of the Development and Environment Committee meeting held 14 September 2020.

Moved by Councillor G Mohr and seconded by Councillor J Ryan

MOTION

That the report of the Development and Environment Committee meeting held on 14 September 2020, be noted.

CARRIED

**CCL20/144 REPORT OF THE INFRASTRUCTURE AND LIVEABILITY COMMITTEE - MEETING
14 SEPTEMBER 2020 (ID20/1168)**

The Council had before it the report of the Infrastructure and Liveability Committee meeting held 14 September 2020.

Moved by Councillor G Mohr and seconded by Councillor K Parker

MOTION

That the report of the Infrastructure and Liveability Committee meeting held on 14 September 2020, be noted.

CARRIED

**CCL20/145 REPORT OF THE CULTURE, ECONOMY AND CORPORATE COMMITTEE -
MEETING 14 SEPTEMBER 2020 (ID20/1169)**

The Council had before it the report of the Culture, Economy and Corporate Committee meeting held 14 September 2020.

Moved by Councillor D Gumley and seconded by Councillor G Mohr

MOTION

- 1. That the report of the Culture, Economy and Corporate Committee meeting held on 14 September 2020, be noted.**
- 2. That Councillors J Diffey and K Parker be elected as the Councillor representatives to the Dubbo Regional Livestock Markets.**

CARRIED

CCL20/146 REPORT OF THE DUBBO REGIONAL COUNCIL AIRPORTS PANEL - MEETING 14 SEPTEMBER 2020 (ID20/1187)

The Council had before it the report of the Dubbo Regional Council Airports Panel meeting held 14 September 2020.

Moved by Councillor G Mohr and seconded by Councillor J Ryan

MOTION

That the report of the Dubbo Regional Council Airports Panel meeting held on 14 September 2020, be adopted.

CARRIED

NOTICES OF MOTION:**CCL20/147 WELLINGTON SHOWGROUND / RACECOURSE MASTERPLAN (ID20/1138)**

Council had before it a Notice of Motion dated 3 September 2020 from Councillor D Grant regarding the Wellington Showground / Racecourse Masterplan.

Moved by Councillor D Grant and seconded by Councillor A Jones

MOTION

- 1. That the Chief Executive Officer be requested to undertake an internal review of the Wellington Showground, including current use, lease agreement and asset condition report, with the intention of developing a Masterplan for the future development and strategic use of the facility.**
- 2. That the internal review include discussions with key user groups and the current management lessee, Wellington Race Club.**
- 3. That the internal review report be provided to the December 2020 Ordinary Council meeting.**
- 4. That following consideration of the internal review, consideration for a strategic masterplan, including funding avenues, be brought back to the February 2021 Ordinary Council meeting.**

CARRIED

CCL20/148 COUNCIL SAVINGS SINCE 2017 ELECTIONS (ID20/1202)

Council had before it a Notice of Motion dated 17 September 2020 from Councillor J Ryan regarding the Council Savings Since 2017 Elections.

Moved by Councillor J Ryan and seconded by Councillor D Grant

MOTION

That the Chief Executive Officer prepare a report to the next Council meeting on savings in expenditure and increases in income achieved by the Council since elected in 2017, taking into account the effects on Council's bottom line through the COVID-19 pandemic and worst drought on record.

CARRIED

CCL20/149 COUNCIL'S INTERNAL OMBUDSMAN (ID20/1207)

Council had before it a Notice of Motion dated 21 September 2020 from Councillor D Gumley regarding the Council's Internal Ombudsman.

Moved by Councillor D Gumley and seconded by Councillor G Mohr

MOTION

That the Chief Executive Officer be requested to provide a report to the November 2020 meeting of Council outlining the accomplishments of Council's Internal Ombudsman.

CARRIED

REPORTS FROM STAFF:**CCL20/150 QUARTERLY REPORT ON DOCUMENTS EXECUTED UNDER THE POWER OF ATTORNEY (ID20/1146)**

The Council had before it the report dated 7 September 2020 from the Executive Manager Governance and Internal Control regarding Quarterly Report on Documents Executed Under the Power of Attorney.

Moved by Councillor A Jones and seconded by Councillor J Diffey

MOTION

That the information contained within the report of the Executive Manager Governance and Internal Control dated 7 September 2020, be noted.

CARRIED

CCL20/151 DISCLOSURE OF INTEREST RETURNS (ID20/1062)

The Council had before it the report dated 17 August 2020 from the Executive Manager Governance and Internal Control regarding Disclosure of Interest Returns.

Moved by Councillor J Diffey and seconded by Councillor S Lawrence

MOTION

That the tabling of the Disclosure of Interest Returns, as detailed in the report of the Executive Manager Governance and Internal Control dated 17 August 2020, be noted and the Office of Local Government be advised accordingly.

CARRIED

CCL20/152 PUBLIC INTEREST DISCLOSURES AND INTERNAL REPORTING POLICY FOR REVIEW (ID20/1185)

The Council had before it the report dated 15 September 2020 from the Internal Ombudsman regarding Public Interest Disclosures and Internal Reporting Policy for review.

Moved by Councillor K Parker and seconded by Councillor J Diffey

MOTION

- 1. That the information contained within the report of the Internal Ombudsman dated 15 September 2020, be noted.**
- 2. That the draft Public Interest Disclosures and Internal Reporting Policy, as attached to the report of the Internal Ombudsman as Appendix 1, be place on public display for a period of not less than 28 days.**
- 3. That following conclusion of the public exhibition process, a further report be presented to Council.**

CARRIED

CCL20/153 FINANCIAL SUPPORT AND PARTNERSHIP POLICY (ID20/1195)

The Council had before it the report dated 17 September 2020 from the Director Organisational Performance regarding Financial Support and Partnership Policy.

Moved by Councillor A Jones and seconded by Councillor D Grant

MOTION

- 1. That the information contained within the report of the Director Organisational Performance dated 28 August 2020, be noted.**
- 2. That the updated Financial Assistance Policy dated 20 August 2020, be adopted.**

CARRIED

CCL20/154 PLANNING PROPOSAL - (R18-3) - SOUTHLAKES ESTATE, DUBBO, PROPOSED ALTERATIONS TO LAND USE ZONINGS AND MINIMUM LOT SIZES (ID20/1030)

The Council had before it the report dated 11 September 2020 from the Manager Growth Planning regarding Planning Proposal - (R18-3) - Southlakes Estate, Dubbo, Proposed Alterations to Land Use Zonings and Minimum Lot Sizes.

Moved by Councillor J Diffey and seconded by Councillor V Etheridge

MOTION

1. That the Planning Proposal, attached as Appendix 1, to undertake the following amendments to the Dubbo Local Environmental Plan 2011, be adopted by Council:
 - That the subject land be rezoned from R5 Large Lot Residential to R1 General Residential and R2 Low Density Residential.
 - That the minimum lot size be changed from the existing 1.5 hectares to a mixture of no minimum lot size, 600m², 800m², 2000m² and 100 hectares.
 - That land situated to the south of the indicative location of the Southern Distributor be zoned RU2 Rural Landscape.
2. That Council request the Department of Planning, Industry and Environment to prepare the draft amendment to the Dubbo Local Environmental Plan 2011 and provide Council with an Opinion that the Plan be made.
3. That Council request gazettal of the Plan following receipt of the Opinion from the Department that the Plan be made.
4. That those who made a submission are sent an acknowledgement and advised of Council's determination in this matter.
5. That an appropriate clause be included in the Comprehensive Dubbo Local Environmental Plan (currently under preparation), to assist in guiding the location and design quality of dual occupancy development in Dubbo.
6. That in respect of the current site, which is under consideration with the subject Planning Proposal, Council Staff will work with the Proponent to include appropriate controls for dual occupancy development, which can be included in the site specific Development Control Pan for the subject lands.

CARRIED

In accordance with s375A(2) of the Local Government Act 1993, a division was duly called, the following votes on the motion were recorded:

FOR	AGAINST
Councillor Diffey	
Councillor Etheridge	
Councillor Grant	
Councillor Gumley	
Councillor Jones	
Councillor Lawrence	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (10)	Total (0)

CCL20/155 PLANNING PROPOSAL - (R20-1) - SOUTHLAKES ESTATE, DUBBO (ID20/1192)

The Council had before it the report dated 21 September 2020 from the Manager Growth Planning regarding Planning Proposal - (R20-1) - Southlakes Estate, Dubbo.

Moved by Councillor J Diffey and seconded by Councillor V Etheridge

MOTION

1. That the Planning Proposal, as provided by the Proponent and included as Appendix 1 to the report of the Manager Growth Planning dated 29 June 2020, be endorsed.
2. That Council support a minimum 28 day public exhibition period for the Planning Proposal.
3. That Council not use its delegation under Section 59 of the Environmental Planning and Assessment Act, 1979 to draft the amendments to the Dubbo Local Environmental Plan 2011.
4. That following the completion of the public exhibition period, a further report be provided to Council detailing the results of public exhibition and for further consideration of the Planning Proposal.

CARRIED

In accordance with s375A(2) of the Local Government Act 1993, a division was duly called, the following votes on the motion were recorded:

FOR	AGAINST
Councillor Diffey	
Councillor Etheridge	
Councillor Grant	
Councillor Gumley	
Councillor Jones	
Councillor Lawrence	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (10)	Total (0)

CCL20/156 LEGIONELLA MANAGEMENT POLICY (ID20/1154)

The Council had before it the report dated 11 September 2020 from the Compliance Officer Environment and Health regarding Legionella Management Policy.

Moved by Councillor K Parker and seconded by Councillor V Etheridge

MOTION

That the draft Legionella Management Policy, as attached to the report of the Compliance Officer Environment and Health as Appendix 1, be adopted.

CARRIED

CCL20/157 ECONOMIC RECOVERY TASKFORCE OUTCOMES AND STRATEGY (ID20/1137)

The Council had before it the report dated 3 September 2020 from the Manager Economic Development and Marketing regarding Economic Recovery Taskforce Outcomes and Strategy.

Moved by Councillor D Grant and seconded by Councillor J Ryan

MOTION

- 1. That the draft Regional Economic Recovery Strategy 2020/2021, attached as Appendix 1 to the report of the Manager Economic Development and Marketing dated 3 September 2020, be adopted.**
- 2. That the members of the Economic Recovery Taskforce be formally recognised and thanked for their contribution to the development of the Regional Economic Recovery Strategy 2020/2021.**
- 3. That the progress of the Strategy be reported through the monthly informal reports.**

CARRIED

CCL20/158 NATIVE SPECIES ART WALL AT DUBBO REGION VISITOR INFORMATION CENTRE (DUBBO SITE) (ID20/1163)

The Council had before it the report dated 14 September 2020 from the Manager Economic Development and Marketing regarding Native Species Art Wall at Dubbo Region Visitor Information Centre (Dubbo Site).

Moved by Councillor S Lawrence and seconded by Councillor V Etheridge

MOTION

That Council approve the Department of Planning, Industry and Environment (DPIE), Biodiversity and Conversation Division to proceed with the implementation of an artwork on the western wall of the Dubbo Region, Visitor Information Centre, Dubbo site.

CARRIED

CCL20/159 LEASE OF LAND - AIRPORT HANGAR SITE 4 - W & E MAAS HOLDINGS PTY LTD (ID20/1175)

The Council had before it the report dated 14 September 2020 from the Manager Dubbo City Regional Airport regarding Lease of Land - Airport Hangar Site 4 - W & E Maas Holdings Pty Ltd.

Moved by Councillor G Mohr and seconded by Councillor K Parker

MOTION

- 1. That the information contained in the report of the Manager Dubbo City Regional Airport dated 14 September 2020, be noted.**
- 2. That Council enter into four (4) consecutive five (5) year leases for Hangar Site 4 at Dubbo City Regional Airport with W & E Maas Holdings Pty Ltd, with the first lease commencing upon the termination of the current lease, and the second, third and fourth leases commencing upon the expiry of the previous lease, noting that all four (4) leases are to be signed at the commencement of the first lease.**
- 3. That all documentation in relation to this matter be executed under Power of Attorney.**
- 4. That the legal fees associated with the preparation of the lease be borne by the lessee.**

CARRIED

CCL20/160 COMMENTS AND MATTERS AND OF URGENCY (ID20/1170)**ACTION**

That the Chief Executive Officer, as requested by Councillor G Mohr, personally thank the Council staff involved in the presentations held recently on the Waste facilities held in Wellington.

At this juncture, it was moved by Councillor A Jones and seconded by Councillor J Ryan that the Council resolve into a Committee of the Whole Council, the time being 6.27pm.

The meeting resumed at 6.31pm.

CCL20/161 COMMITTEE OF THE WHOLE (ID20/1171)

The Executive Manager CEO read to the meeting of the Report of the Committee of the Whole meeting held on 28 September 2020.

Moved by Councillor D Grant and seconded by Councillor S Lawrence

MOTION

That the report of the meeting of the Committee of the Whole held on 28 September 2020, be adopted, save and except Clauses CW20/23 and CW20/26, with such Clauses to be dealt with separately.

CARRIED

CW20/23 NRL EVENT INVESTIGATIONS (ID20/1153)

The Committee had before it the report dated 8 September 2020 from the Chief Executive Officer regarding NRL Event Investigations.

Moved by Councillor A Jones and seconded by Councillor J Ryan

MOTION

That the information contained within the report of the Chief Executive Officer dated 17 September 2020, be noted.

CARRIED

Councillor J Diffey declared a non-pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor J Diffey is employed by NSW Parliament as the Senior Electorate Officer for the State Member and Chair of the NSW Government NRL Regional Task Force, Mr D Saunders.

CW20/26 CODE OF CONDUCT MATTER

The Committee had before it the report dated 28 September 2020 from the Chief Executive Officer regarding the Code of Conduct Matter.

Moved by Councillor A Jones and seconded by Councillor J Ryan

MOTION

1. That the advice from the Office of Local Government dated 28 August 2020, be noted.
2. That this matter now be considered finalised.
3. That the documents and considerations with regard to this matter remain confidential to the Council.

CARRIED

Councillor K Parker declared a non-pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor K Parker is the subject of this code of conduct matter.

The meeting closed at 6.34pm.

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CHAIRMAN



REPORT

COMMITTEE OF THE WHOLE COUNCIL

28 SEPTEMBER 2020

PRESENT: Councillors J Diffey, V Etheridge, D Grant, D Gumley, A Jones, S Lawrence, G Mohr, K Parker, J Ryan and B Shields.

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager CEO, the Manager Governance and Internal Control, the Community Support Officer, the Communications Partner, the Director Organisational Performance, the Director Culture and Economy, the Director Infrastructure (M Lewis), the Director Development and Environment (S Jennings) and the Director Liveability.

Councillor B Shields assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 6.27pm at the Dubbo Civic Administration Building, Council Chamber.

Please note that Councillor D Gumley was in attendance at this meeting via audio only, under the current COVID-19 provisions.

CW20/23 NRL EVENT INVESTIGATIONS (ID20/1153)

The Committee had before it the report dated 8 September 2020 from the Chief Executive Officer regarding NRL Event Investigations.

Moved by Councillor A Jones and seconded by Councillor J Ryan

MOTION

That members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council (Section 10A(2)(d)(ii)).

CARRIED

Moved by Councillor G Mohr and seconded by Councillor J Ryan

MOTION

That the information contained within the report of the Chief Executive Officer dated 17 September 2020, be noted.

CARRIED

Councillor J Diffey declared a non-pecuniary, significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor J Diffey is employed by NSW Parliament as the Senior Electorate Officer for the State Member and Chair of the NSW Government NRL Regional Task Force, Mr D Saunders.

CW20/24 APPOINTMENTS TO THE AUDIT AND RISK MANAGEMENT COMMITTEE (ID20/1183)

The Committee had before it the report dated 15 September 2020 from the Executive Manager Governance and Internal Control regarding Appointments to the Audit and Risk Management Committee.

Moved by Councillor A Jones and seconded by Councillor J Ryan

MOTION

That members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned personnel matters concerning particular individuals (other than Councillors) (Section 10A(2)(a)).

CARRIED

Moved by Councillor A Jones and seconded by Councillor V Etheridge

MOTION

- 1. That Council authorise the Mayor and Chief Executive Officer to interview the five (5) applicants and be delegated authority to appoint the Chairperson and Independent member.**
- 2. That the outgoing independent representatives be formally thanked for their contribution to the Audit and Risk Management Committee.**

CARRIED

CW20/25 LAND SWAP WITH DUBBO RSL - KESWICK AND DUBBO CITY BOWLING CLUB (ID20/1184)

The Committee had before it the report dated 15 September 2020 from the Manager Property Assets regarding Land Swap with Dubbo RSL - Keswick and Dubbo City Bowling Club.

Moved by Councillor A Jones and seconded by Councillor J Ryan

MOTION

That members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council (Section 10A(2)(d)(ii)).

CARRIED

Moved by Councillor J Ryan and seconded by Councillor G Mohr

MOTION

- 1. That Council proceed with the land swap with Dubbo RSL of the Council owned 3.3 ha vacant land parcel at Keswick Estate, for the RSL owned Dubbo City Bowling Club.**
- 2. That the land swap be undertaken by way of exchange of contracts for sale.**
- 3. That following contract settlement, Council permit Dubbo RSL to continue to operate the Dubbo Bowling Club under a licence agreement until the RSL have an alternative location in which to operate a bowling club, noting that the licence agreement would have a maximum term of two years.**
- 4. That the Dubbo City Bowling Club site is to be classified as operational land upon its acquisition by Council.**
- 5. That all documentation in relation to this matter be executed under Power of Attorney.**

CARRIED

CW20/26 CODE OF CONDUCT MATTER

The Committee had before it the report dated 28 September 2020 from the Chief Executive Officer regarding the Code of Conduct Matter.

Moved by Councillor A Jones and seconded by Councillor J Ryan

MOTION

That members of the press and public be excluded from the meeting during consideration of this item, the reason being alleged contraventions of any code of conduct requirements applicable under (Section 10A(2)(i)).

CARRIED

Moved by Councillor A Jones and seconded by Councillor J Ryan

MOTION

1. That the advice from the Office of Local Government dated 28 August 2020, be noted.
2. That this matter now be considered finalised.
3. That the documents and considerations with regard to this matter remain confidential to the Council.

CARRIED

Councillor K Parker declared a non-pecuniary, significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor K Parker is the subject of this code of conduct matter.

The meeting closed at 6.30pm.

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CHAIRMAN



MAYORAL MINUTE: Recognition of achievement of Tyler Everingham in 2020 Supercheap Auto Bathurst 1000

AUTHOR: Mayor
REPORT DATE: 19 October 2020
TRIM REFERENCE: ID20/1333

To the Council
Ladies and Gentlemen

Office of the Mayor
Civic Administration Building
Church Street, Dubbo

I would like to congratulate Dubbo's very own Tyler Everingham on his fantastic achievement of racing in the Supercheap Auto Bathurst 1000 on Sunday, 18 October, 2020.

Tyler spent his formative years racing karts at Lincoln County Raceway at Brocklehurst, before moving on to higher levels of motorsport around Australia.

His efforts saw him get the chance to be part of a wildcard entry by Garry Rogers Motorsport for the great race, where he partnered with another rookie, 21-year-old Jayden Ojeda. Tyler was the lead driver for the team and that meant he was responsible for qualifying the car and starting the race. They qualified in 24th, with a time of 2 minutes, 06.6812 seconds.

Tyler had the tricky job of starting the race but was able to make progress through the field. After 100 laps, thanks to some fantastic driving from Tyler in tricky conditions, their car was in 15th place. Unfortunately his co-driver scraped a wall and damaged the car, sending it to the pits for repairs. After some hasty repairs, Tyler was able to go out and complete the last 19 laps, allowing them to be classified as finishers. Tyler and Jayden finished a very credible 19th, ahead of a number of more experienced drivers whose day ended in a wall or in the sand.

Just to have the chance to race in the Bathurst 1000 is a tremendous achievement, but Tyler's efforts in the race did Dubbo even more proud. Given his fantastic performance, I am sure this is the start of a long career in the Bathurst 1000 for Tyler and the city will keenly follow his progress.

RECOMMENDATION

That Council formally congratulate Tyler Everingham on his career to date and his achievement of being part of the 2020 Supercheap Auto Bathurst 1000 race.

Councillor Ben Shields
Mayor



REPORT: Audit and Risk Management Committee - meeting Minutes 4 September 2020 and 15 October 2020

AUTHOR: Governance and Internal Control
Manager
REPORT DATE: 22 September 2020
TRIM REFERENCE: ID20/1211

EXECUTIVE SUMMARY

At the Ordinary Council meeting held 27 July 2020 it was resolved that the Audit and Risk Management Committee Charter be adopted.

Section 6 Meetings and Quorum; *section 6.8 states in part that the minutes will be prepared and provided to the next Ordinary meeting of the Council for information.*

Therefore, please find attached the minutes for notation.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That the minutes of the Audit and Risk Management Committee meetings held on 4 September 2020 and 15 October 2020 be noted.

Susan Wade

Governance and Internal Control Manager

Appendices:

- [1](#) Minutes - Audit and Risk Management Committee - 04/09/2020
- [2](#) Minutes - Audit and Risk Management Committee - 15/10/2020



REPORT AUDIT AND RISK MANAGEMENT COMMITTEE 4 SEPTEMBER 2020

PRESENT: Councillor A Jones, Mr J Walkom (Independent Member and Council appointed Committee Chairman) and Mr R Gillard (Independent Member).

ALSO IN ATTENDANCE:

The Executive Manager Governance and Internal Control, the Executive Manager People Culture and Safety, the Governance Team Leader, the Internal Auditor, the Director Organisational Performance, the Chief Financial Officer, the Statutory Accountant, the Manger Growth Planning, Ms R Antolin (Audit Office) and Ms M Lee (Audit Office).

Mr J Walkom assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 11am electronically via Microsoft Teams.

WELCOME

AUD20/47 LEAVE OF ABSENCE (ID20/1078)

Requests for leave of absence were received from Councillor B Shields and the Chief Executive Officer who were absent from the meeting due to business matters.

RECOMMENDATION

That such requests for leave of absence be accepted and Councillor B Shields and the Chief Executive Officer be granted leave of absence from this meeting.

AUD20/48 DECLARATION OF INTEREST (ID20/1079)

There were no conflicts of interest declared.

**AUD20/49 REPORT OF THE AUDIT AND RISK MANAGEMENT - MEETING 12 JUNE 2020
(ID20/1080)**

The Committee had before it the report of the Audit and Risk Management Committee meeting held 12 June 2020.

Moved by Councillor A Jones and seconded by Mr R Gillard

RECOMMENDATION

That the report of the Audit and Risk Management Committee meeting held on 12 June 2020, be adopted.

CARRIED

FINANCIAL STATEMENTS/EXTERNAL AUDIT REPORT

AUD20/50 REFERRAL OF THE 2019/2020 FINANCIAL STATEMENTS TO AUDIT (ID20/1022)

The Committee had before it the report dated 21 August 2020 from the Chief Financial Officer regarding Referral of the 2019/2020 Financial Statements to Audit.

Moved by Mr R Gillard and seconded by Councillor A Jones

RECOMMENDATION

The Committee Recommends:

- 1. That the draft 2019/2020 Financial Statements be noted.**
- 2. That the draft 2019/2020 Financial Statements be referred to audit.**

CARRIED

INTERNAL AUDIT

AUD20/51 AUDIT AND RISK MANAGEMENT COMMITTEE ACTION ITEMS (ID20/930)

The Committee had before it the report dated 3 August 2020 from the Internal Auditor regarding Audit and Risk Management Committee Action Items.

Moved by Mr R Gillard and seconded by Councillor A Jones

RECOMMENDATION

- 1. That the report of the Internal Auditor dated 3 August 2020 be noted.**
- 2. That it be noted that the review of the Charter was done without Committee consultation.**

CARRIED

AUD20/51b AUDIT AND RISK MANAGEMENT COMMITTEE ACTION ITEMS (CONFIDENTIAL COMPONENT) (ID20/949)

The Committee had before it the report dated 5 August 2020 from the Internal Auditor regarding Audit and Risk Management Committee Action Items (Confidential Component).

Moved by Councillor A Jones and seconded by Mr R Gillard

RECOMMENDATION

That the information contained within the report of the Internal Auditor dated 5 August 2020, be noted.

CARRIED

AUD20/52 AUDIT OF ACCOUNTS PAYABLE (ID20/719)

The Committee had before it the report dated 29 June 2020 from the Internal Auditor regarding Audit of Accounts Payable.

Moved by Mr J Walkom and seconded by Mr R Gillard

RECOMMENDATION

1. That the information within the report of the Internal Auditor dated 29 June 2020 be noted.
2. That a report on purchase activity be provided to this committee on a 12 monthly basis which identifies.
 - Contracts awarded in the previous year that are over \$100,000.
 - Frequency of the Purchase order issued after the invoice date.

CARRIED

AUD20/53 AUDIT OF DRIVES24 (ID20/751)

The Committee had before it the report dated 6 July 2020 from the Internal Auditor regarding Audit of DRIVES24.

Moved by Councillor A Jones and seconded by Mr R Gillard

RECOMMENDATION

That the information within the report of the Internal Auditor dated 6 July 2020 be noted.

CARRIED

GENERAL BUSINESS

AUD20/54 2020 STORMWATER DRAINAGE INFRASTRUCTURE REVALUATION (ID20/1068)

The Committee had before it the report dated 21 August 2020 from the Chief Financial Officer regarding 2020 Stormwater Drainage Infrastructure Revaluation.

Moved by Councillor A Jones and seconded by Mr R Gillard

RECOMMENDATION

That the information contained within the report of the Chief Financial Officer dated 21 August 2020, be noted.

CARRIED

AUD20/55 DUBBO INFRASTRUCTURE CONTRIBUTIONS REPORT TWO (ID20/1083)

The Committee had before it the report dated 24 August 2020 from the Manager Growth Planning regarding Dubbo Infrastructure Contributions Report Two.

Moved by Mr R Gillard and seconded by Councillor A Jones

RECOMMENDATION

- 1. That the information contained within the report of the Manager Growth Planning dated 24 August 2020, be noted.**
- 2. That the Audit and Risk Management Committee request advice from senior management on whether the remaining action items from the Developer Contributions Audit continue to be valid.**
- 3. That action plans be provided to address the valid items and that items no longer required be deleted.**

CARRIED

Further items of General Business discussed:

The Director Organisational Performance gave the committee an overview of the NSW Auditor General's audit report on the use of credit cards in NSW Local Government. The Committee have requested that

- The late report be noted.
- The recommendations in this report be added to the Action Items List.
- The Internal Auditor to audit the use of purchase cards going forward as a tool to monitor how council is tracking against the recommendations.
- An updated progress list be provided to the December 2020 Audit and Risk Management Committee meeting.

Mr R Gillard put a question through to the Audit Office Representative seeking clarification on the audit being completed by the due date this year. Ms R Antolin responded to advise that everything is on track to start the audit on 21 September 2020 with the finish to be 3 weeks from that date. She also mentioned that it will be the same audit team as last year.

The meeting closed at 12.48 pm.

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CHAIRMAN



REPORT AUDIT AND RISK MANAGEMENT COMMITTEE 15 OCTOBER 2020

PRESENT: Councillor A Jones, Mr J Walkom and Mr R Gillard (Independent Member).

ALSO IN ATTENDANCE:

The Executive Manager CEO, the Governance and Internal Control Manager, the Internal Auditor, the Director Organisational Performance, the Chief Financial Officer, the Manager Growth Planning, Ms R Antolin (Audit Office) and Ms M Lee (Audit Office).

Mr J Walkom assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 11.01am electronically via Microsoft Teams.

AUD20/56 LEAVE OF ABSENCE (ID20/1277)

Requests for leave of absence were received from Councillor B Shields and the Chief Executive Officer who were absent from the meeting due to business reasons.

Moved by Mr R Gillard and seconded by Councillor A Jones

RECOMMENDATION

That such requests for leave of absence be accepted and Councillor B Shields and the Chief Executive Officer be granted leave of absence from this meeting.

CARRIED

AUD20/57 DECLARATION OF INTEREST (ID20/1278)

There were no conflicts of interest declared.

**AUD20/58 REPORT OF THE AUDIT AND RISK MANAGEMENT COMMITTEE - MEETING 4
SEPTEMBER 2020 (ID20/1279)**

The Committee had before it the draft report of the Audit and Risk Management Committee meeting held 4 September 2020.

Moved by Mr R Gillard and seconded by Councillor A Jones

RECOMMENDATION

1. That the draft report of the Audit and Risk Management Committee meeting held on 4 September 2020, be adopted, with the changes made as per points 2 and 3.
2. That the minutes of each meeting be labelled as draft minutes until adopted.
3. That it be noted that the Leave of Absence in the meeting was not made at that point in the meeting and no recommendation was made to accept those.
4. That in General Business items the Committee recommended not requested, that the late NSW Auditor General's audit report on the use of credit cards in NSW Local Government;
 - The late report be noted.
 - The recommendations in this report be added to the Action Items List.
 - The Internal Auditor to audit the use of purchase cards going forward as a tool to monitor how council is tracking against the recommendations.
 - An updated progress list be provided to the December 2020 Audit and Risk Management Committee meeting.

CARRIED

FINANCIAL STATEMENTS/EXTERNAL AUDIT REPORT

AUD20/59 PRESENTATION OF COUNCIL'S DRAFT 2019/2020 FINANCIAL STATEMENTS (ID20/1230)

The Committee had before it the report dated 28 September 2020 from the Chief Financial Officer regarding Presentation of Council's Draft 2019/2020 Financial Statements.

Moved by Councillor A Jones and seconded by Mr J Walkom

RECOMMENDATION

1. That the information provided in the report of the Chief Financial Officer dated 28 September 2020, be noted.
2. That the final Audit Reports for the General Purpose Financial Statements and the final Audit Reports for the Special Purpose Financial Statements be presented to the Extraordinary Meeting of Council to be held on 29 October 2020.
3. That it be noted that the committee did not have unanimous support for the recommendation with Mr R Gillard not supporting the report and recommendation due to the lack of time to review the updated statements and auditors reports that were provided to the committee the morning of the meeting.

CARRIED

In accordance with Clause 11.5 of Council's Code of Meeting Practice, the following votes were recorded:

For	Against
Councillor A Jones	Mr R Gillard
Mr J Walkom	

INTERNAL AUDIT

AUD20/60 AUDIT AND RISK MANAGEMENT COMMITTEE ACTION ITEMS (ID20/1204)

The Committee had before it the report dated 18 September 2020 from the Internal Auditor regarding Audit and Risk Management Committee Action Items.

Moved by Mr J Walkom and seconded by Councillor A Jones

RECOMMENDATION

1. That the report of the Internal Auditor dated 18 September 2020 be noted.
2. That an update be provided to the committee in relation to COVID19 reserves as presented to Council.

CARRIED

AUD20/60a AUDIT AND RISK MANAGEMENT COMMITTEE ACTION ITEMS (CONFIDENTIAL COMPONENT) PROGRESS TO SEPTEMBER 2020 (ID20/1209)

The Committee had before it the report dated 21 September 2020 from the Internal Auditor regarding Audit and Risk Management Committee Action Items (Confidential Component) progress to September 2020.

Moved by Councillor A Jones and seconded by Mr R Gillard

RECOMMENDATION

That the information contained within the report of the Internal Auditor dated 21 September 2020, be noted

CARRIED

GENERAL BUSINESS

AUD20/61 DEVELOPER CONTRIBUTIONS REVIEW - OUTSTANDING AUDIT REVIEW ACTIONS (ID20/1233)

The Committee had before it the report dated 2 October 2020 from the Director Development and Environment regarding Developer Contributions Review - Outstanding Audit Review Actions.

Moved by Mr R Gillard and seconded by Councillor A Jones

RECOMMENDATION

1. That the report of the Director Development and Environment be noted and Manager Growth Planning be thanked for his work and efforts with this item.
2. That Management update the action list to reflect their decisions and proposed actions as per the Director Development and Environment Report.

CARRIED

AUD20/62 ENGAGEMENT CLOSING REPORT FROM AUDIT OFFICE

The Committee was addressed by NSW Audit Office with regard to this report and apologised for the delay in getting the statements and report to this committee meeting and thanked Council's Finance team working with the challenges faced this year.

Moved by Mr R Gillard and seconded by Councillor A Jones

RECOMMENDATION

- 1 That the committee note the report from the Audit office dated 15 October 2020.**
- 2 That Committee recommend to council that they consider addressing the fair values of their assets in a proactive response and not wait for the revaluations and potentially head off future valuation issue as we have seen over the last 3-4 years.**

The Committee noted that the current appointment term of the independent members was ending. The chairman thanked members and staff for their support during the current term.

The meeting closed at 12.14pm.

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CHAIRMAN



DUBBO REGIONAL
COUNCIL

Report of the Development and Environment Committee - meeting 12 October 2020

AUTHOR: Governance and Internal Control Manager
REPORT DATE: 12 October 2020

The Committee had before it the report of the Development and Environment Committee meeting held 12 October 2020.

RECOMMENDATION

That the report of the Development and Environment Committee meeting held on 12 October 2020, be noted.



**REPORT
DEVELOPMENT AND ENVIRONMENT
COMMITTEE
12 OCTOBER 2020**

PRESENT: Councillors J Diffey, V Etheridge, D Grant, D Gumley, A Jones, G Mohr, K Parker, J Ryan and B Shields.

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager CEO, the Governance and Internal Control Manager, the Community Support Officer, the Administration Officer Mayor, the Communications Partner, the Director Organisational Performance, the Director Culture and Economy, the Director Infrastructure, the Director Development and Environment and the Director Liveability.

Councillor G Mohr assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5:30pm.

DEC20/28 BUILDING SUMMARY - SEPTEMBER 2020 (ID20/1210)

The Committee had before it the report dated 29 September 2020 from the Director Development and Environment regarding Building Summary - September 2020.

Moved by Councillor A Jones and seconded by Councillor D Grant

MOTION

That the information contained within the report of the Director Development and Environment dated 29 September 2020, be noted.

CARRIED

DEC20/29 COUNCIL POLICY - PLANNING PROPOSALS (ID20/1132)

The Committee had before it the report dated 6 October 2020 from the Growth Planner regarding Council Policy - Planning Proposals.

Moved by Councillor J Diffey and seconded by Councillor K Parker

MOTION

1. That the draft Planning Proposal Policy as attached to the report of the Growth Planner as Appendix 1 be adopted for the purposes of public exhibition.
2. That the draft Planning Proposal Policy as attached to the report of the Growth Planner as Appendix 1 be placed on public display for a period of 28 days.
3. That following completion of the public exhibition period, a further report be provided to Council including the results of public exhibition.

CARRIED

DEC20/30 DRAFT WELLINGTON TOWN CENTRE PLAN - STATUS UPDATE (ID20/1275)

The Committee had before it the report dated 7 October 2020 from the Growth Planning Projects Leader - Digital Futures regarding Draft Wellington Town Centre Plan - Status Update.

Moved by Councillor B Shields and seconded by Councillor J Ryan

MOTION

1. That the report of the Growth Planning Projects Leader – Digital Futures dated 7 October 2020 be noted.
2. That all stakeholders including business operators/owners, landowners and interested persons are encouraged to review the draft Wellington Town Centre Plan and provide submissions to Council by 20 November 2020.

CARRIED

DEC20/31 LEAVE OF ABSENCE

A request for Leave of Absence was received from Councillor S Lawrence who was absent from the meeting due to personal reasons.

Moved by Councillor B Shields and seconded by Councillor J Ryan

MOTION

That such request for Leave of Absence be accepted and Councillor S Lawrence be granted leave of absence from this meeting.

CARRIED

The meeting closed at 5.33pm.

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CHAIRMAN



**DUBBO REGIONAL
COUNCIL**

Report of the Infrastructure and Liveability Committee - meeting 12 October 2020

AUTHOR: Governance and Internal Control Manager
REPORT DATE: 12 October 2020

The Committee had before it the report of the Infrastructure and Liveability Committee meeting held 12 October 2020.

RECOMMENDATION

That the report of the Infrastructure and Liveability Committee meeting held on 12 October 2020, be noted.



**REPORT
INFRASTRUCTURE AND LIVEABILITY
COMMITTEE
12 OCTOBER 2020**

PRESENT: Councillors J Diffey, V Etheridge, D Grant, D Gumley, A Jones, G Mohr, K Parker, J Ryan and B Shields.

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager CEO, the Governance and Internal Control Manager, the Community Support Officer, the Administration Officer Mayor, the Communications Partner, the Director Organisational Performance, the Director Culture and Economy, the Director Infrastructure, the Director Development and Environment and the Director Liveability.

Councillor G Mohr assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.33pm.

ILC20/50 ROAD CLASSIFICATION REVIEW AND TRANSFER (ID20/1227)

The Committee had before it the report dated 28 September 2020 from the Senior Transport Asset Specialist regarding Road Classification Review and Transfer.

Moved by Councillor K Parker and seconded by Councillor V Etheridge

MOTION

1. That the report of the Senior Transport Asset Specialist dated 28 September 2020 be noted.
2. That the non binding submissions for the following roads for reclassification to regional road status be noted:
 - a. The full length of Obley Road.
 - b. A section of the Circle Road, from Burrendong way to the Fashions Mount Road.
 - c. The full length of Fashions mount Road, from the Circle Road to the Burrendong Dam State Park entrance.
 - d. The section of Wheelers Lane connecting the Golden Highway to the Mitchell Highway.
3. That no regional roads have been considered for transfer from Council to State

Government control be noted.

4. **That further actions be considered and a supplementary submission, if necessary, following outcomes from the independent panel review.**

CARRIED

ILC20/51 PROPOSED ROAD CLOSURE - CAMPANIA ROAD RAWSONVILLE (ID20/1010)

The Committee had before it the report dated 7 August 2020 from the Road Services Engineer regarding Proposed Road Closure - Campania Road Rawsonville.

Moved by Councillor D Grant and seconded by Councillor V Etheridge

MOTION

1. **That Council consent to the closure of this section of road as indicated in Appendix 1.**
2. **That Council undertake the Roads Act Council Road Closure Process: Closing of Council Public Roads by Councils - Part 4 Division 3 Roads Act 1993.**
3. **That upon closure, the road be offered for sale to the adjacent landowner at a price determined from an independent valuation plus recovery of costs incurred in the disposal of the land.**
4. **That all documentation in relation to this matter be executed under power of attorney.**

CARRIED

Councillor J Diffey declared a non-pecuniary, significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor J Diffey's husband is employed by Mr T and Mrs C Harvey.

ILC20/52 SECTION OF WALKWAY AT MEADOWBANK DRIVE AND SPRINGFIELD WAY DUBBO - OWNERSHIP CHANGE (ID20/1182)

The Committee had before it the report dated 15 September 2020 from the Road Services Engineer regarding Section of Walkway at Meadowbank Drive and Springfield Way Dubbo - Ownership Change.

Moved by Councillor B Shields and seconded by Councillor J Ryan

MOTION

1. **That Council initiate negotiations with the Australian Securities and Investments Commission (ASIC) to acquire the laneway by agreement.**
2. **That Council enter into a contract with ASCIS to acquire the property if agreement can be reached.**
3. **That Council approve compulsory acquisition of the land noted within the report pursuant to sections 177 and 178 of the Roads Act 1993 (NSW) and undertake all**

necessary actions accordingly, if agreement cannot be reached between Council and ASIC.

4. That all relevant documentation be executed under Power of Attorney.

CARRIED

ILC20/53 MACQUARIE CLUB DUBBO - APPLICATION TO INCREASE GAMING MACHINE THRESHOLD (ID20/1212)

The Committee had before it the report dated 22 September 2020 from the Manager Community Services regarding Macquarie Club Dubbo - Application to increase gaming machine threshold.

Moved by Councillor A Jones and seconded by Councillor D Gumley

MOTION

1. That the information contained within the report of the Manager Community Services dated 22 September 2020 be noted.
2. That Council make a submission to object to the Independent Liquor and Gaming Authority in relation to the application to increase the Gaming Machine Threshold from 13 to 21 by The Macquarie Club Dubbo.
OR
3. That Council make a submission to not object to the Independent Liquor and Gaming Authority in relation to the application to increase the Gaming Machine Threshold from 13 to 21 by The Macquarie Club Dubbo.

Moved by Councillor J Diffey and seconded by Councillor V Etheridge

AMENDMENT

1. That the information contained within the report of the Manager Community Services dated 22 September 2020 be noted.
2. That Council make a submission to object to the Independent Liquor and Gaming Authority in relation to the application to increase the Gaming Machine Threshold from 13 to 21 by The Macquarie Club Dubbo.

The amendment on being put to the meeting was carried.

CARRIED

The amendment then became the motion and on being put to the meeting was carried.

CARRIED

Councillor G Mohr declared a non-pecuniary, less than significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor G Mohr's son is a manager at the Castlereagh Hotel which also has gaming machines.

At this juncture Councillor B Shields chaired the meeting

Councillor G Mohr resumed the chair time being 5.38pm

ILC20/54 LEAVE OF ABSENCE

A request for Leave of Absence was received from Councillor S Lawrence who was absent from the meeting due to personal reasons.

Moved by Councillor D Gumley and seconded by Councillor V Etheridge

MOTION

That such request for Leave of Absence be accepted and Councillor S Lawrence be granted leave of absence from this meeting.

CARRIED

The meeting closed at 5.38pm.

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CHAIRMAN



**DUBBO REGIONAL
COUNCIL**

Report of the Culture Economy and Corporate Committee - meeting 12 October 2020

AUTHOR: Governance and Internal Control Manager
REPORT DATE: 12 October 2020

The Committee had before it the report of the Culture, Economy and Corporate Committee meeting held 12 October 2020.

RECOMMENDATION

That the report of the Culture, Economy and Corporate Committee meeting held on 12 October 2020, be noted.



REPORT
CULTURE, ECONOMY AND CORPORATE
COMMITTEE
12 OCTOBER 2020

PRESENT: Councillors J Diffey, V Etheridge, D Grant, D Gumley, A Jones, G Mohr, K Parker, J Ryan and B Shields.

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager CEO, the Governance and Internal Control Manager, the Community Support Officer, the Administration Officer Mayor, the Communications Partner, the Director Organisational Performance, the Director Culture and Economy, the Director Infrastructure, the Director Development and Environment and the Director Liveability.

Councillor D Gumley assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5:39pm.

CEC20/40 DRAFT CODE OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT (ID20/1229)

The Committee had before it the report dated 28 September 2020 from the Internal Ombudsman regarding Draft Code of Conduct and Procedures for the Administration of the Code of Conduct.

Moved by Councillor J Diffey and seconded by Councillor J Ryan

MOTION

- 1. That the Draft Code of Conduct and the Draft Procedures for the Administration of the Code of Conduct, attached as Appendix 1 and 2, be noted.**
- 2. That the Draft Code of Conduct and the Draft Procedures for the Administration of the Code of Conduct, be placed on public display for a period of not less than 28 days.**
- 3. That following conclusion of the public exhibition process, a further report be presented to Council.**

CARRIED

**CEC20/41 ROAD OPENING AND CLOSING AGREEMENT, THE SPRINGS ROAD, TOONGI
(ID20/1150)**

The Committee had before it the report dated 7 September 2020 from the Property Development Officer regarding Road Opening and Closing Agreement, The Springs Road, Toongi.

Moved by Councillor D Grant and seconded by Councillor V Etheridge

MOTION

1. That the agreement now made with Mr Tourle for the opening of 'The Springs Road' over its constructed alignment and for the closure and disposal of the redundant council public road reserves to Mr Tourle, as detailed within this report of the Property Development Officer dated 7 September 2020, be adopted.
2. That Council undertake the processes necessary for the redundant council public road reserves to be closed in accordance with the Roads Act 1993.
3. That upon closure, the redundant council public road reserves be classified as operational land under the Local Government Act 1993.
4. That in the event that the agreement now made cannot be executed, that Council pay compensation to Mr Tourle for the dedication of Lots 6-12 in DP 1235458 to the public as public roads in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 to finalise the matter.
5. That Mr Tourle be responsible for his own legal costs in the matter.
6. That all documentation in relation to the matter be executed by the Chief Executive Officer under Power of Attorney.

CARRIED

**CEC20/42 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT -
SEPTEMBER 2020 (ID20/1206)**

The Committee had before it the report dated 1 October 2020 from the Chief Financial Officer regarding Investments Under Section 625 of the Local Government Act - September 2020.

Moved by Councillor A Jones and seconded by Councillor B Shields

MOTION

That the information contained within the report of the Chief Financial Officer dated 1 October 2020, be noted.

CARRIED

Councillor K Parker declared a non-pecuniary, less than significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor K Parker is an employee of the Bank of Queensland and Council has funds invested with the Institution.

CEC20/43 LEAVE OF ABSENCE

A request for Leave of Absence was received from Councillor S Lawrence who was absent from the meeting due to personal reasons.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

MOTION

That such request for Leave of Absence be accepted and Councillor S Lawrence be granted leave of absence from this meeting.

CARRIED

The meeting closed at 5.41pm.

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CHAIRMAN



REPORT: Council Savings Since 2017 Elections

AUTHOR: Chief Executive Officer
REPORT DATE: 12 October 2020
TRIM REFERENCE: ID20/1273

EXECUTIVE SUMMARY

Council had before it a Notice of Motion dated 17 September 2020 from Councillor J Ryan regarding the Council Savings Since 2017 Elections as follows:

“That the Chief Executive Officer prepare a report to the next Council meeting on savings in expenditure and increases in income achieved by the Council since elected in 2017, taking into account the effects on Council bottom line through the Covid-19 pandemic and worst drought on record.”

Council has achieved savings in expenditure of \$9,038,000 and increases in income of \$4,050,000 that can be attributed to specific actions or initiatives of Council since the election in 2017.

FINANCIAL IMPLICATIONS

This amounts to financial improvements of \$13,088,000 to date. The additional income and expenditure savings have been allocated to new and improved services, additional infrastructure, maintenance of Council’s assets and capital improvements.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That the information contained within the report of the Chief Executive Officer dated 12 October 2020 be noted.

Michael McMahon
Chief Executive Officer

REPORT

Dubbo Regional Council had before it a Notice of Motion dated 17 September 2020 from Councillor J Ryan regarding the Council Savings Since 2017 Elections as follows:

“That the Chief Executive Officer prepare a report to the next Council meeting on savings in expenditure and increases in income achieved by the Council since elected in 2017, taking into account the effects on Council bottom line through the Covid-19 pandemic and worst drought on record.”

Dubbo Regional Council has proven its commitment to fiscal responsibility through the worst drought on record and the COVID-19 pandemic. Council has seen savings in expenditure and increases in income achieved since the Local Government Election in 2017 in the following areas:

Income

Council is unable to influence increases in income from rates and annual charges as the allowable increase is set by the Independent Pricing and Regulatory Tribunal (IPART). IPART is an independent pricing regulator for Local Government.

Council’s general income is increased each year in line with the increase in the rate peg set by IPART. The table below outlines increases in income where Council has been directly able to influence the outcome.

<u>Category</u>	<u>Amount</u>	<u>Comments</u>
Waste Tipping Fees	\$1,863,000	Significant investment and expansion has occurred at the Whylandra Waste and Recycling Centre and this has increased the usage of the Centre
Aquatic Leisure Centres	\$260,000	Significant investment and expansion has occurred at Council’s Aquatic Leisure Centres and this has increased the usage of the Centres
Tourism venue usage	\$34,000	The investment made in our regional tourism assets has seen an increase in souvenir and ticket sales
Sporting facility usage	\$58,000	Significant investment and expansion in our sporting facilities has seen additional use from members of the community
LED upgrade incentives	\$271,000	Investment in more efficient energy consumption products where rebates are being offered
Specific grant income	\$1,564,000	Additional grant income has been sought for specific purposes, such as cultural programs, library services and sporting purposes
TOTAL	\$4,050,000	

Expenditure

Council has established and will continue to establish savings through a review of our policies, procedures and operations. The below table does not include savings in expenditure from capital projects. The savings listed below are direct operational expenses.

<u>Category</u>	<u>Amount</u>	<u>Comments</u>
Employee costs <ul style="list-style-type: none"> • Staff travel • Fringe Benefits Tax exposure • Payroll Tax • Training and other costs • Staff vacancies quarantining • Internal recruitment instead of consultants being used 	\$6,262,000	<p>Council has seen an increase in the number of full time equivalent staff as part of the amalgamation. For operational effectiveness, Council has modified its structure. The new positions have been trained, supported and given the capabilities to undertake improved services and replace staff.</p> <p>When staff positions become vacant, the wages that would normally be paid are quarantined for specific purposes until the position is filled. This has been potentially for increasing employee leave entitlements to account for more annual and long service leave taken during the past three years.</p>
Borrowing Costs <ul style="list-style-type: none"> • Interest on loans 	\$557,000	<p>Council has seen a reduction in our loan borrowing balances.</p>
Other expenses <ul style="list-style-type: none"> • Lease expenses • Street lighting • Telephone • Printing and stationery • Water usage • Bad debts • Insurances 	\$2,034,000	<p>Council transitioned from a model of leasing IT and computer equipment to purchasing the equipment outright.</p> <p>Council's telephone and communication contract was reviewed and significant savings were achieved through analysing mobile and fixed line requirements. Council has seen an increase in the number of phones owned in line with the full time equivalent staff increase</p> <p>Council has invested in new LED energy efficient street lighting which will save approximately \$570,000 per annum.</p> <p>Council transitioned to mainly a paperless office and seen a significant reduction in printing and stationery costs.</p> <p>Council reviewed our debt management and financial hardship policy and procedures to ensure we maintain effective control over our debts.</p>

		Council conducted a public tender for our insurance requirements and saw a saving of approximately \$765K. Council's insurance cost increases are in line with increases in our asset values and service requirements for the community.
Greengrove	\$185,000	Undertaking the services of Council's Greengrove project in house for the next twelve months instead of contracting external consultants.
TOTAL	\$9,038,000	

Council anticipates \$1,000,000 additional savings in expenditure over the next few years from the below projects:

- Council has invested approximately \$5m in new water smart meter technology. This is expected to save Council significant energy, inspection and maintenance costs. This will also support the community in identifying unnecessary water leaks and the management of water consumption per household.
- Council is looking to investment significantly in renewable energy. This will save on electricity and heating costs across these various community facilities operated by Council.
- Council Governance Services refined and changes to the number and frequency of meetings. This has led to the substantial savings in administration costs of operating and conducting meetings, increased efficiencies and better management of our resources.
- New technologies and greater access to our digital Customer Experience (DRC and Me) to offer 24/7 access to our business services.



REPORT: 2019/2020 Budget Highlights Report

AUTHOR: Chief Financial Officer
REPORT DATE: 9 October 2020
TRIM REFERENCE: ID20/1232

EXECUTIVE SUMMARY

Council has conducted a review of actual income and expenditure to budget for the quarter and year end 30 June 2020 including its type and value of internally restricted assets.

Formally, Council would adopt this information as provided in the Quarterly Business Review Statement. This report provides an opportunity to reflect on the year past and achievements for the year.

Council is required to formally adopt the type and value of its internally restricted assets, funds that Council has set aside for a future purpose. Note 7 of Council's financial statements shows the actual cash and investments held as at 30 June 2020, broken up into External Restrictions, Internal Restrictions and Unrestricted cash.

FINANCIAL IMPLICATIONS

It should be noted that the Financial Statements and Audited results for 2019/2020 are scheduled to be adopted by Council at an Extraordinary Council meeting on 29 October 2020.

The adoption of the internally restricted assets as at the 30 June 2020 provides confirmation from Council that these funds are to be allocated for their respective purposes.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That the information contained within the report of the Chief Financial Officer dated 9 October 2020 be adopted.

Michael Howlett
Chief Financial Officer

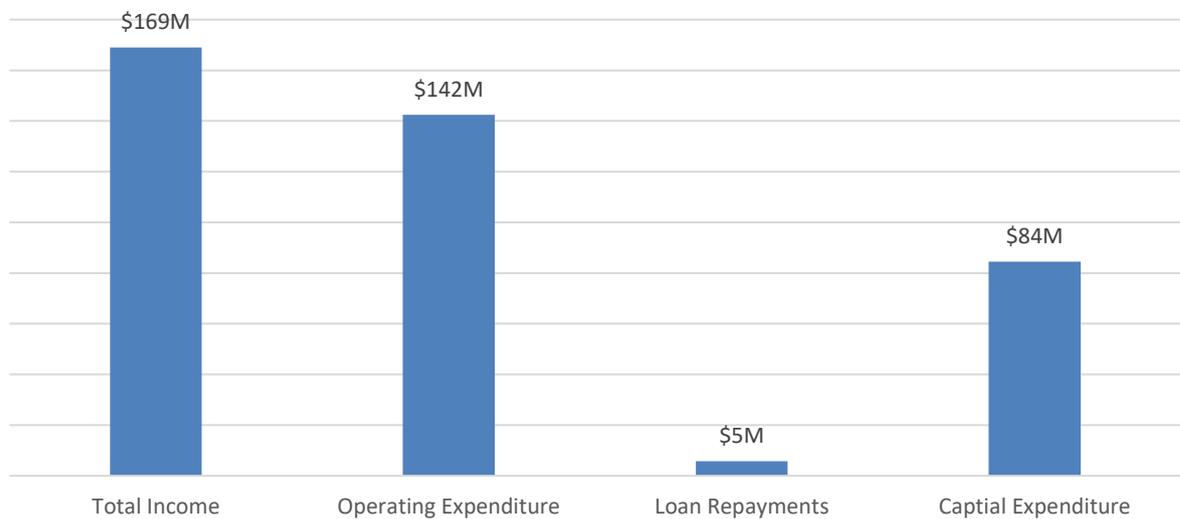
REPORT

The quarterly review for the period ending 30 June 2020 of Dubbo Regional Council’s 2019/2020 Budget Review Statements shows satisfactory implementation.

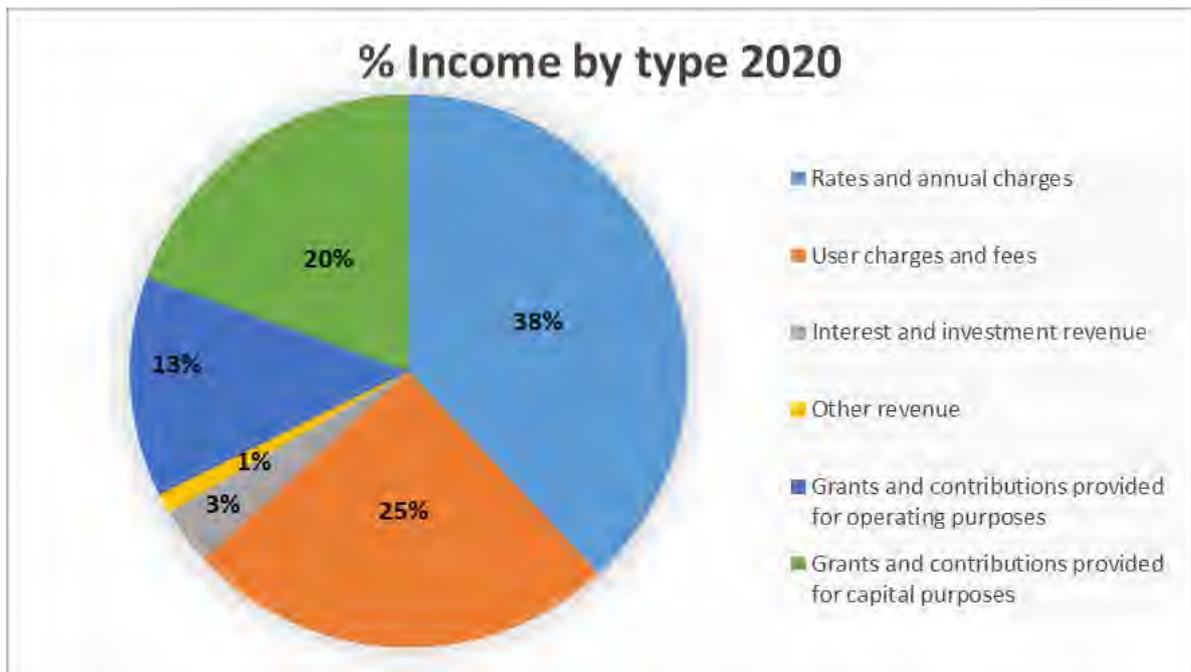
Council has conducted a review of actual income and expenditure to budget for the quarter and year end 30 June 2020 including its type and value of internally restricted assets set aside for a future purpose. Formally, Council would adopt this information as provided in the Quarterly Business Review Statement. This report provides an opportunity to reflect on the year past and achievements for the year.

A summary of the budget results are depicted as follows:

Total Expenditure 2020



% Income by type 2020



Dubbo Regional Council manages over \$2.4 Billion of community assets and infrastructure and has spent over \$230 Million on the provision of services in 2019/2020. Significant investment of over \$48M in maintaining and improving Dubbo Local Government Areas assets such as roads, footpaths and cycle-ways is a highlight of the Dubbo Regional Council result for the 2019/2020 year.

The Financial Statements for the year end 30 June 2020 for Dubbo Regional Council are prepared in accordance with the Australian Auditing Standards and are scheduled to be adopted by Council at an Extraordinary Council meeting on 29 October 2020. The 2019/2020 financial statements audit is being conducted by the NSW Auditor General.

Below is a summary in respect of various major capital projects undertaken during 2019/2020 and projects still in progress into 2020/2021:

NSW RFS Training Facility

Stage 1 – Accommodation Block A, Administration and Training Building and Gym opened July 2019. Accommodation Block B was completed in December 2019, Accommodation Block C was completed in February 2020. Additional requests for a Sports Court and Vehicle Display completed July 2020.

Dubbo Regional Airport - RPT Southern Apron Expansion

Completed in June 2020. The Airport Tower refurbishment works are 10% complete with the project due for completion 30 November 2020.

Dubbo Regional Livestock Markets Truck Wash Facilities

The Dubbo Regional Livestock Markets continues to lead the way in biosecurity efficiencies, with the unveiling on its brand new truck wash facility. The new four-bay facility which is long enough to accommodate b-triples and road trains was officially opened on 20 July 2020.

Dubbo Regional Livestock Markets Cattle Yard Shade Structures

Completed in November 2019 and covering an additional 6,317 square metres, 37 new shade sails were added to the Dubbo Regional Livestock Markets cattle yards. The additional shade sails will protect thousands of livestock and people every year, improving animal welfare outcomes and keep healthy livestock flowing through the livestock markets.

Old Dubbo Gaol Stage 1 Exhibition Upgrade

Stage 1 of the upgrade is at 30% completion. Following the school holiday period works will commence on the Gallows Gallery which is a substantial part of the project. The project is on track to be completed by December 2020.

Showground Expo Centre and Amenities Upgrade

The refurbishment of the Woolpack Function centre was completed in May 2019. The final milestone of this project (the amenities) was completed in June 2020.

Stuart Town Transfer Station Facility

Project completed.

Wellington Caves Visitor Experience Centre

The Wellington Caves Visitor Experience Centre was completed in February 2020 and included an Education Classroom, café, office space and amenities. The Centre included a new exhibition space set to house a state of the art Megafauna Museum Exhibition which is due for completion in December 2020.

Wellington Pool Redevelopment

Construction of the heated 50 metre pool, Learn to Swim Pool and Splash Pad has been completed and the Wellington Aquatic Leisure Centre was officially opened November 2019.

Dubbo Regional Cycling Facility

Construction of the 400m Velodrome, Clubhouse, Storage Shed and 1,000km Criterium Track has been completed and Dubbo Regional Cycling Facility was officially opened in March 2020. The facility is supported by club rooms, amenities, grandstand and track lighting and is now classified as a regional facility.

Victoria Park Ovals

Construction of the Victoria Park Club House was completed in December 2019. The official opening was August 2020 to align with the completion of the playing field and fencing. The project included the removal of the existing cycle track and extending the playing fields to international standards for hosting international games.

Boundary Road Extension

Stage 2, from Alexandrina Avenue to Sheraton Road, commenced June 2020 and is due for completion mid 2021.

Purvis Lane Reconstruction

Road and storm water works effectively completed with minor works to occur in the first quarter of 2020/2021. Street lighting will be installed in 2020/2021.

Swift Street

Installation of new water mains completed and works on new storm water drainage infrastructure has commenced. Full reconstruction of the road and footpath between Arthur Street and rail station to be completed in 2020/2021.

Burrendong Way

2.3km of pavement was reconstructed near Euchareena.

Muronbung Stage 2

2km of pavement was reconstructed with the road widened and alignment improved.

Muronbung Stage 3

2km of pavement is to be reconstructed with the road widened and alignment improved. The works are scheduled to be completed in 2020/2021.

Terrabella Bridge

Project development for the replacement of the existing timber bridge with an improved concrete bridge. Bridge construction is to occur in 2020/2021.

Cootha SPS – Upgrade C

Completed Defects liability period (DLP)

Wellington Sewer Treatment Plant Gravity Main

Completed and in operation Defects liability period (DLP)

Automated Meter Reading Equipment

In progress but delayed due to COVID-19.

Stuart Town Bore Water Supply

Project completed.

Wiradjuri Community Centre – Wellington

Refurbished the former Visitors Information Centre to be the Wiradjuri Community Centre which incorporates a dedicated café space and exhibition centre including a new entrance. The project is largely complete with only minor furnishings required in 2021.

Dubbo CCTV Purchase and Installation

Project complete.

Cameron Park Regional Playground

Project included a multiplay facilities which is 95% complete with turfing and softfall required to be completed in July 2020. Upgrade was required to meet Australian Standards and full disability access.

Battistells and Pavans Ovals

Converted 8 Hectares into new ovals including a turfed cricket pitch and football and soccer playing fields. The project is on target for completion in 2021.

Wellington Administration Building Refurbishment

Refurbishment entailed the complete strip out of ground floor and refurbishment of southern portion for staff accommodation. Northern portion was redeveloped into the Wellington Visitor Information Centre. All internal works and external building painting is completed. Additional works underway involves the construction of a two bay garage for housing of pooled Council vehicles, construction of storage shed, resealing of rear carpark, and installation of bicycle storage at the front entrance to the building. These outstanding works equate to less than 10% of the redevelopment budget.

An assessment of Council's financial statements as an overview of project works and completion shows the amount of actual cash and investments held as at 30 June 2020, these have been broken up into the categories of External Restrictions, Internal Restrictions and Unrestricted cash. Balances of the categories are as follows:

	2020 \$'000
Total Cash, Cash Equivalents and Investments	218,045
External restrictions	
Developer contributions – general	11,958
Unexpended grants	24,336
Water supplies	56,681
Sewerage services	58,284
Domestic waste management	1,632
Stormwater management	4,156
Total external restrictions	157,047
Total internal restrictions as below	57,998
Unrestricted cash as at 30th June	3,000

Externally restricted funds are governed by legislation or are restricted specific purpose grant funds. Council can only make adjustments to its own internally restricted assets. The purpose of these Internal Restricted Assets are as follows:

Purpose of the Reserve	2020 \$'000	Purpose
Internal restrictions		
Employees leave entitlement	3,200	This amount supports Councils leave liability and is sufficient to meet unbudgeted and unanticipated staff changes.
Dubbo City Holiday Park	423	To be used to fund future Council projects.
Property development	2,960	To be used to fund future land developments.
Dubbo City Regional Airport	3,297	To be used to fund future projects at the site.
Livestock markets	3,102	To be used to fund future projects at the site.
Other waste management	12,528	To be used to fund future waste projects.
Road network – state roads	1,246	To fund emergency repairs or renewals to state roads for works undertaken by Council.
Fleet management services	9,833	To fund future fleet purchases and renewals on existing Fleet.
Future Asset Renewal	21,409	To fund various asset renewal works across council \$2.4B asset portfolio.
Total internal restrictions	57,998	



REPORT: Compulsory Acquisition of Lot 101 and 102 in DP1264341 - Part Crown Lot 7005 DP 1019852 and Part Little River - Terrabella Road, Terrabella - Little River Bridge Reconstruction

AUTHOR: Property Development Officer
REPORT DATE: 2 September 2020
TRIM REFERENCE: ID20/1134

EXECUTIVE SUMMARY

Council staff have been liaising with Crown Lands and NSW Local Land Services (LLS), for Council to acquire land for the reconstruction of Little River Bridge, between Terrabella Road and Benolong Road, in the locality of Terrabella.

The bridge reconstruction will provide a much safer route for light and heavy vehicles travelling between the village of Geurie and Obley Road to the south of Dubbo, but will require the acquisition of Part Crown Lot 7005 DP 1019852 and Part Little River which is also Crown land.

Crown lands have advised that they will not object to Council's acquisition of the Crown land subject to agreements being made with all stakeholders. NSW LLS is the only listed stakeholder. It has confirmed its support for the acquisition subject to suitable relocation of its assets and stock fencing by Council. Council staff have agreed to these standard requests.

Having made an agreement with NSW LLS and registered a plan of acquisition, a Council resolution is now required for Council to compulsorily acquire the land in accordance with the *Land Acquisition (Just terms Compensation) Act 1991*.

Upon the adoption of these recommendations, Council's Solicitor will be able to apply to the NSW Office of Local Government to undertake all other notifications and processes that are necessary for the compulsory acquisition to occur, and apply to the Governor of NSW to publish an Acquisition Notice in the NSW Government Gazette to execute the matter.

FINANCIAL IMPLICATIONS

Pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991*, the effect of resolving to compulsorily acquire Lots 101 and 102 in registered acquisition plan DP1264341, will be that Council's solicitor shall serve a Proposed Acquisition Notice (PAN) on the NSW Department of Primary Industry – Crown lands, Native Title Corporation (NTSCorp) and any Native title Claimants in respect of Councils acquisition of part Lot 7005 DP 1019852 and part Little River.

Subsequently Councils solicitor shall notify the NSW Valuer General to determine what compensation valuations are payable by Council to Crown lands and any Native Title claimants.

In this regard it is estimated that the compensation valuation payable to Crown lands will be in the order of \$20,937.00 plus GST consistent with the compensation valuation that council has previously procured from Preston Rowe Paterson, dated 27 February 2020, for acquisition of part of the adjoining private property.

The requirement for council to pay Compensation to NTSCorp or a Native Title Claimant group will only be apparent if a claim for compensation is lodged with NSW Valuer General upon receipt of the PAN notice. In this regard no Native Title claims are known to exist over Crown Lot 7005 DP 1019852 or Little River. Due to the nature of native title, a compensation valuation for any Native Title claimant cannot be estimated.

Separately, no aboriginal land claims under the *Aboriginal Land Rights (ALRA) Act 1983 (NSW)* are known to exist over Crown Lot 7005 DP 1019852 or Little River. Accordingly, it has not been necessary for council to enter into a land claim adjustment agreement (deed) with the NSW or local aboriginal land councils for this acquisition of Crown land.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

1. That Council approve compulsory acquisition of the land noted within the report pursuant to sections 177 and 178 of the Roads Act 1993 (NSW) and undertake all necessary actions accordingly, if agreement cannot be reached between Council and the Owner.
2. That Council acquire by compulsory acquisitions under sections 177 and 178 of the Roads Act 1993 (NSW), Lot 101 and Lot 102 in registered acquisition plan DP1264341 for the purposes of public road.
3. That Council approve the making of an application to the Minister for Local Government to issue Proposed Acquisition Notice(s) under the Land Acquisition (Just terms Compensation) Act 1991 for Council to compulsorily acquire Lot 101 and Lot 102 in registered acquisition plan DP1264341.
4. That Council approve the making of an application to the Governor of NSW for the publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just terms Compensation) Act 1991 for Council to compulsorily acquire Lot 101 and Lot 102 in Deposited Plan 1264341.
5. That upon acquisition, Lot 101 and Lot 102 in Deposited Plan 1264341 be classified as operational land in conformity with the Local Government Act 1993.
6. That the Chief Executive Officer execute under power of attorney, any documents required to be executed as part of process for Council to compulsorily acquire Lot 101 and Lot 102 in Deposited Plan 1264341.

Alex Noad

Property Development Officer

BACKGROUND

Since 2019, Council staff have been liaising with Crown Lands and NSW Local Land Services (LLS), for Council to acquire land for the reconstruction of Little River Bridge, between Terrabella Road and Benolong Road.

Little River Bridge is located 23km to the south east of Dubbo, and 13km to the south west of the village of Geurie between the localities of Terrabella and Benolong, and is shown in Figures 1 and 2 below.

The bridge and its approach roads are a critical part of the route between the village of Geurie and Obley road south of Dubbo where; Terrabella Road crosses Little River; Terrabella Road becomes Nubingerie Road; and, Nubingerie Road intersects with Benelong Road.

This bridge, approach roads, and intersection have long been identified by the former Wellington Shire Council and Dubbo City Council as unsafe and requiring reconstruction. Subsequently, Dubbo Regional Council has identified it as a priority for reconstruction and secured NSW state funding for the reconstruction works to be undertaken.

The reconstruction of the bridge and its approach roads will provide a much safer and less flood affected route for light and heavy vehicles travelling between Geurie and Obley Road.



Figure 1: Location of Little River Bridge, locality of Terrabella and Benolong.



Figure 2: Little River Bridge and Terrabella Road approach (existing)

REPORT

Crown lands have advised that they will not object to Council's acquisition of the Crown land that that it requires, being part Crown Lot 7005 DP 1019852 and part Little River, subject to agreements being made with all stakeholders.

NSW Local Land Services – Central West, is the only listed stakeholder in Crown Lands formal advice dated 28 February 2020. NSW Local Land Services – Central West, being the Crown land manager for Lot 7005 DP 1019852, has confirmed its support for the acquisition subject to suitable relocation of its assets and stock fencing by Council. Council staff have agreed to these standard requests.

Staff have also registered plan of acquisition, DP1264341 shown in **Appendix 1**, and an appropriate Council resolution is now required for Council to compulsorily acquire subject Lot 101 (1,281 m²) and Lot 102 (14,700 m²) in registered acquisition plan DP1264341 required for the purpose of the Roads Act 1993, in accordance with the processes of Land Acquisition (Just terms Compensation) Act 1991. Herein, the appropriate recommendations are made for Council's adoption for the compulsory acquisition of Lots 101 and 102 DP1264341 to occur.

The effect of Council resolving to adopt this report and its recommendations is that Council's solicitor, Marsdens Law Group, will then be able to apply to the NSW Office of Local Government for the consent of the Minister for Local Government to issue a Proposed

Acquisition Notice (PAN) to Crown Lands and undertake all other notifications and processes that are necessary for the compulsory acquisition to occur, and apply to the Governor of NSW to publish an Acquisition Notice in the NSW Government Gazette to execute the matter.

In this regard it should be noted that the NSW Valuer General shall determine the amount of compensation payable by Council to NSW Crown Lands for its acquisition of Part Crown Lot 7005 DP1019852, that council has no appeal rights, and that prompt payment by council will be required.

It is expected that the NSW Valuer General's compensation valuation for Part Lot 7005 DP 1019852 will be in the order of \$20,937.00 plus GST similar to the compensation valuation that council has previously procured from Preston Rowe Paterson, dated 27 February 2020, for acquisition of part of the adjoining private property. Refer to *CW20/5 Confidential Report: little River Bridge Reconstruction – Road Widening Land Acquisition Agreements – Locality of Terrabella and Benolong*.

It should also be noted that Native Title is presumed to exist over Part Crown Lot 7005 DP 1019852, and that Council's solicitor will be required to submit a proposed acquisition notice (PAN) to the Native Title Corporation (NTS Corp) and any Native Title Claimants. No Native title claims are known to exist over the subject lots, however a claim for compensation may be lodged in response to the notification. Again, the NSW Valuer General would determine the amount of compensation payable by Council, and council would have no appeal rights. Given the nature of Native Title an estimation of this compensation valuation cannot be provided.

Separately, no aboriginal land claims under the *Aboriginal Land Rights (ALRA) Act 1983 (NSW)* are known to exist over Crown Lot 7005 DP 1019852 or Little River. Accordingly, it has not been necessary for council to enter into a land claim adjustment agreement (deed) with the NSW or local aboriginal land councils for this acquisition of Crown land.

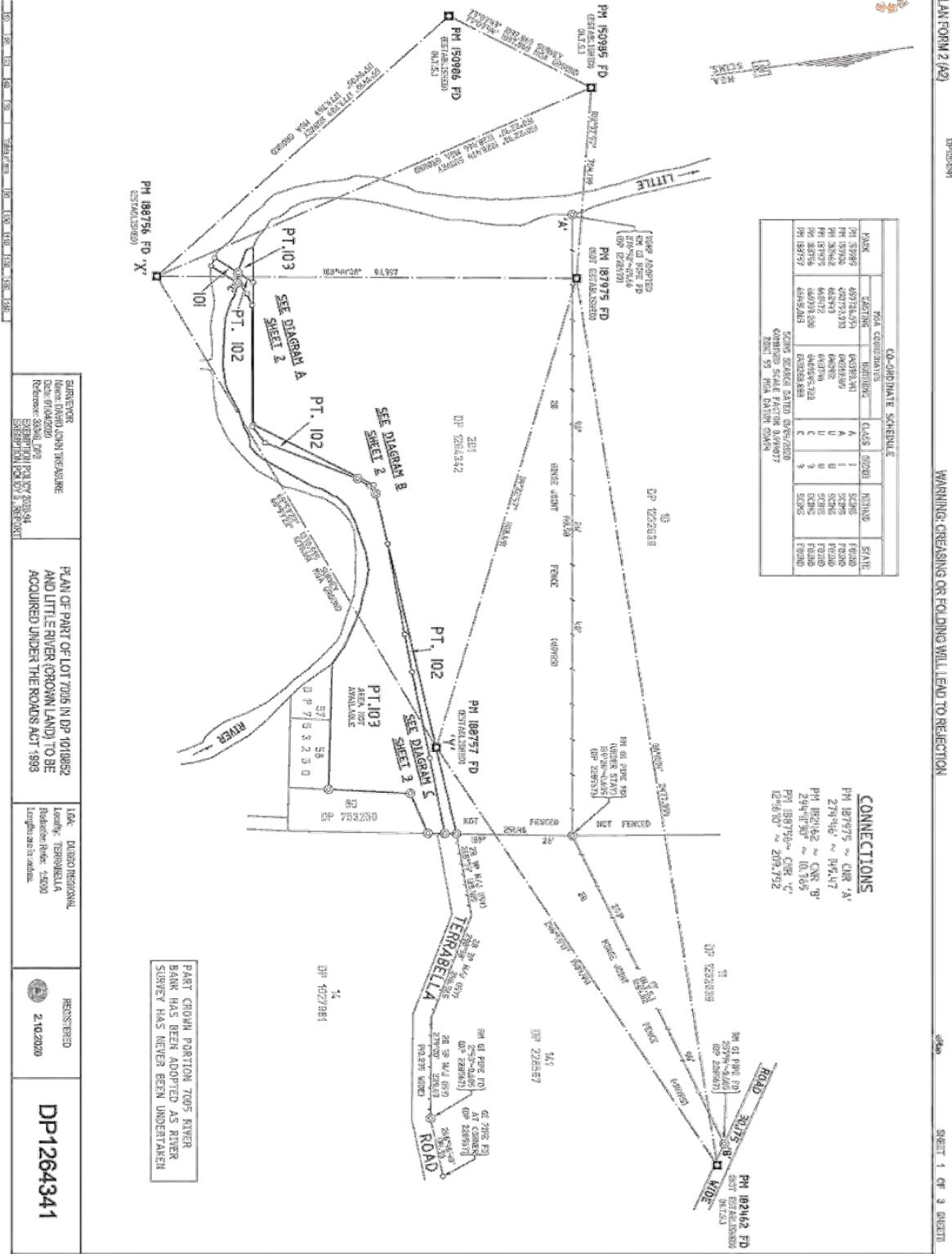
SUMMARY

Compulsorily acquiring the defined portions of Crown Land is a necessary step in the Terrabella Bridge project.

Appendices:

[1](#) Plan of Acquisition - Deposited Plan 1264341

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CO-ORDINATE SCHEDULE					
PLAN COORDINATES					
MARK	COORDINATE	BORING	CLASS	DEPTH	STATUS
PM 182462	697124.57	049834.91	A	1	FOUND
PM 182462	697124.57	049834.91	B	1	FOUND
PM 182462	697124.57	049834.91	C	1	FOUND
PM 182462	697124.57	049834.91	D	1	FOUND
PM 182462	697124.57	049834.91	E	1	FOUND
PM 182462	697124.57	049834.91	F	1	FOUND
PM 182462	697124.57	049834.91	G	1	FOUND
PM 182462	697124.57	049834.91	H	1	FOUND
PM 182462	697124.57	049834.91	I	1	FOUND
PM 182462	697124.57	049834.91	J	1	FOUND
PM 182462	697124.57	049834.91	K	1	FOUND
PM 182462	697124.57	049834.91	L	1	FOUND
PM 182462	697124.57	049834.91	M	1	FOUND
PM 182462	697124.57	049834.91	N	1	FOUND
PM 182462	697124.57	049834.91	O	1	FOUND
PM 182462	697124.57	049834.91	P	1	FOUND
PM 182462	697124.57	049834.91	Q	1	FOUND
PM 182462	697124.57	049834.91	R	1	FOUND
PM 182462	697124.57	049834.91	S	1	FOUND
PM 182462	697124.57	049834.91	T	1	FOUND
PM 182462	697124.57	049834.91	U	1	FOUND
PM 182462	697124.57	049834.91	V	1	FOUND
PM 182462	697124.57	049834.91	W	1	FOUND
PM 182462	697124.57	049834.91	X	1	FOUND
PM 182462	697124.57	049834.91	Y	1	FOUND
PM 182462	697124.57	049834.91	Z	1	FOUND

CONNECTIONS
 PM 182462 ~ KIR 'A'
 274°46' ~ 145.47
 PM 182462 ~ KIR 'B'
 274°46' ~ 145.47
 PM 182462 ~ KIR 'C'
 12°46' ~ 204.752

SURVEYOR
 JOHN TREASURE
 Date of Qualification:
 Reference: 3844/1995
 EXPIRES: 10/10/2024
 EXCEPTION: 10/10/2024

PLAN OF PART OF LOT 7015 IN DP 1018882 AND LITTLE RIVER (COMMON LAND) TO BE ACQUIRED UNDER THE ROADS ACT 1995

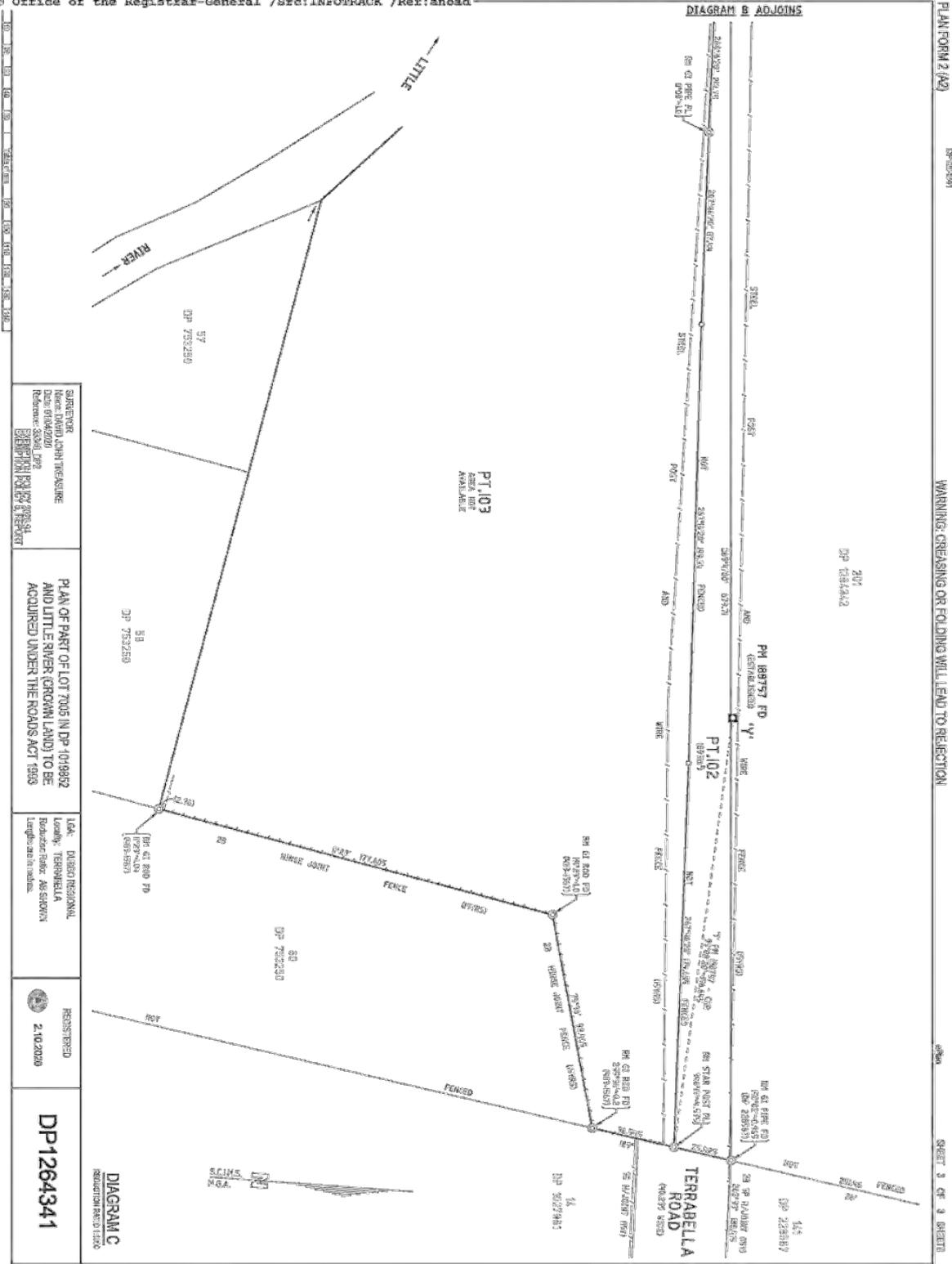
LOCAL AUTHORITY
 Dubbo Regional Council
 Dubbo, New South Wales
 Telephone: 02 6882 1234
 Email: registrar@dubbo.nsw.gov.au

REGISTERED
 21/10/2020

DP1264341

PART CROWN PORTION 7005 RIVER BANK HAS BEEN ADOPTED AS RIVER SURVEY HAS NEVER BEEN UNDERTAKEN

Req:R765751 /Doc:DP 1264341 P /Rev:02-Oct-2020 /NSW LRS /Pgs:ALL /Ext:08-Oct-2020 09:26 /Seq:3 of 5
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SUBJECT TO THE PROVISIONS OF THE ROAD ACT 1995 AND THE ROAD REGULATIONS 2004, THE ROAD IS TO BE ACQUIRED UNDER THE ROAD ACT 1995.

PLAN OF PART OF LOT 7005 IN DP 1019862 AND LITTLE RIVER (KERRIN LAND) TO BE ACQUIRED UNDER THE ROAD ACT 1995

LOCAL DISTRICT REGIONAL COUNCIL: TERRABELLA
 ROAD NUMBER: AS SHOWN
 LENGTH: AS SHOWN

REGISTERED 21/10/2020

DP1264341

PLAN FORM 2 (A2) SHEET 3 OF 3 SHEETS

Req:R765751 /Doc:DP 1264341 P /Rev:02-Oct-2020 /NSW LRS /Pgs:ALL /Prt:08-Oct-2020 09:26 /Seq:4 of 5
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ePlan

PLAN FORM 6 (2017)		DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 2 sheet(s)	
Registered:  2.10.2020		Office Use Only		Office Use Only	
Title System: TORRENS		DP1264341			
PLAN OF PART OF LOT 7005 IN DP 1019852 AND LITTLE RIVER (CROWN LAND) TO BE ACQUIRED UNDER THE ROADS ACT 1993		LGA: DUBBO REGIONAL Locality: TERRABELLA Parish: TERRABELLA County: GORDON			
Survey Certificate I, <u>DAVID JOHN TREASURE</u> of <u>BARNSON PTY LTD DUBBO OFFICE</u> a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> , certify that: *(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i> , is accurate and the survey was completed on <u>01/05/2020</u> , or *(b) The part of the land shown in the plan (*being* excluding <u>THE CREEK BOUNDARY OF LOT 103</u>) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i> , the part surveyed is accurate and the survey was completed on <u>01/05/2020</u> , the part not surveyed was compiled in accordance with that Regulation, or *(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i> . Datum Line: <u>X:Y</u> Type: <u>Urban / Rural</u> The terrain is <u>Level Undulating / Steep Mountainous</u> Signature: <u>[Handwritten Signature]</u> Dated: <u>14/10/2020</u> Surveyor Identification No: <u>8919</u> Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> * Strike out inappropriate words. ** Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.		Crown Lands NSW / Western Lands Office Approval I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given. Signature: Date: File Number: Office: Subdivision Certificate I, *Authorised Person / General Manager / Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature: Accreditation number: Consent Authority: Date of endorsement: Subdivision Certificate number: File number: * Strike through if inapplicable.			
Plans used in the preparation of survey / compilation. 39-1567 3925-1567 4113-1567 1214-1603 1452-1978 DP 223567 DP 1019852 DP 1232639		Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land. IT IS INTENDED TO ACQUIRE LOTS 101 AND 102 FOR ROAD PURPOSES			
Surveyor's Reference: 33346_DP2 REPORT EXEMPTION POLICY 2020-94 EXEMPTION POLICY 5		Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A			

Req:R765751 /Doc:DP 1264341 P /Rev:02-Oct-2020 /NSW LRS /Pgs:ALL /Prt:08-Oct-2020 09:26 /Seq:5 of 5
 © Office of the Registrar-General /Src:INFOTRACK /Ref:anoad

ePlan

PLAN FORM 6A (2017)		DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 2 of 2 sheet(s)										
Registered:		2.10.2020	DP1264341											
Office Use Only			Office Use Only											
PLAN OF PART OF LOT 7005 IN DP 1019852 AND LITTLE RIVER (CROWN LAND) TO BE ACQUIRED UNDER THE ROADS ACT 1993			This sheet is for the provision of the following information as required: • A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2017</i> • Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i> • Signatures and seals- see 195D <i>Conveyancing Act 1919</i> • Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.											
Subdivision Certificate number:														
Date of Endorsement:														
<table border="1" style="margin: auto; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">LOT</th> <th style="width: 15%;">STREET NUMBER</th> <th style="width: 20%;">STREET NAME</th> <th style="width: 15%;">STREET TYPE</th> <th style="width: 40%;">LOCALITY</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">103</td> <td style="text-align: center;">901</td> <td style="text-align: center;">TERRABELLA</td> <td style="text-align: center;">ROAD</td> <td style="text-align: center;">TERRABELLA</td> </tr> </tbody> </table> <p style="text-align: center; margin-top: 5px;">A STREET ADDRESS IS NOT AVAILABLE FOR LOTS 101 AND 102</p> <p style="text-align: center; margin-top: 5px;">If space is insufficient use additional annexure sheet</p>					LOT	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY	103	901	TERRABELLA	ROAD	TERRABELLA
LOT	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY										
103	901	TERRABELLA	ROAD	TERRABELLA										
Surveyor's Reference: 33346_DP2 EXEMPTION POLICY 2020-94 EXEMPTION POLICY 5 REPORT														



REPORT: Rescinding Council Policies

AUTHOR: Manager Infrastructure Delivery

REPORT DATE: 15 September 2020

TRIM REFERENCE: ID20/800

EXECUTIVE SUMMARY

At the Ordinary meeting of Council held 26 April 2005, the previous Dubbo City Council adopted the following policies.

Policy Name	Reason for Rescinding
CBD Footpaths (ED13/27213)	One line policy to change asphalt footpath in CBD to concrete or pavers upon reconstruction. This work has occurred.
Kerb and Guttering Construction (ED13/27254)	One line policy with key items of policy already covered in the Roads Act, policy does not add value to Council authority under the Act.
Cycleways (ED13/27225)	One line policy specifying minimum width of concrete cycleways. Width of shared footpaths already specified on Council standard drawing STD 5251.
Road Opening (ED13/27402)	Convert to management policy. Policy relates to opening, as in excavation, of roads by utility providers not creation of new roads.
State Road Construction Re-Construction and Maintenance (ED13/27413)	One line policy stating utility services be placed in footways on State roads where feasible, policy does not add value to standard utility design process.

This report recommends the rescinding of the policies as an administrative matter.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

Council's previous CBD Footpaths, Kerb and Guttering Construction, Cycleways, Road Opening and State Road Construction and Maintenance policies shall be obsolete upon adoption of this report.

RECOMMENDATION

That Council's CBD Footpaths, Kerb and Guttering Construction, Cycleways, Road Opening and State Road Construction and Maintenance policies be rescinded effective immediately.

Matthew Lewis

Manager Infrastructure Delivery

Appendices:

- 1 [↓](#) Council Policy - CBD Footpath
- 2 [↓](#) Council Policy - Kerb and Guttering Construction
- 3 [↓](#) Council Policy - Cycleways
- 4 [↓](#) Council Policy - Road Opening
- 5 [↓](#) Council Policy - State Road Construction, Re-construction and Maintenance



Dubbo City Council Policy

Document Type *Council Policy*

Title	<i>CBD Footpaths</i>
Responsible Officer	<i>Asset Systems Engineer</i>
Date	<i>24 November 2011</i>
Council Resolution Date	<i>26 April 2005</i>

That all asphalt footpaths in the Central Business District be upgraded to concrete or paving brick upon re-construction.



Dubbo City Council Policy

Document Type *Council Policy*

Title	<i>Kerb and Guttering Construction</i>
Responsible Officer	<i>Asset Systems Engineer</i>
Date	<i>24 November 2011</i>
Council Resolution Date	<i>26 April 2005</i>

That contributions under Section 217 of the Roads Act 1993 towards kerb and guttering construction be half-cost based on current contract rates and that corner residential allotments be charged for the house frontage only.

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Dubbo City Council Policy

Document Type *Council Policy*

Title	<i>Cycleways</i>
Responsible Officer	<i>Manager Civil Infrastructure & Solid Waste</i>
Date	<i>24 November 2011</i>
Council Resolution Date	<i>26 April 2005</i>

That the minimum width for concrete off-road cyclepaths be 2.5m.



Dubbo City Council Policy

Document Type *Council Policy*

Title	<i>Road Opening Policy</i>
Responsible Officer	<i>Manager Civil Infrastructure & Solid Waste</i>
Date	<i>24 November 2011</i>
Council Resolution Date	<i>26 April 2005</i>

Introduction

*Functions of Road Reserve
Responsibilities
Community Interests*

Policy Objectives

Road Opening Conference

Scope of Policy

Management Responsibility

The Policy

Footpath Landscaping Approval

Road Opening Approval

*Approval Procedure
Fees
Approval Criteria*

Dictionary

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Attachment One*Relevant Legislation***Attachment Two***Footpath Landscaping**Road Opening Activities (including driveways)***1. Introduction****Functions of Road Reserve**

It is recognized that the road reservation exists to provide for the orderly and predictable management of activities associated with transport and access and to support the needs relating to the basic safety, convenience and amenity of the community. The major functions of the road reserve are described below:

- Provision of a carriageway for motor vehicles and bicycles
- Provision for pedestrians activity
- Provision of a corridor for vehicles access to private property
- Provision of a corridor for placement of basic utility service infrastructure to meet the needs of the overall community
- Provision of a space for landscape improvement and passive recreation for the enjoyment of the community

Responsibilities

The ownership of public road reserves within Council's local government area is vested in Council. Further, Section 138 of the Roads Act requires that construction undertaken within Council's road reserves be approved by Council (being the Road Authority) prior to it being undertaken. The additional approval of the Roads and Traffic Authority is required with respect to State (or Classified) Roads.

Council is obliged to sustainably manage this asset in the long term interest of the community. While works within road reserves would generally require the approval of Council, State and Commonwealth laws give special recognition of the role of utility/service providers. Without providing blanket exemption from other laws, relevant legislation specific to the utility/service providers distinguishes these bodies from other parties interested in undertaking works within the road reserve. Relevant statutory provisions are listed in Attachment 1. This recognition brings with it direct statutory responsibilities to these utility/service providers to efficiently supply fundamental services to the community, without adversely affecting other community assets.

Community Interests

Individual members of the community have a number of different "interests" in the activities occurring within public road reserves. For example, the same individual, be they a local resident, member of the workforce or visitor, would almost always be interested in having access to high quality and low cost water, energy and telecommunications services. These services rely on utilising the space within the public road system to safely accommodate service infrastructure, provide service connections and maintenance. At the same time, this individual would like the local road system to provide a safe passage for all road users. Road users expect freedom of access on roads and regard road openings in terms of inconvenience, and the dangers of inadequately finished road restorations as hazards. Local ratepayers also have concern that

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Council rates be kept to within reasonable levels and the cost of road maintenance is a major contributor to total council expenditure.

2. Policy Objectives

This policy is designed to protect the interests of the community and provide direction in meeting Council's legal responsibilities with regard to road opening and restoration activities within Council's road reserves. The policy applies to road opening activities within all road reserves that are under the control and responsibility of Council. This includes roads handed over to Council by developers but excludes roads still in the development phase.

Objective of this policy are to ensure:

- That all parties (apart from authorised utility service providers) wishing to undertake road openings make application for Council's permission via an appropriate approval procedure.
- To promote safety awareness and support risk management practices with regard to all road opening activities.
- That Council is notified of all road openings proposals to allow the works to be recorded (nature, date, location, etc).
- That Council is adequately indemnified against potential actions arising from road opening and reinstatement works undertaken by other parties.
- That road openings are conducted in a co-ordinated and timely manner to minimise inconvenience or disruption to road users.
- That road reinstatements are inspected as necessary to ensure the work is carried out to Council's construction standards
- That road openings are undertaken by suitably qualified or accredited contractors where necessitated by the location/scale/nature of the activity.
- That the installation of utility services in a roadway or footpath (road verge) has regard for the designated spatial allocation for prescribed services.
- That existing underground service infrastructure is protected against unauthorised excavation in the road reserve through use of the Dial Before You Dig enquiry service

To facilitate:

- The capacity of service authorities, persons or other entities to efficiently open and occupy roads and reinstate road openings
- Adequate reimbursement of costs incurred by Council in processing road opening applications and inspecting road openings and reinstatements undertaken by other parties.

3. Road Opening Conference

A Road Opening Conference is convened by Council every six months in June and December to which the main local utility service providers are invited. At these conferences each organisation informs the others by means of plans and schedules of what works programmes in the next six to twelve month period they have proposed that will either involve road opening or could have an impact on the road opening plans of others.

Participants of the Road Opening Conference include:

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➤ Dubbo City Council

Works Services Programmes
 Water and Sewerage Programmes
 Traffic Facilities Programmes
 Land Development Works
 Parks and Landcare Programmes

➤ Essential Energy

➤ Telstra

➤ Jemena

The Roads and Traffic Authority is consulted with respect to road openings on its highways by exception in the course of project development.

4. Scope of Policy

This Policy deals with the requirements and standards in relation to all road opening and reinstatement activities within Council's road reserves. Road openings refer to any hole or excavation within (or adjacent to) a road reserve.

The policy applies to all parties wishing to undertake road openings including Service authorities (or their sub-contractor). The Policy also prescribes the approval procedure, fees and securities and approval criteria under which Council will grant permission for persons or entities (or their sub-contractor) to undertake road openings. For all matters pertaining to road openings which do not fall within the scope of this Policy, then the "Guide to Codes and Practices for Streets Openings" (2007, NSW Street Opening Conference) will prevail.

5. Management Responsibility

The responsibility for management of this policy lies with the Manager Civil Infrastructure & Solid Waste (MCI&SW) asset custodian of road and footpath assets. In exercising the management of road opening activities the Manager will co-operate with the following officers at various stages of the approval process.

Application Approval – Civil Projects Engineer/Asset Systems Engineer

Temporary Road Closures - Traffic Engineer

Compliance with Conditions of Approval - Senior Ranger

Water and Sewerage Programmes – W&S Infrastructure Engineer

Works Services Programmes – Manager Works Services

Traffic Facilities and Design – Manager Technical Support

Land Development Works – Development Engineer

Parks and Landcare Programmes – Manager Parks and Landcare Operations

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6. The Policy

- Council must be notified of all road opening activities undertaken by persons or entities (or their sub-contractors) within a Council road reserve.
- All road opening and reinstatement works (including Footpath Landscaping) shall be undertaken in accordance with Council's Specifications, guidelines, standard drawings, etc (refer to Attachment 2).
- In residential areas, road opening activities that can be undertaken by property owners (or their agents or sub-contractors) within the footpath or road verge immediately adjacent to their properties subject to receiving (and compliance with) a "Consent to Works" Permit from Council include, but are not limited to, the following:
 - Installing (and maintaining) house stormwater pipes
 - Footpath landscaping (apart from works involving resurfacing with asphalt, concrete or segmental pavers)
 - Installation of footpath pop-up sprinkler irrigation systems
 - Planting street trees
- Activities undertaken within road reserves by persons or entities other than those undertaken by Service authorities which because of their location, scale or nature must be undertaken by a sub-contractor accredited by Council include, but are not limited to, the following:
 - Rural road vehicular accesses
 - Irrigation Channel construction
 - Stock grid/gate construction
 - Private irrigation/water supply pipelines
 - Footpath crossovers/driveways and gutter crossings.
 - Footpath landscaping involving resurfacing with asphalt, concrete or segmental pavers
 - Groundwater monitoring bores
 - Special access kerb ramps
- Contractors are able to apply to Council for accreditation to undertake road opening activities within Council road reserves using the prescribed Contractor Accreditation Application form.
- Council shall refer Road Opening activities located within the road formation of State Roads to the Roads and Traffic Authority (being the relevant Road Authority) for final determination.
- Road opening works undertaken within road reserves by Utility/Service Authorities and their agents are generally managed by the notification and restoration provisions contained in their respective enabling legislation and memorandums of understanding with Council.

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7. Footpath Landscaping Approval

Applications may be submitted by property owners (or their agents or sub-contractors with the consent of the property owner) to undertake resurfacing and/or landscaping of the footpath adjacent to their property.

The application shall include:

- A completed Footpath Landscape Permit application form, together with the appropriate application fee in accordance with Council's Revenue Policy.
- A sketch of the proposed works, with dimensions and preferably to 1:100 scale. The sketch is to indicate the front boundary of property, driveway, kerb and gutter and existing public utilities (such as street lights, power poles, utility service pits, water hydrants, etc) and any concrete footpath paving as well as the proposed areas to be landscaped and/or resurfaced.
- Evidence of enquiry with the "Dial Before You Dig" service (DBYD) by including copies of current service plans.

When considering applications, Council will consider a range of aspects including the maintenance access to underground services, safety and accessibility of motorists, cyclists and pedestrians, size and location of garden beds and any proposed future roadwork.

8. Road Opening Approval

Approval Procedure

Applications may be submitted by persons or entities (or their sub-contractors) to undertake opening activities within Council road reserves (including construction of driveways) using a sub-contractor accredited by Council. Road Opening applications are lodged using the prescribed application form and payment of the appropriate application fee in accordance with Council's Revenue Policy at least two weeks prior to the planned commencement date. Applications submitted for determination within the two week period prior to the planned commencement will attract a higher application fee.

Applications shall include:

- Evidence of the sub-contractor's accreditation
- Certificate of currency of the sub-contractor's public liability insurance policy indemnifying Council against any claims, actions resulting from the granting of approval for the activity to the value of at least \$10 million.
- Traffic Control Plan (TCP). TCPs must be prepared by a person(s) who is qualified and has passed the RTA approved training course. The TCP must include the name and certificate number of the accredited person.
- Engineering plans, if applicable.

If temporary closure of a road to traffic is planned in order to carry out the proposed activity, a separate Road Closure application must be submitted to Council at least six weeks prior to the planned closure. Road closures require placement of road closure notices in local newspaper(s) at least seven (7) days prior to planned closure. The Notice of Intention to temporarily close the road will include the proposed time and location of closure and information regarding detour routes, if applicable. A Traffic Control Plan showing the traffic control/protection measures to be implemented during the planned road closure must be submitted for approval at least 2 weeks prior to the temporary road closure.

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Fees

The applicant will be required to pay the following fees and securities:

- Application fee
- Road Restoration inspection fee
- Security bond (if applicable) – The cost of reinstatement of the road following excavation shall be met in full by the applicant. A security bond may be required to cover potential damage to Council's infrastructure, including the footpath segmental paving, road pavement and kerb and gutter during the construction process. Providing no damage is incurred by these assets, the bond will be refunded upon completion of the road opening activity. The security bond is based on the value of the proposed construction works.

All fees are payable prior to any works commencing on site.

Approval criteria

- The road opening works must be carried out in strict accord with all permit conditions and the appropriate specifications, guidelines, standard drawings, etc (refer to Attachment 2)
- Final road opening restoration must be completed within 5 days in accordance with Council's Auspec #2 Specifications (in particular Specification 306U - *Road Openings and Restoration*).
- A defects liability period of 6 months will apply to restoration work on road openings.
- If Council's supervising officer is not satisfied with the condition of the road opening reinstatement, a "Request for Corrective Action" may be issued up to 6 months from when the work was completed. Where a response to a "Request for Corrective Action" notice is still unsatisfactory, Council will undertake the reinstatement works and recover the full cost of these works from the permit holder.
- All Road Opening Applications required to be undertaken by a Council accredited sub-contractor, must be accompanied by a suitable Traffic Control Plan (submitted to Council at least two weeks prior to the planned road opening for approval); a certificate of currency of public liability insurance policy indemnifying Council against any claims, actions resulting from the granting of approval for the activity to the amount of \$10 million; and two (2) copies of engineering plans (if applicable).
- *On Street Parking Restrictions* - All vehicles associated with the road opening works must comply with the posted on-street parking restrictions. Failure to comply may result in the issue of Parking Infringement Notices. In the event that extended on street parking is required during the time restricted periods approval may be given in accordance with Council's On-street Parking and Revenue Policy (charges will apply). For further

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enquiries please contact Council's Traffic Engineer.

- *Parking on footpaths not permitted* - Vehicles used by the contractors, trades people, employees or other persons working (or visiting) the work site shall not be parked on footpaths. (Parking Penalties apply). Any unauthorised vehicle found upon Council's footpaths may be impounded or removed without notice.
- *Street Trees* - Existing street trees shall be protected from damage as a result of undertaking the planned activity. Council's Manager Horticulture Services must be consulted prior to excavating in the area that is within the drip zone of any tree canopy or if cutting tree roots exceeding 50 mm in diameter. The removal and subsequent replacement of any trees should only be undertaken under the supervision and direction of Manager Horticulture Services. The removal of trees is conditional on their replacement followed by the necessary watering and aftercare undertaken to ensure their survival.
- In determining whether to grant a Consent for Works permit for road opening works, consideration will be given to the following:
 - Nature and duration of works (Note that some structures are not permitted in footpath area such as letterboxes)
 - Likely hazard that the works may constitute to road users
 - Impact of the works on the amenity of the adjoining area
 - Whether other works are scheduled for the location
 - Evidence of DBYD participation
 - Has an appropriate TCP been provided (where required)
 - Has evidence of appropriate indemnity insurance been provided,
 - Heritage or environmental issues (For example, sandstone flagging shall be protected where possible or otherwise removed for Council's use at its discretion) Applicants are regarded as "proponents" for works which may be subject to environmental assessment provisions of the Environmental Planning and Assessment Act. The onus is on the applicant to ensure that such assessment is undertaken as appropriate.
 - Any other relevant matters.

9. Dictionary

Road reserve means all the area of land that is within the cadastral boundaries of a road

Service authority means any company or public body responsible for installing fundamental public services including electricity, natural gas and telecommunications under their respective enabling legislation

Road opening means any activity involving road openings undertaken by a private person or entity (or their sub contractors) as distinct from a Service authority.

Traffic Control Plan (or TCP) means a plan indicating the traffic control measures to be used whilst the road opening constitutes a work site.

Sub-contractor means a person or entity contracted by a service authority or other person for the purpose of undertaking road opening or road reinstatement works.

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Attachment One

Relevant Legislation

Relevant legislation relating to the individual roles and responsibilities of road authorities and utility/service providers includes:

- NSW Local Government Act, 1993
- NSW Environmental Planning and Assessment Act, 1979
- NSW Roads Act, 1993
- NSW Electricity Supply Act, 1995
- NSW Energy Services Corporatisation Act, 1995
- NSW Gas Supply Act, 1996
- NSW Pipelines Act, 1967
- NSW Water Supply Authorities Act, 1987
- NSW Water Board (Corporatisation) Act, 1994
- Commonwealth Environment Protection (Impact of Proposals) Act, 1974
- Commonwealth Telecommunications Act, 1997
- Commonwealth Telecommunications (Low Impact Facilities) Determination, 1997
- Commonwealth Telecommunications Code of Practice, 1997.

State and Commonwealth legislation relevant to public health and safety may also apply to planning and works undertaken by DCC and utility/service providers.

Attachment Two

Footpath Landscaping

Footpath landscaping works shall comply with the conditions of approval as well as Council's specifications, guidelines, standard drawings, etc which include but are not limited to the following.

- Footpath Landscaping guidelines
- Standard drawing STD 6390 (Titled *Landscaping Areas of Footpaths*)

Road Opening Activities (including driveways)

Road opening activities shall comply with the conditions of approval as well as Council's specifications, guidelines, standard drawings, etc which include but are not limited to the following.

- Council's Auspec #2 Specifications
- Standard drawing STD5166 (Titled *Perambulator Ramp Details*)
- Standard drawing STD5205 (Titled *Crossover Driveway Access*)
- Standard drawing STD5211 (Titled *Residential Driveway Slab*)
- Standard drawing STD5235 (Titled *Kerb and Gutter Profile and Vehicular Crossing*)
- Standard drawing STD5251 (Titled *Concrete Detail for Cycleways/ Footpath*)
- Standard Drawing STD5268 (Titled *Residential Subdivision Service Allocation in Footway*)

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Dubbo City Council Policy

Document Type *Council Policy*

Title

*State Road Construction,
Re-Construction and Maintenance*

Responsible Officer

Manager Civil Infrastructure & Solid Waste

Date

24 November 2011

Council Resolution Date

26 April 2005

That all underground utility services be placed on the footways on State Roads *where feasible*.

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REPORT: Adoption of Council Policy - Bitumen Sealing of Council Roads

AUTHOR: Manager Infrastructure Delivery
REPORT DATE: 6 October 2020
TRIM REFERENCE: ID20/1272

EXECUTIVE SUMMARY

A component of the Manager Infrastructure Delivery's accountabilities are that a rural and urban road network meets the needs of users in regard to traffic capacity and functionality. In this regard, a draft policy (**Appendix 1**) has been developed regarding the bitumen sealing of Council Roads.

FINANCIAL IMPLICATIONS

Council will be required to fund 20% of the cost of the bitumen seal along with costs involved in preparing the road surface for sealing. These costs will vary depending on the scope of work, and will be funded from the existing roads budget. Council will have no obligation to proceed with works if Council's costs are deemed to be too high or there will be an unreasonable impact on the roads program for that year.

POLICY IMPLICATIONS

Upon adoption of this report by Council the appended document will become the Council policy for bitumen sealing of Council roads within the limits of the policy.

RECOMMENDATION

That the appended 'Bitumen Sealing of Council Roads Policy' as attached to the report of the Manager Infrastructure Delivery dated 6 October 2020, be adopted.

Matthew Lewis
Manager Infrastructure Delivery

BACKGROUND

Council from time to time receives requests from residents to extend the sealed road network, and as such this policy applies to requests by residents to extend the sealed road network above and beyond the adopted Road Seal Extension Program.

REPORT

The main objectives of this policy are to:

1. Provide clarity on the proposed extension of the bitumen sealed network within the region.
2. Define the criteria for the provision of bitumen seals on urban and rural gravel roads where adjoining property owners request some action to reduce or remove the nuisance of dust, or improve conditions beyond approved service levels, adjacent to their property.

Appendices:

- 1 [↓](#) Bitumen Sealing of Council Roads - Draft Policy Document

POLICY

Policy Objectives

To provide clarity on the proposed extension of the bitumen sealed network within the region.

1. To define criteria for the provision of bitumen seals on urban and rural gravel roads where adjoining property owners request some action to reduce or remove the nuisance of dust, or improve conditions beyond approved service levels, adjacent to their property.

BACKGROUND AND RELATED LEGISLATION

This policy is consistent with the Roads Act 1993.

Related policies and plans

1. The Transport Plan
2. Delivery Plan

SCOPE

This policy applies to request by residents to extend the sealed road network above and beyond the adopted Road Seal Extension Program.

DEFINITIONS

To assist in interpretation, the following definitions apply:

Term	Definition
Resident contribution.	The contribution to be made by the resident/s for sealing a maintained gravel road that would not otherwise form part of the bitumen seal extension program. The minimum contribution from the resident is to be no less than 80% of the cost of the seal.
Council contribution	Council's contribution to the cost of sealing a gravel road not included in the seal extension program is the preparation of the subgrade and base course ready to apply bitumen seal and a maximum 20% of the bitumen seal cost.
Value of bitumen seal	The price of the bitumen seal is to be 'at cost' and aligned to contract prices in Councils sealing contract. A quote will be provided by Council in each case.
Width of bitumen seal	The width of the bitumen seal will be determined by the classification of the road, Council policy or relevant Aust Roads guidelines for rural roads.

POLICY

Council will review its seal extension program on an annual basis taking into account available funds and determine its forward program (if any) in conjunction with the Community Plan, Delivery Program and Transport Plan.

Only seal extension projects that have been approved by Council, and are included in the Delivery Plan within the current financial year, will have certainty of being undertaken. Those thereafter will be reviewed subject to further funding, road traffic analysis and road conditions as determined in the Delivery Program and Transport Plan.

Council will consider the sealing of a maintained gravel road when a contribution is made by resident/s or property owner/s for the cost of the seal. Council will contribute by preparing the road surface for seal and a portion of the bitumen cost. A quotation will be provided on application.

Council will not provide small isolated strips of bitumen sealing. A minimum length of 100 m is required and the full width of the road is to be sealed. Council will consider requests for bitumen sealing of unsealed roads under the following conditions:

- A contribution towards the cost of sealing an existing gravel road matches at least 80% of the estimated cost of the bitumen seal in cash. All payments are required to be paid in full before commencement of work.
- Provided that the minimum length of an isolated strip is not less than 100m and the full width of road is sealed.
- That application be made in writing.
- Council will only consider up to five applications in any one financial year.
- Access to properties are required be sealed from the edge of the bitumen seal for a minimum distance of 2m, or to the property boundary.
- Bitumen sealing projects will be programmed to be undertaken when Council resources are available.

In cases where even with residents offering to pay 80% of the seal cost, Council will consider the following when determining to proceed, or not:

- Costs that would be incurred by Council to prepare a road pavement suitable for sealing (these costs could be substantial).
- Average number of vehicles travelling on the road per day.
- Type of traffic using the road, such as the number of heavy vehicles and school bus routes.
- Costs incurred in maintaining the current unsealed road.
- Proximity of a dwelling to the road.
- It should be noted that Council will be applying a two coat bitumen seal only as a minimum. Ongoing maintenance of constructed bitumen seal will be with Council.

Maintenance activities on the sealed network will be at the discretion of the Chief Executive Officer and undertaken in consideration of the entirety of the road network in conjunction with the Delivery Plan and Road Asset Management Plan.

RESPONSIBILITIES

The Director Infrastructure and staff with delegated authority to enact and enforce the Policy.

APPROVAL PROCESS

- Residents/ratepayers that express and interest in enacting this policy shall fill out the prescribed application form (attached).
- The Manager Infrastructure Delivery will assess the application and prepare an estimate to undertake the sealing of the nominated section of road.
- A memo will be prepared for the Director Infrastructure detailing the proposed works, cost for both Council and the applicant/s, Where Councils contribution will be funded from, if the proposal meets the requirements of the policy and any impacts on the works program for that particular year.
- If the Director Infrastructure concurs with the recommendation from the Manager Infrastructure Delivery, a final recommendation is made to the CEO for determination.
- The Applicant will then be advised of the determination.



REPORT: Review of Village Landfill and Transfer Stations

AUTHOR: Manager Resource Recovery and Efficiency
REPORT DATE: 13 October 2020
TRIM REFERENCE: ID20/1281

EXECUTIVE SUMMARY

Council, at its meeting on 22 June 2020, resolved the following:

“That the Chief Executive Officer prepare an appropriate Management Plan for the village landfill and transfer stations including alternative ways of accessing the sites and appropriate fee schedule to compliment the proposed new opening hours; and That consultation occurs with the village residents with a report to be presented to Council in October 2020 for consideration.”

There are three (3) models of operation of the rural village landfill/transfer stations potentially available. These options are:

- A. Full access (24 hours per day seven days per week) with sites accessible to the entire community at all times. Sites unsupervised and unlocked. This is how the sites operated prior to January 2020.
- B. Sites locked but residents provided with keys/fobs/swipecards to allow access at their convenience.
- C. Sites locked and opened for limited hours under staff supervision. This is how the sites have operated since January 2020.

A survey was issued to 1,027 rural residents who pay the Rural Waste Charge with 191 responses received. Community meetings were also held in Dubbo and Wellington to seek resident feedback. A total of twelve residents participated in these meetings (six (6) at Dubbo and six (6) at Wellington).

A summary of this report’s findings is shown in the table below. Further details on the various issues listed below can be found in the Report section.

Issue	Locked/supervised sites	Unsupervised, key/fob/swipe card issued to residents
Aesthetics	No dumped rubbish, sites clean and well maintained.	Reduced site cleanliness. Very likely rubbish will be dumped around site. E.g. Goolma TS uses this system but site is in poor condition.
Windblown litter	Low incidence.	Increased incidence.
Vermin	Low incidence.	Increased incidence.
Biohazards	Lower incidence/controlled.	Increased incidence.
Hazardous waste/asbestos	Very low likelihood.	Increased incidence, will happen.
Customer service/assistance	High level assistance available (e.g. assistance if injury occurred; assistance to unload waste).	Not available. At some sites phone service unavailable, can't call for help. Cannot assist customers.
Waste education	Opportunity available	Not available
Recycling/resource recovery	High rate of recycling, low contamination. Greater contribution to DRC achieving state government recycling targets.	Increased contamination, lower rate of recycling. Reduced likelihood of DRC achieving state government recycling targets.
Survey	<p>The majority of survey respondents (53.5%) chose to retain the existing operation model.</p> <p>The majority of survey respondents using Ballimore, Eumungerie, Geurie and Stuart Town chose to retain the existing supervised operating model.</p> <p>13.6% of survey respondents (26 people) indicated they would like the transfer stations open for additional hours.</p>	<p>Of the 114 people (46.5% of survey respondents) that chose the key/fob/swipe card model, 55 people also ticked other options. 23 selected retaining existing hours, 5 wanted to alter open hours, 1 wanted to alter open days, 26 wanted to extend the open hours.</p> <p>Where the same person chose multiple options it was assumed they were satisfied with the existing system but would also be receptive to Council providing them with a key/fob/swipe card.</p> <p>30.9% of residents (59 people) chose only Option 5, the key/fob/swipe card operation model.</p> <p>The greater proportion of survey respondents using Toongi transfer station preferred being issued with keys/fob/swipe cards rather than the existing model.</p>
Work, Health and Safety risks	Safety risks lower at supervised site. Lower likelihood of attracting regulatory attention (i.e. Safework NSW).	<p>Increased safety risk at unsupervised site</p> <ul style="list-style-type: none"> - Fall from heights - Climbing into bins or onto stockpiles - Opening/closing bins - Bin hydraulic systems

		<ul style="list-style-type: none"> - Resident/contractor heavy plant interactions - Gates left unlocked - Keys/fobs/swipe cards shared around - Going onto site during night/poor visibility/when raining and slippery <p>Higher likelihood of attracting regulatory attention (i.e. Safework NSW).</p>
Environmental risks	<p>Environmental risk lower at supervised site. Lower likelihood of attracting regulatory attention (i.e. NSW EPA).</p>	<p>Increased environmental risks</p> <ul style="list-style-type: none"> - Spills - Litter - Dumping around site - Dumping hazardous materials <p>Greater likelihood of attracting regulatory attention (i.e. NSW EPA).</p>
Council reputation	<p>Reputation high. Best practice - sites well maintained/clean. Aspiration to be a regional leader and waste hub should be reflected in adoption of best practice.</p>	<p>Adopting less than best practice negatively impacts Council reputation in the industry and community as adopting a lower standard of practice.</p>
Other Councils	<p>Locked/supervised sites used by Tamworth, Lachlan, Upper Hunter Shires.</p>	<p>Parkes tried Fob system but discarded it due to operational issues. Keys given to residents. Mid-Western have issued keys to residents at 3 transfer stations (in poor state), further 9 transfer stations have unrestricted access and are ongoing problem (worse state).</p>
Costs	<p>Higher site attendant wage costs. Clean-up costs avoided. Reduced costs to clean contamination from deposited recyclables / stockpiles. Minimal callout costs to let residents in. Reduced disposal costs and bin transfer costs as volume of waste reduced (residents only access a supervised site). Gate fees collected from customers without vouchers or from villages with bin service. Voucher system integrity maintained. Option 4 – the cost (per hour) of extending existing hours would be in the range of:</p>	<p>Site attendant cost reduced. Security camera monitoring cost increase. Increased investigation and prosecution costs. Increased site clean-up costs. Increased recycling costs due to contamination (if staff remove contamination). Increased landfilling costs (if staff do not remove contamination). Callout costs if staff required to attend site after hours or on weekends (minimum 4 hours). Increased waste and waste transfer costs if keys/fobs/swipe cards shared around. Loss of gate fees (cannot charge for</p>

	Mon to Fri \$35.51 to \$47.97/hour/site Saturday - \$48.19 to \$65.10/hour/site Sunday - \$60.88 to \$82.24/hour/site	waste disposal). Voucher system becomes irrelevant as no-one to collect vouchers.
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Based on the above analysis of issues, community survey responses and community meetings, it is recommended that Council maintain its current best practice operating system of keeping transfer stations secured and only opened under supervision.

Introducing a rural transfer station management system (e.g. keys/fobs/swipe cards) that provides residents with unrestricted access is quite likely to lead to increased costs and increased environmental and work, health and safety risks. A principal component of the work, health and safety ethos is to identify and reduce risk, not to increase it.

FINANCIAL IMPLICATIONS

In 2018/2019 the cost of operating Dubbo Regional Council's eight (8) unsupervised transfer stations was in the vicinity of \$300,000. This cost included clean-up costs, bin transfers and contractor's costs. It should be noted also that some of these sites landfilled on site the waste dropped off by residents (hence avoiding any waste transfer costs). With the change to the transfer station operating model (sites fenced, locked and supervised, all waste taken to Whylandra for disposal) operating costs for a full year are projected to be approximately \$250,000 (including staff wages, waste transfers and contractor costs).

It would be simplistic to conclude that handing out keys/fobs/swipe cards to residents will result in a cost saving to Council by eliminating staff site supervision costs. The likely scenario is that the savings on site supervision costs will be exceeded by site clean-up costs (with added operational and community safety/environmental risks). Site clean-up costs at the moment are zero.

If Council were to consider extending opening hours for supervised locked transfer stations the additional supervisory costs would follow the figures shown in the table below. For example, an additional hour of opening on a weekday at a given site would cost between \$1,846.52 to \$2,494.44 per year (depending upon the pay rate grading of the person undertaking the work).

Day	Hourly cost (\$/hour/site)	Yearly cost (\$/hour/year/site)
Monday to Friday	\$35.51 to \$47.97	\$1,846.52 to \$2,494.44
Saturday	\$48.19 to \$65.10	\$2,505.88 to \$3,385.20
Sunday	\$60.88 to \$82.24	\$3,165.76 to \$4,276.48

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. That Council maintain its current best practice operating system of keeping rural transfer stations secured and only opened under staff supervision.**
- 2. That Council continue with the current practice of only landfilling waste at its two (2) licenced waste facilities (Whylandra (EPL 6058) and Wellington (EPL 6702)).**
- 3. That the rural transfer stations at Mumbil, Euchareena and Elong Elong remain closed and landfilling not be considered at any of the other five (5) rural transfer stations.**
- 4. That Council review rural transfer station operating costs after one (1) year of operation under the current locked/supervised site management model and adjust the Rural Waste Management charge to ensure full cost recovery for the service.**
- 5. That the waste charges across Council's seven (7) waste facilities be harmonised in 2021/2022.**

John Wisniewski

Manager Resource Recovery and Efficiency

BACKGROUND

In 2018 Dubbo Regional Council operated two large landfills (Whylandra and Wellington) and eight (8) rural village landfills/transfer stations at:

- Mumbil (transfer station and waste disposed on site)
- Euchareena (transfer station and waste disposed on site)
- Elong Elong (transfer station and waste disposed on site)
- Stuart Town (landfill)
- Guerie (landfill)
- Ballimore (transfer station)
- Toongi (transfer station); and
- Eumungerie (transfer station).

The eight (8) smaller rural landfills/transfer stations provided a convenient local waste disposal facility for rural villages. Typically these were unfenced, unsupervised and free to anyone to access, use and abuse. Their management reflected worst practice for a waste facility.

Operating these rural village waste facilities with unrestricted access and unsupervised exposed Council and the local communities to significant safety, environmental and financial risks. The risks included:

- Exposure of residents to illegally dumped asbestos, chemical and liquid wastes
- Waste materials randomly dumped and scattered across large parts of the sites (as per photo below)
- Physical hazards such as broken glass/steel/timber with protruding nails; fall from height into hooklift bins
- Windblown litter
- Attraction of vermin; and
- Potential biohazards (plant material/dead animals/disease).



Geurie Transfer Station/Landfill prior to being fenced and locked.



Asbestos dumped at Euchareena.



Windblown litter at Euchareena.

In 2019/2020 Dubbo Regional Council embarked upon a program to modernise its rural village waste facilities and bring them into line with current best practice. The following actions were undertaken:

- Bin roll-out program for Elong Elong and Euchareena
- Communicated changes to the community in December 2018 and May 2019
- Rationalised the number of small rural landfill/transfer station sites from eight (8) to five (5). This was based upon a 25km catchment radius. Mumbil, Euchareena and Elong Elong were closed due to their proximity to other sites
- Utilised specialist contractors to remove asbestos from sites at significant cost
- Cleaned up the scattered, dumped waste
- Stopped all landfilling at these sites and rehabilitated the areas where landfilling had occurred (funded by NSW EPA grants for Mumbil, Euchareena, Elong Elong, Stuart Town and Geurie)
- Fenced and locked all sites to control access
- Installed security cameras; and
- Changed the opening hours to twice per week with staff supervision.



Clean up occurring at Euchareena.



Geurie Transfer Station now.

REPORT

Council, at its meeting of 22 June 2020, resolved the following:

“That the Chief Executive Officer prepare an appropriate Management Plan for the village landfill and transfer stations including alternative ways of accessing the sites and appropriate fee schedule to compliment the proposed new opening hours; and That consultation occurs with the village residents with a report to be presented to Council in October 2020 for consideration.”

There are three (3) possible models of operation for the rural village transfer stations potentially available. These are:

- A) Full access (24 hours per day seven days per week) with sites accessible to the entire community at all times. Sites unsupervised and unlocked. This is how the sites operated prior to January 2020.
- B) Sites locked but residents provided with keys/fobs/swipecards to allow access at their convenience.
- C) Sites locked and opened for limited hours under staff supervision. This is how the sites have operated since January 2020.

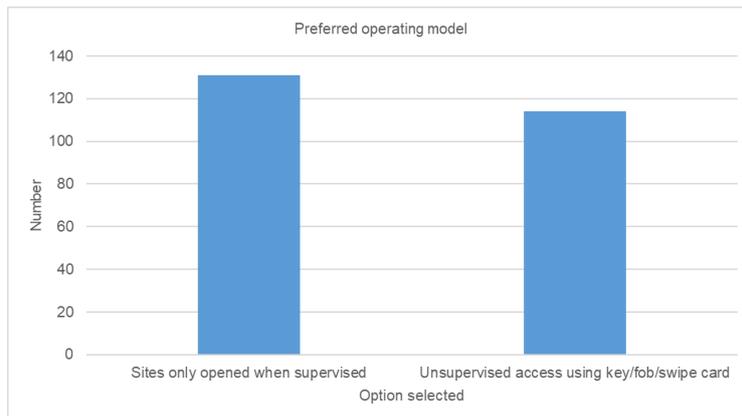
The Rural Transfer Station Survey (**Appendix 1**) was issued to 1,027 rural residents that pay the Rural Waste Charge with 191 responses received. Community meetings were also held in Dubbo and Wellington to seek resident feedback about Options B and C. Option A was not canvassed to residents as it reflects worst waste management practice with poor environmental, safety and financial outcomes.

The survey asked residents to nominate their preference for one of the following five (5) options:

- 1. Option 1 – Retain the existing hours
- 2. Option 2 – Have the transfer stations open the same days but alter the hours. Indicate preferred hours.
- 3. Option 3 – Keep the same opening hours but change the day the transfer station is open. Indicate preferred days.

4. Option 4 – Increase the number of days or hours the transfer station is open each week. Please state preferences.
5. Option 5 – Allow the community to access transfer stations unsupervised at any time using a Key/Swipe Card/Fob.

As of 7 October 2020, Council had received 191 completed surveys, reflecting a response rate of 18.6%. The majority of responses (53.5%) indicated that the existing locked/supervised operating system met their needs.



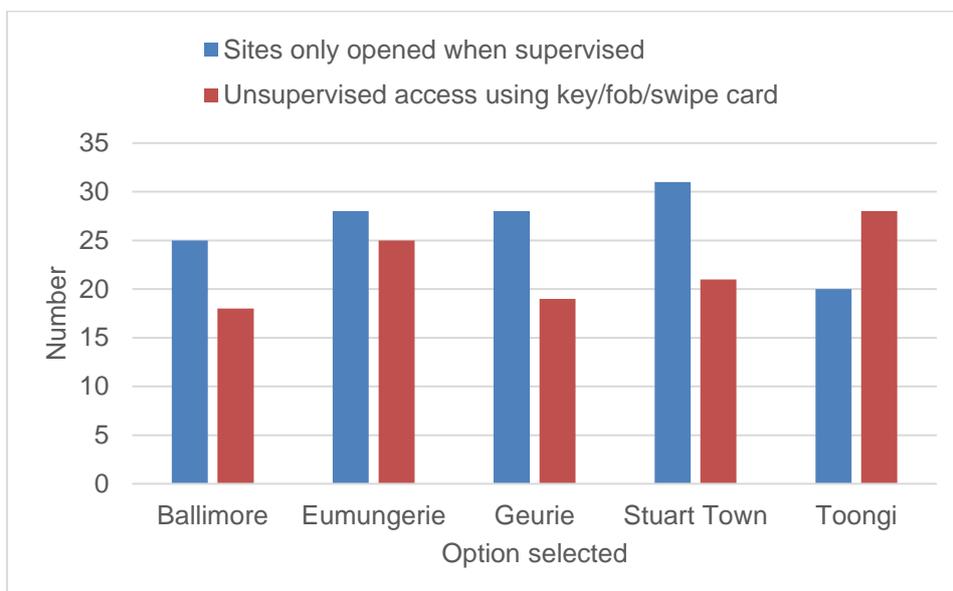
Of the surveys returned, the number of residents choosing the existing locked/supervised system (Options 1, 2, 3 or 4 – 131 residents) exceeded the number of residents requesting Option 5 (Unsupervised access using a key/swipe card/fob – 114 residents). Of the 114 people (46.5% of survey respondents) that chose the key/fob/swipe card model, 55 people also ticked other options. 23 selected retaining existing hours, 5 wanted to alter open hours, 1 wanted to alter open days and 26 wanted to extend the open hours. Only 59 of the 114 people (30.9%) chose only Option 5.

A small number of residents preferring the existing locked/supervised opening of the transfer stations indicated that the service could potentially cater better to their needs with either an adjustment to the opening hours (Option 2 – 7 residents) or the days the facility was open (Option 3 – 5 residents), or even having them open for more hours each week (Option 4 – 28 residents or 14.6% of survey respondents).

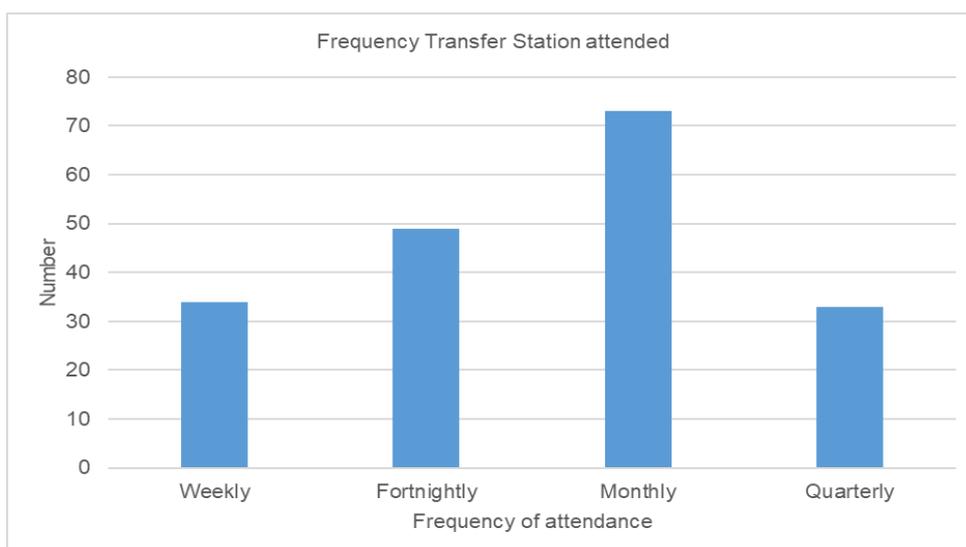
As the majority of survey respondents seemed satisfied with the existing opening days/times there would be little sense in making significant changes to the days/times that transfer stations are opened to try to cater to a very small minority of residents (12 respondents or 5.2%). Residents that chose Option 4 (extended opening hours/days – 28 residents) could be catered to, but opening for longer hours would incur greater expenditure on staff wages.

Note that in the survey some residents chose multiple options, predominantly Option 1 and Option 5 (23 residents), or Option 4 and Option 5 (26 residents). This has been assumed as meaning that they were satisfied with the existing locked/supervised system (Option 1, 2, 3 or 4), but if Council were to implement a key/fob or swipe card (Option 5) they would also be quite happy to use this new system. A number of residents choosing Option 1 commented that they did not want a system that would result in transfer stations looking as they had in the past with waste spread all over the site.

The survey asked residents to indicate which transfer station they utilised. Data was then further broken down by site. The majority of residents using Ballimore, Eumungerie, Geurie and Stuart Town all indicated a preference to retain the existing locked/supervised system. Users of the Toongi Transfer Station indicated their preference was to have unsupervised access with residents provided with keys/fobs or a swipe card (28 residents) rather than continuing with the existing locked/supervised system (20 residents).

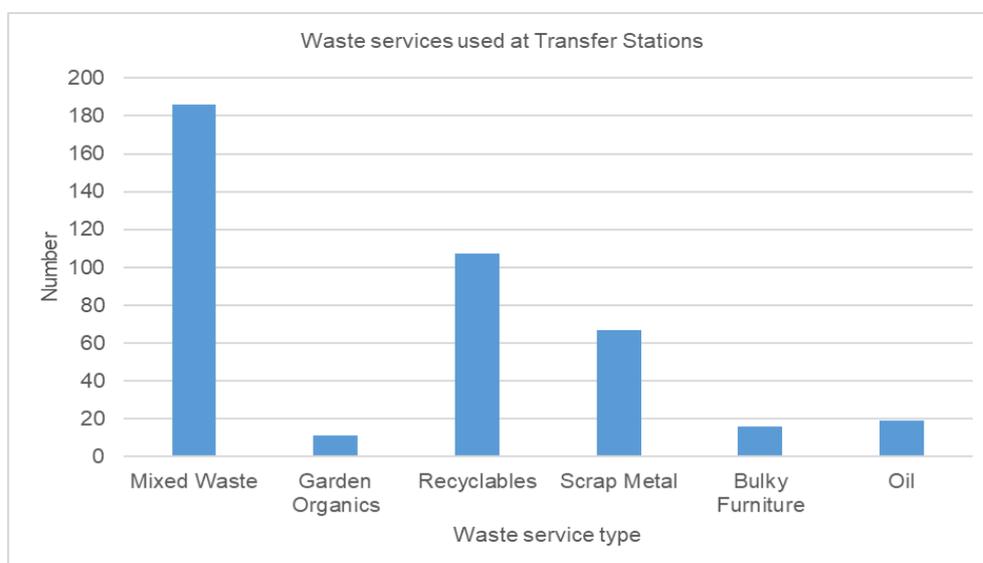


In the survey residents were also asked about the frequency with which they used the transfer stations. Approximately a third of residents use the transfer stations on a monthly basis with another quarter attending fortnightly. The numbers of residents using the transfer stations either weekly (34 residents) or quarterly (33 residents) were similar.



Residents were also asked about what they disposed of at the transfer stations. Unsurprisingly, the majority of residents go to the transfer stations to dispose of their mixed waste with half also dropping off recycling. The next most popular use of the transfer stations

was to drop off scrap metal. It should be noted that scrap metal is not collected at either Toongi or Eumungerie Transfer Stations due to site space restrictions. Dropping off garden organics was the least utilised service.



Community Meetings

The community meetings were promoted via the survey letter posted out to residents, on Council’s website and also via local radio (ZOO FM and 2DU) from 16 to 21 September 2020.

Six (6) residents attended the Dubbo meeting and six (6) residents attended the Wellington meeting (including Councillor Mohr). The small numbers attending resulted in excellent discussions taking place with many waste issues covered and some problems resolved. Issues covered including kerbside bin services, items that can be disposed of at transfer stations, how cleanliness of transfer stations could be maintained under a key/fob/swipe card system of operation, implementation of a trial key/fob/swipe card system at a small rural transfer station (e.g. Toongi or Eumungerie), and workplace conditions for Council staff at the transfer stations (e.g. extreme heat during summer).

What are other Councils doing?

Surrounding Councils (Mid-Western, Parkes, Tamworth, Upper Hunter and Lachlan Shire) were contacted to determine how transfer stations were accessed by residents. Results are summarised in the table below.

Council	Number of Transfer Stations operated	Access methods
Dubbo	Five	Only open under staff supervision. Security cameras present at all sites.
Mid-Western	Twelve	Keys provided to residents – Goolma, Birriwa and Bylong Nine transfer stations open 24/7. Intending to slowly transition to key system at more sites.

		Security cameras present at all sites.
Parkes	Five	Fob system – Salto (now discarded) Keys provided to residents – Alectown, Bogan Gate, Gunningbland, Trundle, Tullamore. Security cameras present at all sites.
Tamworth	Seven	Six transfer stations only open under staff supervision. Niangala open 24/7, has pedestrian gate only. Security cameras present at all sites.
Lachlan	Five	Only open under staff supervision. Security cameras present at all sites.
Upper Hunter	Three	Only open under staff supervision. Security cameras present at two sites.

Note that Dubbo, Tamworth and Lachlan Shire only open their transfer stations under staff supervision. The one (1) Tamworth Transfer Station (Niangala) that is open 24/7 experiences ongoing issues with mis-use and random dumping of rubbish even though access is only via a pedestrian gate. It requires regular expensive clean-ups. Tamworth is looking at locking this facility and also only opening it under staff supervision. Similar to Dubbo, Lachlan Shire rationalised its transfer stations from eight (8) down to five and then implemented a range of improvements to those sites.

Mid-Western Council operates twelve transfer stations. The three (3) most problematic sites (Goolma, Birriwa and Bylong) have been transitioned to a key system to improve security and reduce random dumping. The other nine (9) transfer stations are open 24/7. Several of these are problematic and expensive to service. Note that Mid-Western intends to secure more of these sites and provide residents with key access.

An inspection of Mid-Western Council’s Goolma Transfer Station on 8 October 2020 (photo below) indicated that even with the key system in place this site continues to be quite messy and require regular expensive clean-ups. Mid-Western Council indicate however that this situation is a significant improvement compared to when the facility was open 24/7. Security cameras are present at this site.



Goolma Transfer Station. Locked and residents provided with keys for access. Waste is spread on the ground all across the site.

Parkes Shire Council is the only nearby Council that has tried to implement a waste transfer station entry system that used a fob (Salto system). Benefits of the system included the ability to use software to program the fobs to only allow access during certain hours and to be able to either enable or cancel access for individual fobs. The downside was that the system proved unreliable with Council frequently getting calls from irate residents at the gate to a transfer station, unable to get in. This resulted in staff repeatedly having to go out to open sites disrupting their work and coming at a cost to Council. The cost of the fobs was approximately \$10 each with the locking systems priced at \$800.



Salto fob.



Salto lock.

The fob system has been removed from all sites. Parkes Shire Council has now implemented a system of locking all transfer stations and providing residents with keys. The condition of the locked transfer stations has improved when compared to the previous 24/7 access.

Work, Health and Safety (WHS)

If Council were to adopt Option 5 and provide residents unsupervised access to the rural transfer stations, then ensuring the site is inherently safe, whilst unsupervised, becomes a major consideration. Under WHS legislation Council has an obligation to ensure the safety of residents using its facilities similar to its obligations to Council staff. The trend amongst Councils across Australia increasingly is to secure waste facilities and only open them under supervision. This helps to mitigate a significant risk to Council and the associated legal liability.

The major risk identified at Dubbo Regional Council's Transfer Stations is the risk of a fall from the unloading platform into a hooklift bin. Significant injuries and deaths have occurred at other waste sites. As the bins are from 2 to 2.5 metres deep anyone on the platform is effectively "working at heights". Whereas Council staff undergo training programs if required to work at heights, residents do not. Ensuring legally defensible adequate precautions are in place to mitigate the risk to residents of "working at heights" may require changes to infrastructure at some sites and a thorough WHS analysis.



Trespassers broke into Stuart Town Transfer Station and climbed into mixed waste hooklift bins to retrieve items.

Notwithstanding Council's WHS duty of care to its staff and residents, from time to time trespassers have broken into DRC's locked transfer stations and climbed into the hooklift bins to recover items. Going into bins or onto stockpiles is highly risky as a person could fall from height, fall onto or step on sharp objects, and fall through voids in the waste. By providing a key to residents, Council could be seen to be inviting residents into the site, thereby increasing its liability and WHS risk by providing resident's with the opportunity to climb into bins or go through stockpiles at any time if they see something of interest that they would like to take. No-one will be present to prevent this happening under a key/fob system.

A second significant risk is the operation of the hooklift bins. The mixed waste hooklift bins located at Geurie and Stuart Town have lids that utilise a hydraulic system to open and close (see image below). It is planned to install similar transfer bins across all rural sites as lidded bins prevent rubbish blowing away, keep vermin out and also act to suppress potential combustion within the waste. Residents accessing the transfer stations would need to be trained or instructed on how to open and close hooklift bin lids using the hydraulic system. Cardboard transfer bins at Ballimore, Geurie and Stuart Town also utilise a hydraulic opening/closing system for the lid.

Another source of risk of harm is the potential interaction between residents and contractors operating heavy plant at the transfer stations. Contractors are currently used to transfer mixed waste hooklift bins to Whylandra, transfer cardboard hooklift bins to Dubbo, empty recyclables bins, clear scrap metal stockpiles, shred garden organics, empty the oil collection facility and shred Drum Muster drums. At present the risk of a safety incident between contractors and customers is avoided as the contractors only come onto the transfer station sites when they are closed and customers are not present. Providing residents with keys will mean that interactions between residents and contractors will at times be unavoidable. Council will be heavily reliant on the contractor acting responsibly around customers and adhering to their WHS procedures.



Hydraulic mechanism needs to be pumped up to open bins. A lever is used to release pressure and close bins. If residents are provided with keys to transfer stations they will need to be educated on how to use this equipment.

Providing residents with keys provides 24/7 access meaning that residents could potentially attend these sites after dark, especially during winter. Note that no grid connected electricity is available at any transfer station, hence security or safety lighting is not a feasible option. Wandering around a waste transfer station in the dark would present safety risks to the community.

Other potential issues with a key/fob/swipe card access system would include gates being left open allowing anyone to access the transfer stations. Bins being left open could also result in attraction of vermin and windblown litter escaping across the site and into neighbouring properties.

Security cameras

The presence of security cameras at all sites should not be viewed as a substitute for having sites manned by Council staff. The security cameras have a limited field of view (they cannot see all parts of the site), limits to resolution (they are unlikely to be able to record exactly what someone is tipping) and are dependent upon solar electricity and the mobile phone network to function. The cameras do occasionally fail due to lack of sunlight over consecutive days. Cameras will record an incident happening, but cannot intervene to prevent an incident.

Note that the Wellington Waste Facility is regularly broken into and has multiple cameras present to record trespassers. To date the cameras have not been able to provide sufficient detail to identify or prosecute anyone. Note also that if a trespasser can be identified, costs will be incurred by Council to investigate, prosecute and fine trespassers.

If cameras are relied upon as the sole source of site security, costs will be incurred employing someone to monitor or review the footage frequently. At present the security cameras are only consulted by staff when an incident has been identified (e.g. break in to site, injury e.g. slip or trip) or a matter is brought to their attention by transfer station attendants or a contractor. At present the cameras are not constantly, or even regularly, reviewed.

None of Dubbo Regional Council's Transfer Stations have grid electricity or potable water available and some of the sites have very poor mobile phone reception. If keys are provided to residents, the lack of mobile phone reception could mean that in an emergency they would be unable to call for assistance. If the facility is staffed assistance can be provided immediately.

Resource Recovery

The NSW State Government has set a 70% diversion target for waste for local government (NSW Waste Avoidance and Resource Recovery Strategy 2014-2021). A 20 year NSW State Strategy is currently being drafted.

Having staff on site during opening hours at transfer stations results in improved resource recovery and allows for ongoing waste education with customers. Staff can direct customers to exactly where items should be dropped off (e.g. scrap steel, recyclables, cardboard etc.) and questions can be answered as to exactly what items can be recycled. This pro-active approach results in less contamination of recyclable materials, higher recycling rates and less waste being landfilled. It is not unusual for well-meaning customers to contaminate stockpiles or recycling by, for example, putting plastic bags into recycling bins, into the garden organics stockpile or cardboard bin.



Geurie Transfer Station recycling options

Having Council staff on site allows customers to be quickly pulled up and shown what is or is not acceptable. If keys are provided to residents there will be no opportunity available for staff to educate residents or correct their behaviour. Contamination will occur and will either then need to be cleaned up/removed by staff at a later date or the entire stockpile/bin landfilled.

Site aesthetics and Council image

A well maintained and tidy transfer station promotes a good image of Council and also engenders better customer behaviour and use of the site. Sites strewn with rubbish project a picture of neglect and say to the user that it does not really matter where you place your waste. An old adage in the waste industry is that dumped rubbish attracts more dumped rubbish.

The images below of the Eumungerie Transfer Station (when it was unlocked) shows that even with the presence of a hooklift bin, users of the facility have tipped their waste on the ground behind the bin. This pile has then continued to build up. If challenged about this behaviour, a likely response would be that others are doing it and I have just followed their example. With the site supervised this situation would not be permitted to occur.



Geurie Transfer Station.



Eumungerie Transfer Station 2018.

Cost of operating transfer stations

In 2018/2019 the cost of operating Dubbo Regional Council's eight (8) unsupervised transfer stations was in the vicinity of \$300,000. This cost included clean-up costs, bin transfers and contractor's costs but note that some of these sites landfilled on site the waste dropped off by residents (hence avoided any waste transfer costs). With the change to the transfer station operating model (sites fenced, locked and only open under supervision, all waste taken to Whylandra for disposal) operating costs for a full year are projected to be approximately \$250,000 (including staff wages, waste transfers, contractor costs).

A full year of operation will be required to understand the financial costs of the new operating model. However the \$50,000 savings projected most likely reflect:

- The significantly lower cost to clean up sites as rubbish is no longer being dumped all over the place
- Expensive cost of cleaning up dumped asbestos avoided almost entirely
- Rollout of the bin system to more rural residents in the villages and out on properties
- Reduced volumes of waste being dropped off after charges have been introduced and the sites are no longer free (Geurie transfer station is the exception as it has charged for waste for several years). The reduced waste volumes reduce transfer costs as bins are not emptied as often.

If it is assumed that the rural transfer stations are primarily intended for the use of rural residents without a Council collection service, it should be noted that the income derived from the Rural Waste Charge (\$178,000 in 2020/2021) is insufficient to cover the operational costs of the five (5) transfer stations (projected to be approximately \$250,000).

In 2020/2021 the Resource Recovery and Efficiency branch (RR and E) proposed to Council that fees should be introduced to cover disposal costs for those residents that have a Council collection service and also used the rural transfer stations. This was done for a number of reasons including:

- Council’s waste disposal charges at its waste facilities across the LGA were very inconsistent. In 2019/2020 Council operated seven (7) waste facilities and there were (4) four different sets of fees applied. Whylandra and Wellington landfills had different charges for waste, Geurie transfer station charged for waste disposal (different fee schedule to Whylandra and Wellington) and the remaining four (4) transfer stations did not charge for waste disposal. An attempt was made by RR and E to have a uniform set of waste charges across the municipality but this was only partly supported by Council. Having a consistent price across all facilities makes it easier for residents to understand the costs and prevents arguments with staff (i.e. but it was free at Ballimore, why do I have to pay here?).
- Having the same charge at all waste facilities (and especially no free facilities) removes the incentive for town dwellers (or people from other municipalities) to drive out to DRC’s rural transfer stations to dispose of their waste for free with Council then paying to bring it back to Whylandra.
- If residents wish to use the transfer stations but have no vouchers available, Council can charge a fee and recover some of the operational costs. This waste still needs to be transferred from the site at a cost to Council.

Some other factors that will affect the operational costs of the rural transfer stations depending upon the model of operation chosen by Council are listed in the table below.

Issue	Locked/supervised sites	Unsupervised, key/fob/swipe card issued to residents
Costs	Higher site attendant wage costs Clean-up costs avoided Reduced costs to clean contamination from deposited recyclables / stockpiles Minimal callout costs Reduced disposal costs and bin transfer costs as volume of waste reduced (residents only access a supervised site) Gate fees collected from customers without vouchers or from villages with bin service Voucher system integrity	Site attendant cost reduced Security camera monitoring cost increase Increased investigation and prosecution costs Increased site clean-up costs Increased recycling costs due to contamination (if staff remove contamination) Increased landfilling costs (if staff do not remove contamination) Callout costs if staff required to attend site after hours or on weekends (minimum 4 hours) Increased waste and waste transfer costs if

	maintained	keys/fobs/swipe cards shared Loss of gate fees (cannot charge for waste disposal) Voucher system becomes irrelevant as no-one to collect vouchers
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It would be simplistic to conclude that handing out keys/fobs/swipe cards to residents will result in a cost saving to council by eliminating staff site supervision costs. The likely scenario is that the savings on site supervision costs will be exceeded by site clean-up costs (with added operational and community safety/environmental risks). Site clean-up costs at the moment are zero.

If Council were to consider extending opening hours for supervised locked transfer stations the additional supervisory costs would follow the figures shown in the table below. For example, an additional hour of opening on a weekday at a given site would cost between \$1,846.52 to \$2,494.44 per year (depending upon the pay rate grading of the person undertaking the work).

Day	Hourly cost (\$/hour)	Yearly cost (\$/hour/year)
Monday to Friday	\$35.51 to \$47.97	\$1,846.52 to \$2,494.44
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Sunday	\$60.88 to \$82.24	\$3,165.76 to \$4,276.48

SUMMARY

Based upon the above analysis of issues and community survey and meetings, it is recommended that Council maintain its current best practice operating system of keeping transfer stations secured and only opened under supervision.

Introducing a rural transfer station management system (e.g. keys/fobs/swipe cards) that provides residents with unrestricted access is quite likely to lead to increased costs and increased environmental and work, health and safety risks. A principal component of the Work, Health and safety ethos is to identify and reduce risk, not to increase it.

Appendices:

- [1](#) Dubbo Regional Council - Rural Transfer Station Survey 2020

2020 RURAL TRANSFER STATION SURVEY



BACKGROUND

Dubbo Regional Council operate five (5) Rural Transfer Stations – at Ballimore, Eumungerie, Geurie, Stuart Town and Toongi.

The principal aim of the Transfer Stations is to provide a waste and recycling service:

- To residents without a kerbside bin collection service;
- To meet excess domestic needs of residents with a collection service (max. 1 cubic metre);
- To local residents only;
- At a reasonable cost to users.

Until recently, many of the Transfer Stations were unsupervised and unfenced allowing for uncontrolled access. This resulted in dumping of waste across wide areas of the facilities, windblown litter and attraction of vermin, regular illegal dumping of asbestos and other hazardous wastes and the liabilities associated with these practices.

Council invested significantly in cleaning up the facilities and is committed to maintaining a high standard of presentation and operation in line with industry best practice. Key to this has been supervised access.

INVITATION TO PROVIDE FEEDBACK ON RURAL TRANSFER STATION OPERATING TIMES

Dubbo Regional Council is again seeking feedback from the Community on the operating times of its Rural Transfer Stations in view of costs and standards of operation.

Your assistance in completing the following survey is appreciated.

Stuart Town Transfer Station – before and after images



2020
RURAL WASTE FACILITY SURVEY



Dubbo Regional Council is seeking feedback from the community on the operating times of its five Rural Transfer Stations (Ballimore, Eumungerie, Geurie, Stuart Town and Toongi). The Transfer Stations are currently open at the times shown

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Ballimore		1PM-4PM					10AM-4PM
Eumungerie			1.30PM-4PM				1.30PM-4PM
Geurie				1PM-4PM			10AM-4PM
Stuart Town		1PM-4PM				10AM-4PM	
Toongi			9.30AM-12PM				9.30AM-12PM

Are you a resident of:

Ballimore
 Eumungerie
 Geurie
 Stuart Town
 Toongi
 Other (please state): _____

Which Transfer Station do you use?

Ballimore
 Eumungerie
 Geurie
 Stuart Town
 Toongi

How often do you attend?

Weekly
 Fortnightly
 Monthly
 Quarterly

What types of waste do you dispose of?

General Waste
 Green Waste
 Recyclables
 Scrap
 Metal
 Bulky Furniture
 Oil



IN THE BOXES BELOW PLEASE INDICATE YOUR PREFERENCE:

- OPTION 1** Satisfied with the existing operating days and hours
- OPTION 2** Satisfied with the extent of operating hours but seek change in day. Preferred day: _____
- OPTION 3** Satisfied with the extent of operating days but seek change in time. Preferred time: _____
- OPTION 4** Increase the number of days or hours the Transfer Station is open. Please state preferences.

- OPTION 5** Allow the community without a roadside collection service to access Transfer Stations unsupervised at any time using a Key / Swipe card / Fob etc.
Currently the Rural Waste Management Charge is \$142.65, which entitles the free disposal of general waste equivalent to a 240 litre wheelie bin per week.

If the level of service was increased by Council (Options 4 or 5), how much more would you be prepared to pay?

- No more 50% more 100% more 150% more 200% more

Any further comments: _____

Where possible Council are looking to extend the roadside collection services in the rural areas, Yes No

Name: _____ Contact Number: _____

Property Address: _____

Please return your completed survey by:
Reply paid envelope enclosed
or Email to: council@dubbo.nsw.gov.au
Survey due by Friday 25 September 2020



REPORT: Development Application D17-238 (4) - Service Station and Two (2) Lot Subdivision

**Property: Lot 4142 DP 1245646, No. 6
Burraway Road, Brocklehurst**

Applicant: Liberty Oil Corporation Pty Ltd

Owner: Mr I E Walker

**AUTHOR: Senior Planner
REPORT DATE: 12 October 2020
TRIM REFERENCE: ID20/1274**

EXECUTIVE SUMMARY

A Section 4.55(1A) modified Development Application for the proposed modification of Development Consent No. D2017-238 (4) was lodged with Council on 31 July 2020. The Application has sought a reduction in the value of the Section 94 Urban Roads Contribution imposed in Condition 3 of the development consent.

In accordance with the adopted Section 94 Contributions Plan – Roads, Traffic Management and Car Parking, Council can consider a request for a review of the contribution in accordance with the Plan, as follows:

“3.6 Flexibility in Imposition of Contributions

This Plan assumes particular land uses and traditional forms of development consistent with a wide range of urban forms. However, not all situations can be predicted and, from time to time, Council may receive applications which do not fit within these assumptions.

Council may consider adjustment or waiver of Section 94 Contributions (either in full or in part) as they apply to individual applications. The following are provided as example of such circumstances:

- (c) Where the applicant can demonstrate that the development does not generate demand for public amenities or services, or generates demand at a lower quantum than the rates set out in part 4 of this plan.*

Council has a strong preference for a negotiated outcome. However, in the event that an agreement cannot be reached, Council will commission a competent consultant funded by the applicant to resolve the matter.”

Through the submission of traffic data collated following the development's operational commencement in February 2020, it is demonstrated that the development will generate a lesser rate of daily vehicle trips to that initially assessed.

This report recommends that Condition 3 of the development consent, be modified to reduce the required urban roads contribution from \$760,620.00 to \$23,905.20 (2020/2021 financial year figures). A copy of the amended conditions are provided here in **Appendix 1**.

Given the significant variation to the required contributions, the Modified Development Application is referred to Council for determination.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report, as it has been accepted that the development does not generate an impact beyond the modified contribution imposed.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. That the report of the Senior Planner dated 12 October 2020 be noted.**
- 2. That Condition 3 of Development Consent No. D17-238 be amended to reduce the urban roads contribution from \$760,620.00 to \$23,905.20 (based on current 2020/2021 financial year figures).**
- 3. That the Modified Development Application be approved subject to the conditions of Development Consent provided here in Appendix 1.**

Shaun Reynolds
Senior Planner

BACKGROUND

Development Consent No. D2017-238 was approved for a service station and two (2) lot subdivision on Lot 414 DP 584722, No. 6 Burraway Road, Brocklehurst on 6 September 2017.

The service station is proposed to be an unmanned service station whose intended clientele would be heavy vehicles.

Specifically the development proposed:

- A two (2) lot subdivision of the existing Lot 414 in DP 584722 be located over the proposed bowers
- Installation of 12 fuel bowers consisting of:
 - 4 x diesel bowers (truck hi-flow)
 - 4 x AdBlue bowers (fluid used in diesel trucks to help them reduce their emissions)
 - 4 x mixed fuel bowers (includes unleaded, premium unleaded and car low-flow diesel)
- Construction of gantry, to be located at the western end of the canopy for on-site fuel storage loading/unloading station
- Installation of two (2) x 110,000L aboveground fuel storage tank (diesel)
- Installation of one (1) x 100,000L underground fuel storage tank (petrol)
- Installation of one (1) x 55,000L aboveground fuel storage tank (petrol)
- Installation of SPEL Purceptor
- Associated site works including concrete hardstand areas, two (2) new driveways onto Transport Drive, fencing and stormwater management; and
- Stormwater detention basin and drain to be constructed on the adjoining Lot 417 in DP 857156.

The development was approved to operate 24 hours a day, seven (7) days a week.

A copy of the approved site plan is provided attached as **Appendix 2**.

The development consent imposed a condition in relation to the imposition of urban roads contributions to the value of \$834,640.00 (1,600 daily industrial trips – 2017/2018 financial year figures). This was based on eight (8) bowers that would incur contributions at 200 daily trips per bowser. The nature of the development and size of the facility attracted a standard contribution rate which was arguably not reflective of the daily traffic generation of the development.

Whilst it was acknowledged that the 200 daily trips per pump as stipulated in the Policy is more aligned for a typical retail service station, there was not suitable information provided to accurately determine a suitable trip generation and thus vary the required contribution, when the Application was originally approved.

A notation was included on the consent stating that any Section 4.55(1A) Modified Application should include at least four (4) weeks of trip data after a minimum time of three (3) months of the final Occupation Certificate being issued for the development. It was considered that four (4) weeks would be sufficient in gaining an understanding of vehicle movements.

In order for the Applicant to obtain an Occupation Certificate to permit operation, and in lieu of contribution payment, the Applicant lodged a Bank Guarantee with Council for the required contribution as per the Part 2 consent (being \$760,620.00 based on 2019/2020 financial year rates).

REPORT

1. APPLICATION DETAILS

Owner: Mr Ian E Walker
Applicant: Liberty Oil Corporation Pty Ltd
Consultant: Premise NSW Pty Ltd (Dubbo)

A modified Development Application pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 was lodged with Council on 31 July 2020. The Application seeks approval to modify Condition 3 by way of varying the required Section 7.11 (formally Section 94) Urban Roads Contributions. Condition 3 reads as follows:

“The urban roads headworks contribution of \$747,180.00 (1,400 trips), calculated on a per trip basis, in accordance with Council’s adopted amended Section 94 Contributions Plan - Roads, Traffic Management and Car Parking, operational 3 March 2016, shall be paid by the developer on a pro-rata basis per pump, with the submission of the relevant Occupation Certificate.

Such contribution rate, trip, is adjusted annually in accordance with Section 6.0 of the Section 94 Contributions Plan becoming effective from 1 July each year and as adopted in Council’s annual Revenue Policy.

Note 1: Council’s adopted 2018/2019 financial year rate is \$533.70 per industrial trip.

Note 2: As the above contribution rate is reviewed annually, the current contribution rate is to be confirmed prior to payment.

*Note: 3: Each pump generates 200 daily trips in accordance with Table 4.1 of the Plan.
{Reason: Implementation of Council’s Section 94 Contributions Plan - Roads, Traffic Management and Car Parking dated 2016}”*

The contribution is determined through the size of the building and the use of the development. Table 4.1 of the Urban Roads Contributions Policy lists daily traffic generation rates for different types of development. For service stations, the trip generation is based on 200 trips per pump.

The Applicant has subsequently lodged a modified Development Application to vary Condition 3 only. No physical or operational aspect of the development is proposed to be amended. Following a request for further information by Council on 22 and 28 September 2020, a response was provided on 1 October 2020. The information clarifies average daily trips generated by the development from its commencement of operation on 5 February 2020 to 14 September 2020.

A detailed assessment of the modification proposed has been undertaken and included in this report.

2. LEGISLATIVE REQUIREMENTS – S4.55(1A)

Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 pertains to modifications to a consented to Development Application involving minimal environmental impact. It states:

“A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and**
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 as are of relevance to the development the subject of the application.”

It is considered that the proposed modification will provide negligible environmental impacts and is substantially the same development as the consent which was originally granted. Given there are no physical or operational modifications proposed, neighbouring land owners were not notified of the modified Development Application. It is noted that neighbouring landowners were notified of the original application with no written submissions being received during that exhibition period.

The information detailed below provides an assessment of these areas of the development which will require assessment with Section 4.15 of the Environmental Planning and Assessment Act 1979, as is relevant.

Those areas of the development not discussed below are not considered relevant to the proposed modification.

3. LEGISLATIVE REQUIREMENTS – S4.15(1)(a)

Section 94 Urban Roads Contributions Plan

The Development Application was lodged for the purposes of a service station. Under the Policy, the appropriate land use is a *service station* which has a daily trip generation of 200 trips per pump. Therefore the daily trip generation was deemed to be 1,400, based on seven (7) pumps (bowsers).

Council's Section 94 Contributions Plan – Roads, Traffic Management and Car Parking (also known as Section 94 Urban Roads Contribution Plan) was adopted as amended on 25 February 2008.

In accordance with the adopted Section 94 Plan, Council can consider a request for a review of the contribution in accordance with the Plan, as follows:

“3.6 Flexibility in Imposition of Contributions

This Plan assumes particular land uses and traditional forms of development consistent with a wide range of urban forms. However, not all situations can be predicted and, from time to time, Council may receive applications which do not fit within these assumptions.

Council may consider adjustment or waiver of Section 94 Contributions (either in full or in part) as they apply to individual applications. The following are provided as example of such circumstances:

- (c) *Where the applicant can demonstrate that the development does not generate demand for public amenities or services, or generates demand at a lower quantum than the rates set out in part 4 of this plan.*

Council has a strong preference for a negotiated outcome. However, in the event that an agreement cannot be reached, Council will commission a competent consultant funded by the applicant to resolve the matter.”

It is acknowledged that the trip generation stipulated in the Policy is not a true reflection of the number of trips this type of development would generate. The Applicant in their justification to have the daily trips reduced has identified:

“The development retails fuels for vehicles, the majority of these vehicles being heavy vehicles carrying a large quantity of fuel. The business also caters for the provision of bulk fuel supplies to primarily rural customers.

The proponent maintains that this development would generate significantly less traffic trips than the 200 trips per day contemplated by the urban roads contribution plan as:

- The service station is unmanned and does not provide the additional convenience and ancillary items that the regular retail / light vehicle customers may be looking for*
- The service station’s operational plan is marketed and designed for heavy vehicle use purchasing large amounts of fuel rather than light vehicles frequently purchasing smaller volumes; and*
- The development is conveniently located near the Newell Highway at Brocklehurst. The site is ideally suited for heavy vehicle access, being away from the busier urbanised traffic environment found in closer to the Dubbo CBD and conversely, is not situated in a high traffic flow location that would attract the higher volume retail / light vehicle trade.”*

The Applicant has also provided data of daily traffic numbers. Initially the Applicant provided data for one (1) month from 5 May to 4 June 2020, in accordance with the requirements of Note 1. Despite the Applicant strictly adhering to those requirements, Council raised concerns that due to the COVID-19 pandemic, and the travel restrictions which resulted from this, the data provided may not truly represent traffic generation figures under normal circumstances.

The Applicant was subsequently able to provide data from when the business commenced operations on 5 February 2020 to 14 September 2020. This 7 ½ months of data is considered to be suitable, which summarises traffic generation pre-COVID-19, during the height of any travel restrictions, as well as post peak. It should also be noted that although travel restrictions remain in place, particularly in terms of state border crossings, heavy vehicle movements are not encumbered to the extent of tourist or light vehicle movements. Therefore it is considered that more recent numbers are still reflective of normal conditions despite the travel restrictions currently in place.

The below table summarises the traffic generation figures for the whole site (not per pump) as provided by the Applicant. The Applicant advises that data was automatically recorded each time a customer accessed a pump for the purchase of fuel at the facility.

Month	Sales	Trips	Average Daily Trips
February (24 days)	372	744	31
March (31 days)	649	1298	42
April (30 days)	443	886	30
May (31 days)	327	654	21
June (30 days)	568	1136	38
July (31 days)	1189	2379	77
August (31 days)	771	1542	50
September (14 days)	449	898	64
Average			44

The total daily trip generation therefore equates to 44, and as such the contribution would equate to:

$$\begin{aligned}
 \text{Contribution} &= \$ \text{ industrial rate} \times \text{trips} \\
 &= \$543.30 \text{ (2020/21 financial year rate)} \times 44 \\
 &= \mathbf{\$23,905.20}
 \end{aligned}$$

Therefore, the total contribution required is \$23,905.20, based on 44 daily industrial trips (including administration).

Condition 3 of the consent is subsequently recommended to be modified to reflect the amended contribution figure as follows:

“Within one (1) month of the issue of the Part 4 modified consent, the developer shall pay \$23,905.20 (44 industrial trips) for urban roads headworks contribution, calculated on a per trip basis, in accordance with Council’s adopted amended Section 94 Contributions Plan.

Such contribution rate, per trip, is adjusted annually in accordance with Section 6.0 of the Section 94 Contributions Plan becoming effective from 1 July each year and as adopted in Council’s annual Revenue Policy.

Note 1: Council’s adopted 2020/2021 financial year rate is \$543.30 per industrial trip (including administration).

Note 2: As the above contribution rate is reviewed annually, the current contribution rate is to be confirmed prior to payment.

{Reason: Implementation of Council’s Section 94 Contributions Plan - Roads, Traffic Management and Car Parking dated 2016}”

SUMMARY

The Applicant is seeking development consent to modify an approved Development Application for a service station and two (2) lot subdivision at Lot 4142 DP 1245646, No. 6 Boothenba Road, Brocklehurst.

The proposal seeks to reduce the urban roads contributions that have been levied against this development under Condition 3 pursuant to Council's Section 94 Contributions Plan – Roads, Traffic Management and Car Parking. The Applicant has provided justification through raw traffic data that the proposed use of the site will have a reduced daily trip generation to that initially assessed.

The modified Development Application is consistent with the objectives of the applicable Environmental Planning Instruments, Development Control Plan and Council Policies. Therefore, it is recommended that the subject modified Development Application (D17-238 Part 4) for a service station and two (2) lot subdivision at Lot 4142 DP 1245646, No. 6 Boothenba Road, Brocklehurst, pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, be approved subject to the conditions of consent as set out in **Appendix 1** attached to this report.

Appendices:

- 1 [↓](#) Conditions of Consent
- 2 [↓](#) Development Plan

CONDITIONS**CONDITION (1) AMENDED WITH CONSENT D2017-238 PART 3 TO READ AS FOLLOWS:**

- (1) The development shall be undertaken generally in accordance with the submitted Statement of Environmental Effects (SEE) and the stamped approved plans (including amendments marked in red) except where modified by any of the following conditions:

Drawing Title: Proposed Subdivision Layout Plan (Lease Purposes)
Drawn By: Geolyse Pty Ltd
Date: 18.06.18
Revision: A
Sheet No: TP02 of TP05

Drawing Title: Proposed Overall Site Layout Plan
Drawn By: Premise
Date: 14/06/19
Revision: A
Sheet No: TP01 of TP01

Drawing Title: Stormwater Management Plan
Drawn By: Geolyse Pty Ltd
Date: 20.07.17
Revision: J
Sheet No: C005 of C011

Drawing Title: Proposed Canopy Floor Plan & Section
Drawn By: Geolyse Pty Ltd
Date: 18.06.18
Revision: A
Sheet No: TP04 of TP05

Drawing Title: Proposed Canopy Elevations
Drawn By: Geolyse Pty Ltd
Date: 18.06.18
Revision: A
Sheet No: TP05 of TP05

Drawing Title: Multipurpose Container – Floor Plan
Document No: 1
Date: 29.08.2018
Revision: 2

Drawing Title: Multipurpose Container – Elevations
Document No: 1
Date: 29.08.2018
Revision: 2

{Reason: To ensure that the development is undertaken in accordance with that assessed}

- (2) Prior to the release of any Construction Certificate, a detailed landscaping plan shall be submitted to and approved by Council. The landscaping plan shall include, as a minimum, a mixture of low and medium plants along the western boundary frontage between the proposed driveways.

Additionally, details of all proposed fencing shall be included on the landscaping plan noting that no Colorbond fencing is permitted on or within 10 metres of the front boundary (Transport Drive).

The landscaping as approved, shall be established and maintained to at least the standard specified on the development plans, prior to the release of the Occupation Certificate.

{Reason: To maintain and improve the aesthetic quality of the development}

CONDITION (3) AMENDED WITH CONSENT D2017-238 PART 4 TO READ AS FOLLOWS:

- (3) Within one (1) month of the issue of the Part 4 modified consent, the developer shall pay \$23,905.20 (44 industrial trips) for urban roads headworks contribution, calculated on a per trip basis, in accordance with Council's adopted amended Section 94 Contributions Plan.

Such contribution rate, per trip, is adjusted annually in accordance with Section 6.0 of the Section 94 Contributions Plan becoming effective from 1 July each year and as adopted in Council's annual Revenue Policy.

Note 1: Council's adopted 2020/2021 financial year rate is \$543.30 per industrial trip (including administration).

Note 2: As the above contribution rate is reviewed annually, the current contribution rate is to be confirmed prior to payment.

{Reason: Implementation of Council's Section 94 Contributions Plan - Roads, Traffic Management and Car Parking dated 2016}

- (4) The approved hours of operation for this development are 24 hours, seven (7) days a week.

{Reason: To protect and preserve the amenity of the surrounding locality}

- (5) A separate application for any proposed onsite advertising/signage shall be submitted to Council if such signage does not comply with Part 2, Division 2 of State Environmental Planning Policy (Exempt and Complying Development Codes), 2008.

{Reason: To ensure onsite advertising/signage is appropriate for the site and the locality}

- (6) Temporary closet accommodation shall be provided onsite before work on the proposed buildings is commenced.

{Reason: Council requirement to preserve public hygiene}

- (7) A hoarding, barricade or fence shall be erected between the construction works and any adjoining public place and/or around any road opening or obstruction if pedestrian or vehicular traffic is likely to be endangered, obstructed or inconvenienced by the proposed works.

{Reason: Council requirement for the protection of the public}

CONDITION (8) AMENDED WITH CONSENT D2017-238 PART 2 TO READ AS FOLLOWS:

- (8) All sanitary drainage and water plumbing work shall be carried out by a licensed plumber and drainer.

{Reason: Statutory requirement of Section 634 of the Local Government Act, 1993}

CONDITION (9) AMENDED WITH CONSENT D2017-238 PART 2 TO READ AS FOLLOWS:

- (9) Any sanitary drainage work and internal water plumbing associated with the proposed development requires the issue of a separate approval from Council prior to being installed. In this regard a Drainage and Plumbing Approval Application form is available from Council and must be completed by the licensed plumbing and drainage contractor and returned to Council with the appropriate fee. Plumbing works must not be commenced until Council has issued an approval authorising such works.

{Reason: Statutory requirement of Local Government Act, 1993}

CONDITION (10) AMENDED WITH CONSENT D2017-238 PART 3 TO READ AS FOLLOWS:

- (10) The following applicable works shall be inspected and passed by an officer of Council, irrespective of any other inspection works undertaken by an accredited certifier, prior to them being covered. In this regard, at least 24 hours notice shall be given to Council for the inspection of such works. When requesting an inspection, please quote Council's reference number **D2017-238**.

Advanced notification for an inspection should be made by emailing enviroadmin@dubbo.nsw.gov.au or by telephoning Council's Planning & Environment Division on 6801 4612.

- Internal and external sanitary plumbing and drainage under hydraulic test.
- Any water plumbing, under hydraulic test;
- Any fire services water plumbing under hydraulic test; and
- Final inspection of the installed sanitary and water plumbing fixtures upon the building's completion prior to its occupation/use.

{Reason: Statutory provision and Council requirement being the delegated regulatory authority}

- (11) All roof and stormwater work shall be carried out in accordance with the requirements of the Local Government (General) Regulation and the Plumbing Code of Australia. In this regard the licensee is required to submit to Council a Certificate of Compliance for the subject stormwater work within two (2) days of completion.

{Reason: Statutory and Council requirement}

- (12) The buildings shall not be occupied or used until the Principal Certifying Authority (PCA) has first issued an Occupation Certificate.
{Reason: Statutory requirement to ensure the building is fit for occupation}
- (13) A site rubbish container shall be provided on the site for the period of the construction works prior to commencement of any such work.
{Reason: Council requirement to prevent pollution of the environment by wind-blown litter}
- (14) All excavations associated with the proposed building work and installation of associated services must be properly guarded and protected to prevent them from being dangerous to life or property. Excavations undertaken across or in a public place must be kept adequately guarded and/or enclosed and lit between sunset and sunrise, if left open or otherwise in a condition likely to be hazardous to persons in the public place.
{Reason: Council requirement for protection of public}
- (15) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
{Reason: Prescribed statutory condition under the Environmental Planning and Assessment Act}

CONDITION (16) AMENDED WITH CONSENT D2017-238 PART 2 TO READ AS FOLLOWS:

- (16) Prior to the Occupation Certificate being issued, Council is to be given at least 24 hours notice for Council to carry out an inspection of the completed stormwater drainage and water plumbing installations.
{Reason: To enable an inspection of the development's plumbing and drainage to determine they have been satisfactorily completed}
- (17) Prior to the issue of any Occupation Certificate for the proposed building work, the development's external works, which includes any landscaping, hardstand areas, traffic signage and line marking, vehicular cross-overs and stormwater drainage works, must have been completed in conformity with this development consent; unless the deferment of such works in part or in stages has been agreed to in writing by the consent authority.
{Reason: To ensure the development is completed prior to its occupation and use}

CONDITION (18) AMENDED WITH CONSENT D2017-238 PART 2 TO READ AS FOLLOWS:

- (18) A separate application is to be made to Council, with the appropriate fee being paid, for the provision of a new water meter connection to service proposed Lot 4141.

Note: As Council is the local water supply authority, separate metered connections will be required in respect to the provision of a suitably size domestic water meter and separate fire service meter to the development site.

{Reason: Council policy in respect of industrial developments}

- (19) The provision by the Developer of all sewerage junctions, main extensions and alterations, necessary to provide separate sewerage connection to service proposed Lot 4142 to the satisfaction of Council.

All works are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Design and Construction, with detailed engineering plans being submitted to, and approved by Council prior to any construction works commencing.

Note: In accordance with Council's adopted policy requirements, any construction works required to be undertaken on 'live' sewerage main(s) must be undertaken by Council at full cost to the Developer.

{Reason: Implementation of Council Policy}

- (20) The creation by the developer, under Section 88B of the Conveyancing Act, of a minimum two (2) metre-wide easement in favour of Council, to be centrally located over all Council sewerage mains.
{Reason: Implementation of Council Policy No 2}
- (21) All relevant 'easement(s)' created under Deposited Plan DP584722 over the subject land shall remain in force with this current Development Application to subdivide.
{Reason: To ensure legal rights to infrastructure and the continuation of relevant restrictions}
- (22) Prior to release of the Subdivision Certificate, the submission to Council of evidence that an electricity supply has been provided to each lot within the proposed subdivision by way of a Certificate of Acceptance/Notice of Arrangement as issued by the electricity supply authority (Essential Energy).
{Reason: To ensure the orderly provision of infrastructure}
- (23) The provision by and at full cost to the Developer of culverted concrete vehicular driveway shall be constructed generally in accordance with Council's standard STD5205, Cross Section A-A, however, being of an industrial standard (ie, minimum concrete thickness to be 200mm and utilising a double layer of F82 reinforcing mesh).

The access driveways are to be designed and constructed of sufficient width at the roadway and the property boundary alignment such that a 'Road Train' 36.5m in length (utilising the Austroads design templates, and a turning speed of 5-15 km/hr) is able to access the subject land in a forward motion from the through travel lane(s) of Transport Drive without the need to cross over onto the wrong side of the road at any time.

In this respect the Developer must have approved by Council, prior to the issue of the building's Construction Certificate, full and detailed hydraulic design calculations and drawings of the proposed driveways.

All works are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series – Design and Construction at full cost to the Developer.

Should Council's Development Engineer (or his representative) not undertake the required inspections as detailed in the abovementioned Council standard(s), then a detailed list of inspections undertaken by an accredited private certifier verifying compliance with the abovementioned Council standard(s) will be required to be lodged with Council prior to release of the Subdivision Plan.

Inspections required:

Council's Development Engineer (or his representative) shall be given at least 48 hours notice prior to any inspections. Inspections shall be obtained at the following stages:

- Site inspection prior to any construction works commencing;
- Prior to backfill of pipe culverts;
- Prior to placement of (or pouring of cast-in-situ) headwalls; and
- Prior to bitumen-sealing of the gravel pavement.

{Reason: To provide a satisfactory means of access from the roadway to the boundary of the subject land}

(24) All driveways, hard stand areas and parking areas shall be drained to Council's satisfaction, specifically including the following:

- Designed for both the 20 and 100 year storm events discharging to the proposed stormwater detention basin located on Lot 417 DP 857156 as detailed on Geolyse Project No. 116030 Sheet C005 of C011, set 03J, dated 20.07.2017; and
- Be undertaken in accordance with Road and Maritime Services correspondence dated 18 July 2017.

In this respect the Developer must have approved by Council, prior to the issue of the building's Construction Certificate, full and detailed hydraulic design calculations and drawings of the proposed development's stormwater drainage system.

All works are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series – Design and Construction at full cost to the Developer.

{Reason: To achieve a satisfactory means and method of stormwater drainage disposal from the proposed development}

(25) The creation by the developer, under Section 88B of the Conveyancing Act, of an 'easement to drain water' burdening Lots 416 and 417 DP 857156 and proposed Lot 4142 and benefitting proposed Lots 4141 and 4142.

{Reason: To allow the development to legally discharge stormwater onto the adjoining land}

(26) Any alteration/damage to the road or road shoulder including utility services, shall be repaired/restored at full cost to the Developer and in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction Standards.

{Reason: Implementation of Council Policy}

(27) Under no circumstances are any construction works or activities to commence on or within the road reserve area (which includes the footpath area) until such time as a 'Road Opening Application' has been lodged with and approved by Council. As part of the proposed works encroaches onto Transport Drive (and/or road) areas, a separate 'Road Opening Application' (Section 138 Application under the Roads Act, 1993) will be required to be made to Council's Technical Services Division, plus payment of any appropriate fee(s).

Prior to the issue of the Subdivision Certificate/Occupation Certificate for the proposed development, the developer/applicant is to provide the Principal Certifying Authority (PCA) with written evidence/confirmation that the required S138 Application was lodged with Council and that any relevant condition(s) have been complied with.

{Reason: Implementation of Council's Policy and Section 138 of the Roads Act, 1993}

- (28) All vehicles must enter and exit the subject land and proposed development in a forward direction. No reversing of vehicles onto the public roadway system will be permitted.
{Reason: To provide safety for the travelling public utilising the public roadways}
- (29) All loading and unloading of goods related to the development proposal shall be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system be permitted.
{Reason: Requirement of Council so as not to create adverse traffic conditions}
- (30) No materials, goods, plant or vehicles associated with the proposed development shall be stored, displayed or placed for advertising purposes outside the allotment's boundary.
{Reason: Implementation of Council's Policy Codes}
- (31) The proposed 'advertising sign' (and any content contained thereon) is not to replicate or be of a similar content to any 'Traffic Regulatory Sign(s)'. The signage is not to flash, move or be objectionably glaring or luminous. The advertising signage must not be a distraction to drivers, in respect to dynamic displays, inappropriate advertising or excessive numbers of advertising sign(s).
{Reason: To maintain the integrity of Traffic Advisory/Regulatory Signage and to protect the amenity of the travelling public utilising the surrounding roadways}
- (32) No vehicles larger than a 'Road Train' 36.5 m in length (utilising the Austroads design templates) are permitted to access the subject land and development proposal.
{Reason: The internal manoeuvrability and access to the subject land and proposed development will only facilitate Road Train 36.5 m in length or vehicles of lesser dimensions at this location}
- (33) No buildings or structures of any standard (including advertising structures) shall be erected over Council's existing sewerage main(s) or are to be located within the existing 'easement(s) to drain sewage' or 'proposed easement to drain'.
{Reason: Implementation of Council's adopted Policy 'Building Over or Adjacent to Council's Sewerage Pipeline'}
- (34) Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure that the appropriate regulatory authority (eg Office of Environment and Heritage (OEH), WorkCover Authority, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Note: Such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.

{Reason: Council requirement to prevent the contamination of the environment}

- (35) All solid waste from construction and operation of the proposed development shall be assessed, classified and disposed of in accordance with the Department of Environment and Climate Change - Waste Classification Guidelines. Whilst recycling and reuse are preferable to landfill disposal, all disposal options (including recycling and reuse) must be undertaken with lawful authority as required under the Protection of the Environment Operations Act.

{Reason: Council requirement to require compliance with the POEO Act}

- (36) Waste construction materials including soil arising from the development must be disposed of at an appropriately licensed waste facility.

{Reason: Council requirement to ensure environmentally safe disposal}

- (37) Noise from the development (L_{Aeq}) shall not exceed the background (L_{A90}) by more than 5dB(A) at any time including any allowance for impulsiveness and tonal characteristics when measured at the most affected residence.

{Reason: Council requirement to prevent the generation of a noise nuisance}

- (38) Construction work shall only be carried out within the following time:

Monday to Friday:	7 am to 6 pm
Saturday:	8 am to 1 pm
Sunday and public holidays:	No construction work permitted

{Reason: Council requirement to reduce the likelihood of noise nuisance}

CONDITION (39) AMENDED WITH CONSENT D2017-238 PART 2 TO READ AS FOLLOWS:

- (39) A SPEL unit or similar treatment system shall be installed to treat the stormwater collected from underneath the canopy and within the bunded area. This treated stormwater shall then discharge to the detention basin situated on Lot 417 to the east, via the site stormwater system, before discharging to the highway corridor at pre development flows.

Such treatment system shall be installed and maintained in accordance with the submitted risk assessment report titled *"SPEL Risk Assessment Report For LIBERTY OIL CORPORATION Located on BURRAWAY STREET, BROCKLEHURST"* dated 11/09/2018.

It is noted that the proposed arrangement of the stormwater collection and treatment of drainage from the high risk areas should result in a stormwater discharge from the subject site that is similar in quality to stormwater flowing in the highway table-drain.

{Reason: Council requirement to prevent the contamination of the environment}

- (40) Prior to the release of any Occupation Certificate, the Plan of Subdivision shall be registered with the NSW Land Property Information.

Note: Such Plan of Subdivision should also create the required easement to drain water burdening Lots 416 and 417 DP 857156 and proposed Lot 4142 and benefitting proposed Lots 4141 and 4142, as required with Condition 25.

{Reason: To ensure the development is undertaken as approved}

(41) Entry and exit points to and from the proposed development shall be delineated and sign-posted to at least the standard outlined in Chapter 3.5 of the Dubbo Development Control Plan 2013. In this regard, the following is required as a minimum:

- No entry signs facing Transport Drive shall be erected on each side of the northernmost proposed driveway;
- No entry signs facing the site shall be erected on each side of the southernmost proposed driveway;
- Delineation painted on each driveway demonstrating vehicle directions in accordance with Chapter 3.5.12.5 of the Dubbo Development Control Plan 2013.

Such signage and delineation is required to be completed prior to the release of any Occupation Certificate.

{Reason: Implementation of Dubbo DCP 2013}

(42) Erosion and Sedimentation Control shall be implemented onsite prior to any site disturbance works being commenced and shall remain, in a maintained condition, until all site works are completed.

{Reason: Implementation of Council policy to reduce sediment pollution}

(43) The signage shall not flash, be animated, be excessively luminous or glow. In this regard, the illuminated signage shall not have an illumination level above 1,200cd/m² (candelas per square meter).

{Reason: To ensure the signage does not provide a distraction for passing motorists}

CONDITION (44) AMENDED WITH CONSENT D2017-238 PART 2 TO READ AS FOLLOWS:

(44) The top of the office building's overflow (relief) gully shall be a minimum 150 mm below the building's lowest sanitary fixture.

The building's overflow (relief) gully shall also:

- (a) Be a minimum 75 mm above the finished surrounding ground level; or
- (b) Where the overflow (relief) gully is located in a path or paved area which is finished such that surface water cannot enter it and is graded away from the building, it may be finished level with such path or paved area.

{Reason: Statutory requirement}

CONDITION (45) ADDED WITH CONSENT D2017-238 PART 2 TO READ AS FOLLOWS:

(45) Prior to the Occupation Certificate being issued a maintenance agreement for the stormwater quality treatment device shall be completed with an appropriately qualified service provider as recommended by the device manufacturer. A copy of a current service agreement shall be kept on the premises at all times and be available for inspection upon request by Authorised Council Officers. Copies of all service records and waste disposal receipts shall be kept on the premises and also be available for inspection by Council Officers upon request.

{Reason: Council requirement to ensure efficiency of the treatment device is maintained}

CONDITION (46) ADDED WITH CONSENT D2017-238 PART 2 TO READ AS FOLLOWS:

- (46) The freestanding sign fronting Burraway Road shall be contained wholly within the subject land and shall not impeded sight lines of traffic and/or pedestrians within, when passing, entering or departing the site and the intersection of Burraway Road and Transport Drive.

{Reason: Requirements from Roads and Maritime Services}

NOTES

- (1) Should a Modified Application under Section 96 of the Environmental Planning and Assessment Act 1979 be submitted to Council to vary the Section 94 Urban Road Contributions imposed under Condition 3, a minimum of four (4) weeks of data will be required at least three (3) months after a minimum of four (4) pumps (excluding Adblue pumps) have been installed.

If data is submitted for less than eight (8) pumps (excluding Adblue pumps), such data will need to be interpolated so as the total trips relate to eight (8) pumps.

- (2) A separate application is required to be submitted to either Council or an accredited certifier to obtain a Construction Certificate to permit the erection of the proposed buildings.
- (3) On completion of the erection of the subject Refuelling Canopy building, the owner of the building is required, where applicable, to submit to the Principal Certifying Authority (PCA) a Fire Safety Certificate(s) with respect to each essential fire safety measure installed in association with the building - as listed on any Fire Safety Schedule attached to the Construction Certificate. Such certificate(s) must be submitted to the PCA prior to occupation or use of the subject building.

Copies of the subject Fire Safety Certificate(s) must also be forwarded by the owner to Council (if not the appointed PCA) and the Commissioner of Fire and Rescue NSW and displayed within the subject building in a prominent position.

NOTATION (4) AMENDED WITH CONSENT D2017-238 PART 2 TO READ AS FOLLOWS:

- (4) If Council is engaged to act as the Certifying Authority for the Fuelling Canopy's and Office building's Construction Certificate application(s) the following shall be included where applicable, with such application:
- (a) Type and location of required portable fire extinguishers.
Note: Class B extinguishers would be required for the flammable/combustible liquid hazard associated with the fuelling bowser canopy; and Class A for the office building, pursuant to Table E1.6 of the BCA;
- (b) Specifications detailing the proposed building's compliance with the relevant

- provisions of Section J *Energy Efficiency* of the BCA i.e. Part J6;
- (c) Details demonstrating that a continuous accessible path of travel for disabled persons is provided from the allotment boundary at a point of entry from Transport Drive, to the principal pedestrian entrance of the office building. The design for such access must be in accordance with the BCA and the *Disability (Access to Premises – Buildings) Standards 2010* under the DDA. Otherwise any exemption relied upon under clause D3.4 (if deemed-to-satisfy solution utilised), or a performance solution prepared under Part A0 of the BCA to address the applicable Performance Requirements under the BCA and Access Code, would need to be submitted;
 - (d) Details demonstrating the provision of disabled access to and within the subject office building as required by the BCA and Access Code; or any exemption relied upon under clause D3.4 (if deemed-to-satisfy solution utilised), or a performance solution prepared under Part A0 of the BCA to address the applicable Performance Requirements under the BCA and Access Code;
 - (e) Details demonstrating the provision of disabled accessible sanitary facilities for use in association with the office building, or any exemption relied upon under clause D3.4 (if deemed-to-satisfy solution utilised), or a performance solution prepared under Part A0 of the BCA to address the applicable Performance Requirements under the BCA and Access Code;
 - (f) A detailed stormwater design for the developments roof and surface stormwater drainage system, incorporating any design details specified in the conditions of consent;
 - (g) Existing and finished site contours and levels indicating the extent of any cut and fill; and methods (eg retaining walls) proposed to be implemented to retain the batters associated with any such cut and fill;
 - (h) All structural details including specifications and design drawings and statement(s)/certificate(s) by the design engineer stipulating the Australian Standards that the design complies with, including its design wind load parameters;
 - (i) Submission of a list of all existing and proposed essential fire safety measures applicable to the building(s). Note: Such list must consider all essential fire safety measures associated with the whole building, and will include such external measures such as street hydrants.
- (5) Insufficient details were provided to Council with the Development Application to fully assess the operation of the proposed service station to ascertain the need or otherwise of a potential trade waste discharge. Thus the conveyance of effluent from the proposed development into Council's sewerage system may constitute a trade waste discharge. Should this be the case, a Trade Waste application would need to be completed (accompanied with all required drainage, discharge and capacity details, pre-treatment devices and installation details), and submitted to Council. Before the issue of the building's Construction Certificate, the developer (or operator of the proposed business) is to consult with Council's Water Supply and Sewerage Client Services Coordinator to ascertain the need or otherwise for a trade waste discharge. No effluent will be permitted to be discharged to Council's sewer until the required Trade Waste Approval has been obtained and all required pre-treatment devices have been installed and passed by Council.

- (6) Offensive noise as defined under the Protection of the Environment Operations Act, 1997 shall not be emitted from the proposed development.

Air impurities as defined under the Protection of the Environment Operations Act, 1997 shall not be released or emitted into the atmosphere in a manner which is prejudicial to the health and safety of occupants, the surrounding inhabitants or the environment.

- (7) Please note that the [Protection of the Environment Operations \(Underground Petroleum Storage Systems\) Regulation 2014](#) (UPSS Regulation) clarifies the statutory requirements for the management and operation of Underground Petroleum Storage System (UPSS) infrastructure in NSW.

The UPSS Regulation aims to ensure that UPSS management follows industry best practice to prevent land and groundwater contamination caused by leaking UPSS. The EPA is currently the appropriate regulatory authority for implementing the UPSS Regulation.

UPSS have the potential to leak, leading to expensive clean-up bills and damage to the environment. The UPSS Regulation requires owners and operators to regularly check for leaks in the fuel tanks and pipes used to store and handle petroleum products as well as meeting minimum standards in their day-to-day environmental management of these storage systems.

- (8) The Council Section 94/64 Contribution Plans referred to in the conditions of this consent may be viewed without charge at Council's Civic Administration Building, Church Street, Dubbo between the hours of 9 am and 5 pm, Monday to Friday. Copies are also available from www.dubbo.nsw.gov.au
- (9) The development shall be carried out in accordance with Essential Energy's correspondence dated 24 May 2017 (copy attached).
- (10) Fees and contributions in respect to this application will be those applicable at the date of release of the Subdivision Certificate.
- (11) Following compliance with all conditions of this Development Consent, the applicant should apply to Council, with lodgement of the Subdivision Certificate application and payment of the prescribed fee, for release of the Linen Plan(s) of Subdivision which will be duly released

NOTATION (12) ADDED WITH CONSENT D2017-238 PART 2 TO READ AS FOLLOWS:

- (12) The sanitary, water plumbing and drainage associated with the proposed building work requires the issue of a separate approval from Council prior to being installed. In this regard a Drainage and Plumbing Approval Application form is available from Council, and must be completed by the licensed plumbing and drainage contractor and returned to Council with the appropriate fee. Drainage or plumbing works must not be commenced

until Council has issued a permit authorising such works.

This approval does not negate the statutory requirement for the plumbing and drainage licensee to provide to Council as the delegated Plumbing Regulator, the Notice of Work (NoW), Certificate of Compliance (CoC) and Sewerage Service Diagram (SSD) as prescribed under the Plumbing and Drainage Act 2011, for the proposed sanitary drainage/plumbing and domestic water plumbing works.



REPORT: R20-3 Nanima Sewage Treatment Plant (STP) Rezoning

AUTHOR: Growth Planning Projects Leader - Digital Futures
REPORT DATE: 13 October 2020
TRIM REFERENCE: ID20/1223

EXECUTIVE SUMMARY

Council is in receipt of a Planning Proposal to rezone part of Lot 244 DP 756920 (No. 300 Nanima Village Road, Wellington) from RU5 Village to SP2 Infrastructure in the Wellington Local Environmental Plan (LEP) 2012 in order to facilitate an upgrade of the existing Nanima Village Sewage Treatment Plant (STP). A copy of the Planning Proposal is provided here in **Appendix 1**.

In 2017, Public Works Advisory identified that the existing STP ponds are leaking. Upgrade of the existing STP is considered the most economical option to stop leakage and to ensure that the STP meets the needs of the Nanima Village community and relevant regulatory wastewater requirements.

The subject site is zoned RU5 Village in the Wellington LEP 2012. However, STPs are a prohibited land use in this zone. Rezoning the site to SP2 Infrastructure will facilitate a streamlined approval of the upgrade works required and will more accurately reflect the existing use of the site.

Council's assessment indicates that the Proposal has strategic merit and it is recommended that it be submitted to the Department of Planning, Infrastructure and Environment (DPIE) to seek a Gateway Determination.

It is also recommended that Council request to use its delegations under Section 3.36 of the Environmental Planning and Assessment Act, 1979 to draft the subject amendments. Following receipt of the Gateway Determination, Council will place the draft amendment on public exhibition and undertake consultation in accordance with the Gateway Determination.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

The Planning Proposal is provided for consideration and endorsement to seek a Gateway Determination from the DPIE. Receipt of a Gateway Determination from the DPIE will allow Council to conditionally undertake an amendment to the Wellington LEP 2012.

RECOMMENDATION

- 1. That the report of the Growth Planning Project Leader – Digital Futures dated 13 October 2020 be noted.**
- 2. That the Planning Proposal provided here in Appendix 1 be submitted to the NSW Department of Planning, Industry & Environment for a Gateway Determination to rezone part of Lot 244 DP 756920 from RU5 Village to SP2 Infrastructure;**
- 3. That Council seek authority from the Department of Planning Industry and Environment to exercise its Delegations in relation to the plan making functions under Section 3.36 of the Environmental Planning & Assessment Act 1979.**
- 4. That subject to issue of a Gateway Determination, following the completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal.**

Carmel O'Connor

Growth Planning Projects Leader - Digital Futures

BACKGROUND

Council is in receipt of a Planning Proposal to rezone part of No. 300 Nanima Village Road, Wellington (part Lot 244 DP 756920) from RU5 Village to SP2 Infrastructure in the Wellington LEP 2012.

Figure 1 - Subject Site



Figure 2 - Local Context



The site is currently zoned RU5 Village in accordance with the Wellington LEP 2012 (Figure 3). The subject site is at the north eastern corner of the property and is the site of the current Nanima Village STP.

The existing STP is owned by the Wellington Local Aboriginal Land Council, managed by DPIE-Water and operated under contract by Dubbo Regional Council (DRC). The DPIE-Water and DRC have identified a need to upgrade the existing STP in order to overcome a number of issues with the current STP, including to refurbish the existing treatment ponds which show evidence of leakage and the construction of a new oxidisation pond to ensure adequate treatment of exiting sewage loads.

The site is zoned RU5 Village in accordance with the Wellington LEP 2012. As STPs are prohibited in the RU5 zone, an amendment to the LEP is required to allow for the required upgrades.

The Planning Proposal seeks to rezone the site (Figure 4) of the existing STP from RU5 Village to SP2 Infrastructure. The SP2 Zone is listed as a 'prescribed zone' under State Environmental Planning Policy (Infrastructure) 2007, which means that if the site is rezoned to SP2 Infrastructure, the upgrade works could be delivered through a streamlined planning process under the provisions of Part 5 of the *Environmental Planning and Assessment Act 1979*.

REPORT

1. Site Description

The subject site is located approximately 3.4 km to the south-east of the town of Wellington and 180 m to the east of Nanima Village. At its closest, the site is approximately 15 m from the Macquarie River.

The site of the proposed rezoning is approximately 1.3 Ha in area and is surrounded by Nanima Village to the west, agricultural activities to the north and the Macquarie River to the east.

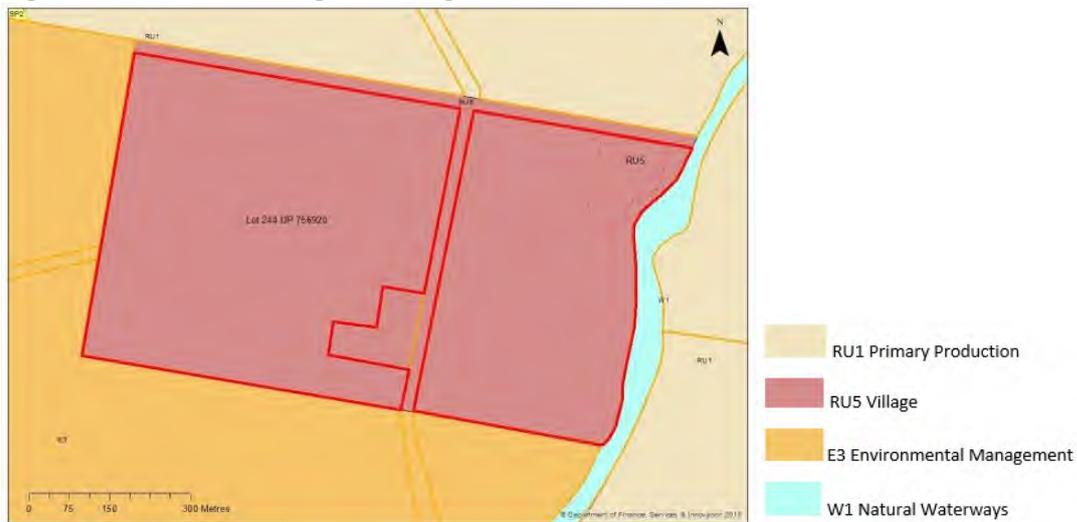
2. Wellington LEP 2012

(a) Zoning

The subject site is zoned RU5 Village in accordance with the Wellington LEP 2012 (refer Figure 3). The objectives of the RU5 Village Zone in accordance with the Wellington LEP 2012 are:

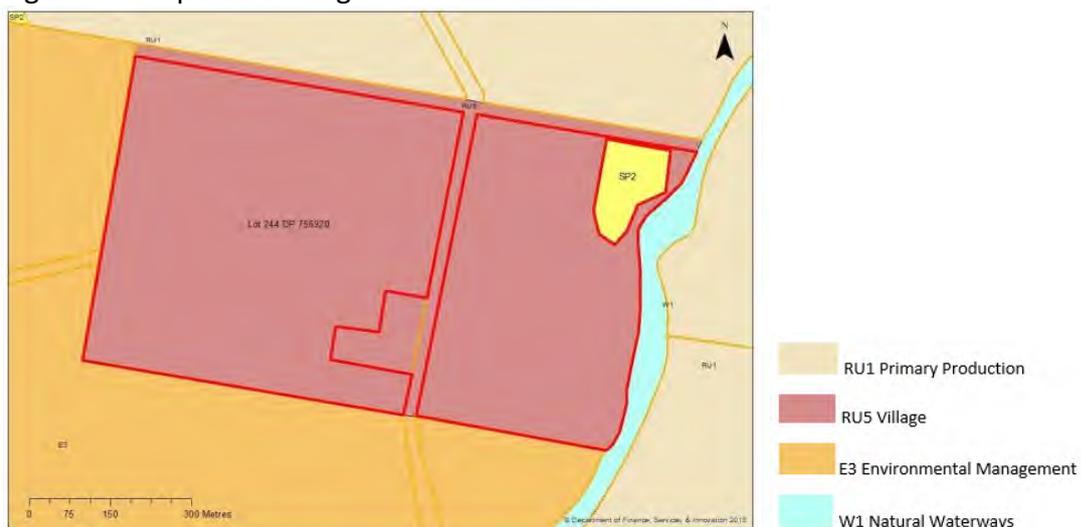
- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To encourage and provide opportunities for population and local employment growth commensurate with available services.*
- *To minimise the impact of non-residential uses and ensure these areas are in character and compatible with the surrounding residential development.*

Figure 3 - Current Zoning – Wellington LEP 2012



Source: Public Works Advisory, 2020

Figure 4 - Proposed Zoning



Source: Public Works Advisory, 2020

It is considered that the existing zoning does not accurately reflect the current use of the site as an STP.

(b) Flooding

The site is not identified as being within the Flood Planning Area in accordance with the Wellington LEP 2012. However Council's internal flood mapping indicates that the site is partially within the 1 in 100 year flood event plus .5 m freeboard level (Figure 5).

Figure 5 - 1 in 100 year flood event + .5 m freeboard level

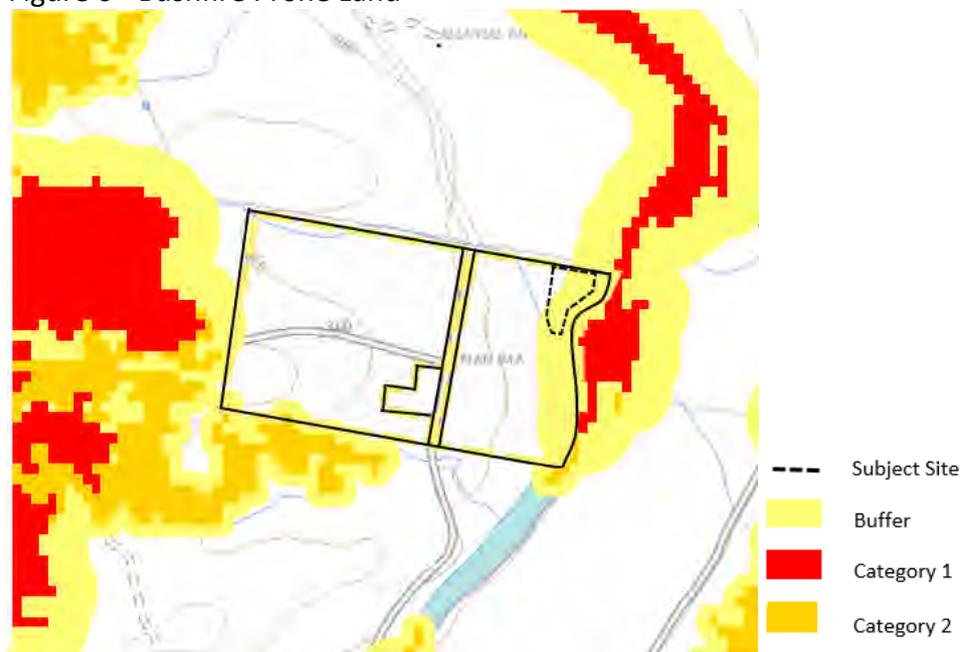


Source: Dubbo Regional Council, 2020

(c) Bushfire Prone Land

The site is identified as partially subject to bushfire buffer in accordance with the draft Wellington Bushfire Prone Land Map (Figure 6).

Figure 6 - Bushfire Prone Land

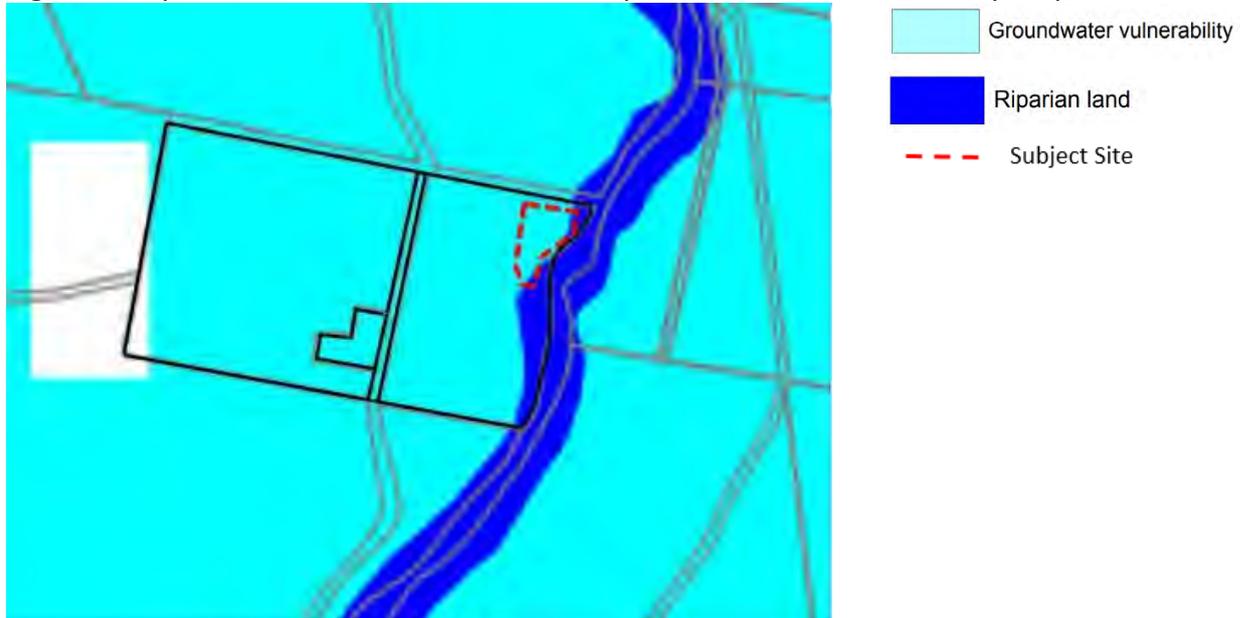


Source: NSW Planning Portal, 2020

(d) Riparian Lands/Groundwater Vulnerability

The site is identified as subject to groundwater vulnerability and contains riparian lands in accordance with the Wellington LEP 2012 (Figure 7).

Figure 7 - Riparian Lands and Watercourses Map, Groundwater Vulnerability Map



Source: Wellington LEP, 2012

3. Assessment

(a) Flooding

The site is not identified as subject to the Flood Planning Area in accordance with the Wellington LEP 2012. However Council's internal flood mapping indicates that the site is partially within the 1 in 100 year event plus .5 m freeboard level.

The proposed rezoning will facilitate upgrade works to the existing STP resulting in improved environmental outcomes including flood impact mitigation. Future upgrade works to the STP will be undertaken utilising the provisions of Part 5 of the *Environmental Planning and Assessment Act 1979*, which will require consideration of flooding impacts at the assessment stage.

(b) Biodiversity

The subject site is highly disturbed and has been completely cleared of native vegetation as a result its long term use as an STP. Upgrade of the existing facility will result in improved environmental outcomes.

Future upgrade works to the STP will be undertaken utilising Part 5 of the *Environmental Planning and Assessment Act 1979* which will require consideration of flooding impacts at the assessment stage.

(c) Aboriginal Archaeology

An Aboriginal heritage due diligence assessment was undertaken by OzArk Environment and Heritage Management in 2020. The assessment did not find items of Aboriginal cultural heritage present on the site. State and Commonwealth Heritage Registers also indicate that there are no listed items present on the site.

(d) Groundwater Vulnerability/Water Quality

The site is identified as being subject to groundwater vulnerability in accordance with the Wellington LEP 2012 and is located adjacent to the Macquarie River. The existing facility was constructed in the 1990s and consists of a gravity reticulation system and two oxidisation ponds and one evaporation pond. Investigations by Public Works Advisory have identified leakage of existing oxidisation ponds, likely into the Macquarie River via sub-surface route.

The proposed rezoning will facilitate upgrade works to the STP, including lining of existing treatment ponds to prevent subsurface leakage into the Macquarie River, thereby improving water quality outcomes.

Future development on the site will be undertaken through Part 5 of *the Environmental Planning and Assessment Act 1979*, any impacts on groundwater or water quality will be addressed at this stage.

(e) Bushfire

The site is identified as partially within the bushfire zone in accordance with the draft Wellington Bushfire Prone Land Maps.

The proposal will be referred to the Rural Fire Service in accordance with the Gateway Determination and assessment of bushfire impacts of any future development on the site will be assessed as part of the environmental assessment phase undertaken under Part 5 of the *Environmental Planning and Assessment Act 1979*.

(f) Wellington LEP 2012

The objectives of the SP2 Zone in accordance with the Wellington LEP 2012 are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

It is considered that the existing STP and proposed upgrade works are consistent with the above objectives of the SP2 Zone. The proposed rezoning will more accurately reflect the current use of the site for an infrastructure related purpose as well as reducing potential landuse conflict by ensuring correct landuse identification.

4. Strategic Merit Test

In August 2016, the Department of Planning and Environment, introduced the Strategic Merit Test to determine if a Planning Proposal demonstrates strategic and site specific merit to proceed to the Gateway.

Based on the Strategic Merit Test outlined in the Department's publication, A Guide to Preparing Local Environmental Plans, December 2018, a brief summary of the Strategic Merit Test is provided below:

(a) Will the proposal give effect to the relevant regional plan outside of the Greater Sydney Region?

Central West and Orana Regional Plan

The Proposal will assist in achieving the directions and actions of the Central West and Orana Regional Plan as described below:

Direction 12. Plan for Greater Compatibility of Use

The Proposal will more accurately reflect the existing use of the site as a STP and will result in greater land use compatibility with the adjoining Nanima Village and will facilitate improvement to the existing operations and improved public health outcomes for the residents of Nanima Village.

Direction 13. Protect high environmental value assets through local environmental plans.

The Proposal seeks to rezone the subject site to reflect its current use as a STP. This proposed rezoning would facilitate upgrade works to the existing facility through Part 5 of the *Environmental Planning and Assessment Act 1979* which would ultimately result in an improved treatment plant and prevent groundwater pollution adjacent the Macquarie River.

Direction 14. Manage and conserve water resources for the environment.

The Proposal will facilitate maintenance and augmentation works to improve the existing STP operations which have resulted in groundwater leakage into the Macquarie River from existing sewerage treatment ponds.

Direction 21. Coordinate utility infrastructure investment

The Proposal will result in the efficient and streamlined delivery of maintenance and augmentation works to the existing STP. The proposal will also prevent the need to establish and construct STP infrastructure in a new location thereby encouraging and facilitating investment in existing infrastructure.

Direction 24. Collaborate with Aboriginal Communities

The subject site is owned by the Wellington Aboriginal Land Council, the Proposal has been prepared on behalf of DPIE-Water who manages the facility on the Land Council's behalf. The Proposal will facilitate the improved operation of the existing STP for the residents of Nanima Village.

(b) Is the Planning Proposal responding to a change in circumstances; such as investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans?

The Planning Proposal seeks to rectify an anomaly that resulted in the site's current RU5 Village Zoning under the Wellington LEP 2012. The site should be correctly identified as SP2 Infrastructure which will enable future maintenance and augmentation work under Part 5 of the *Environmental Planning and Assessment Act 1979*.

(c) Does the Proposal have site specific merit having regard to the following?

(i) The natural environment (including known significant environmental values, resources or hazards)?

The subject site has been occupied by the Nanima Village STP since the early 1990s, as a consequence it is highly disturbed and completely cleared of native vegetation.

Council's internal mapping identifies the site as partially within the 1 in 100 year flood plus .5 m freeboard level.

Environmental impacts are addressed in section 3 of this Report.

(ii) The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.

The Proposal is not responding to a change in circumstances, it will not change the use of the subject site for STP infrastructure, rather it will ensure it is zoned correctly, thereby preventing future landuse conflict.

The Proposal will also facilitate upgrade of the existing STP resulting in improved environmental outcomes for the locality and will ensure it can cater for any future expansion of the Nanima Village and can comply with public health regulations.

(iii) The services and infrastructure that are available to meet the demands arising from the Proposal and any proposed financial arrangements for infrastructure provision.

The Proposal will facilitate upgrade of the existing Nanima Village STP and will ensure it can cater for any future expansion of the Nanima Village. The proposal is the most cost effective option for upgrade of the existing STP infrastructure.

d) Is the Proposal consistent with a Council's local strategy or other local strategic plan?

Dubbo Regional Local Strategic Planning Statement

It is considered that the Proposal will give effect to *Planning Priority 1. Plan for the delivery of infrastructure to support growth*, through facilitating augmentation works to improve the operation of the existing Nanima Village STP to support Nanima Village now and in the long term.

The Proposal is also consistent with *Planning Priority 11: Plan for growth in villages* as the Proposal will ensure that the existing STP can adequately provide for the existing village and any potential future expansion.

i) 2040 Community Strategic Plan

The Community Strategic Plan is a long term plan produced by Council that aims to guide and influence the actions and initiatives of the Dubbo Regional Council, State Government and the community to 2040.

The Plan sets out five (5) visions to reflect the priorities of the local community. The proposal is consistent with and will give effect to the Infrastructure and Liveability visions as summarised below:

Infrastructure Vision

Strategy 2.3.1 '..water and sewer infrastructure and services comply with appropriate regulations to meet the current and future needs of the community..'

The Proposal will ensure appropriate zoning for an existing STP and in doing so, will facilitate the streamlined planning pathway for its future augmentation and maintenance. This work will ensure that the STP operation satisfies relevant public health guidelines.

Liveability Vision

5.1.1 'Our towns and villages are sustainable and promoted for their range of lifestyle opportunities and being attractive and welcoming'

The Proposal will facilitate upgrade works to the existing Nanima Village STP, ensuring sustainability by improving local environmental outcomes and the existing STP can cater for expansion of Nanima Village.

5.3.3 'The health, education and socio-economic status of the Aboriginal Community is improved'.

Proposal will facilitate an upgrade of the existing Nanima Village STP and future proof the facility against potential negative public health impacts. Upgrade works will deliver infrastructure quality of standard that can cater for resident growth of Nanima Village.

Section 9.1 Directions

A number of Section 9.1 Directions are applicable to the subject proposal. As provided in Attachment 1, it is considered that the proposal is consistent with the majority of relevant directions and presents only a minor inconsistency.

State Environmental Planning Policies

A number of State Environmental Planning Policies apply to the proposal. As provided in Attachment 1, it is considered that the proposal is consistent with the relevant SEPPs.

5. Environmental Social and Economic Impact

- (a) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The subject land is highly disturbed and there is currently no native vegetation present. It is not considered that the Planning Proposal would result in any adverse impact to critical habitat or threatened species populations or ecological communities, or their habitats.

- (b) Are there any other environmental factors as a result of the proposal and how are they proposed to be managed?**

The Proposal will facilitate upgrade of the existing Nanima Village STP which may generate environmental impacts. However the subject site has been used for STP infrastructure since the early 1990s and the intent of the upgrades is to improve environmental outcomes in the locality.

It is anticipated that future upgrades works would be carried out under Part 5 of the *Environmental Planning and Assessment Act 1979* at which time an environmental assessment of proposed works would be undertaken.

- (c) Has the Planning Proposal addressed any social and economic impacts?**

The Proposal has adequately addressed the economic and social impacts of the proposal.

The Proposal will result in a more accurate landuse zone for the existing STP resulting in more certainty and security for the landowners. The Proposal will also ensure that the existing facility can accommodate any future expansion of Nanima Village as well as improved environmental outcomes for the local community and compliance with public health regulations.

SUMMARY

Council is in receipt of a Planning Proposal to rezone the site of the existing Nanima Village STP from RU5 Village to SP2 Infrastructure in the Wellington LEP 2012. The proposal was submitted by Public Works Advisory on behalf of DPIE Water. The site is owned by the Wellington Local Aboriginal Land Council.

The purpose of the Proposal is to facilitate upgrade works to the existing STP that are required to prevent pond leakage into the Macquarie River, ensure compliance with public health requirements and to accommodate residential growth of Nanima Village.

The Proposal is considered consistent with the relevant State and Local Government Strategic Plans and it is recommended that it be forwarded to the DPIE for Gateway Determination and that Council request to use its delegation under Section 3.36 of the *Environmental Planning and Assessment Act 1979* to draft the subject amendments.

Appendices:

1 [↓](#) Planning Proposal - Nanima Village Sewage Treatment Plant



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Contents

Abbreviations.....	1
1. Background.....	2
2. Part 1 – Objectives or Intended Outcomes	3
3. Part 2 – Explanation of Provisions	5
4. Part 3 – Justification.....	6
5. Part 4 – Maps.....	27
6. Part 5 – Community Consultation.....	29
7. Part 6 – Project Timeline	30
8. References	A-1
Appendix A Aboriginal Heritage Due Diligence Assessment– OzArk Environment and Heritage Pty Ltd	A-1
Appendix B Database Searches	B-1

Tables

Table 3-1: Proposed Rezoning.....	5
Table 4-1: Consistency with SEPP's	10
Table 4-2: Consistency with s.9.1 Directions.....	13
Table 4-3 Site Summary Table	26



Abbreviations

DRC	Dubbo Regional Council
DPIE - Water	Department of Planning, Industry & Environment - Water
LEP	Local Environmental Plan
PP	Planning Proposal
SEPP	State Environmental Planning Policy
STP	Sewage Treatment Plan



1. Background

This Planning Proposal has been prepared by Public Works Advisory on behalf of the Department of Planning, Industry & Environment - Water (DPiE - Water) in accordance with the requirements of Section 3.33 of the Environmental Planning & Assessment Act 1979 (EP&A Act) and the NSW Department of Planning, Industry and Environment's (DPiE) guidelines; *A Guide to Preparing Planning Proposals* (DPE, 2018) and *Guide to Preparing Local Environmental Plans* (DPE, 2018).

DPiE - Water is seeking to rezone a small portion of one land parcel (Lot 244 DP 756920) via an amendment to the *Wellington Local Environmental Plan 2012* (Wellington LEP) to facilitate the management and augmentation of the existing Sewage Treatment Plant (STP) which services Nanima Village, located in Central West NSW. The amendment would allow the STP works to proceed under the provisions of the *State Environmental Planning Policy (Infrastructure) 2007*.

The existing Nanima Village STP site is zoned RU5 Village, as shown in Figure 2-3. The site is owned by the Wellington Local Aboriginal Land Council (LALC) managed by DPiE - Water and operated under contract by Dubbo Regional Council (DRC). DPiE - Water and DRC have identified the need to upgrade the existing STP plant to overcome a number of deficiencies, namely to refurbish the existing treatment ponds which show evidence of leaking. In addition to the construction of a new oxidation pond at the site is needed to ensure adequate treatment of existing sewage loads.

The RU5 land use zone is not a prescribed zone under *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) and sewage treatment plants are prohibited within the RU5 land zone under the Wellington LEP. An amendment to the Wellington LEP is therefore required to facilitate any future upgrade and maintenance works for the Nanima Village STP.

This Planning Proposal seeks to address the above anomaly by rezoning a portion of the land parcel to SP2 Infrastructure, to provide for increased planning certainty and to more accurately reflect the STP site's current and future land use purpose.

2. Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to amend the *Wellington Local Environmental Plan 2013* by rezoning a portion of one parcel (Lot 244 DP 756920), to accurately reflect the existing or intended use of the land for sewerage scheme infrastructure, and to enable a streamlined approval pathway for future essential STP infrastructure operation and management.

A location map, aerial view land zoning map of the site proposed for rezoning is provided in Figure 2-1 to Figure 2-3.

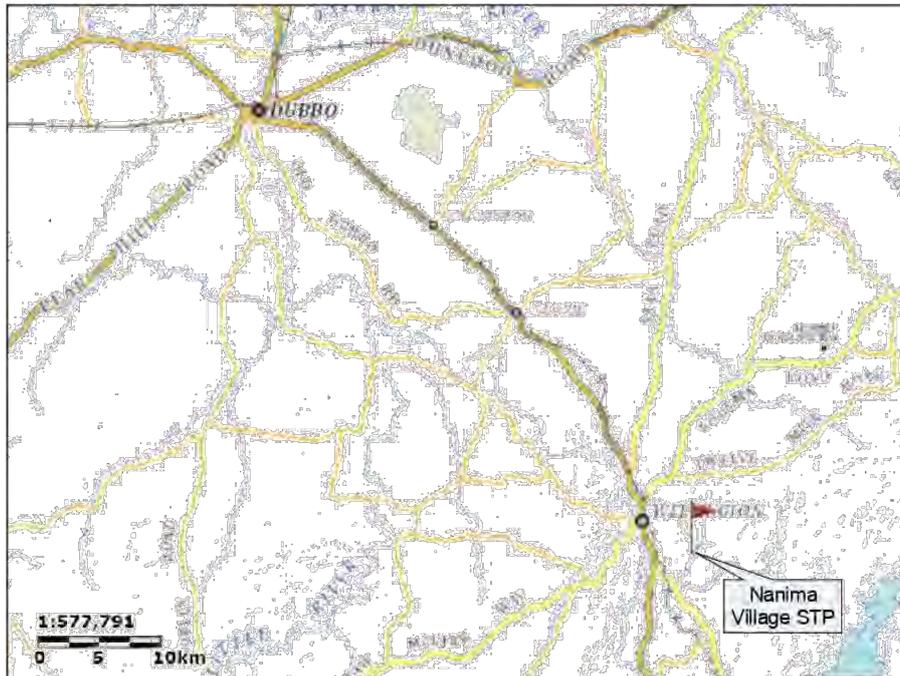


Figure 2-1: Location map of proposed rezoning site in relation to Wellington and Dubbo

Source: SIX Maps, June 2020



Figure 2-2 Location of existing Nanima Village STP site in relation to Nanima Village

Source: SIX Maps, accessed June 2020



Figure 2-3 Nanima Village STP Site - Land Zoning Map

Source: NSW Planning Portal Spatial – Land Zoning Map Layer



3. Part 2 – Explanation of Provisions

This planning proposal seeks to amend the Wellington LEP 2012 to rezone the parcel of land as presented in Table 3-1 below.

Table 3-1: Proposed Rezoning

Asset	Lot & DP	Current Zoning	Proposed Zoning	Land Classification	How it would be achieved
Nanima Village STP	244//DP756920	RU5 Village	SP2 Infrastructure (part Lot 244//DP756920)	Operational	Amend Map Sheet LZN_004 by applying SP2 Infrastructure (Sewerage System)



4. Part 3 – Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

The need for the Planning Proposal is not the direct result of any strategic study or report; however, the proposal can be linked to the directions contained within the “Nanima Village Sewage Treatment Plant (STP) Options Study”, prepared by Public Works Advisory (2017) for the DPIE – Water, Aboriginal Communities Water and Sewerage Program and DRC. The study presented options for the augmentation of the Nanima Village STP. The Options Study identified the current deficiencies of the STP and detailed options for the required augmentation of STP.

The existing wastewater system which was constructed in the early 1990's, consists of a gravity reticulation system and an STP consisting of two oxidation ponds and one evaporation pond. The Options Study identified that it is suspected that the clay liner of the oxidation ponds has failed and the ponds are leaking, likely to the adjacent Macquarie River via a sub-surface route.

After site inspection of the STP, it was recommended that lining of the existing oxidation ponds be undertaken to prevent further leakage from the ponds. The alternative option is the transfer of sewage back to the Wellington Sewage Treatment Plant (STP) but this is considered an uneconomical option, due to the local topography which would require high head pumping and a long transfer main. Therefore, the Options Study recommends that upgrade of the existing STP and the ponds liner replacement option should be implemented as the most economical option and due to additional environmental considerations such as reduced energy usage.

Specifically, the Options Study identifies the need for major capital works to augment the existing STP to meet the needs of the Nanima Village community and improve the wastewater treatment infrastructure.

This Planning Proposal is in keeping with the Options Study as it seeks to amend the existing Wellington LEP which will;

- (i) improve outcomes by facilitating the planning process to enable a more streamlined approval process for critical sewerage system infrastructure for Nanima Village , particularly where changes to current legislation may restrict or inhibit such development; and
- (ii) reduce potential impacts on the local community by reducing potential land use conflicts through the clear identification of existing and future land use of the existing STP site.

The Planning Proposal is consistent with and will facilitate the key aim of the Options Study

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. It is considered that this Planning Proposal is the most appropriate and available means of achieving the objective.

The Planning Proposal will provide for suitable zoning for existing and future sewerage infrastructure operation at the STP for Nanima Village; thereby providing the community with certainty of the land use and reducing the potential for land use conflict in the future for ongoing management and operation of the STP. It will allow for Council's development assessment planners to use the visual cue on the land zoning map to ensure that consideration is given to



potential impacts such as odour, noise, security and safety issues etc rising from the existing STP within the SP2 zoned land on adjacent future development, and will also provide accurate land use information for prospective purchasers of adjacent land.

Providing an appropriate land use zoning for the existing sewerage infrastructure at the Nanima Village STP site will also facilitate approval for the much needed upgrade and any future maintenance of this essential community infrastructure facility, by removing the anomaly associated with the current land use zone. The Nanima STP and associated wastewater infrastructure is currently prohibited within the existing RU5 Village land use zone under both the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) and Wellington LEP. Rezoning of the Nanima Village STP site to a fit for purpose prescribed land use zone would also reduce the risk to the approval process in the event that provisions of the Infrastructure SEPP or other environmental planning instrument changes in the future.

This Planning Proposal is considered consistent with the strategies undertaken by a number of Councils, including Bega Valley, Wagga Wagga and Albury Councils, who have mapped their infrastructure facilities as SP2 Infrastructure in their Standard Instrument LEP's for similar reasons.

Section B – Relationship to strategic planning framework.

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, subregional or district plan or strategy (including any exhibited draft plans or strategies)?

Central West and Orana Regional Plan 2036

The Central West and Orana Regional Plan 2036 (DoP, 2017) reflects the region's future vision to create a leading diverse regional economy in NSW, with a vibrant network of centres leveraging the opportunities of being at the heart of NSW. The Plan aims to meet the needs of changing communities, particularly for the ageing population, by promoting greater housing choices, improved housing affordability, access to health and education services and public and community transport. The Plan provides a guide to the NSW Government's land use planning priorities and decisions over 20 years to 2036, to achieve the following main goals:

- The most diverse regional economy in NSW;
- A stronger, healthier environment and diverse heritage;
- Quality freight, transport and infrastructure networks; and
- Dynamic, vibrant and healthy communities.

The Plan is considered an overarching framework that guides more detailed land use plans, development proposals and infrastructure funding decisions. The implementation plans that accompany the Central West and Orana Regional Plan provides a series of priority actions and identifies medium and longer term actions to coincide with population and economic growth.

The Central West and Orana Regional Plan acknowledges the importance of providing services and infrastructure required to support projected population growth and the ultimate economic growth in the region.

The Plan sets out a total of 29 directions to achieve the four main goals of the Plan. Each Direction is underpinned by number of actions to assist in achieving each goal.



The following directions are considered relevant to this planning proposal:

- Direction no. 12: Plan for greater land use compatibility
- Direction no. 14: Manage and conserve water resources for the environment
- Direction no. 21: Coordinate utility infrastructure investment
- Direction no. 22: Manage growth and change in regional cities and strategic and local centres
- Direction no. 24: Collaborate and partner with Aboriginal communities

These directions and associated actions aim to achieve all four main goals of the Plan.

The actions addressed under the above directions include the planning for, and prioritise services and infrastructure investment to for positive public health, environmental and water security outcomes; and to maximise cost efficiencies and coordinate the delivery of the different assets as well as develop a coordinated strategic approach to public infrastructure, including sewerage scheme infrastructure such as the Nanima Village STP.

The Planning Proposal is consistent with Direction 12 and 24 of the Central West and Orana Regional Plan as it will seek to reduce existing and future land use conflicts at Nanima Village by clearly identifying the planned and intended use of land for wastewater treatment infrastructure within the village. It will facilitate the upgrade of the existing deficient, leaking STP which will thereby provide safer, fit for purpose sewage treatment infrastructure, which will improve public health outcomes for the Nanima Village community and also reduce environmental pollution risks associated with groundwater resources and the adjacent waterway, for healthier environmental outcomes in accordance with the Direction no. 14 and 22 and 24 of the Plan.

Additionally, in rezoning the identified site, future Nanima Village STP infrastructure upgrades and maintenance can be more efficiently delivered through a more streamlined planning process utilising the provisions of Part 5 of the *Environmental Planning and Assessment Act 1979*. This would be more cost effective overall, avoiding development application fees and associated administrative and resources costs. The Planning Proposal would facilitate the augmentation of the existing infrastructure at the site, thereby reducing the need to establish large critical infrastructure in a new location. This would provide certainty and enabling lower risk construction timetables, which is also considered consistent with the Direction no. 12 and 21 of the Plan.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Dubbo Regional Council Local Strategic Planning Statement 2020 (draft)

The draft Local Strategic Planning Statement (LSPS) was prepared by Dubbo Regional Council in 2020 to develop a plans for the economic, social and environmental land use needs of the community over the next 20 years. It sets land use planning priorities to ensure that the Local Government Area (LGA) can thrive both now and in the future, and that future development is appropriate in a local context.

Theme 1 (Infrastructure) of the Strategic identifies the priority to *plan for the delivery of infrastructure to support growth and acknowledges that key infrastructure and services, including the provision of sewer infrastructure, needs to be provided to further enhance the quality of life for the community, maintain and attract economic growth.*



DPIE - Water Planning Proposal
Rezoning for Nanima Village Sewage Treatment Plant

This Planning Proposal seeks to achieve a correct and consistent zoning for sewerage infrastructure located within the Nanima Village community. This will provide for a more streamlined approval pathway and will reduce the impact future changes in the provisions of the Infrastructure SEPP may have on a public authority's ability to determine or enable infrastructure facilities on the land. This will ensure that DPIE – Water and DRC can continue to provide the efficient delivery of sewerage system infrastructure to the Nanima community and ensures consistency with the LSPS. It will enable DPIE – Water and DRC to readily upgrade existing STP facilities to cater for the predicted growth in the village, in line with the Local Strategic Planning Statement.

Dubbo Region Community Strategic Plan

The Community Strategic Plan is a long-term visionary plan that aims to guide and influence the actions and initiatives of Dubbo Regional Council, the community, all tiers of government and community stakeholders over a 22 year period through to 2040.

After an extensive community engagement, the Community Strategic Plan sets out five visions which reflect the priorities of the community of Dubbo regional Council, these themes include:

- Housing;
- Infrastructure;
- Economy;
- Community Leadership; and
- Liveability.

A number of goals are sitting under each outcome, and a number of strategies have been developed to assist in achieving these outcomes.

This Planning Proposal is considered to be consistent with the visions of the Dubbo Region Community Strategic Plan, and in particular the 'Infrastructure' theme; Strategy no. 2.3: which states that *'Infrastructure meets the current and future needs of our community'* specifically, Strategy 2.3.1 which states that *'Council's water and sewer infrastructure and services comply with appropriate regulations to meet the current and future needs of the community...'*, as this Planning Proposal seeks to achieve correct zoning for existing sewerage infrastructure within Nanima Village, in order to facilitate the provision of fit for purpose sewerage infrastructure that would meet the needs of the residents of Nanima.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with the applicable State Environmental Planning Policies (SEPPs) as detailed in Table 4-1.



Table 4-1: Consistency with SEPP's

State Environmental Planning Policy (SEPP)	Statement of Consistency
SEPP 1 – Development Standards	Not Applicable – replaced by clause 4.6 of the Wellington LEP as the mechanism for any variation to development standards
SEPP 19 – Bushland in Urban Areas	Not Applicable – does not apply to Dubbo Regional Council
SEPP 21 – Caravan Parks	Consistent – the Planning Proposal will not result in any development applicable under this SEPP
SEPP 33 – Hazardous and Offensive Development	Consistent – the Planning Proposal may result in development requiring assessment under this SEPP. This would be addressed during the environmental assessment phase.
SEPP 36 – Manufactured home estates	Consistent – the Planning Proposal will not result in any development applicable under this SEPP
SEPP 47 – Moore Park Showground	Not Applicable – does not apply to Dubbo Regional Council
SEPP 50 – Canal Estate Development	Consistent – the Planning Proposal will not result in any development applicable under this SEPP
SEPP 55 – Remediation of Land	Consistent – future developments would need to consider and comply with this SEPP however the SEPP does not inhibit the proposed development occurring on the site
SEPP 64 – Advertising and Signage	Consistent – the Planning Proposal will not result in any development applicable under this SEPP
SEPP 65 – Design Quality of Residential Apartment Development	Consistent – the Planning Proposal will not result in any development applicable under this SEPP
SEPP 70 – Affordable Housing (Revised Schemes)	Consistent – the Planning Proposal will not result in any development applicable under this SEPP
SEPP Aboriginal Land	Not Applicable – does not apply to Dubbo Regional Council
SEPP Activation Precincts	Not Applicable – does not apply to Dubbo Regional Council
SEPP Affordable Rental Housing	Consistent – the Planning Proposal will not result in any development applicable under this SEPP



DPIE - Water Planning Proposal
Rezoning for Nanima Village Sewage Treatment Plant

State Environmental Planning Policy (SEPP)	Statement of Consistency
SEPP Building Sustainability Index: BASIX	Consistent – the Planning Proposal will not result in any development applicable under this SEPP
SEPP Coastal Management	Consistent – the Planning Proposal will not result in any development applicable under this SEPP
SEPP Concurrences	Consistent – the Planning Proposal will not result in any development applicable under this SEPP
SEPP Education Establishments and Child Care Facilities	Consistent – the Planning Proposal will not result in any development applicable under this SEPP
SEPP Exempt and Complying Development	Consistent – future developments would need to consider and comply with this SEPP however the SEPP does not inhibit the proposed developments occurring on site.
SEPP Gosford City Centre	Not Applicable – does not apply to Dubbo Regional Council
SEPP Housing for Seniors or People with a Disability	Consistent – the Planning Proposal will not result in any development applicable under this SEPP
SEPP Infrastructure	Consistent – The Planning Proposal will ensure the stated aim of the SEPP - <i>improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services</i> – will be achieved by providing for consistent land use zoning for the existing Nanima Village STP infrastructure.
SEPP Koala Habitat Protection	Not Applicable – does not apply to Dubbo Regional Council
SEPP Kosciuszko National Park – Alpine Resorts	Not Applicable – does not apply to Dubbo Regional Council
SEPP Kurnell Peninsula	Not Applicable – does not apply to Dubbo Regional Council
SEPP Mining, petroleum Production and Extractive Industries	Consistent – the Planning Proposal will not result in any development applicable under this SEPP
SEPP Miscellaneous Consent Provisions	Consistent – the Planning Proposal will not result in any development applicable under this SEPP
SEPP Penrith Lakes Scheme	Not Applicable – does not apply to Dubbo Regional Council



DPIE - Water Planning Proposal
Rezoning for Nanima Village Sewage Treatment Plant

State Environmental Planning Policy (SEPP)	Statement of Consistency
SEPP Primary Production and Rural Development	Consistent – the Planning Proposal will not result in any development applicable under this SEPP
SEPP State and Regional Development	Consistent – the Planning Proposal will not result in any development applicable under this SEPP
SEPP State Significant Precincts	Consistent – the Planning Proposal will not result in any development applicable under this SEPP
SEPP Sydney Drinking Water Catchment	Not Applicable – does not apply to Dubbo Regional Council
SEPP Sydney Region Growth Centres	Not Applicable – does not apply to Dubbo Regional Council
SEPP Three Ports	Not Applicable – does not apply to Dubbo Regional Council
SEPP Urban Renewal	Consistent – the Planning Proposal will not result in any development applicable under this SEPP
SEPP Vegetation in Non-Rural Areas	Consistent – future developments would need to consider and comply with this SEPP however the SEPP does not inhibit the proposed developments occurring on site.
SEPP Western Sydney Employment Area	Not Applicable – does not apply to Dubbo Regional Council
SEPP Western Sydney Parklands	Not Applicable – does not apply to Dubbo Regional Council



Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

This section addresses consistency with applicable Section 9.1 Ministerial Directions. A summary of the consistency is provided in Table 4-2.

Table 4-2: Consistency with s.9.1 Directions

S9.1 Direction	Objective	Assessment	Consistency
1.1 Business and Industrial Zones	To encourage employment growth in suitable locations; To protect employment land; To support viability of identified centres.	This direction is not applicable to the planning proposal	N/A
1.2 Rural Zones	To protect the agricultural production value of rural land	This direction applies when a planning proposal affects land within an existing or proposed rural zones. The planning proposal is consistent with this direction as it does not seek to rezone land from rural to any of the stated zones (i.e. residential, business, industrial, village or tourist zones), rather it seeks to rezone the land from rural to SP2 Infrastructure. The site located in rural land subject to this planning proposal contains existing sewerage infrastructure and is not currently used for rural purposes.	Yes
1.3 Mining, Petroleum Production and Extractive Industries	To ensure future extraction of State or regionally significant coal etc are not compromised	This direction is not applicable to the planning proposal	N/A



DPIE - Water Planning Proposal
Rezoning for Nanima Village Sewage Treatment Plant

S9.1 Direction	Objective	Assessment	Consistency
1.4 Oyster Aquaculture	To protect oyster aquaculture areas ensure they are adequately considered in planning proposals	This direction is not applicable to the planning proposal	N/A
1.5 Rural Lands	To protect the agricultural production value of rural land and facilitate the development of rural land for rural purposes	This direction applies when a planning proposal affects land within an existing or proposed rural or environmental protection zone. However, this direction is not applicable to the planning proposal as the site is not located in one of the applicable rural land zones.	N/A
2.1 Environment Protection Zones	To protect and conserve environmentally sensitive areas	This direction is not applicable to the planning proposal	N/A
2.2 Coastal Management	To protect and manage coastal areas of NSW	This direction applies when a planning proposal affects lands that is within the coastal zone comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area. This direction is not applicable to the planning proposal as the site is not located in the coastal zone.	N/A
2.3 Heritage Conservation	To conserve items, area, objects and	This direction applies to all planning proposals and requires provision to be made that facilitate the conservation of heritage items.	Yes



DPiE - Water Planning Proposal
Rezoning for Nanima Village Sewage Treatment Plant

S9.1 Direction	Objective	Assessment	Consistency
	places of environmental significance and indigenous heritage significance.	The proposal is consistent with these principles as any future development on the site will be subject to Aboriginal cultural heritage assessment as part of the environmental approval process. A summary of the Aboriginal Cultural heritage assessment is provided in Table 4-3. Further details are provided in Appendix A.	
2.4 Recreation Vehicle Areas	To protect sensitive land from adverse impacts from recreational vehicles.	This direction is not applicable to the planning proposal	N/A
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's	To ensure a balanced and consistent approach is taken when applying environmental protection zones on land in the Far North Coast	This direction is not applicable to the planning proposal	N/A
2.6 Remediation of Contaminated Land	To reduce the risk of harm to human health and the environment associated with land contamination and remediation	<p>This direction applies to land on which development for a purpose referred to in Table 1 of the contaminated land planning guidelines is being, or is known to have been, carried out.</p> <p>The planning proposal is inconsistent with the sub-clause 2(b) direction as it will affect a site where a waste treatment activity is being carried out.</p> <p>The planning proposal is however considered to satisfy sub-clause 4(b) as the planning proposal does not involve a change of the existing use of the land and</p>	Yes



DPiE - Water Planning Proposal
Rezoning for Nanima Village Sewage Treatment Plant

S9.1 Direction	Objective	Assessment	Consistency
		the land is suitable in its existing state for the purpose for which land in the SP2 Infrastructure zone is permitted to be used. However, any future development proposals would need to ensure contamination and remediation of the land is adequately addressed in the environmental assessment.	
3.1 Residential Zones	To encourage a variety and choice of housing types To make efficient use of existing infrastructure To minimise impacts of residential development on the environment	This direction is not applicable to the planning proposal as the planning proposal will not affect land within a residential zone.	N/A
3.2 Caravan Parks and Manufactured Home Estates	To provide for a variety of housing types To provide opportunities for caravan parks and manufactured home estates	This direction is not applicable to the planning proposal	N/A
3.3 Home Occupations	To encourage the carrying out of low impact small	This direction is not applicable to the planning proposal	N/A



DPiE - Water Planning Proposal
Rezoning for Nanima Village Sewage Treatment Plant

S9.1 Direction	Objective	Assessment	Consistency
	business in homes		
3.4 Integrating Land Use and Transport	To ensure that urban structures and land uses provide improved access choices.	This direction is not applicable to the planning proposal	N/A
3.5 Development near Regulated Airports and Defence Airfields	To ensure the effective and safe operation of regulated airports and defence airfields and that their operation is not compromised by development in the vicinity	This direction is not applicable to the planning proposal	N/A
3.6 Shooting Ranges	To maintain public safety and amenity, reduce land use conflict and identify issues when rezoning land for shooting ranges	This direction is not applicable to the planning proposal	N/A
3.7 Reduction in non-hosted short	To mitigate impacts of short-	This direction is not applicable to the planning proposal	N/A



DPIE - Water Planning Proposal
Rezoning for Nanima Village Sewage Treatment Plant

S9.1 Direction	Objective	Assessment	Consistency
term rental accommodation period	term rental accommodation where non-hosted short term rental accommodation period are reduced, and ensure views of the community are considered.		
4.1 Acid Sulfate Soils	To avoid significant adverse environmental impacts from acid sulfate soils	This direction applies to land identified as containing acid sulfate soils. This direction is not applicable to the planning proposal, as the site is not identified as containing acid sulfate soils on Acid Sulfate Soils Planning Maps	N/A
4.2 Mine Subsidence and Unstable Land	To prevent damage to life, property and the environment on land identified as unstable or subject to mine subsidence	This direction is not applicable to the planning proposal	N/A
4.3 Flood Prone Land	To ensure development of flood prone land is consistent with NSW policy	This direction applies when a planning proposal creates, removes or alters a zone or a provision that affects flood prone land. The site is partially affected by flooding based on Council's internal flood mapping. The planning proposal is inconsistent with this direction as it plans to	Yes



DPIE - Water Planning Proposal
Rezoning for Nanima Village Sewage Treatment Plant

S9.1 Direction	Objective	Assessment	Consistency
	To ensure the provisions of an LEP on flood prone land include consideration of the potential flood impacts	<p>rezone land from Rural to Special Purpose (SP2). It would also permit development without consent for any future works on the site.</p> <p>The planning proposal is however considered to satisfy sub-clause 9(b) as, due to the small size of the land parcel and type of development / activity on the site, any inconsistencies would be of minor significance. It is further noted that any future development would require detailed assessment of flooding as part of the environmental impact assessment process and design considerations.</p>	
4.4 Planning for Bushfire Protection	<p>To protect life, property and the environment from bushfire hazards</p> <p>To encourage sound management of bush fire prone areas</p>	<p>This direction applies to a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. A section of the site is mapped as buffer</p> <p>This Planning Proposal is considered consistent within this direction as it meets the following requirements:</p> <ul style="list-style-type: none"> • Consultation with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination • Any future development on the site will consider asset management zones and fire management measures. • Any future development on the site will consider bushfire planning, hazards and controls in accordance with <i>Planning for Bushfire Protection 2006</i> • The proposed development at the site is not anticipated to increase the level of bush fire risk to the existing community. 	Yes
5.1 Implementation of Regional Strategies	To give legal effect to the vision, land use strategy, policies, outcomes and actions contained	This direction is not applicable to the planning proposal	N/A



DPIE - Water Planning Proposal

Rezoning for Nanima Village Sewage Treatment Plant

S9.1 Direction	Objective	Assessment	Consistency
	in regional strategies.		
5.2 Sydney Drinking Water Catchment	To protect water quality in the Sydney drinking water catchment	This direction is not applicable to the planning proposal	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	To ensure that the best agricultural land will be available for current and future generations	This direction is not applicable to the planning proposal	N/A
5.4 Commercial and Retail Development along the Pacific Hwy, North Coast	To manage commercial and retail development along the Pacific Hwy	This direction is not applicable to the planning proposal	N/A
5.5 – 5.8	Revoked	-	-
5.9 North West Rail Link Corridor Strategy	To promote transit-oriented development around the NWRL	This direction is not applicable to the planning proposal	N/A
5.10 Implementation of Regional Plans	To give legal effect to the vision, land use	This direction applies to land to which a Regional Plan has been released by the Minister for Planning.	Yes



DPIE - Water Planning Proposal

Rezoning for Nanima Village Sewage Treatment Plant

S9.1 Direction	Objective	Assessment	Consistency
	strategy, goals, directions and actions contained in Regional Plans	This planning proposal is consistent with this direction as it meets the provisions of the Central West and Orana Regional Plan 2036.	
5.11 Development of Aboriginal Land Council land	To provide for the consideration of development delivery plans prepared under <i>State Environmental Planning Policy (Aboriginal Land) 2019</i>	This direction is not applicable to the planning proposal	N/A
6.1 Approval and Referral Requirements	To ensure that LEP provisions encourage the efficient and appropriate assessment of development	This direction applies when preparing a planning proposal and this planning proposal is meets the requirements of this direction.	Yes
6.2 Reserving Land for Public Purposes	To facilitate the provision of public services and facilities	This direction applies when preparing a planning proposal and this planning proposal is consistent with the provisions of this direction, as the section of the lot is proposed to be rezoned for a public purpose.	Yes
6.3 Site Specific Provisions	To discourage unnecessarily restrictive site-	This direction applies when a planning proposal allows a particular development to be carried out.	Yes



DPIE - Water Planning Proposal
Rezoning for Nanima Village Sewage Treatment Plant

S9.1 Direction	Objective	Assessment	Consistency
	specific planning controls	This planning proposal is consistent with this direction as it will rezone the section of the subject lot to an existing zone (SP2) which is already included in the environmental planning instrument and will not impose any additional development standards or requirements	
7 Metropolitan Planning	Relate to Sydney Metropolitan Area	These directions are not applicable to the planning proposal.	N/A

**Section C – Environmental, social and economic impact**

Q7. Is there any likelihood that critical habitat or threatened species populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

A desktop assessment comprising State and Commonwealth database searches (NSW Bionet Atlas, NSW SEED Map and Commonwealth Protected Matter Search Tool) was undertaken to inform the Planning Proposal and specifically to identify whether the land parcel is likely to contain critical habitat or threatened species populations or ecological communities, or their habitats. A copy of the database searches is provided in Appendix A.

A summary of the outcomes from the desktop assessment is provided in Table 4-3.

The land parcel subject to this Planning Proposal has not been identified for future development, but rather has been identified as a zoning anomaly, in that it contains existing sewerage infrastructure which is not reflected by the current land zone (refer Table 4-3 below). Rezoning this site would facilitate ongoing maintenance and upgrade of the STP through a streamlined planning process.

The STP site is disturbed, entirely cleared of native vegetation and has low biodiversity constraints. It is considered that utilising the existing disturbed site to upgrade the STP would result in a better environmental outcome than development of new sewage treatment facilities for Nanima Village on an entirely new site.

Any future development on the site would be subject to an environmental assessment under the provisions of Part 5 of the EP&A Act in which consideration of impacts on critical habitat, threatened species and ecological communities would be undertaken.

It is not considered that the Planning Proposal would result in any adverse impact to critical habitat or threatened species populations or ecological communities, or their habitats

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposed rezoning of the site will allow development that may generate a range of environmental impacts including impacts to water quality, soils etc. It is noted however that the site contains existing sewerage infrastructure which has been in operation for over 25 years and that the proposed upgrade is considered to result in improved environmental outcomes through rectifying known deficiencies. Furthermore, any future use of the site for infrastructure purposes would require a detailed environmental assessment to support the development.

An Aboriginal heritage due diligence assessment undertaken by OzArk Environment and Heritage Management included an assessment of the Aboriginal heritage sensitivity of the STP site. A summary of the outcomes from the report is provided in Table 4-3. The assessment based on database searches, reviews of previous studies, a site inspection and consideration of surrounding landforms and the extent of disturbance at the site. The assessment determined that there were no Aboriginal cultural heritage constraints at the site. Furthermore, a search of the State and Commonwealth Heritage Registers identified that the subject sites does not contain any listed heritage items.

Whilst the Planning Proposal may facilitate ongoing operation and an upgrade of the STP which has the potential to result in environmental effects, it is considered that impacts could be adequately managed through appropriate design in accordance with best practice guidelines and an



environmental assessment in accordance with the provisions of the EP&A Act and other relevant environmental legislation including the *National Parks and Wildlife Act 1979*, which verify potential site constraints and offer measures to manage any identified impacts.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The proposed rezoning will allow an upgrade of the STP that may generate a range of environmental impacts which may in turn, impact on the Nanima Village community such as through the generation of noise, odour, and traffic during construction and operation. It is noted that the site includes existing sewage treatment infrastructure where no change of use is planned; and augmentation would result in a reduction to potential odour and water pollution impacts during operation of the STP.

The Planning Proposal would allow for the augmentation of the Nanima Village STP which currently has the potential to impact on the community due to its aging treatment process components which require upgrading. The reduction in the area of RU5 land use zone in the LGA would comprise a very small reduction overall (approximately 1.3 ha). This is not considered to result in a significant or noticeable reduction in rural village land use in the area, or significantly impact on future economic potential of the village.

The upgrade of STP infrastructure into the adjacent (western) area of the existing Nanima Village STP site would result in a minor reduction in the buffer to existing residential lots. There is a low potential for elevated odour impacts to the community and the southern area of site is mapped as flood prone land. These considerations would need to be addressed through the environmental assessment and design considerations including supporting technical studies, in order to avoid any potential land use conflicts. It is noted that the Nanima STP site is constrained to the north, south and east due to a property boundary, existing treatment infrastructure and a waterway, respectively.

The augmentation of the Nanima Village STP will safeguard against potential negative public health impacts and will ensure compliance with regulatory wastewater requirements (i.e. NSW EPA). Additionally; it is considered that facilitating the augmentation of the Nanima Village STP will enhance the residential development of the village by servicing the existing and forecasted population growth in Nanima.

The proposed rezoning will have a positive social and economic effect for Nanima by correctly identifying land for the purpose of sewerage infrastructure. This will enable the land owners (Wellington LALC) and community to identify the existing and future use of the land; and allow DPIE – Water and DRC to follow a streamlined assessment pathway, reflective of the nature of this critical infrastructure, which is enabled through the *State Environmental Planning Policy (Infrastructure) 2007*.

In rezoning the Nanima Village STP site, wastewater infrastructure can be more efficiently managed and operated through a streamlined planning process utilising the provisions of Part 5 of the *Environmental Planning and Assessment Act 1979*. This would be more cost effective overall, avoiding development application fees and associated administrative and resources costs. The Planning Proposal would facilitate the augmentation of existing infrastructure, thereby reducing the need to establish large critical infrastructure in a new location. This would provide certainty and enable lower risk construction timetables and costing.



It is considered that the social and economic effects arising from the Planning Proposal would be limited and predominantly positive, as discussed above.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Not applicable. The Planning Proposal will provide for essential upgrade and operation of existing public sewage treatment infrastructure to meet the current and future residential development requirements of Nanima Village

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation required with relevant agencies and government departments would be confirmed in the Gateway Determination.

The government agencies identified for consultation with regard to the Planning Proposal include:

- NSW Health
- NSW EPA
- NSW Environment, Energy and Science
- NSW Rural Fire Service



Table 4-3 Site Summary Table

Site: Nanima Village STP site (Part Lot 244 DP 756920)	
Zone	RU5 - Village
General Site Notes	Existing STP - Cleared and highly disturbed from previous land development activities
Subject Site Aerial	
Land Disturbance	Yes - STP development
Veg EEC / TEC	EEC/TEC - No. Plant Community Type (PTC) Mapped as Not native (PTCID: 0)
Recorded Threatened Species Sighting	No - No recorded threatened species sighting at the site
Biodiversity Constraint Level	Low Terrestrial Biodiversity - No Wetlands - No Groundwater Vulnerability - Yes
Bushfire Prone	Yes - Vegetation Buffer (part site)
Mapped Hazards	Acid Sulfate Soils - No Landslide Risk - No Salinity - No Environmentally Sensitive Land - No Mine Subsidence - No Flood Prone - Yes. The site is partially flood affected (1 in 100 year ARI + 0.5m freeboard level) based on Council's flood mapping (refer to Appendix B). Any future development at the site would require flood analysis as part of the environmental impact assessment process and design considerations.
AHIMS sites within 1 km	Yes - 5
Aboriginal Heritage Constraint Level	Low - An Aboriginal Heritage Due Diligence Assessment identified no Aboriginal objects during a recent survey of the site and that the site is considered to have low archaeological sensitivity with regards to Aboriginal cultural heritage. The assessment concluded that an Aboriginal Heritage Impact Permit (AHIP) is not required for proposed future upgrade works at the site.
Archaeological Sensitivity	Moderate - Elevated flat area leading down to the banks of Macquarie River, <100m to water.
Historic Heritage Constraint Level	Low - No listed local or state heritage items at the site



5. Part 4 – Maps

Changes to the proposed map sheet will be undertaken in a suitable format for public exhibition once the Gateway Determination is issued.

This Planning Proposal will result in a change to the Wellington LEP 2012 map as described in Table 3-1.

Nanima Village STP Site - Current Land Zoning



Nanima Village STP site - Proposed Laning Zoning





6. Part 5 – Community Consultation

The Gateway Determination will confirm community consultation requirements. It is likely that the Proposal will be exhibited as a 'low' impact proposal for a period of not less than 14 days in accordance with Section 5.5.2 of *A Guide to Preparing LEP's*.

Public exhibition of the Planning Proposal will include notification on the DRC website, notification in the newspapers that circulate widely in the area (Wellington Times, Daily Liberal) and in writing to affected and adjoining landowners.

Information relating to the Planning Proposal will also be on display at the following DRC customer service centres, located at

Place	Address
Wellington	Cnr Nanima Crescent and Warne Street, NSW, 2820
Dubbo	Cnr Church and Darling Streets, NSW, 2830

Informal consultation with representatives from the Wellington Local Aboriginal Land Council, the landowners of the Nanima Village land, has been carried out by DPIE - Water.



7. Part 6 – Project Timeline

The Project timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval. It is estimated that this amendment to *Wellington Environmental Plan 2013* will be completed by June 2021.

Council delegation is requested to carry out plan-making functions in relation to this proposal. Delegation would be exercised by Council's General Manager or Strategic Planning Manager.

Key Stages of Consultation and Approval	Estimated Timeframe
STAGE 1 – Submit Planning Proposal to the Department	September 2020
STAGE 2 – Receive Gateway Determination	October 2020
STAGE 3 – Preparation of documentation for Public Exhibition	November 2020
STAGE 4 – Public Exhibition of the Planning Proposal (28 days)	December 2020
STAGE 5 – Review / consideration of submissions received	January 2021
STAGE 6 – Council Report	February 2021
STAGE 7 – Date of submission to the Department to finalise the LEP	April 2021
STAGE 8 – Date Council will make the Plan (if delegated), including any required consultation with the Parliamentary Counsel	May 2021
STAGE 9 – Anticipated date Council will forward Plan to the Department for notification.	June 2021

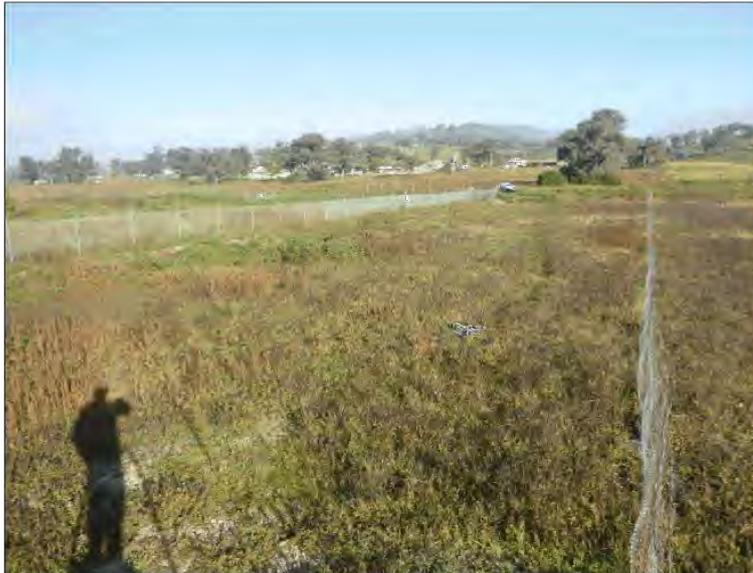


8. References

- Dubbo Regional Council (2012) "Wellington Local Environmental Plan 2012"
- Dubbo Regional Council (2018) "Community Strategic Plan"
- Dubbo Regional Council (2020) "Draft Local Strategic Planning Statement"
- Department of Planning (2010) "LEP Practice Note – Zoning for Infrastructure in LEPs"
- Department of Planning and Environment (2018) "A Guide to Preparing Local Environmental Plans"
- Department of Planning and Environment (2018) "A Guide to Preparing Planning Proposals"
- Department of Planning and Environment (2017) "Central West And Orana Regional Plan 2036"
- OzArk Environment and Heritage Management (July 2020). "Aboriginal Heritage Due Diligence Assessment Report- Nanima Village Sewerage Augmentation"
- Public Works Advisory (2017) "Nanima Village Sewage Treatment Plant (STP) Options Study"



Appendix A Aboriginal Heritage Due Diligence Assessment– OzArk Environment and Heritage Pty Ltd



A view across the study area towards Nanima Village.

ABORIGINAL HERITAGE DUE DILIGENCE ASSESSMENT REPORT

NANIMA VILLAGE SEWERAGE AUGMENTATION

NANIMA VILLAGE

SEPTEMBER 2020

Report prepared by
OzArk Environment & Heritage
for Public Works Advisory

OzArk

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<p>COPYRIGHT</p> <p>© OzArk Environment & Heritage 2020 and © Public Works Advisory 2020</p> <p>All intellectual property and copyright reserved.</p> <p>Apart from any fair dealing for private study, research, criticism or review, as permitted under the Copyright Act, 1968, no part of this report may be reproduced, transmitted, stored in a retrieval system or adapted in any form or by any means (electronic, mechanical, photocopying, recording or otherwise) without written permission.</p> <p>Enquiries should be addressed to OzArk Environment & Heritage.</p>		

Acknowledgement

OzArk acknowledge Traditional Owners of the area on which this assessment took place and pay respect to their beliefs, cultural heritage and continuing connection with the land. We also acknowledge and pay respect to the post-contact experiences of Aboriginal people with attachment to the area and to the elders, past and present, as the next generation of role models and vessels for memories, traditions, culture and hopes of local Aboriginal people.

EXECUTIVE SUMMARY

The Department of Planning, Industry and Environment (DPIE) - Water is proposing to upgrade the existing Sewage Treatment Plant (STP) that services the Nanima Village Aboriginal community. Nanima Village is located approximately four kilometres (km) southeast of Wellington and is managed by the Wellington Local Aboriginal Land Council. The STP is operated by Dubbo Regional Council (DRC). The existing STP is located to the north of the village, adjacent to the Macquarie River within Lot 244 DP756920.

The proposed works includes the construction of new STP infrastructure and upgrades to existing infrastructure at Nanima Village STP. The scope of works includes:

- Construction of a new lined first oxidation pond
- Modification of the current second pond to become a lined second oxidation pond
- Modification of the existing first oxidation pond to become an exfiltration pond (no work to be undertaken except a new inlet)
- Installation of new inlet and pipeline connections between the ponds.

The proposal will be assessed under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

A search of the Aboriginal Heritage Information Management System (AHIMS) register on 26 May 2020 identified 19 previously recorded Aboriginal sites in a 10 km by 10 km area centred on the study area (GDA Zone 55, Easting: 681650–691650; Northing: 6388750–6398750; **Appendix 1**). None of these sites are at risk of impact by the proposal, and no previously recorded Aboriginal sites are recorded within the study area.

The visual inspection of the study area was undertaken by OzArk Archaeologist Kirwan Williams on Friday 29 May 2020. The study area consists of a heavily modified portion of land on the western bank of the Macquarie River.

No Aboriginal objects or sites were recorded within the study area as a result of the visual inspection.

Recommendations

The undertaking of the Due Diligence process resulted in the conclusion that the proposed works will have an impact on the ground surface, however, no Aboriginal objects or intact archaeological deposits will be harmed by the proposal. This moves the proposal to the following outcome:

Aboriginal Heritage Impact Permit (AHIP) application not necessary. Proceed with caution. If any Aboriginal objects are found, stop work and notify Heritage NSW (131 555 or info@environment.nsw.gov.au). If human remains are found, stop work, secure the site and notify NSW Police and Heritage NSW.

The following recommendations are made with regards to the proposal within the study area:

- 1) The proposed work may proceed without further archaeological investigation under the following conditions:
 - a. All land and ground disturbance activities must be confined to within the study area assessed boundaries. Should the parameters of the proposal extend beyond the assessed areas, then further archaeological assessment may be required
 - b. All staff and contractors involved in the proposed work should be made aware of the legislative protection requirements for all Aboriginal sites and objects.
- 2) This assessment has concluded that there is a low likelihood that the proposal will adversely harm Aboriginal cultural heritage items or sites. However, during works, if Aboriginal artefacts or skeletal material are noted, all work should cease and the procedures in the *Unanticipated Finds Protocol* (**Appendix 2**) should be followed.
- 3) Work crews should undergo cultural heritage induction to ensure they recognise Aboriginal cultural heritage artefacts (see **Appendix 3**) and are aware of the legislative protection of Aboriginal objects under the *National Parks and Wildlife Act 1974* and the contents of the *Unanticipated Finds Protocol*.
- 4) The information presented here meets the requirements of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. It should be retained as shelf documentation for five years as it may be used to support a defence against prosecution in the event of unanticipated harm to Aboriginal objects.

CONTENTS

EXECUTIVE SUMMARY.....	III
1 INTRODUCTION.....	1
1.1 Brief description of the proposal.....	1
1.2 Background.....	1
1.3 Study area.....	2
1.4 Assessment approach.....	2
2 ABORIGINAL DUE DILIGENCE ASSESSMENT.....	4
2.1 Introduction.....	4
2.2 Defences under the NPW Regulation 2009.....	4
2.2.1 Low impact activities.....	4
2.2.2 Disturbed lands.....	4
2.3 Application of the Due Diligence Code of Practice to the proposal.....	5
2.3.1 Step 1.....	5
2.3.2 Step 2a.....	5
2.3.3 Step 2b.....	7
2.3.4 Step 2c.....	13
2.3.5 Step 3.....	14
2.3.6 Step 4.....	14
2.4 Discussion.....	16
2.5 Conclusion.....	16
3 MANAGEMENT RECOMMENDATIONS.....	18
REFERENCES.....	19
PLATES.....	21
APPENDIX 1: AHIMS SEARCH RESULTS.....	25
APPENDIX 2: ABORIGINAL HERITAGE: UNANTICIPATED FINDS PROTOCOL.....	26
APPENDIX 3: ABORIGINAL HERITAGE: ARTEFACT IDENTIFICATION.....	27

FIGURES

Figure 1-1: Map showing the location of the proposal in relation to Wellington. 1
 Figure 1-2: Aerial showing the study area. 3
 Figure 2-2: Previously recorded sites in relation to the study area. 6
 Figure 2-2: Landscape features in relation to the study area (Mitchell 2002). 10
 Figure 2-3: Survey coverage within the study area. 16

TABLES

Table 2-1: Determination of whether Due Diligence Code applies. 5
 Table 2-1: Site types and frequencies of AHIMS sites near the study area. 6
 Table 2-3: Association of all recorded sites to landscape units (OzArk 2016). 8
 Table 2-4: Frequency of site types in association with landscape types (OzArk 2016). 9
 Table 2-3: Due Diligence Process application. 17

PLATES

Plate 1: View southwest to the existing infrastructure within the study area. 21
 Plate 2: View east towards the Macquarie River. Note the vegetation of dense, compact weeds and
 grasses. 21
 Plate 3: View east through dense, compact weeds and grasses. 22
 Plate 4: View east from the western point of the study area. 22
 Plate 5: View of imported cobbles outside the sewerage treatment compound. 23
 Plate 6: View of the ground surface in a rare patch of exposure. 24

1 INTRODUCTION

1.1 BRIEF DESCRIPTION OF THE PROPOSAL

OzArk Environment & Heritage (OzArk) has been engaged by Public Works Advisory (the client), on behalf of Department of Planning, Industry and Environment (DPIE) (the proponent) to complete an Aboriginal Due Diligence heritage assessment for the Nanima Village Sewerage Augmentation works (the proposal). The proposal is in the Dubbo Regional Council Local Government Area (LGA) (**Figure 1-1**).

Figure 1-1. Map showing the location of the proposal in relation to Wellington.



1.2 BACKGROUND

DPIE - Water is proposing to upgrade the existing Sewage Treatment Plant (STP) which services the Nanima Village Aboriginal community. Nanima Village is located approximately four kilometres (km) southeast of Wellington and is managed by the Wellington Local Aboriginal Land Council. The STP is operated by Dubbo Regional Council (DRC). The existing STP is located to the north of the village, adjacent to the Macquarie River within Lot 244 DP756920.

The proposed works includes the construction of new STP infrastructure and upgrades to existing infrastructure at Nanima Village STP (**Figure 1-1**). The scope of works includes:

- Construction of a new lined first oxidation pond

- Modification of the current second pond to become a lined second oxidation pond
- Modification of the existing first oxidation pond to become an exfiltration pond (no work to be undertaken except a new inlet)
- Installation of new inlet and pipeline connections between the ponds.

Public Works Advisory (PWA) are assisting DPIE – Water and have requested that OzArk undertake an Aboriginal heritage due diligence assessment to determine any potential impact to Aboriginal objects.

The site of the new STP infrastructure first needs to be rezoned and then the proposal will be assessed under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.3 STUDY AREA

The study area is located on a flat terrace above the Macquarie River approximately 3.5 km southeast of Wellington. (Figure 1-2). The study area has been completely cleared of vegetation, and at the time of the survey, was covered almost in its entirety by a lush growth of grass and weeds.

Immediately to the east of the study area lies the deeply incised channel of the Macquarie River. The study area is shown on Figure 1-2.

1.4 ASSESSMENT APPROACH

Aboriginal cultural heritage

The desktop and visual inspection component for the study area follows the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (Due Diligence; DECCW 2010). The field inspection followed the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales* (OEH 2011).

Figure 1-2: Aerial showing the study area.



2 ABORIGINAL DUE DILIGENCE ASSESSMENT

2.1 INTRODUCTION

The National Parks and Wildlife Regulation 2009 (NPW Regulation) made under the *National Parks and Wildlife Act 1974* (NPW Act) advocates a Due Diligence process to determining likely impacts on Aboriginal objects. Carrying out Due Diligence provides a defence to the offence of harming Aboriginal objects and is an important step in satisfying Aboriginal heritage obligations in NSW.

2.2 DEFENCES UNDER THE NPW REGULATION 2009

2.2.1 Low impact activities

The first step before application of the Due Diligence process itself is to determine whether the proposed activity is a "low impact activity" for which there is a defence in the NPW Regulation. The exemptions are listed in Section 80B (1) of the NPW Regulation (DECCW 2010: 6).

The activities of DPIE are not considered a 'low impact activity' as the works are not 'maintenance works' but involve new construction.

2.2.2 Disturbed lands

Relevant to this process is the assessed levels of previous land-use disturbance.

The NPW Regulation Section 80B (4) (DECCW 2010: 18) define disturbed land as follows:

Land is disturbed if it has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable.

Examples include ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure) and construction of earthworks.

All sections of the proposed work are in previously cleared landforms which contain established sewerage infrastructure and property fences and it could be considered that the proposed work is occurring in 'disturbed land' (Figure 2-1). However, apart from these areas, sections of the proposed work are not in an area where the land's surface has been changed in a clear and observable manner and the Due Diligence process must be applied.

In summary, it is determined that the proposal must be assessed under the Due Diligence Code. The reasoning for this determination is set out in Table 2-1.

Table 2-1: Determination of whether Due Diligence Code applies.

Item	Reasoning	Answer
Is the activity a Part 3A project declared under section 75B of the EP&A Act?	The proposal is assessed under Part 5 of the EP&A Act.	No
Is the activity exempt from the NPW Act or NPW Regulation?	The proposal is not exempt under this Act or Regulation.	No
Do either or both of these apply: Is the activity in an Aboriginal place? Have previous investigations that meet the requirements of this Code identified Aboriginal objects?	The activity will not occur in an Aboriginal place. No previous investigations have been conducted.	No
Is the activity a low impact one for which there is a defence in the NPW Regulation?	The proposal is not a low impact activity for which there is a defence in the NPW Regulation.	No
Is the activity occurring entirely within areas that are assessed as 'disturbed lands'?	The proposal is not entirely within areas of high modification.	No
Due Diligence Code of Practice assessment is required		

2.3 APPLICATION OF THE DUE DILIGENCE CODE OF PRACTICE TO THE PROPOSAL

To follow the generic Due Diligence process, a series of steps in a question/answer flowchart format (DECCW 2010: 10) are applied to the proposed impacts and the study area, and the responses documented.

2.3.1 Step 1

Will the activity disturb the ground surface or any culturally modified trees?

Yes, the proposal will impact the ground surface and but will not impact culturally modified trees.

The nature of the proposed works will impact the ground surface during the construction of new infrastructure. All mature vegetation has been cleared and as such there will be no impact to any culturally modified trees.

2.3.2 Step 2a

Are there any relevant confirmed site records or other associated landscape feature information on AHIMS?

No, there are no previously recorded sites within the study area.

A search of the Aboriginal Heritage Information Management System (AHIMS) register on 26 May 2020 identified 19 previously recorded Aboriginal sites in a 10 km by 10 km area centred on the study area (GDA Zone 55, Easting: 681650–691650; Northing: 6388750–6398750; **Appendix 1**). None of these sites are at risk of impact by the proposal, and no previously recorded Aboriginal sites are recorded within the study area.

Figure 2-2 shows all previously recorded sites in relation to the study area and Table 2-1 shows the types of sites that are close to the study area.

Table 2-2: Site types and frequencies of AHIMS sites near the study area.

Site Type	Number	% Frequency
Open Camp	5	26.3
Modified Tree (MT)	4	20.9
Restriction	3	15.8
Burial	2	10.5
Artefact Scatter	1	5.3
Midden	1	5.3
Habitation Structure	1	5.3
Ceremonial Ring	1	5.3
Aboriginal Ceremony and dreaming (MT)	1	5.3
	19	100

Figure 2-1: Previously recorded sites in relation to the study area.



The closest sites to the study area are AHIMS #36-4-0071, a habitation structure, and #36-4-0076, a modified tree, located 1.1 km distant to the south-southwest of the study area. The lack of previous site recordings in the area may reflect the low number of surveys undertaken in the vicinity of the study area and may not indicate an absence of Aboriginal sites.

2.3.3 Step 2b

Are there any other sources of information of which a person is already aware?

No, there are no other sources of information that would indicate the presence of Aboriginal objects in the study area.

No Aboriginal cultural heritage assessments appear to have been undertaken over the study area. As such, there are no known cultural values or Aboriginal sites pertaining directly to the location of the proposed work. Mike Nolan of the Wellington Local Aboriginal Land Council accompanied the inspection.

2.3.3.1 Ethnohistoric sources pertaining to the region

According to Tindale's (1974) and Horton's (1994) maps of tribal or ethno-linguistic boundaries, the Wiradjuri occupied the northern parts of the South Eastern Highlands bioregion in the vicinity of Orange and Bathurst. Within the Wiradjuri region, the presence of Aboriginal people in the Darling Basin has been dated to 40,000 BP (years before present; Hope 1981 as cited in Haglund 1985). A spread east into the mountains is thought to have occurred between 14,000 to 12,000 BP with occupation of areas surrounding Mudgee currently dated to between 7,800 and 5,000 BP (Kuskie and Clarke 2007: 12). Within the region, dates obtained from the Blue Mountains sites of Walls Cave, Lyre Bird Dell and Noola shelter (Johnson 1979), and probably Kariwara site 22 (McIntyre 1990) indicate that the area was occupied approximately 10,000 BP. Several other sites were occupied from at least 7,000 years BP including Horseshoe Falls, Capertee 3 (Johnson 1979) and Bobadeen 1 (Moore 1970).

2.3.3.2 Regional archaeological context

In 2016, OzArk was engaged by the Central West Local Land Services (CWLLS) to formulate and test a predictive model for Aboriginal site location within Travelling Stock Reserves (TSRs) across the CWLLS area. In formulating a predictive model for site location, Mitchell (2002) landscapes were used to understand the underlying landform type. The resolution of the Mitchell landscape units was too fine to be of use and OzArk (2016) used a higher-level classification within the Mitchell landscape units to describe the landscapes within the CWLLS area. Landscapes were divided into the following types:

- a) Channels and floodplains
- b) Alluvial plains
- c) Slopes
- d) Uplands
- e) Downs.

Previously recorded AHIMS sites were plotted against these landscape types and the following observations made:

- a) A high number of sites (n=876) were located within slopes landscapes, however, this result could be due to the fact that Dubbo is located within a slopes landscape and the highest number of sites in the CWLLS area is recorded in and around Dubbo
- b) The highest density of sites is within channels and floodplains landscapes (n=927)
- c) Alluvial plains landscapes have the third highest density of sites (n=770)
- d) Relatively small numbers of sites are recorded in uplands (n=5) and plateau (n=34) landscapes
- e) A moderate number of sites are recorded in downs landscapes (n=255). Three or four clusters of sites exist in downs landscapes, which may have skewed the data. If the veracity of all site recordings in this category could be verified, it is suspected that the actual number of sites in downs landscapes would be lower.

OzArk (2016) divided the CWLLS area into two stream orders—major watercourses (normally named rivers) and minor watercourses (normally named creeks and their larger tributaries)—and buffers were established for each watercourse type as follows:

- a) Drainage 1 buffer: 200 m either side of a major watercourse
- b) Drainage 2 buffer: 100 m either side of a minor watercourse.

As such, the OzArk (2016) CWLLS predictive model made predictions based on the landscape type and distance to watercourses. The predictive model was tested by assessing 32 TSRs within the CWLLS area located in a variety of landscape types with variable distances to water. As a result of the assessment, 59 sites were recorded. 26 (44%) of the recorded sites were modified trees, 22 (37%) were artefact scatters and 11 (19%) were isolated finds. Most recorded sites were located in channels and floodplains landscapes (35 sites or 59% of all sites), followed by 10 in slopes landscapes, four in alluvial plains landscapes and one in a downs landscape. No sites were recorded in uplands or plateau landscapes.

Table 2-3 demonstrates that the most archaeologically sensitive landscape in the CWLLS area is channels and floodplains, followed by slopes landscapes. Other landscape types have a low representation but demonstrate that low densities of sites exist in other landscape types.

Table 2-3: Association of all recorded sites to landscape units (OzArk 2016).

Landscape unit	Number of sites	Percentage of total (n=88)
Channels and floodplains	36	61
Alluvial plains	6	10
Slopes	14	23
Downs	1	2
Uplands	2	4
Plateau	0	0

Site types associated with the landscapes most-frequently recording sites (channels and floodplains and slopes) show that channels and floodplains landscapes are more likely to contain modified trees and that slopes landscapes are more likely to contain artefact scatters and isolated finds (Table 2-4).

Table 2-4: Frequency of site types in association with landscape types (OzArk 2016).

Site type	Channels and floodplains	Slopes	Alluvial Plains
Artefact scatter	11 (30.5%)	7 (50%)	3 (50%)
Isolated finds	4 (11%)	3 (21%)	3 (50%)
Modified trees	21 (58.5%)	4 (29%)	0 (0%)

In terms of drainage buffers, OzArk (2016) found that 27 sites (or 46% of all sites) were recorded with the Drainage 1 buffer and 10 sites (or 17% of all sites) were recorded within the Drainage 2 buffer. Therefore, more than 63% of all sites were recorded within the two drainage buffers, with a clear bias toward Drainage 1 buffers.

Implications for the current study area

The study area is located in the South West Slopes bioregion Mitchell (2002: 59) and although it maps within a gorge landscape (Mitchell 2002: 87; **Figure 2-2**), the surrounding landscape is more similar to the Macquarie alluvial plains landscape (Mitchell 2002: 34) which is mapped 1.5 km to the north of the study area. Therefore, it can be said that the study area is better described as lying within an alluvial plains landscape type. The study area is located immediately west of the Macquarie River and is therefore well within a Drainage 1 buffer (refer to **Figure 2-2**). The CWLLS predictive model asserts that alluvial plains landscapes are likely to contain sites, particularly within Drainage 1 buffers (i.e. within 200 m of higher order waterways) (**Table 2-4**). Artefact sites (including isolated finds and artefact scatters) are the most likely site types to be encountered within alluvial plains landscapes. The likelihood of recording modified trees is much lower, however, in the case of the study area there are no trees of the right maturity and this site type will not be recorded.

Figure 2-2: Landscape features in relation to the study area (Mitchell 2002).



2.3.3.3 Local archaeological context

Several previous studies have assessed a variety of landforms and landscape types in the surrounding region.

Pearson (1979) wrote a preliminary study of recorded sites in the Bathurst Orange Development Area approximately 80 km to the south of the study area. Much of this work, based upon Gresser’s earlier site recordings, has been invaluable in forming the basis for all archaeological predicative models developed in the area since. Gresser (1960s) was an amateur archaeologist, ethno-historian and collector of aboriginal artefacts who documented the first major recording of sites and oral accounts in the Bathurst–Orange area. Pearson’s main conclusions were that open camp sites are most commonly located on well drained areas accessible to fresh water and adequate fuel. A sunny aspect, elevation above cold air drainage channels in winter and adequate breeze in summer also appeared to be important factors in site location. Gentle hillslopes, level areas on ridges, river flats and creek banks were the most common places in which open camp sites were located.

Oakley (2002) undertook an assessment of the Suma Park and Spring Creek Reservoirs near Orange and approximately 80 km to the south of the study area. Seven sites were located on low gradient spurs, and many were either just visible above the water line of both reservoirs. The

primary raw material was quartz with artefacts of basalt also recorded, and to a lesser degree, chert. Most artefacts were flakes and broken flakes, with several cores also recorded (bipolar and multi-platform), although one interesting find from site SPR-1 was labelled as a 'phallic rock' made from basalt. The final site was located on a naturally occurring quartz outcrop on a low gradient slope. Artefacts included flakes, broken flakes, possible bi-polar cores and flakes. All were quartz except for one basalt flake. This site was speculated to be a quartz procurement site as good quality stone was present.

Ozark (2006) undertook survey of 212 hectares (ha) between Leeds Parade and the Ophir Road Orange, NSW for the Orange City Council Local Environmental Study approximately 80 km to the south of the study area. The Aboriginal heritage study occurred on hilly country interspersed with ephemeral and permanent creeks (Summer Hill Creek and a tributary of Blackmans Swamp Creek). The assessment recorded nine Aboriginal sites and one potential archaeological deposit (PAD). Recorded sites types included isolated finds and scarred trees. Artefacts were manufactured from quartz sources with a volcanic scraper also recorded. All recorded scarred trees were yellow box trees and were identified in a cluster.

Ozark (2012) completed an Aboriginal archaeological assessment for the proposed Mitchell Highway upgrade at Goanna Hill near Molong approximately 60 km to the south of the study area. Four Aboriginal sites (culturally modified trees [scarred]), were identified during the survey in close proximity to Molong Creek and its tributaries. Scars were recorded on two white box and two yellow box species, however one of the yellow box trees was observed as dead.

Ozark (2014) completed the salvage on SPR-5 (44-2-0128) in accordance with Aboriginal Heritage Impact Permit (AHIP) C0000423. SPR-5 was one of eight sites recorded during part of a broader assessment area at Suma Park Reservoir (Oakley 2002). A total of 298 artefacts were salvaged from SPR-5. All but two of these artefacts were retrieved from within 10 metres (m) of the waterline of the Suma Park Reservoir. Two main trends were identified from the salvaged artefacts: many artefacts are flakes and the vast majority are made from the same grey volcanic material. Among the artefact types there was also a significant amount of debitage and shatter. Five scrapers were recorded in the salvage and five other artefacts (blades and flakes) were also backed. Many more artefacts were salvaged from SPR-5 than was expected based on previous recordings of the site. Only three artefacts were recorded within SPR-5 during the 2013 inspection, although it is important to note that water levels were significantly higher than in 2002 and 2014.

Ozark (2017a) completed a Due Diligence Aboriginal archaeological assessment for the proposed subdivision of Lot 9 DP243046 on Lower Lewis Ponds Road, Clifton Grove, and located approximately 80 km south-southeast of the current study area. One Aboriginal site was recorded during the survey (White Hill Lane-IF1). White Hill Lane-IF1 was recorded as an isolated stone artefact: a complete mudstone end/side scraper at a tertiary stage of reduction exhibiting steep

unifacial retouch and edge wear along the lateral and distal margins. It was concluded that the artefact may have washed downslope to its current position or may have been moved onto the road with fill sourced elsewhere for road maintenance. As such, no area of PAD was delineated at the site.

Ozark (2017b) completed a Due Diligence Aboriginal archaeological assessment for the rehabilitation works of a 650 m long section of Muronbung Road, located 42 km northeast of the current study area. One Aboriginal site was recorded during the survey (Spicers Creek OS1). Spicers Creek OS1 was recorded as consisting of five stone artefacts manufactured from mudstone, quartz and fine-grained siliceous material.

Ozark (2017c) completed a Due Diligence Aboriginal archaeological assessment for upgrade works associated with a 1.1 km long section of Benolong Road east of the Obley Road intersection. This area is located 45 km northwest of the current study area. No Aboriginal sites were recorded during the survey.

Ozark (2017d) completed a Due Diligence Aboriginal archaeological assessment for upgrade works associated with a 1.1 km long section of Ponto Falls Road. This area is located 12.5 km to the north of the current study area. No Aboriginal sites were recorded during the survey.

Ozark (2019) completed a Due Diligence Aboriginal archaeological assessment for a proposed water supply pipeline in Stuart Town, NSW. The project was located 26 km southeast of the current study area. One previously unrecorded Aboriginal site, Commissioners Lane-OS1, was identified during the visual inspection. The site is a low-density artefact scatter comprising three artefacts located in a disturbed context. Raw materials recorded include quartz (n=1) and volcanic (n=2). Artefacts types included two flakes and an end scraper.

2.3.3.4 Conclusion

Overall, these past archaeological assessments indicate that artefact sites are the most common site type found in the Wellington–Orange region and that they are more likely to occur near reliable water sources and on slopes associated with them.

The distribution of recorded sites in the region suggests:

- Culturally modified trees are possible wherever mature vegetation remains. Generally modified trees are found more frequently in close association with larger camps and permanent water resources. There are no mature trees in the vicinity of the study area therefore there no likelihood that this type of site to occur within the study area
- Artefact sites may occur anywhere in the landscape and are usually determined by the existence of a permanent water source. The study area is in proximity to the Macquarie River and as such larger artefact sites are possible. This prediction is also borne out by the work completed for the CWLLS study (OzArk 2016)

- Isolated finds are sites comprising single Aboriginal objects and usually represent either accidental loss or discard. These sites may occur anywhere and are possible within the study area
- Less commonly encountered site types such as Aboriginal Ceremony and Dreaming and Aboriginal Resource and Gathering are varieties of landscape features and natural sacred sites that are regarded as highly sacred to Aboriginal people. Such features may include mountains, waterholes, caves, and rock formations. Additionally, the flora and fauna that inhabit these landscapes also carry Aboriginal cultural significance particularly where these items were used both economically and medicinally. These sites have been recorded in the surrounding area and can occur wherever plants of economic or medicinal value are found or natural features of significance are seen. These site types are intangible in nature and would remain largely unknown without consultation with Aboriginal people. However, due to the degree of modification within the study area it is predicted that this site type will not be recorded.

2.3.4 Step 2c

Are there any landscape features that are likely to indicate presence of Aboriginal objects?

Yes. The study area contains landforms with identified archaeological sensitivity.

The study area is located in the South West Slopes bioregion. The study area is mapped within the Macquarie-Turon Gorge landscape, close to its interface with the Wellington-Molong Karst and the Macquarie Alluvial Plains landscapes.

The Macquarie-Turon Gorge landscape type consists of steep sided, deep gorge tract with incised meanders of the Macquarie and Turon Rivers below extensive tablelands of the Ophir-Hargraves Plateau ecosystem. This landscape is incised across the structural grain of north-south trending tightly folded Devonian dacite, crystal tuff, quartzite and slates. The area has a general elevation of 500 to 700m with a local relief to 150m. The landscape consists of shallow stony soils on semi-stable scree slopes and yellow texture-contrast soils on lower angle slopes. The vegetation consists of open woodland of yellow box (*Eucalyptus melliodora*), red box (*Eucalyptus polyanthemos*) and Blakely's red gum (*Eucalyptus blakelyi*) on lower areas, red stringybark (*Eucalyptus macrohyncha*), broad-leaved peppermint (*Eucalyptus dives*) and white gum (*Eucalyptus viminalis*) on higher slopes. River oak (*Casuarina cunninghamiana*) dominates the channel.

With the Due Diligence guidelines, sensitive archaeological landscapes include (DECCW 2010):

- within 200 m of waters, or
- located within a sand dune system, or
- located on a ridge top, ridge line or headland, or
- located within 200 m below or above a cliff face, or
- within 20 m of or in a cave, rock shelter, or a cave mouth.

The only landscape type within this list that could apply to the study area relates to the banks of the Macquarie River which lies adjacent to the study area (i.e. the study area is within 200 m of 'waters'). It would be unusual for Aboriginal people not to have utilised this area and the abundant resources that the river would have supplied.

2.3.5 Step 3

Can harm to Aboriginal objects listed on AHIMS or identified by other sources of information and/or can the carrying out of the activity at the relevant landscape features be avoided?

No. landforms with identified archaeological sensitivity may be impacted by the proposal.

The Aboriginal sites identified through the AHIMS search do not occur within the study area and therefore there is no known risk of harming previously identified sites. However, landscape features associated with the Macquarie River will be impacted by the proposal. The proposal, however, seeks to upgrade infrastructure that is already in place and will therefore not be extensively impacting ground that has not been impacted previously.

In addition, many of the landforms within the study area have been modified through earthworks associated with construction vehicle tracks and drainage infrastructure.

Step 3 has concluded that an archaeologically sensitive landform, the western bank of the Macquarie River, will be disturbed by the proposal, therefore visual inspection of the study area was undertaken (**Section 2.3.6**) to confirm the desktop assessment of low to moderate archaeological potential.

2.3.6 Step 4

Does a desktop assessment and visual inspection confirm that there are Aboriginal objects or that they are likely?

No. Aboriginal objects were not recorded within the study area.

The visual inspection of the study area was undertaken by OzArk Archaeologist Kirwan Williams on Friday 29 May 2020. Mike Nolan of the Wellington Local Aboriginal Land Council accompanied the inspection.

Standard archaeological field survey and recording methods were employed (Burke and Smith 2004). As the STP was surrounded by a high fence and padlocked gates showing signs with no entry written on them only portions of land outside the fence was fully inspected on foot. Due to the limited nature of the STP and lack of visibility inside the fence it was possible to make judgements on it from a distance and extrapolated from areas that were fully covered. One transect involved a complete lap of the fenced STP covering all sides of the existing fenced area.

Figure 2-3 illustrates the pedestrian transects recorded by OzArk during the field inspection.

The majority of the impact area lies within the existing compound and is within an area subject to clear and observable levels of prior disturbance including the removal of soil for the formation of trenches and ponds. **Plate 1** shows the disturbances within the existing sewerage treatment compound.

A wider area was surveyed on all sides of the existing sewerage treatment works compound (**Plate 2**).

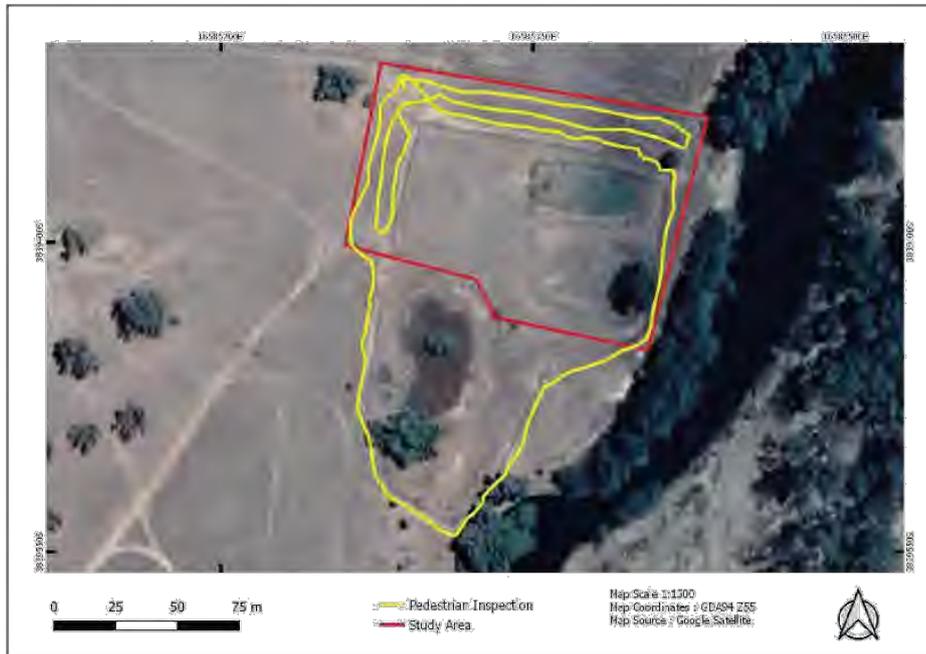
No mature vegetation remained within the study area with an extremely dense growth of grass and weeds obscuring the ground surface both within and without the compound (**Plate 3**).

Disturbances in the study area included full landform clearing and modification associated with the construction of the existing sewerage infrastructure and those associated with drainage. Erosion accounts for the remainder of visible disturbance factors within the inspected area (**Plate 4**).

Overall, the ground surface exposure (GSE) was approximately 10% across the study area and the ground surface visibility (GSV) within available exposures was approximately 5–10%. Soils across the study area were all visibly disturbed with evidence of earthmoving activity obvious across the inspected area. Generally, soils comprised a medium to coarse-grained grey silty loam with large amounts of imported river cobble placed as an attempt to slow the rate of erosion in surrounding areas

Plate 5 shows some imported material utilised in this fashion. However, no raw material suitable for the manufacture of stone artefacts was identified (**Plate 6**).

Figure 2-3: Survey coverage within the study area.



2.4 DISCUSSION

As discussed previously, the prominence of the Macquarie River as a landform associated with the study area is almost certainly to have been visited by Aboriginal people in the past. However, the highly disturbed nature of the ground within and immediately surrounding the study area suggests that any archaeological signature is likely to have been disturbed or even removed by past works. As no previously recorded Aboriginal sites occur within the study area it is considered to have low archaeological sensitivity with regards to Aboriginal cultural heritage.

Mike Nolan who accompanied the visual inspection agreed with this assessment of low archaeological sensitivity.

2.5 CONCLUSION

The desktop section of this report has found that the level of historic disturbance caused by earthworks associated with the construction of the existing STP has caused clear and visible disturbance throughout the study area. It is also noted that the proposal will be mostly confined to areas that have been previously disturbed by the existing sewerage works.

The Due Diligence process has resulted in the outcome that an Aboriginal Heritage Impact Permit (AHIP) is not required. The reasoning behind this determination is set out in **Table 2-3**.

Table 2-5: Due Diligence Process application.

Item	Reasoning	Answer
<p>Will the activity disturb either of the following:</p> <ol style="list-style-type: none"> the ground surface where archaeological deposits are likely mature, native trees that may be culturally modified. 	<p>The proposed works would disturb the ground surface through earthmoving works in relation to the augmentation of the existing sewerage treatment works, but these works will not impact archaeological deposits due the extensive levels of existing disturbance.</p> <p>The proposal will not involve the disturbance of mature trees.</p>	Yes
<p>Are there any relevant records of Aboriginal heritage on site (AHIMS or from other sources), or landscape features that are likely to indicate presence of Aboriginal objects?</p>	<p>AHIMS indicated that there are no known Aboriginal sites within the study area.</p>	No
<p>Will the activity impact Aboriginal objects or landforms with archaeological potential?</p>	<p>Whilst the study area lies on the western bank of a major watercourse (the Macquarie River) the study area has been extensively disturbed by the installation of existing infrastructure. The study area is therefore assessed to be of low archaeological potential.</p>	No
<p>Does a desktop assessment and visual assessment confirm that there are Aboriginal objects or that they are likely?</p>	<p>Desktop searches and the visual inspection recorded no Aboriginal objects in the study area.</p>	No
<p>AHIF not required. Proceed with caution.</p>		

3 MANAGEMENT RECOMMENDATIONS

The undertaking of the Due Diligence process resulted in the conclusion that the proposed works will have an impact on the ground surface, however, no Aboriginal objects or intact archaeological deposits will be harmed by the proposal. This moves the proposal to the following outcome:

AHIP application not necessary. Proceed with caution. If any Aboriginal objects are found, stop work and notify Heritage NSW (131 555 or info@environment.nsw.gov.au). If human remains are found, stop work, secure the site and notify NSW Police and Heritage NSW.

To ensure the greatest possible protection to the area's Aboriginal cultural heritage values, the following recommendations are made:

- 1) The proposed work may proceed within the study area without further archaeological investigation under the following conditions:
 - a) All land and ground disturbance activities must be confined to within the study area, as this will eliminate the risk of harm to Aboriginal objects in adjacent landforms. Should the parameters of the proposal extend beyond the assessed areas, then further archaeological assessment may be required.
 - b) All staff and contractors involved in the proposed work should be made aware of the legislative protection requirements for all Aboriginal sites and objects.
- 2) This assessment has concluded that there is a low likelihood that the proposed work will adversely harm Aboriginal cultural heritage items or sites. However, during works, if Aboriginal artefacts or skeletal material are noted, all work should cease and the procedures in the *Unanticipated Finds Protocol (Appendix 2)* should be followed;
- 3) Work crews should undergo cultural heritage induction to ensure they recognise Aboriginal artefacts (see **Appendix 3**) and are aware of the legislative protection of Aboriginal objects under the NPW Act and the contents of the *Unanticipated Finds Protocol*.
- 4) The information presented here meets the requirements of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. It should be retained as shelf documentation for five years as it may be used to support a defence against prosecution in the event of unanticipated harm to Aboriginal objects.

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PLATES



Plate 1: View southwest to the existing infrastructure within the study area.



Plate 2: View east towards the Macquarie River. Note the vegetation of dense, compact weeds and grasses.



Plate 3: View east through dense, compact weeds and grasses.



Plate 4: View east from the western point of the study area.



Plate 5: View of imported cobbles outside the sewerage treatment compound.



Plate 6: View of the ground surface in a rare patch of exposure.

APPENDIX 2: ABORIGINAL HERITAGE: UNANTICIPATED FINDS PROTOCOL

An Aboriginal artefact is anything which is the result of past Aboriginal activity. This includes stone (artefacts, rock engravings etc.), plant (culturally scarred trees) and animal (if showing signs of modification; i.e. smoothing, use). Human bone (skeletal) remains may also be uncovered while onsite.

Cultural heritage significance is assessed by the Aboriginal community and is typically based on traditional and contemporary lore, spiritual values, and oral history, and may also take into account scientific and educational value.

Protocol to be followed in the event that previously unrecorded or unanticipated Aboriginal object(s) are encountered:

1. If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:
 - a. Not further harm the object;
 - b. Immediately cease all work at the particular location;
 - c. Secure the area so as to avoid further harm to the Aboriginal object;
 - d. Notify Heritage NSW as soon as practical on 131 555, providing any details of the Aboriginal object and its location; and
 - e. Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
2. In the event that Aboriginal burials are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.
3. Cooperate with the appropriate authorities and relevant Aboriginal community representatives to facilitate:
 - a. The recording and assessment of the find(s);
 - b. The fulfilment of any legal constraints arising from the find(s), including complying with Heritage NSW directions; and
 - c. The development and implementation of appropriate management strategies, including consultation with stakeholders and the assessment of the significance of the find(s).
4. Where the find(s) are determined to be Aboriginal object(s), recommencement of work in the area of the find(s) can only occur in accordance with any consequential legal requirements and after gaining written approval from Heritage NSW (normally an Aboriginal Heritage Impact Permit).

APPENDIX 3: ABORIGINAL HERITAGE: ARTEFACT IDENTIFICATION

<p>Retouched blades (scale = 1cm)</p>	<p>Flakes</p>
<p>Microliths (scale = 1cm)</p>	<p>Scraper (scale = 1cm)</p>
<p>Flake characteristics (scale = 1cm)</p>	<p>Core from which flakes have been removed (scale = 1cm)</p>



Appendix B Database Searches



**AHIMS Web Services (AWS)
Search Result**

Purchase Order/Reference : nanima 1km

Client Service ID : 514751

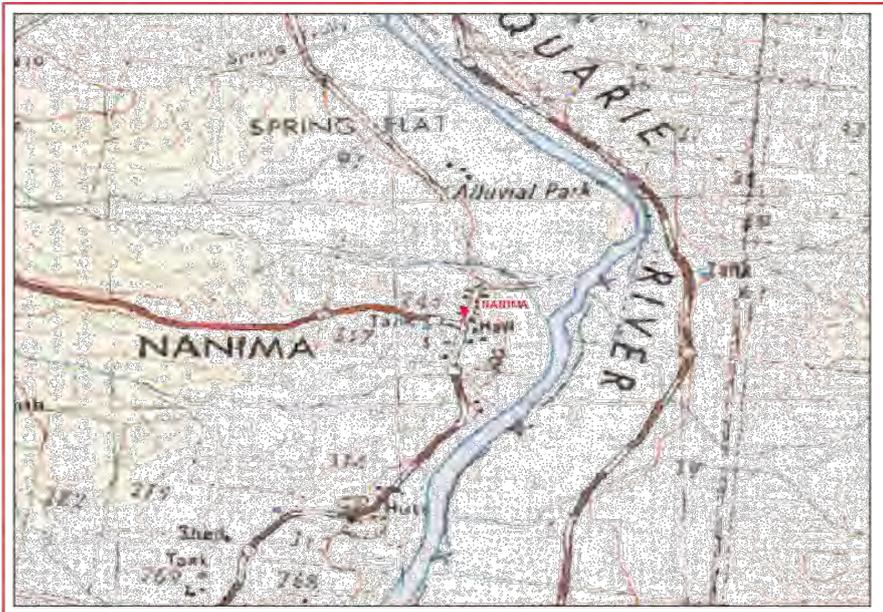
Public Works Advisory
66 Harrington Street
Sydney New South Wales 2000
Attention: Kristen Parmeter
Email: kristen.parmeter@finance.nsw.gov.au

Date: 23 June 2020

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 244, DP:DP756920 with a Buffer of 1000 meters, conducted by Kristen Parmeter on 23 June 2020.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

5	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location.*

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the *NSW Government Gazette* (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected.

Information on the coverage of this report and qualifications on data supporting this report are contained in the caveat at the end of the report.

Information is available about [Environment Assessments](#) and the EPBC Act including significance guidelines, forms and application process details.

Report created: 22/06/20 17:03:39

[Summary](#)

[Details](#)

[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)



This map may contain data which are
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(Geoscience Australia), ©PSMA 2010

[Coordinates](#)
Buffer: 1.0Km



Summary

Matters of National Environmental Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the [Administrative Guidelines on Significance](#).

World Heritage Properties:	None
National Heritage Places:	None
Wetlands of International Importance:	4
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Listed Threatened Ecological Communities:	2
Listed Threatened Species:	27
Listed Migratory Species:	10

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <http://www.environment.gov.au/heritage>

A [permit](#) may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

Commonwealth Land:	None
Commonwealth Heritage Places:	None
Listed Marine Species:	17
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Australian Marine Parks:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have nominated.

State and Territory Reserves:	None
Regional Forest Agreements:	None
Invasive Species:	28
Nationally Important Wetlands:	None
Key Ecological Features (Marine)	None

Details

Matters of National Environmental Significance

Wetlands of International Importance (Ramsar)	[Resource Information]
Name	Proximity
Banrock station wetland complex	800 - 900km upstream
Riverland	700 - 800km upstream
The coorong, and lakes alexandrina and albert wetland	900 - 1000km upstream
The macquarie marshes	200 - 300km upstream

Listed Threatened Ecological Communities [Resource Information]

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Name	Status	Type of Presence
Grey Box (Eucalyptus microcarpa) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia	Endangered	Community may occur within area
White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland	Critically Endangered	Community likely to occur within area

Listed Threatened Species [Resource Information]

Name	Status	Type of Presence
Birds		
Anthochaera phrygia Regent Honeyeater [82338]	Critically Endangered	Species or species habitat likely to occur within area
Botaurus poiciloptilus Australasian Bittern [1001]	Endangered	Species or species habitat may occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
Grantiella picta Painted Honeyeater [470]	Vulnerable	Species or species habitat likely to occur within area
Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat likely to occur within area
Lathamus discolor Swift Parrot [744]	Critically Endangered	Species or species habitat likely to occur within area
Leipoa ocellata Malleefowl [934]	Vulnerable	Species or species habitat may occur within area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
Polytelis swainsonii Superb Parrot [738]	Vulnerable	Species or species

Name	Status	Type of Presence
		habitat likely to occur within area
Rostratula australis Australian Painted Snipe [77037]	Endangered	Species or species habitat likely to occur within area
Fish		
Galaxias rostratus Flathead Galaxias, Beaked Minnow, Flat-headed Galaxias, Flat-headed Jollytail, Flat-headed Minnow [84745]	Critically Endangered	Species or species habitat may occur within area
Maccullochella macquariensis Trout Cod [26171]	Endangered	Species or species habitat may occur within area
Maccullochella peelli Murray Cod [66633]	Vulnerable	Species or species habitat known to occur within area
Macquaria australasica Macquarie Perch [66632]	Endangered	Species or species habitat may occur within area
Mammals		
Chalinobius dwyeri Large-eared Pied Bat, Large Pied Bat [183]	Vulnerable	Species or species habitat likely to occur within area
Dasyurus maculatus maculatus (SE mainland population) Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population) [75184]	Endangered	Species or species habitat may occur within area
Nyctophilus corbeni Corben's Long-eared Bat, South-eastern Long-eared Bat [83395]	Vulnerable	Species or species habitat likely to occur within area
Petrogale penicillata Brush-tailed Rock-wallaby [225]	Vulnerable	Species or species habitat may occur within area
Phascolarctos cinereus (combined populations of Qld, NSW and the ACT) Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Vulnerable	Species or species habitat known to occur within area
Pteropus poliocephalus Grey-headed Flying-fox [186]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
Plants		
Austrostipa wakoolica [66623]	Endangered	Species or species habitat may occur within area
Euphrasia arguta [4325]	Critically Endangered	Species or species habitat may occur within area
Prasophyllum petilum Tarengo Leek Orchid [55144]	Endangered	Species or species habitat may occur within area
Prasophyllum sp. Wybong (C.Phelps ORG 5269) a leek-orchid [81964]	Critically Endangered	Species or species habitat may occur within area
Swainsona recta Small Purple-pea, Mountain Swainson-pea, Small Purple Pea [7580]	Endangered	Species or species habitat likely to occur within area
Tylophora linearis [55231]	Endangered	Species or species habitat may occur within area

Name	Status	Type of Presence
Reptiles		
Aprasia parapulchella Pink-tailed Worm-lizard, Pink-tailed Legless Lizard [1665]	Vulnerable	Species or species habitat likely to occur within area

Listed Migratory Species [Resource Information]

* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.

Name	Threatened	Type of Presence
Migratory Marine Birds		

Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area
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Migratory Terrestrial Species

Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat likely to occur within area
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Motacilla flava Yellow Wagtail [644]		Species or species habitat may occur within area
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Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat likely to occur within area
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Migratory Wetlands Species

Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat may occur within area
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Calidris acuminata Sharp-tailed Sandpiper [874]		Species or species habitat may occur within area
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Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
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Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area
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Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
--	--	--

Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
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Other Matters Protected by the EPBC Act

Listed Marine Species [Resource Information]

* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.

Name	Threatened	Type of Presence
Birds		

Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat may occur within area
--	--	--

Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area
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Name	Threatened	Type of Presence
Ardea alba Great Egret, White Egret [59541]		Species or species habitat likely to occur within area
Ardea ibis Cattle Egret [59542]		Species or species habitat may occur within area
Calidris acuminata Sharp-tailed Sandpiper [874]		Species or species habitat may occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area
Chrysococcyx osculans Black-eared Cuckoo [705]		Species or species habitat likely to occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
Haliaeetus leucogaster White-bellied Sea-Eagle [943]		Species or species habitat likely to occur within area
Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat likely to occur within area
Lathamus discolor Swift Parrot [744]	Critically Endangered	Species or species habitat likely to occur within area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area
Motacilla flava Yellow Wagtail [644]		Species or species habitat may occur within area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat likely to occur within area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
Rostratula benghalensis (sensu lato) Painted Snipe [889]	Endangered*	Species or species habitat likely to occur within area

Extra Information

Invasive Species

[Resource Information]

Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resources Audit, 2001.

Name	Status	Type of Presence
Birds		
Acridotheres tristis Common Myna, Indian Myna [387]		Species or species habitat likely to occur within area
Anas platyrhynchos Mallard [974]		Species or species habitat likely to occur within area
Carduelis carduelis European Goldfinch [403]		Species or species habitat likely to occur within area
Columba livia Rock Pigeon, Rock Dove, Domestic Pigeon [803]		Species or species habitat likely to occur within area
Passer domesticus House Sparrow [405]		Species or species habitat likely to occur within area
Streptopelia chinensis Spotted Turtle-Dove [780]		Species or species habitat likely to occur within area
Sturnus vulgaris Common Starling [389]		Species or species habitat likely to occur within area
Turdus merula Common Blackbird, Eurasian Blackbird [596]		Species or species habitat likely to occur within area
Mammals		
Bos taurus Domestic Cattle [16]		Species or species habitat likely to occur within area
Canis lupus familiaris Domestic Dog [82654]		Species or species habitat likely to occur within area
Capra hircus Goat [2]		Species or species habitat likely to occur within area
Felis catus Cat, House Cat, Domestic Cat [19]		Species or species habitat likely to occur within area
Feral deer Feral deer species in Australia [85733]		Species or species habitat likely to occur within area
Lepus capensis Brown Hare [127]		Species or species habitat likely to occur within area
Mus musculus House Mouse [120]		Species or species habitat likely to occur within area
Oryctolagus cuniculus Rabbit, European Rabbit [128]		Species or species habitat likely to occur within area

Name	Status	Type of Presence
Rattus rattus Black Rat, Ship Rat [84]		Species or species habitat likely to occur within area
Vulpes vulpes Red Fox, Fox [18]		Species or species habitat likely to occur within area
Plants		
Asparagus asparagoides Bridal Creeper, Bridal Veil Creeper, Smilax, Florist's Smilax, Smilax Asparagus [22473]		Species or species habitat likely to occur within area
Lycium ferocissimum African Boxthorn, Boxthorn [19235]		Species or species habitat likely to occur within area
Nassella neesiana Chilean Needle grass [67699]		Species or species habitat likely to occur within area
Nassella trichotoma Serrated Tussock, Yass River Tussock, Yass Tussock, Nassella Tussock (NZ) [18884]		Species or species habitat likely to occur within area
Opuntia spp. Prickly Pears [82753]		Species or species habitat likely to occur within area
Pinus radiata Radiata Pine Monterey Pine, Insignis Pine, Wilding Pine [20780]		Species or species habitat may occur within area
Rubus fruticosus aggregate Blackberry, European Blackberry [68406]		Species or species habitat likely to occur within area
Salix spp. except S.babylonica, S.x calodendron & S.x reichardtii Willows except Weeping Willow, Pussy Willow and Sterile Pussy Willow [68497]		Species or species habitat likely to occur within area
Tamarix aphylla Athel Pine, Athel Tree, Tamarisk, Athel Tamarisk, Athel Tamarix, Desert Tamarisk, Flowering Cypress, Salt Cedar [16018]		Species or species habitat likely to occur within area
Ulex europaeus Gorse, Furze [7693]		Species or species habitat likely to occur within area

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Threatened, migratory and marine species distributions have been derived through a variety of methods. Where distributions are well known and if time permits, maps are derived using either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc) together with point locations and described habitat; or environmental modelling (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where very little information is available for species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc). In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More reliable distribution mapping methods are used to update these distributions as time permits.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Coordinates

-32.577776 148.988108,-32.577369 148.988204,-32.577532 148.989288,-32.578183 148.989181,-32.578382 148.988837,-32.578626
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148.988108,-32.577776 148.988108

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [Office of Environment and Heritage, New South Wales](#)
- [Department of Environment and Primary Industries, Victoria](#)
- [Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [Department of Environment, Water and Natural Resources, South Australia](#)
- [Department of Land and Resource Management, Northern Territory](#)
- [Department of Environmental and Heritage Protection, Queensland](#)
- [Department of Parks and Wildlife, Western Australia](#)
- [Environment and Planning Directorate, ACT](#)
- [Birdlife Australia](#)
- [Australian Bird and Bat Banding Scheme](#)
- [Australian National Wildlife Collection](#)
- Natural history museums of Australia
- [Museum Victoria](#)
- [Australian Museum](#)
- [South Australian Museum](#)
- [Queensland Museum](#)
- [Online Zoological Collections of Australian Museums](#)
- [Queensland Herbarium](#)
- [National Herbarium of NSW](#)
- [Royal Botanic Gardens and National Herbarium of Victoria](#)
- [Tasmanian Herbarium](#)
- [State Herbarium of South Australia](#)
- [Northern Territory Herbarium](#)
- [Western Australian Herbarium](#)
- [Australian National Herbarium, Canberra](#)
- [University of New England](#)
- [Ocean Biogeographic Information System](#)
- [Australian Government, Department of Defence](#)
- [Forestry Corporation, NSW](#)
- [Geoscience Australia](#)
- [CSIRO](#)
- [Australian Tropical Herbarium, Cairns](#)
- [eBird Australia](#)
- [Australian Government – Australian Antarctic Data Centre](#)
- [Museum and Art Gallery of the Northern Territory](#)
- [Australian Government National Environmental Science Program](#)
- [Australian Institute of Marine Science](#)
- [Reef Life Survey Australia](#)
- [American Museum of Natural History](#)
- [Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the [Contact Us](#) page.

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Data from the BioNet Atlas website, which holds records from a number of custodians. The data are only indicative and cannot be considered a comprehensive inventory, and may contain errors and omissions. Species listed under the Sensitive Species Data Policy may have their locations denatured (^ rounded to 0.1°C; ^^ rounded to 0.01°C. Copyright the State of NSW through the Department of Planning, Industry and Environment. Search criteria : Public Report of all Valid Records of Threatened (listed on BC Act 2016) or Commonwealth listed Entities in selected area [North: -32.53 West: 148.94 East: 149.04 South: -32.63] returned a total of 48 records of 36 species.
Report generated on 22/06/2020 4:54 PM

Kingdom	Class	Family	Species Code	Scientific Name	Exotic	Common Name	NSW status	Common status	Records	Info
Animalia	Aves	Anatidae	0214	<i>Stictonetta naevosa</i>		Freckled Duck	V,P		1	
Animalia	Aves	Apodidae	0334	<i>Hirundapus caudacutus</i>		White-throated Needletail	P	V,C,J,K	1	
Animalia	Aves	Ardeidae	0197	<i>Botaurus poiciloptilus</i>		Australasian Bittern	E1,P	E	1	
Animalia	Aves	Accipitridae	0218	<i>Circus assimilis</i>		Spotted Harrier	V,P		2	
Animalia	Aves	Accipitridae	0231	^^ <i>Hamirostra melanosternon</i>		Black-breasted Buzzard	V,P,3		1	
Animalia	Aves	Accipitridae	0225	<i>Hieraaetus morphnoides</i>		Little Eagle	V,P		1	
Animalia	Aves	Accipitridae	0230	^^ <i>Lophoictinia isura</i>		Square-tailed Kite	V,P,3		1	
Animalia	Aves	Falconidae	0238	<i>Falco subniger</i>		Black Falcon	V,P		2	
Animalia	Aves	Burhinidae	0174	<i>Burhinus grallarius</i>		Bush Stone-curlew	E1,P		1	
Animalia	Aves	Cacatuidae	0265	^ <i>Calyptorhynchus lathamii</i>		Glossy Black-Cockatoo	V,P,2		1	
Animalia	Aves	Psittacidae	0260	<i>Glossopsitta pusilla</i>		Little Lorikeet	V,P		1	
Animalia	Aves	Psittacidae	0309	^^ <i>Lathamus discolor</i>		Swift Parrot	E1,P,3	CE	1	
Animalia	Aves	Psittacidae	0302	^^ <i>Neophema pulchella</i>		Turquoise Parrot	V,P,3		1	
Animalia	Aves	Psittacidae	0277	^^ <i>Polytelis swainsonii</i>		Superb Parrot	V,P,3	V	1	
Animalia	Aves	Strigidae	0246	^^ <i>Ninox connivens</i>		Barking Owl	V,P,3		1	
Animalia	Aves	Climacteridae	8127	<i>Climacteris picumnus victoriae</i>		Brown Treecreeper (eastern subspecies)	V,P		2	
Animalia	Aves	Acanthizidae	0504	<i>Chthonicola sagittata</i>		Speckled Warbler	V,P		1	
Animalia	Aves	Meliphagidae	0603	<i>Anthochaera phrygia</i>		Regent Honeyeater	E4A,P	CE	1	

Animalia	Aves	Meliphagidae	0448	<i>Epthianura albifrons</i>	White-fronted Chat	V,P	1	
Animalia	Aves	Meliphagidae	8303	<i>Melithreptus gularis gularis</i>	Black-chinned Honeyeater (eastern subspecies)	V,P	1	
Animalia	Aves	Pomatostomidae	8388	<i>Pomatostomus temporalis</i>	Grey-crowned Babbler (eastern subspecies)	V,P	2	
Animalia	Aves	Neosittidae	0549	<i>Daphoenositta chrysoptera</i>	Varied Sittella	V,P	1	
Animalia	Aves	Pachycephalidae	0403	<i>Pachycephala inornata</i>	Gilbert's Whistler	V,P	1	
Animalia	Aves	Artamidae	8519	<i>Artamus cyanopterus cyanopterus</i>	Dusky Woodswallow	V,P	2	
Animalia	Aves	Petroicidae	8367	<i>Melanodryas cucullata cucullata</i>	Hooded Robin (south-eastern form)	V,P	1	
Animalia	Aves	Petroicidae	0380	<i>Petroica boodang</i>	Scarlet Robin	V,P	1	
Animalia	Aves	Petroicidae	0382	<i>Petroica phoenicea</i>	Flame Robin	V,P	1	
Animalia	Aves	Estrildidae	0652	<i>Stagonopleura guttata</i>	Diamond Firetail	V,P	2	
Animalia	Mammalia	Dasyuridae	1008	<i>Dasyurus maculatus</i>	Spotted-tailed Quoll	V,P	E 2	
Animalia	Mammalia	Phascolarctidae	1162	<i>Phascolarctos cinereus</i>	Koala	V,P	V 1	
Animalia	Mammalia	Petauridae	1137	<i>Petaurus norfolcensis</i>	Squirrel Glider	V,P	1	
Animalia	Mammalia	Pseudocheiridae	1133	<i>Petauroides volans</i>	Greater Glider	P	V 1	
Animalia	Mammalia	Pteropodidae	1280	<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	V,P	V 5	
Plantae	Flora	Fabaceae (Faboideae)	3056	<i>Swainsona recta</i>	Small Purple-pea	E1	E 2	
Plantae	Flora	Fabaceae (Faboideae)	8538	<i>Swainsona sericea</i>	Silky Swainson-pea	V	1	
Animalia	Mammalia	Miniopteridae	3330	<i>Miniopterusorianus oceanensis</i>	Large Bent-winged Bat	V,P	1	



Legend

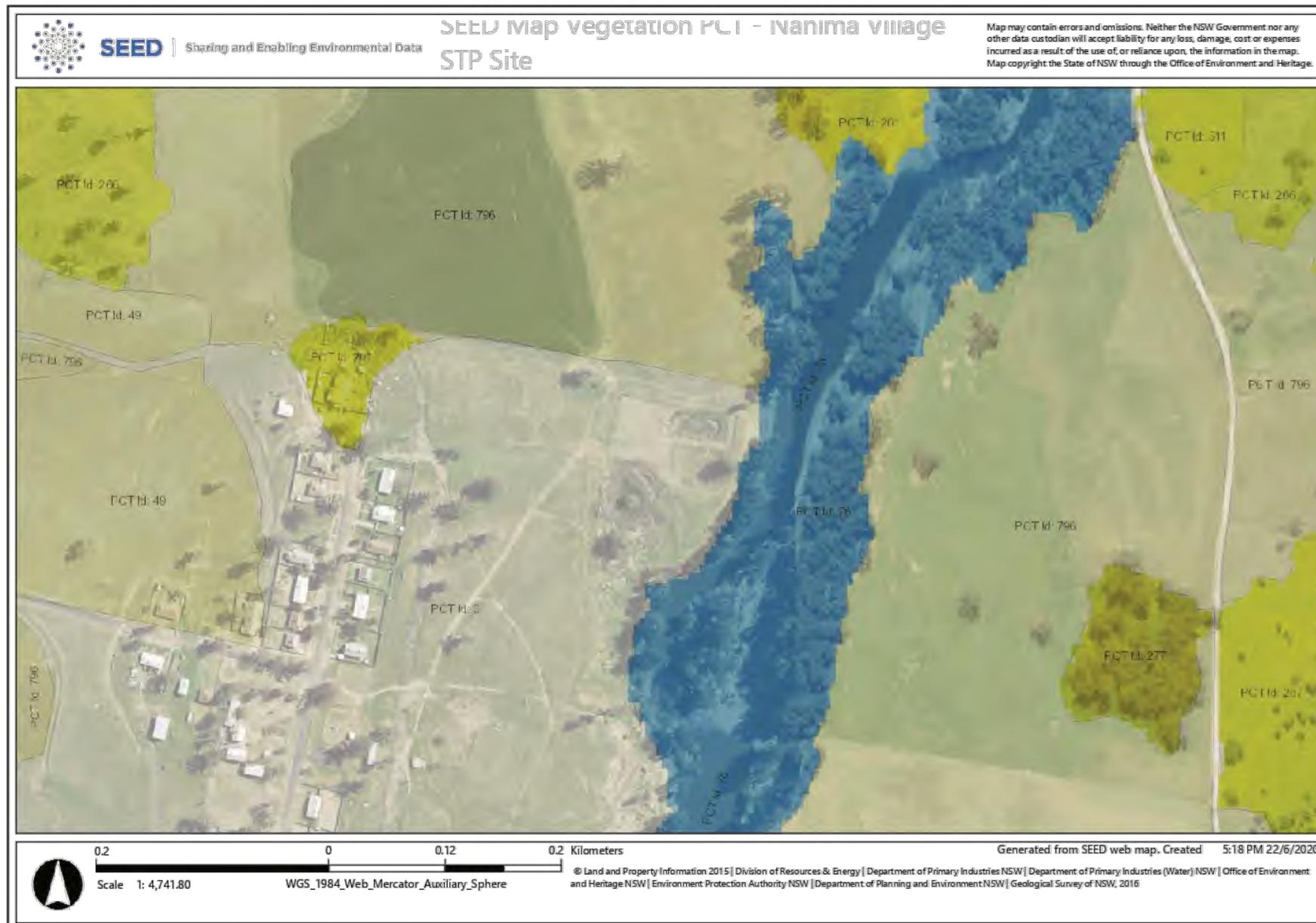
BionetSpeciesSightings

- Critically Endangered
- Endangered
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- Endangered Population, Vulnerable
- Vulnerable
- Presumed Extinct
- Not Listed as Threatened

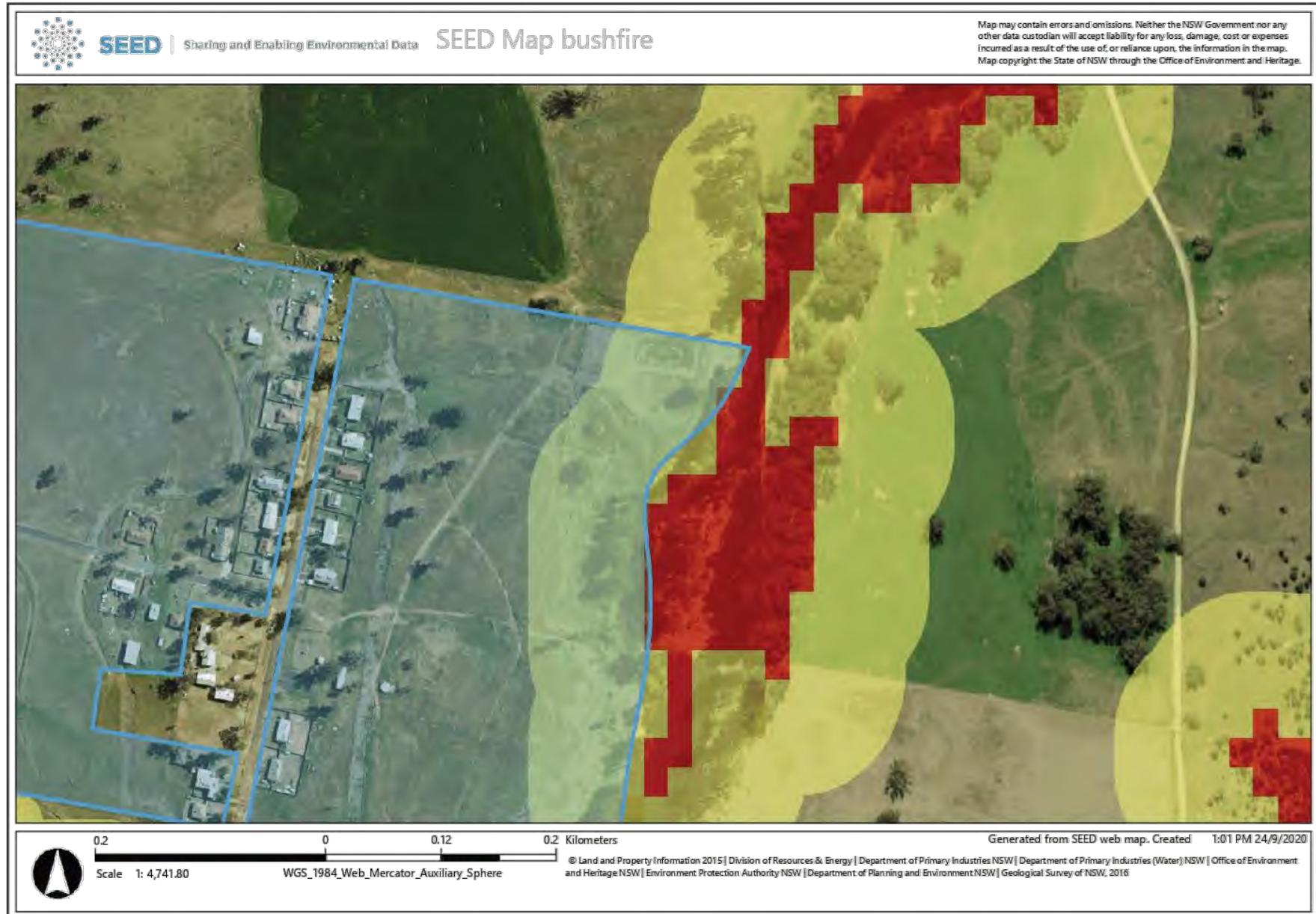
Data from the BioNet Atlas website, which holds records from a number of custodians. The data are only indicative and cannot be considered a comprehensive inventory, and may contain errors and omissions. Species listed under the Sensitive Species Data Policy may have their locations denatured (^ rounded to 0.1°C; ^^ rounded to 0.01°C. Copyright the State of NSW through the Department of Planning, Industry and Environment. Search criteria : Public Report of all Valid Records of Threatened (listed on BC Act 2016) or Commonwealth listed Communities in selected area [North: -32.53 West: 148.94 East: 149.04 South: -32.63] returned 0 records for 4 Report generated on 23/06/2020 12:17 PM

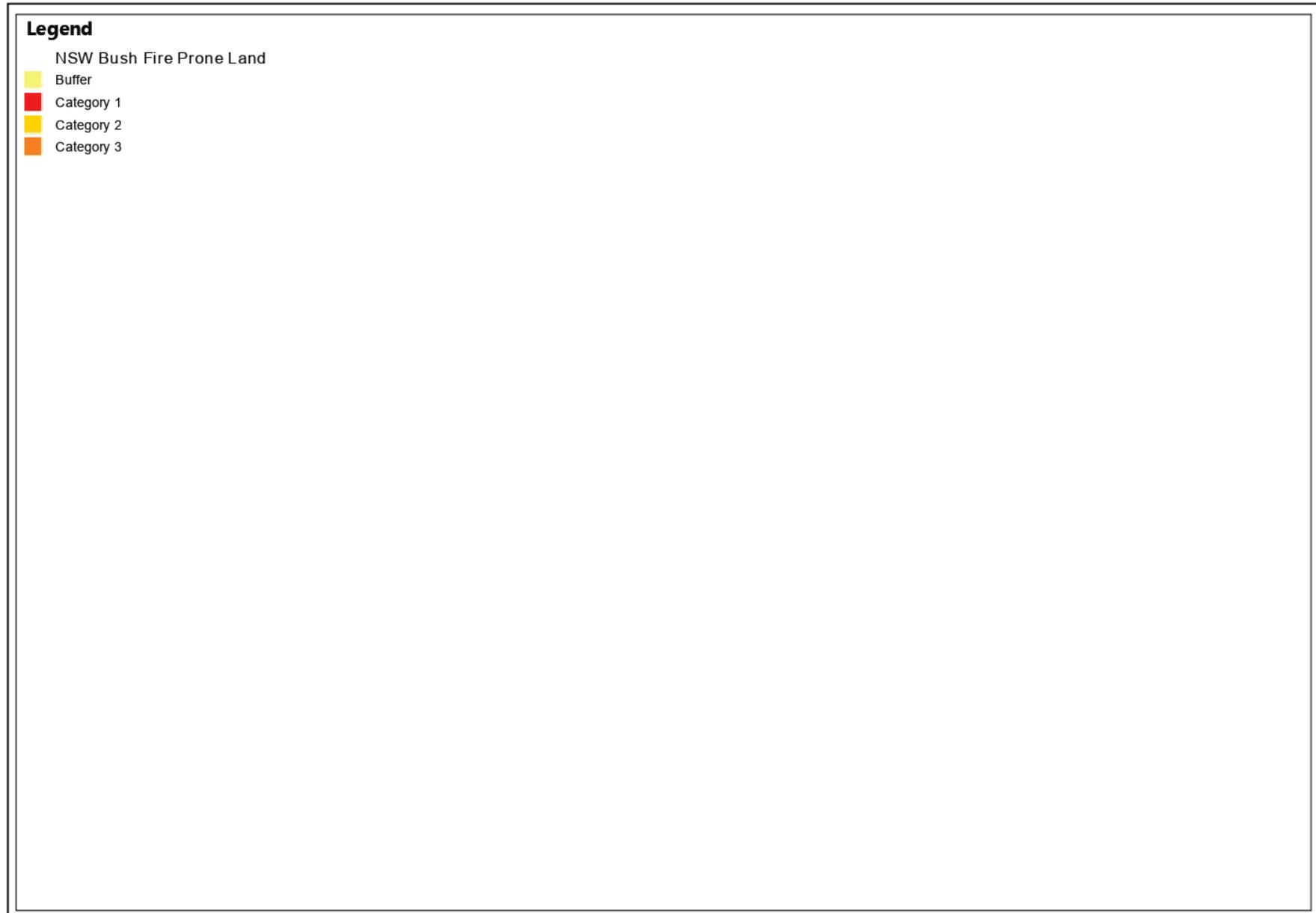
Kingdom	Class	Family	Species Code	Scientific Name	Exotic	Common Name	NSW status	Comm. status	Records	Info
Community				<i>Coolac-Tumut Serpentine Shrubby Woodland in the NSW South Western Slopes and South Eastern Highlands Bioregions</i>		Coolac-Tumut Serpentine Shrubby Woodland in the NSW South Western Slopes and South Eastern Highlands Bioregions	E3		K	
Community				<i>Fuzzy Box Woodland on alluvial Soils of the South Western Slopes, Darling Riverine Plains and Brigalow Belt South Bioregions</i>		Fuzzy Box Woodland on alluvial Soils of the South Western Slopes, Darling Riverine Plains and Brigalow Belt South Bioregions	E3		K	

Community	<i>Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Penepplain, Nandewar and Brigalow Belt South Bioregions</i>	Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Penepplain, Nandewar and Brigalow Belt South Bioregions	E3	E	K	
Community	<i>White Box Yellow Box Blakely's Red Gum Woodland</i>	White Box Yellow Box Blakely's Red Gum Woodland	E3	CE	K	



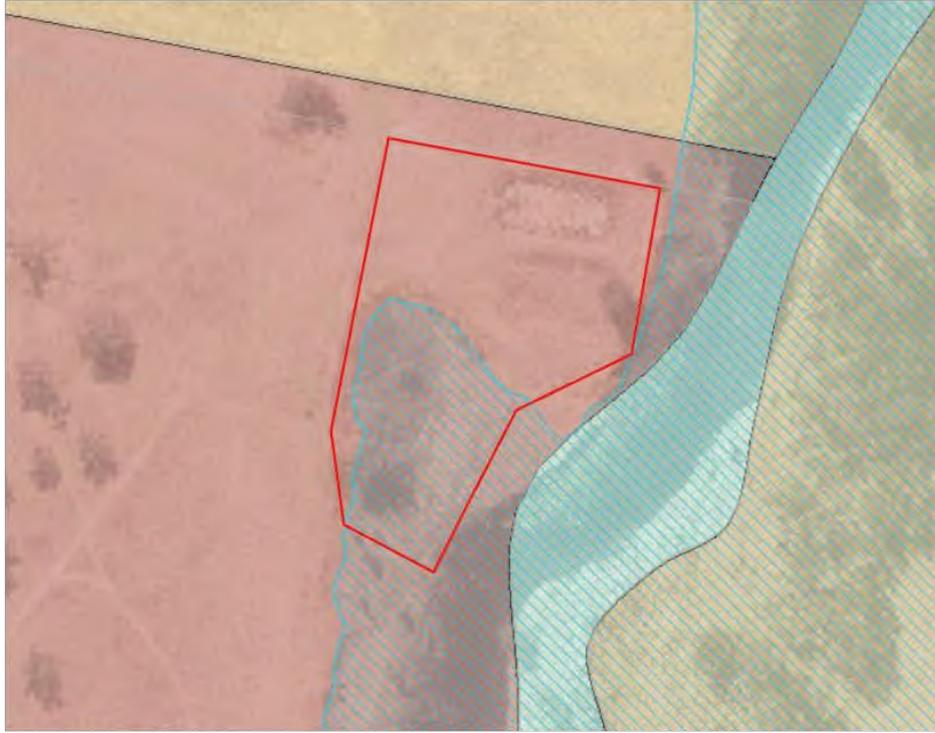
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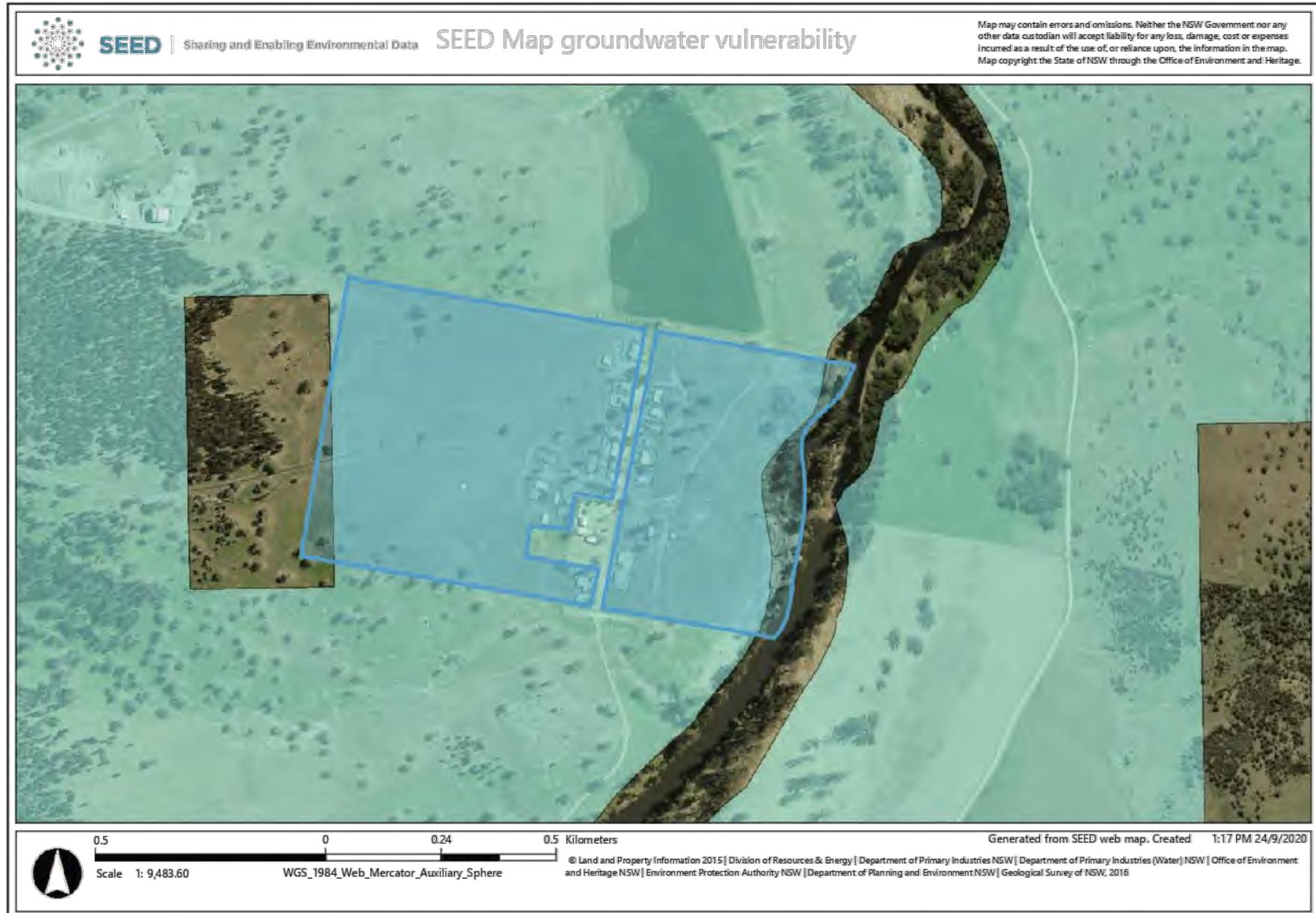


Dubbo Regional Council Flood Mapping- Extract

1 in 100 year ARI + 0.5 m freeboard level



Source: Dubbo Regional Council, 2020



Legend

 Groundwater Vulnerability



4 Parramatta Square, 12 Darry St, Parramatta NSW 2150
Locked Bag 5022, Parramatta NSW 2124
www.publicworksadvisory.nsw.gov.au

Document No. PWS-2019-00018



**REPORT: Proposal (R18-4 63 Fitzroy Street, 2R Gilgandra Road)
Applicant Barnson Pty Ltd on behalf of Taylor Made Homes Pty Ltd**

AUTHOR: Growth Planning Projects Leader - Digital Futures
REPORT DATE: 16 October 2020
TRIM REFERENCE: ID20/1324

EXECUTIVE SUMMARY

Council is in receipt of a Proposal to allow for the manufacture of movable buildings on part of 2R Gilgandra Road, Dubbo part of 63 Fitzroy Street, Dubbo and to extend the existing IN2 Light Industrial Zone on a small portion of 63 Fitzroy Street, Dubbo. The Proposal is provided in **Appendix 1**.

Specifically the Proposal seeks the following amendments to the Dubbo Local Environmental Plan (LEP) 2011:

- Rezone part of Lot 69 DP 259061 and part of Lot 1 DP 197736 from E3 Environmental Management to IN2 Light Industrial; and
- Add “Light Industry (Movable Building Manufacturing)” as an additional permitted use on part Lot 31 DP 1263665, part Lot 1 DP 197736 and part Lot 69 DP 259061 under Schedule 1 of the Dubbo LEP 2011.

Council has undertaken pre-gateway consultation with the Biodiversity and Conservation Division (BCD) of the Department of Infrastructure Planning and Environment (DPIE) regarding potential flooding impacts of the Proposal. The BCD indicated that the Proposal is consistent with the *NSW Flood Prone Land Policy* and the principles of the *Floodplain Development Manual 2005* as well as the *Guideline on Development Controls on Low Flood Risk Areas*. The correspondence from the BCD is provided in **Appendix 2**.

On-site consultation was also held with adjoining landowners and relevant Council staff to discuss the Proposal on 15 October 2020. Four (4) adjoining or adjacent landowners from within the immediate locality attended the consultation.

Council’s assessment indicates that the Proposal has strategic merit and it is recommended that a Planning Proposal be submitted to the Department of Planning, Infrastructure and Environment (DPIE) to seek a Gateway Determination.

It is also recommended that Council request to use its delegations under Section 3.36 of the *Environmental Planning and Assessment Act, 1979* to draft the subject amendments.

Following receipt of the Gateway Determination, Council will place the draft amendment on public exhibition and undertake consultation in accordance with the Gateway Determination.

FINANCIAL IMPLICATIONS

This matter has no financial implications for Council. The requirement for local infrastructure upgrades would be borne by the developer as part of any development approval.

POLICY IMPLICATIONS

A Planning Proposal will be prepared to seek a Gateway Determination from the DPIE. Receipt of a Gateway Determination from the DPIE will allow Council to, conditionally, undertake an amendment to the Dubbo LEP 2011.

RECOMMENDATION

1. That a Planning Proposal be prepared and submitted to the NSW Department of Planning Industry and Environment for a Gateway Determination to:
 - (a) Rezone part of Lot 69 DP 259061 from E3 Environmental Management to IN2 Light Industrial;
 - (b) Rezone part of Lot 1 DP 197736 from E3 Environmental Management to IN2 Light Industrial; and
 - (c) Add “Light Industry (Movable Building Manufacturing)” as an additional permitted use on part Lot 31 DP 1263665, part Lot 1 DP 197736 and part Lot 69 DP 259061 under Schedule 1 of the Dubbo LEP 2011.
2. That Council seek authority from the NSW Department of Planning Industry and Environment to exercise the delegation in relation to the plan making functions under section 3.36 of the Environmental Planning and Assessment Act 1979.
3. That subject to issue of a Gateway Determination, following the completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal.

Carmel O'Connor

Growth Planning Projects Leader - Digital Futures

BACKGROUND

A Proposal applying to Lot 69 DP 259061 and Lot 1 DP 197736 (63 Fitzroy Street, Dubbo) and Lot 31 DP 1263665 (2R Gilgandra Road, Dubbo) (Figure 1) was received by Council on 2 July 2018. Following requests for additional information regarding flooding issues, an amended Proposal was submitted to Council by Barnson Pty Ltd on 1 April 2020. The subject Proposal is provided in **Appendix 1**.

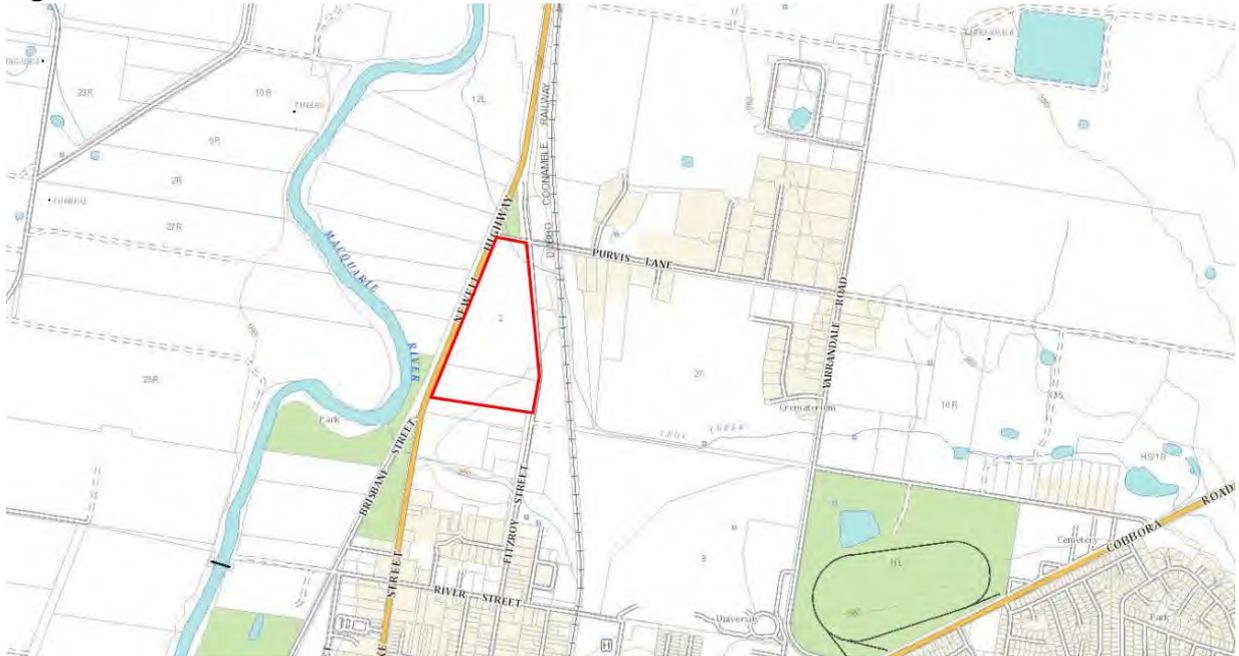
The subject site is located approximately 2 km north of the Dubbo CBD and is surrounded by mixed use development. Industrial and light industrial land uses are the main development type to its west and south (Figure 2).

Figure 1: Subject Site



Source: Geocortex, 2020

Figure 2: Local Context



Source: Barnson, 2020

63 Fitzroy Street

Sixty three (63) Fitzroy Street is currently zoned part IN2 Light Industrial and part E3 Environmental Management in accordance with Dubbo LEP 2011 (Figure 3). The property was formerly Golf West driving range and was purchased by Taylor Made Homes to facilitate the expansion of the movable building manufacturing business to the south.

Rezoning a small portion of this property from E3 Environmental Management to IN2 Light Industrial (Figure 4) will broaden the industrial uses permitted on this part of the site whilst also allowing the existing movable building manufacturing business to expand subject to development consent.

Allowing for a Light Industrial (movable building manufacturing) as an additional permitted use on very small portion of this property (Figure 5) will permit the expansion of the existing movable building manufacturing business only (subject to development approval).

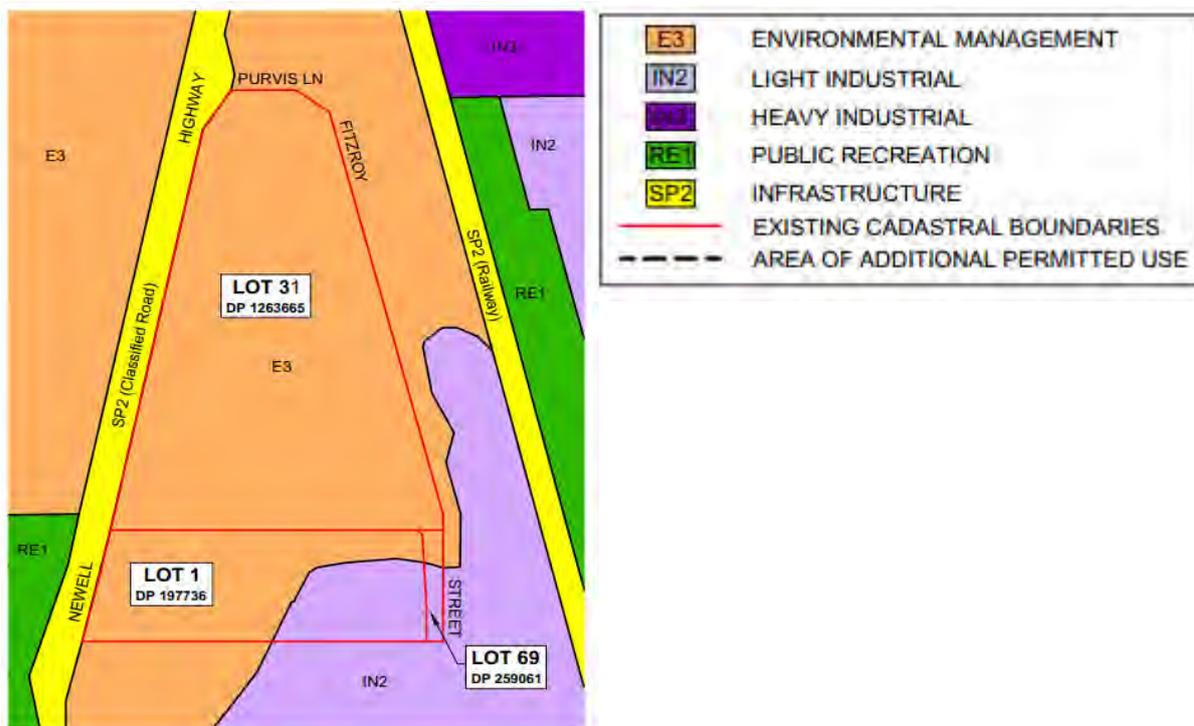
2R Gilgandra Road

The manufacture of movable buildings was an approved use on 2R Gilgandra Road under a previous LEP and it has been used for this purpose since the early 1980s. However due to its flood affectation, part of the site was zoned E3 Environmental Management in the 2011 Dubbo LEP.

Movable building manufacturing is not a permitted land use in the E3 Environmental Management Zone, however it can continue under the Existing Use provisions of the *Environment Planning and Assessment Act 1979*. These provisions severely restrict the potential for the existing business to expand. Identifying movable building manufacturing as additional permitted use on part of this property will allow the existing business to expand subject to development approval.

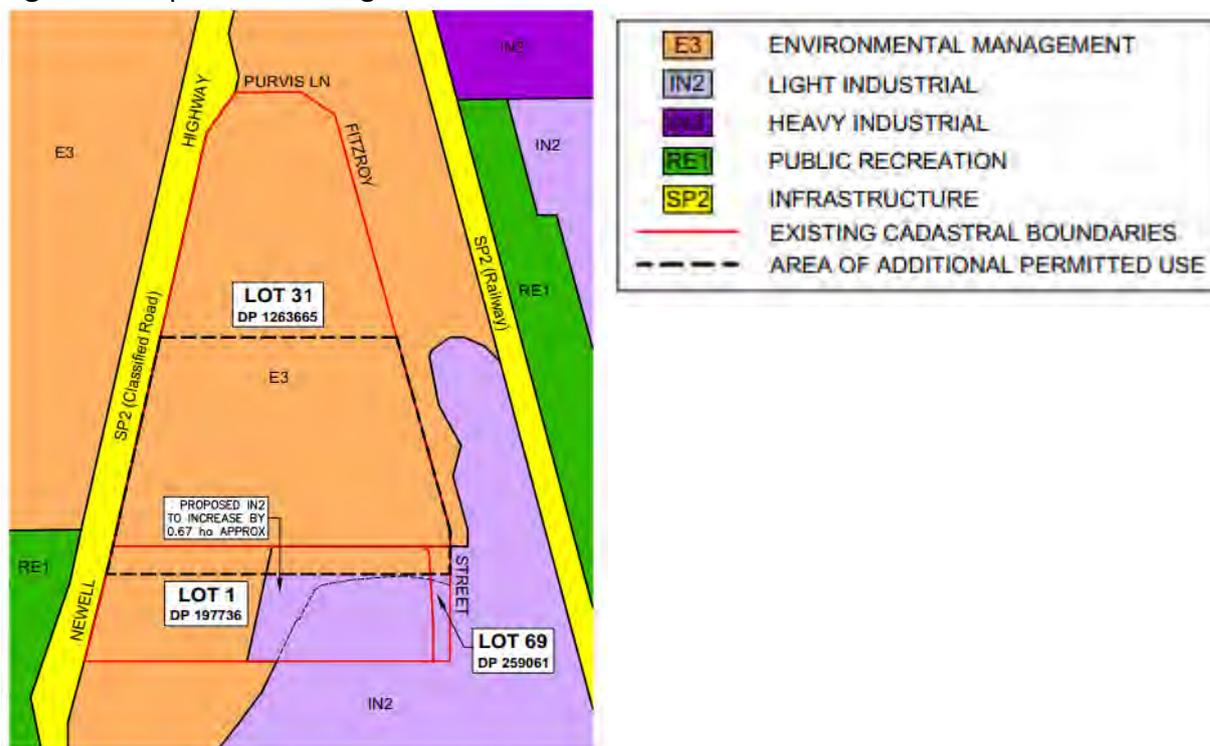
In March 2020, Lot 3 DP 1194822 and Lot 1 DP 1163911 (a closed road) were consolidated to form Lot 31 DP 1263665 (2R Gilgandra Road).

Figure 3: Current Zoning in Dubbo LEP 2011



Source: Barnson, 2020

Figure 4: Proposed Rezoning and Additional Permitted Use



Source: Barnson, 2020

Figure 5: Proposed Additional Permitted Use



Source: Barnson, 2020

REPORT

1. Site Description

The Proposal relates to two (2) adjoining properties, 2R Gilgandra Road and 63 Fitzroy Street, Dubbo. The respective property descriptions are provided in Table 1 below.

Table 1: Property Description

Address	Lot	DP	Area Ha
2R Gilgandra Road, Dubbo	31	1263665	15.37
63 Fitzroy Street	69	259061	0.32
63 Fitzroy Street	1	197736	6.07
Total			21.76

The Macquarie River is located approximately 125 m to the west of the subject site. The majority of land on the western side of the site is zoned E3 Environmental Management and RE1 Recreation due its location within the Macquarie River floodplain.

2R Gilgandra Road is bound by Purvis Lane, Fitzroy Street and the Newell Highway. This property utilises an existing access off Gilgandra Road (Newell Highway). Sixty three (63) Fitzroy Street is bound by the Newell Highway and Fitzroy Street and utilises an existing access off Fitzroy Street. The land is predominantly cleared of vegetation and a large portion of the site is used for industrial purposes.

2. Dubbo Local Environmental Plan 2011

2R Gilgandra Road

2R Gilgandra Road is currently zoned E3 Environmental Management in accordance with Dubbo LEP 2011 (Figure 3).

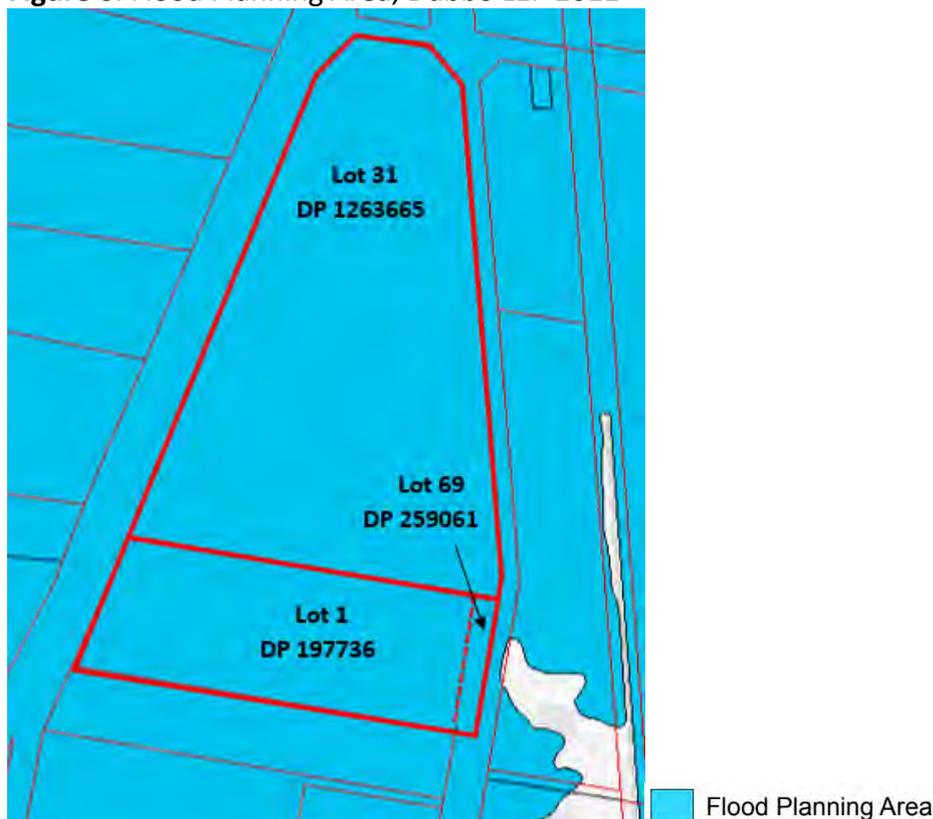
63 Fitzroy Street

63 Fitzroy Street is currently zoned part E3 Environmental Management and part IN2 Light Industrial in accordance with the Dubbo LEP 2011 (Figure 3).

Flood Planning Area

The subject site is also identified as being within the Flood Planning Area (FPA) in accordance with the Dubbo LEP 2011 (Figure 6).

Figure 6: Flood Planning Area, Dubbo LEP 2011

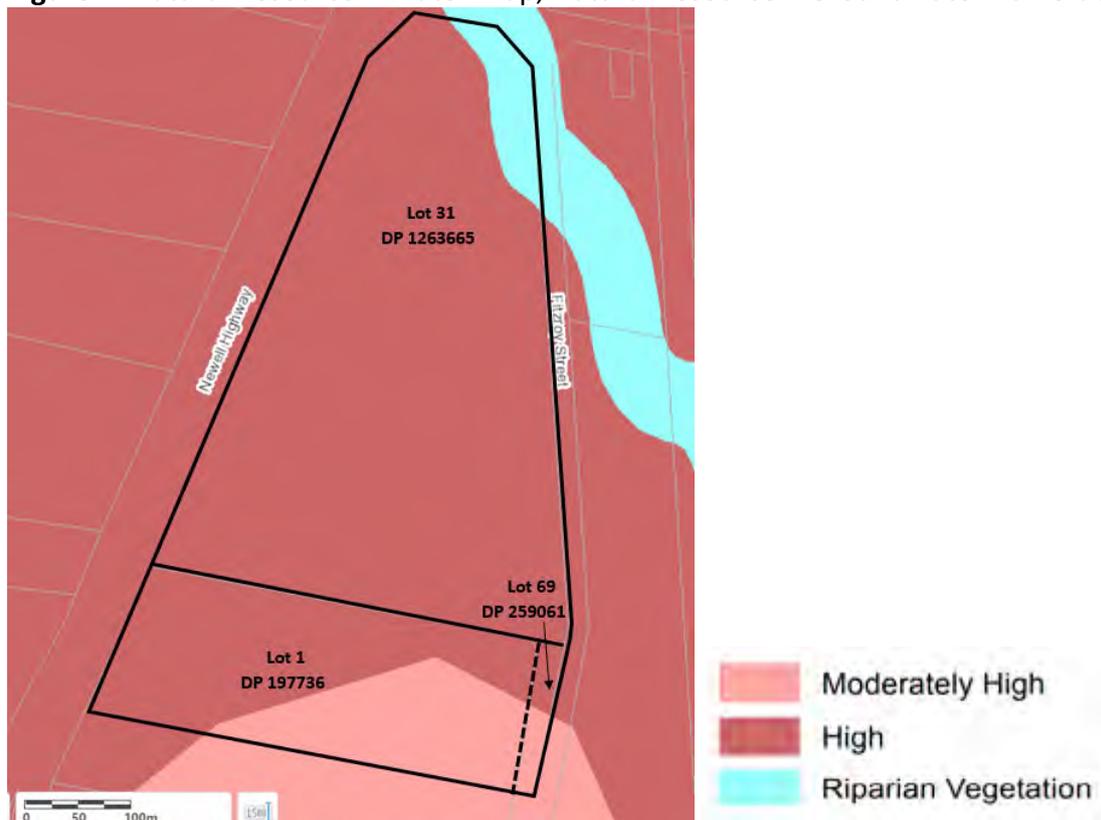


Source: Dubbo LEP 2011

Groundwater Vulnerability and Site Sensitivity

The subject site is identified as being subject to moderately high and high groundwater vulnerability in accordance with Dubbo LEP 2011 (Figure 7).

Figure 7: Natural Resource – Water Map, Natural Resource – Groundwater Vulnerability Map



Source: Dubbo LEP 2011

3. Assessment

(i) Aboriginal Archaeology

The Proposal included a due diligence Archaeological Assessment prepared by OzArk Environmental and Heritage Management dated 14 June 2018 to assess the impacts of the proposed development. The study found no items or Aboriginal sites in or surrounding the subject land.

(ii) Traffic

The Proposal is unlikely to present any significant increase in traffic above the existing infrastructure capacity. Any future extension of the existing movable building manufacturing business or light industrial development at 63 Fitzroy Street will be subject to development consent including an assessment of traffic impacts.

(iii) Flora and Fauna

The majority of the subject land is clear of vegetation and is not known to contain any threatened species or ecological communities within the vicinity.

(iv) Ground water Vulnerability

The subject site is mapped as having moderately high and high ground water vulnerability pursuant to the provision of Clause 7.5 of the Dubbo LEP (Figure 7). The objective of the clause is to maintain the hydrological functions of groundwater systems and protect vulnerable groundwater from depletion and contamination as a result of inappropriate development.

The Proposal has not included an assessment of potential impact on groundwater vulnerability and salinity impacts. However, further development of the site is subject to development consent which will require an assessment of groundwater and salinity impacts.

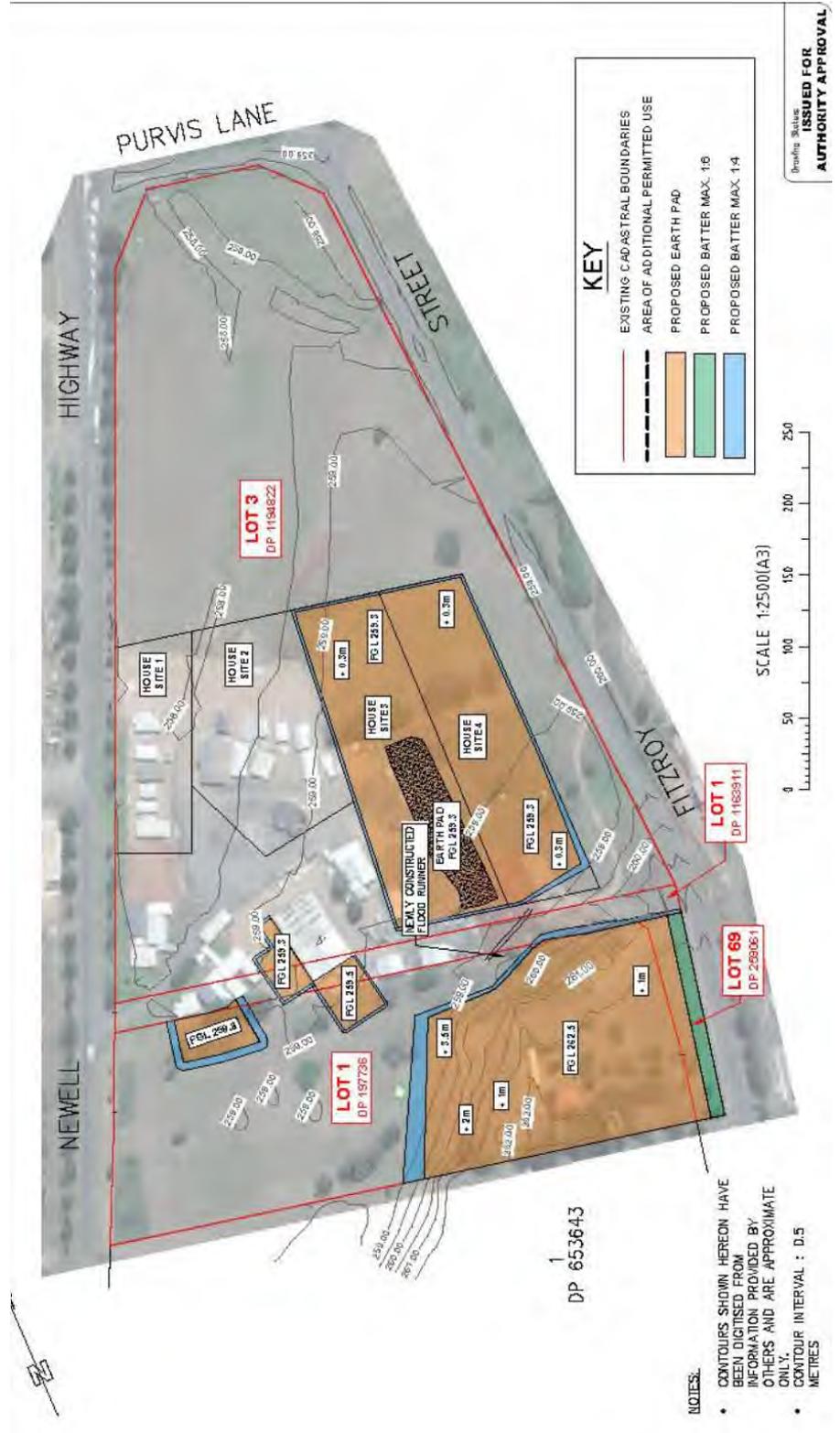
(v) Flooding

The subject site is identified as entirely within the Flood Planning Area (FPA) in accordance with the Dubbo LEP 2011 (Figure 6) and is also subject to Clause 7.1 of the LEP. The objective of this clause is to minimise the risk to life and property, whilst allowing compatible development on flood prone land and to avoid significant adverse impacts as a result of flooding.

The Proposal has included a Flooding Analysis prepared by Cardno dated November 2018 and updated on 30 March 2020. The flooding information indicates that the site is subject to mainstream flooding from the Macquarie River, local flooding from the Troy Gully and also flooding from the Talbragar River.

The study investigates the implications of the proposed earthen mounds upon the localised, Macquarie River and Troy Gully flood events. The Proponent has provided a plan of the proposed earthen mounds and their intended levels as seen in Figure 8.

Figure 8: Proposed Earthen Mounds

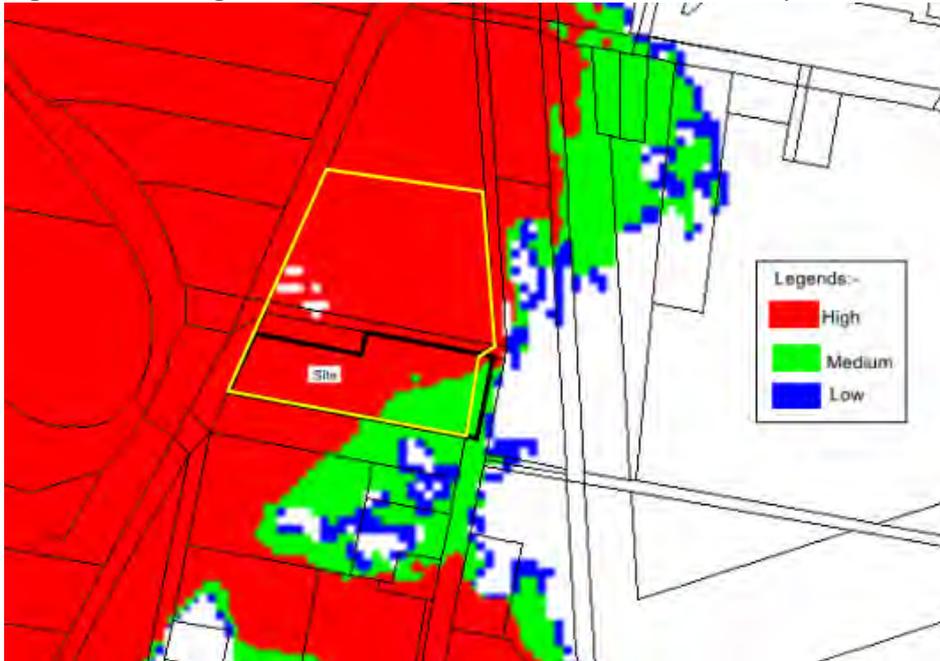


Source: Barnson, 2020

Macquarie River Flooding

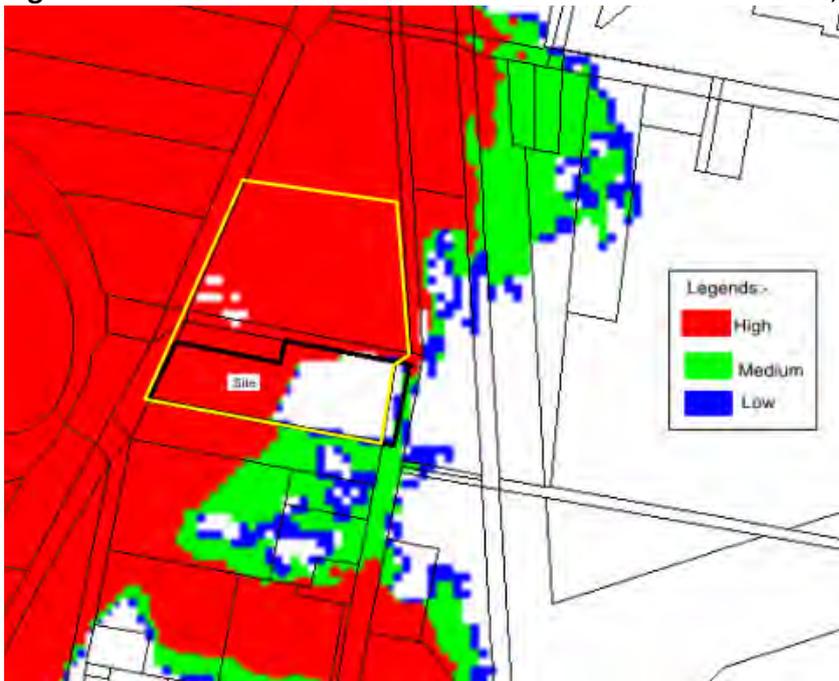
In relation to the Macquarie River Flood, Cardno concluded that the proposed earthworks will have a negligible impact on the 1 % AEP flood levels and flood velocities, velocity x depth and provisional flood hazard. The local changes in peak velocity are such that the peak velocity remains low and does not pose a concern in relation to erosion scour in the 1 % AEP flood. Estimated existing and post earthworks hazard levels associated with the Macquarie River are provided in Figures 9 and 10 respectively.

Figure 9: Existing Conditions – 1 % AEP Flood Hazards, Macquarie River



Source: Cardno, 2020

Figure 10: Post Earthworks Conditions – 1 % AEP Flood Hazards, Macquarie River

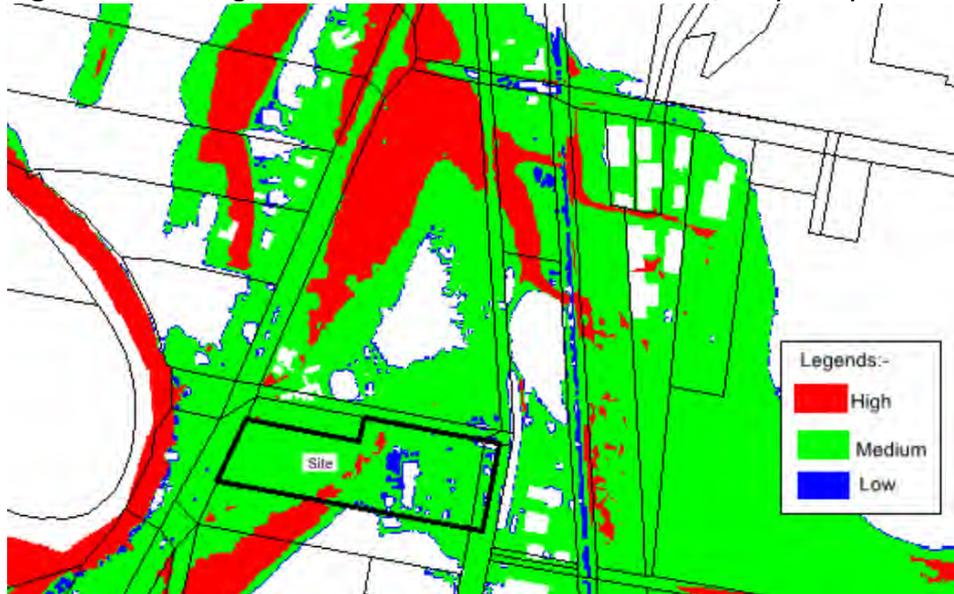


Source: Cardno, 2020

Troy Gully Flooding

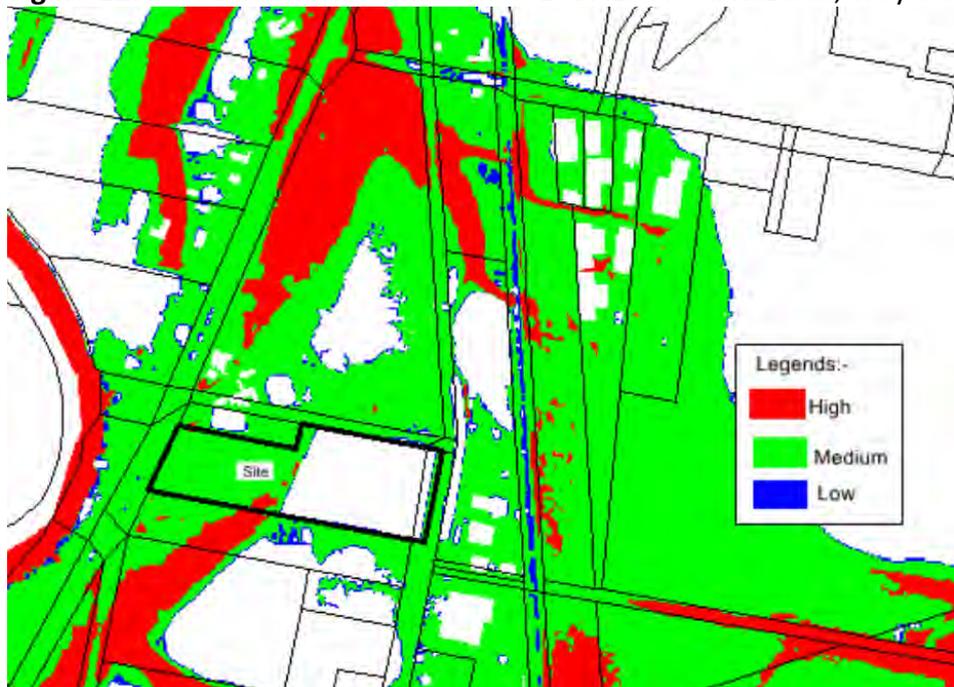
In relation to Troy Gully associated flooding, Cardno concluded that the proposed earthworks locally increase the 1% AEP flood levels on the southern side of the fill platform and have a small impact on flood velocities on the southern site boundary and that the local impact on velocity x depth and provisional flood hazard is negligible. The local changes in peak velocity are such that the peak velocity remains low and does not pose a concern in relation to erosion or scour in the 1% AEP flood. Estimated existing and post earthworks hazard levels associated with the Troy Gully are provided in Figures 11 and 12 respectively.

Figure 11: Existing Conditions – 1% AEP Flood Hazards, Troy Gully



Source: Cardno, 2020

Figure 12: Post Earthworks Conditions – 1% AEP Flood Hazards, Troy Gully



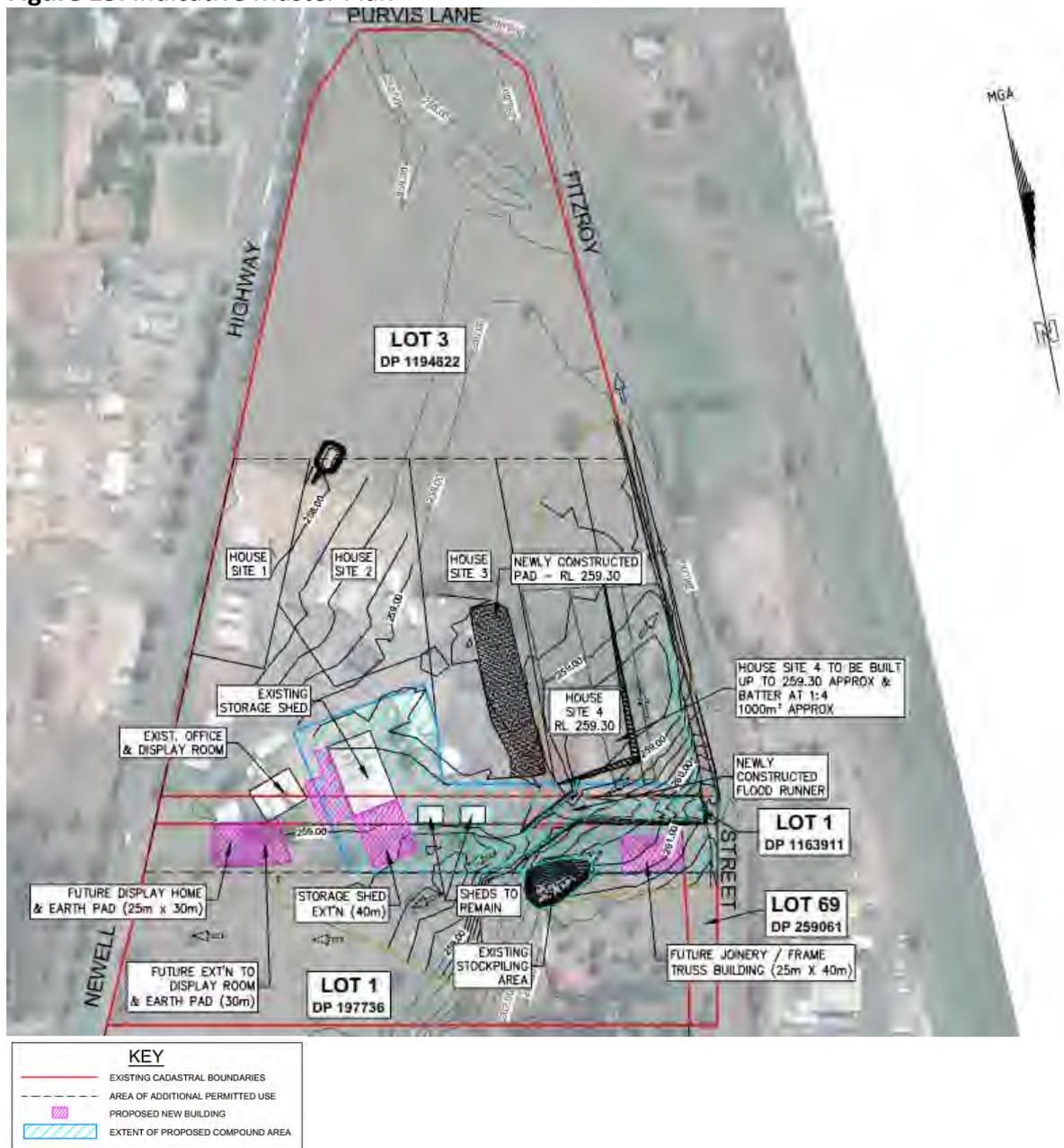
Source, Cardno, 2020

Council’s pre-gateway consultation with the BCD confirmed that the Proposal is consistent with the *NSW Flood Prone Land Policy* and the principles of the *Floodplain Development Manual 2005* as well as the *Guideline on Development Controls on Low Flood Risk Areas*. The correspondence from BCD is provided in **Appendix 2**.

(vi) Master Plan

The Proponent has provided an indicative Master Plan to conceptualise the intended outcomes for the business (Figure 13).

Figure 13: Indicative Master Plan



Source: Barnson, 2020

The Master Plan depicts a number of existing sheds and relocatable housing sites. The buildings are intended to support the movable building manufacturing with additional display

buildings, extension to storage shed, relocated of detached storage sheds and future joinery and truss buildings.

(vii) Dubbo Local Environmental Plan (LEP) 2011

Land Use Zoning

The majority of the subject land is zoned E3 Environmental Management with the remainder being zoned IN2 Light Industrial.

The objectives of the E3 Environmental Management zone are as follows:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To ensure development is compatible with the flood hazard of the Macquarie and Talbragar Rivers.*
- *To ensure development does not create outbreaks of saline lands or exacerbate the existence of existing saline lands.*

It is considered that the proposed additional permitted use is consistent with the objectives of the E3 Environmental Management Zone as the site is highly disturbed as a result of its use for light industrial purposes for an extended period of time. There is no identified ecological significance on this site and the Proposal seeks only one additional permitted use that already exists on the site.

It is considered that an additional local provision limiting future development on the lands subject to the proposed additional permitted use may be appropriate to ensure future development is compatible with the identified flood hazard on this part of the site.

In addition, any impact on groundwater, flooding impacts or ecological values can be assessed at the detailed design stage of any future proposal for the site.

The objectives of the IN2 Light Industrial zone are as follows:

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*
- *To recognise the Depot Road and McKenzie Street industrial area as providing start up and transport related development opportunities.*

The Proposal seeks to extend the existing IN2 Light Industrial Zone on 63 Fitzroy Street in order to broaden the range of light industrial uses permissible on the site and to facilitate the expansion of the existing business which includes a significant opportunity to allow Light

Industrial (movable building manufacturing) as a permitted use and the potential to generate additional employment opportunities. The subject use is also consistent with that of surrounding landuses.

Light Industrial is defined as follows:

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,*
- (b) home industry,*
- (c) artisan food and drink industry.*

An Industrial Activity is defined as follows:

industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

(4) Strategic Merit Test

In August 2016, the Department of Planning and Environment introduced the Strategic Merit Test, to determine whether a proposal demonstrates sufficient strategic and site specific merit to proceed to the Gateway.

Based on the Strategic Merit Test outlined in the Department's publication, A Guide to Preparing Local Environmental Plans (December 2018), a brief assessment of the Proposal against the Strategic Merit Test is provided below:

Will the proposal give effect to the relevant regional plan outside of the Greater Sydney Region?

I. Central West and Orana Regional Plan

The Proposal will assist in achieving the vision of with the Central West and Orana Regional Plan, "The most diverse regional economy in NSW with a vibrant network of centres leveraging the opportunities of being at the heart of NSW" by facilitating the expansion of an existing business.

The Proposal will also assist in achieving the directions and actions of the Plan as described below:

Direction 10. Promote business and industrial activities in employment lands

The Proposal will encourage the expansion of industrial activities on the existing IN2 zoned land by facilitating the expansion of an existing light industrial movable building manufacturing business.

Action 10.1. Encourage the sustainable development of Industrial and Employment land to maximise infrastructure to connect to the existing freight network.

The Proposal will encourage expansion an existing light industrial movable building manufacturing business, adjacent to existing IN2 Light Industrial Zoned Land on a major freight network.

Action 12.4. Amend planning controls to deliver greater certainty of use.

The Proposal will amend Dubbo LEP 2011 to provide greater certainty to the existing Taylor Made Home business regarding permissibility of expansion.

Will the proposal give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or require as part of a regional or district plan or local strategic planning statement?

The Proposal was initially assessed against the Dubbo Industrial Areas Development Strategy in place at the time of lodgement and was considered consistent with this Strategy.

Subsequently the Dubbo Employment Lands Strategy was adopted by Council and endorsed by the then Department of Planning and Environment in 2019. Council maintains that the Proposal remains consistent with the Dubbo Employment Lands Strategy as described below:

II. Dubbo Employment Lands Strategy

The subject site is located in the North Dubbo Industrial Precinct. The Planning Principals for the precinct are:

- *Maintain Dubbo as the major employment and service centre of the Orana region;*
- *Ensure an adequate supply of appropriately located and serviced employment lands are maintained to facilitate short-term, medium-term and long-term growth; and*
- *Facilitate revitalisation of existing employment land precincts to meet the changing needs of industry.*

A relevant opportunity for the area is to *“Regulate development within the floodplain to be sympathetic to the environmental constraints”*.

The Proposal will support existing employment land to be utilised to meet the long term needs of the existing business and contribute to local employment opportunities. The Proposal has been designed to be sympathetic to the Macquarie River floodplain. Further, it is

also recommended that a local provision be inserted in Dubbo LEP 2011 limiting potential development on the subject lands to that assessed in the Applicant's flooding information.

III. Dubbo Regional Local Strategic Planning Statement

It is considered that the Proposal through facilitating the expansion of an existing business, will give effect to *Planning Priority 8 – Ensure Supply of Employment Generating Land* and *Action 8.1 Implementing and progress the recommendation as contained within the Employment Lands Strategy, 2019*.

IV. Dubbo Region Community Strategic Plan

The Community Strategic Plan is a long term plan produced by Council that aims to guide and influence the actions and initiatives of the Dubbo Regional Council, state government and the community to 2040.

The Plan sets out five (5) visions to reflect the priorities of the local community. The Proposal is consistent with and will give effect to the stated economy and liveability visions as summarised below:

Economy Vision

Strategy	Assessment
3.2.1 Employment opportunities for all sectors of the community that support economic growth.	The existing movable building manufacture business employs 34 staff and 15 contractors. Securing the proposed additional permitted use and extension of the IN2 zone will provide security for the future of the business and will facilitate future expansion.
3.5.1 Opportunities for long term growth and investment across sectors and industry is leveraged.	The existing business currently employs 34 staff and 15 contractors. The proposal will contribute to the local term economic growth of the LGA through securing the permissibility of the existing business and facilitating its potential expansion.
3.5.6 Investment in the Local Government Area as a driver of growth in the region is a key priority for government, industry and the local community.	The proposal will facilitate investment in the LGA through securing the permissibility of the existing use and expanding the existing IN2 Zone.
3.7.3 Planning controls ensure adequate suitable land is available for new development opportunities.	The proposal will contribute to the supply of suitable land for expansion of the exiting movable building manufacture business.

Liveability Vision

Strategy	Assessment
5.10.1 Landuse management improves and sustains the built and natural environment.	The proposal will facilitate future development on the site that will require the lodgement of a development application with Council and assessment under Councils existing planning provisions.
5.10.3 Urban stormwater discharge from the drainage network into receiving waters is limited.	Future development on the site will require the minimisation of urban stormwater discharge into receiving waters.
5.10.5 Planning instruments include provisions for the protection of sensitive environments.	The proposal will facilitate development of E3 Environmental Management zoned land for an existing use. Future development will be subject to existing LEP provisions regarding the protection of sensitive environments.

Is the proposal responding to a change in circumstances, such the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans?

The Proposal seeks to enable the extension of the existing business (subject to development consent). The subject business was permissible with consent on 2R Gilgandra Road prior to the adoption of the Dubbo LEP 2011. The extension of the IN2 Light Industrial zone on 63 Fitzroy Street will facilitate the extension of this business.

Section 9.1 Directions

A number of Section 9.1 Directions are applicable to the Proposal. As provided in **Appendix 1**, the subject Proposal is consistent with the majority of directions and presents only minor inconsistencies.

State Environmental Planning Policies (SEPP)

A number of State Environmental Planning Policies (SEPPs) apply to the Proposal. It is considered that the proposal is consistent with the relevant SEPPs as outlined in **Appendix 1**.

SUMMARY

Council is in receipt of a Proposal to rezone Lot 69 DP 259061 and part Lot 1 DP 197766 (known as 63 Fitzroy Street, Dubbo) from E3 Environmental Management to IN2 Light Industrial under the provisions of the Dubbo LEP 2011.

The Proposal also seeks to allow Light Industrial (movable building manufacturing) as an additional permitted use on part Lot 31 DP 1263665 (2R Gilgandra Road), part Lot 1 DP

197736 and part Lot 69 DP 259061 (63 Fitzroy Street) under Schedule 1 of the Dubbo LEP 2011.

Flooding information was submitted with the Proposal, which concluded that based on the landowner's master plan, the flooding impacts of development on the site would be minimal. Pre-gateway consultation with the BCD of DPIE has not identified flooding issues with the Proposal and has advised that it is consistent with the *NSW Flood Prone Land Policy* and the principles of the *Floodplain Development Manual 2005* as well as the *Guideline on Development Controls on Low Flood Risk Areas*.

The Proposal is considered consistent with the objectives of the Dubbo Urban Areas Development Strategy, the Industrial Areas Development Strategy relevant at the time of lodgement and the Dubbo Employment Lands Strategy adopted and endorsed in 2019.

It is recommended that Council prepare a planning proposal accordingly, forward it to DPIE for Gateway Determination and request to use its Delegations under Section 3.36 of the *Environmental Planning and Assessment Act, 1979* regarding plan making functions.

Appendices:

- 1 [↓](#) Appendix 1 - Proposal
- 2 [↓](#) Appendix 2 - Biodiversity and Conservation Division Correspondence



Planning Proposal
Rezoning & Additional Permitted Use - Taylor Made Homes
2 Newell Highway & 63 Fitzroy Street, Dubbo

(Our Reference: 27415-PR01_B)
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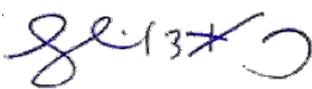




Disclaimer

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Report Title:	Planning Proposal
Project Name:	Rezoning & Additional Permitted Use – Taylor Made Homes 2 Newell Highway & 63 Fitzroy Street, Dubbo
Client:	Taylor Made Buildings
Project No.	27415
Report Reference	27415-PR01_B
Date:	1/4/20
Revision:	Final

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Reference: 27415-PR01_B | i



LIST OF CONTENTS

1	INTRODUCTION.....	1
1.1	Planning Proposal.....	1
1.2	Proponent.....	1
1.3	Consultant.....	1
2	PLANNING PROPOSAL SITE.....	2
2.1	Location and Title.....	2
2.2	Land Use.....	8
2.3	Topography and Soils.....	8
2.4	Groundwater.....	8
2.5	Flora and Fauna.....	9
2.6	Noise Environment.....	10
2.7	Natural Hazards.....	10
2.7.1	Flooding.....	10
2.7.2	Bush Fire.....	11
2.8	Contamination.....	11
2.9	Services.....	11
2.10	Access and Traffic.....	12
2.11	Heritage.....	12
2.12	Background to Planning Proposal.....	12
3	EXISTING LEGISLATIVE FRAMEWORK.....	13
3.1	Introduction.....	13
3.2	E3 Environmental Management Zone.....	13
3.3	IN2 Light Industrial Zone.....	13
4	PLANNING PROPOSAL.....	15
4.1	Part 1 – Objectives or Intended Outcomes.....	15
4.2	Part 2 – Explanation of Provisions.....	15
4.3	Part 3 – Justification.....	16
4.3.1	Section A – Need for the Planning Proposals.....	16
4.3.2	Section B – Relationship to Strategic Planning Framework.....	17
4.3.3	Section C – Environmental, Social and Economic Impact.....	66
4.3.4	Section D – State and Commonwealth Interests.....	67
4.4	Part 4 – Mapping.....	67
4.5	Part 5 – Community Consultation.....	68
4.6	Part 6 -Project Timeline.....	68
5	CONCLUSION.....	70
6	REFERENCES.....	71



APPENDICES

Appendix A – Planning Proposal Plans
 Appendix B – Information Checklist
 Appendix C – Titles & Deposited Plans
 Appendix D – Flooding Assessment
 Appendix E – AHIMS Search
 Appendix F – Masterplan Details

LIST OF TABLES

Table 1 – Subject Site Details	3
Table 2 – Application of SEPPS.....	20
Table 3 – Section 117 Directions	22
Table 4 – Indicative Project Timing.....	68

LIST OF FIGURES

Figure 1 – Site Location	2
Figure 2 – Site Aerial.....	3
Figure 3 – Zoning Map.....	8
Figure 4 – Groundwater Vulnerability Map	9
Figure 5 – PCT Mapping.....	9
Figure 6 – BioNet Atlas Search.....	10
Figure 7 – Flood Planning Area Map.....	11
Figure 8 – Industrial Areas - North Precinct Structure Plan	19

LIST OF PLATES

Plate 1 – Existing Taylor Made Building development north of entry off Newell Highway.....	4
Plate 2 – Existing Taylor Made Building development entry off Newell Highway.....	4
Plate 3 – Area of proposed Additional Permitted Use south of existing Taylor Made Building development from Newell Highway.....	5
Plate 4 – Area of proposed IN2 adjacent to Fitzroy Street	5
Plate 5 – Area of IN2 land looking west toward existing Taylor Made Building Development	6
Plate 6 – Western end of proposed IN2 zone and view towards existing storage sheds on site....	6
Plate 7 – View north west to area of Additional Permitted Use, including existing storage sheds	7
Plate 8 – View west to E3 zoned land at western extent of proposed IN2 land	7



1 INTRODUCTION

1.1 Planning Proposal

Barnson Pty Ltd has been engaged by Taylor Made Buildings to prepare a Planning Proposal (PP) that seeks to amend Dubbo *Local Environmental Plan 2011* (Dubbo LEP) by:

- Rezoning part of Lot 1 DP 1163911, part of Lot 1 DP 197736, and part of Lot 69 DP 259061 from E3 Environmental Management to IN2 Light Industrial; and
- Providing an additional use of “Light Industry (Movable Building Manufacturing)” on part of Lot 3 DP 1194822, part of Lot 1 DP 1163911 & part of Lot 1 DP 197736.

This PP will amend both the LEP and associated LEP mapping. Plans associated with the PP are provided in **Appendix A**.

The site the subject of this PP is:

- Lot 3 DP 1194822, 2 Newell Highway, Dubbo;
- Lot 1 DP 1163911, 2 Newell Highway, Dubbo;
- Lot 1 DP 197736, 63 Fitzroy Street, Dubbo; and
- Lot 69 DP 259061, 63 Fitzroy Street, Dubbo.

Consistent with the NSW Government Planning & Environment’s *Planning Proposals: A guide to preparing planning proposals* (the Guide) (NSW Department of Planning & Environment, 2016), this PP has been prepared in the following format:

- Part 1 – Objectives or intended outcomes
- Part 2 – Explanation of Provisions
- Part 3 – Justification
- Part 4 – Mapping
- Part 5 – Community Consultation
- Part 6 – Project Timeline

The completed Information Checklist provided in Attachment 1 of the Guide is provided in **Appendix B**.

1.2 Proponent

The proponent for the PP is Taylor Made Buildings.

1.3 Consultant

Barnson Pty Ltd
 Jim Sarantzouklis
 Riverview Business Park
 Unit 1, 36 Darling St
 Dubbo NSW 2830



2 PLANNING PROPOSAL SITE

2.1 Location and Title

The subject site of this application is:

- Lot 3 DP 1194822, 2 Newell Highway, Dubbo;
- Lot 1 DP 1163911, 2 Newell Highway, Dubbo;
- Lot 1 DP 197736, 63 Fitzroy Street, Dubbo; and
- Lot 69 DP 259061, 63 Fitzroy Street, Dubbo

The site is located on the eastern side of the Newell Highway, approximately 2.5km north of Dubbo CBD as shown in **Figure 1**.



Source: (NSW Government Spatial Services, 2020)

Figure 1 – Site Location

The site has an overall area of 21.4738 hectares as outlined in **Table 1**. The Certificate of Title and Deposited Plan for each of the lots is provided in **Appendix C. Table 1** also outlines the existing land uses for each lot, which is shown in **Figure 2. Plate 1 to Plate 8** illustrates the part of the site subject to this application.



Table 1 – Subject Site Details		
Lot	Area	Use
Lot 3 DP 1194822	14.57 ha	Taylor Made Buildings development
Lot 1 DP 1163911	8,518m ²	Taylor Made Buildings development
Lot 1 DP 197736	5.733 he	Former golf driving range
Lot 69 DP 259061	3,190m ²	Former golf driving range
Total	21.4738 ha	



Source: (Google Earth, 2020)

Figure 2 – Site Aerial



Plate 1 – Existing Taylor Made Building development north of entry off Newell Highway



Plate 2 – Existing Taylor Made Building development entry off Newell Highway



Plate 3 – Area of proposed Additional Permitted Use south of existing Taylor Made Building development from Newell Highway



Plate 4 – Area of proposed IN2 adjacent to Fitzroy Street

Reference: 27415-PR01_B | 5



Plate 5 – Area of IN2 land looking west toward existing Taylor Made Building Development



Plate 6 – Western end of proposed IN2 zone and view towards existing storage sheds on site

Reference: 27415-PR01_B | 6



Plate 7 – View north west to area of Additional Permitted Use, including existing storage sheds



Plate 8 – View west to E3 zoned land at western extent of proposed IN2 land



2.2 Land Use

The site is located in an area of mixed land uses as shown in **Figure 3**. The predominant land use in the locality is light industrial and industrial. Land uses to the west are lower density and zoned E3, which is a reflection of being within the floodplain of the Macquarie River.



Source: (NSW Planning & Environment, 2020)

Figure 3 – Zoning Map

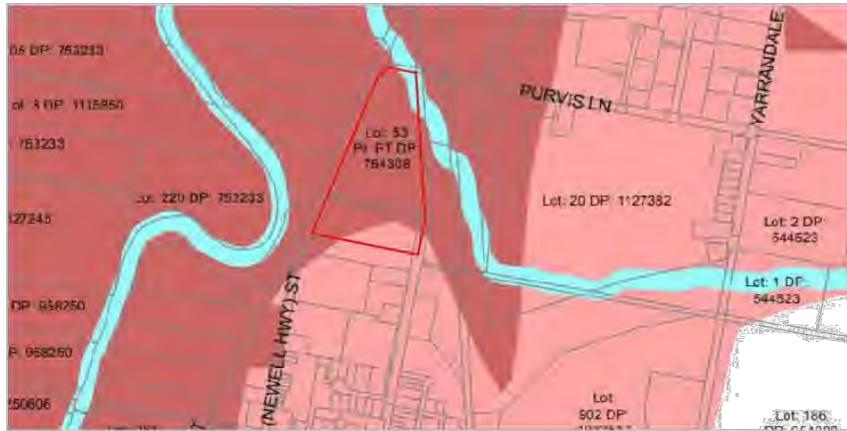
2.3 Topography and Soils

The site slopes generally from the south east to the north west. The highest point of the site is 262m and the lowest is 258m.

The site is within the Macquarie-Dubbo Soil Landscape as mapped by *Soil Landscapes of the Dubbo 1:250 000 Sheet* (Murphy & Lawrie, 1998) which is found on the alluvial plains and terraces of the Macquarie and Talbragar Rivers. It is characterised by moderate fertility; moderate to high available water holding capacity; weakly structured surface soils; streambank erosion; and flood hazard. Soil Salinity for this soil landscape is identified as Low. (Murphy & Lawrie, 1998).

2.4 Groundwater

The site is mapped under the LEP as being of moderately high and high groundwater vulnerability under the LEP (refer **Figure 4**).



Source: (NSW Planning & Environment, 2020)

Figure 4 – Groundwater Vulnerability Map

2.5 Flora and Fauna

The site is not mapped as containing any Plant Community Types (PCTs) (refer Figure 5). The site is heavily disturbed as a result of previous activities on site. It is predominantly grassland with scattered trees on the unbuilt upon areas. The grassland has been grazed or mown/slashed over time. No threatened species have been recorded on site (refer Figure 6).



Source: (NSW Office of Environment & Heritage, 2020)

Figure 5 – PCT Mapping



Source: (NSW Government Environment & Heritage, 2020)

Figure 6 – BioNet Atlas Search

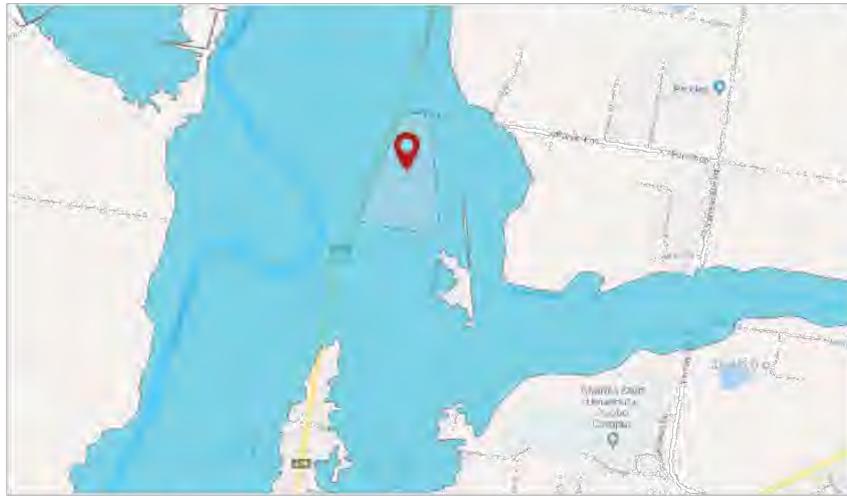
2.6 Noise Environment

A noise assessment has not been undertaken as part of this planning proposal. The site is located within an area characterised by light industry, a railway line, a major freight highway, and rural industries. Noise levels are consistent with these land uses.

2.7 Natural Hazards

2.7.1 Flooding

The is mapped under the Dubbo LEP as being within the Flood Planning Area (FPA) as shown in Figure 7.



Source: (NSW Planning & Environment, 2020)

Figure 7 – Flood Planning Area Map

From existing flood models, the site is affected by flooding by the Macquarie River (mainstream), Troy Gully (local) and the Talbragar River. The mainstream flooding (Macquarie River) is the dominant flood on the site. Cardno has considered the flood impact to the site based on existing flooding information, the draft Macquarie River floodplain model (2012), and the 2012 model modified to include additional fill on the subject site. The Cardno information relating to the site is provided in **Appendix D**.

2.7.2 Bush Fire

The site is not mapped as being bush fire prone on the NSW Planning Portal (NSW Planning & Environment, 2020).

2.8 Contamination

The site is not known to have previously contained any of the land uses listed in Table 1 of the *Contaminated Land Planning Guidelines* (NSW Department of Urban Affairs and Planning & Environment Protection Authority, 1998) that are likely to cause contamination.

2.9 Services

A Dial Before You Dig Search was undertaken for the site. It revealed the following existing connections:

- An existing water main is located in the road reserve on the eastern side of Fitzroy Street.



- An existing sewer main is located in the road reserve on the eastern side of Fitzroy Street. Lot 1 DP 197736 has an existing sewer connection
- Above ground powerlines are located in the road reserve on the eastern side of Fitzroy Street and the Newell Highway.
- An existing Jemena gas main is located in the road reserve on the western side of Fitzroy Street.
- The site has existing telecommunications available, with an underground supply located in the south eastern corner of Lot 3, and within the road reserve of Fitzroy Street.

2.10 Access and Traffic

The site has frontage to the Newell Highway, Purvis Lane and Fitzroy Street. The existing Taylor Made Buildings development has vehicular access to the Newell Highway and Fitzroy Street. The former Golf Driving range site has access from Fitzroy Street.

The Newell Highway in the vicinity of the site is a two-lane two-way sealed arterial road. It is a Classified Road under the *Roads Act 1993*. The Newell Highway extends from Tocumwal on the Murray River to the Queensland border at Goondiwindi.

Purvis Lane is a two lane two way sealed local collector road. It provides access from the Newell Highway in the west predominantly to Yarrandale Road in the east, but also extends as a semi formed road/track to the Golden Highway.

Fitzroy Street is a two lane two-way local collector road. It provides access from Purvis Lane in the north through to the CBD and then connecting with Macquarie Street in South Dubbo.

2.11 Heritage

A search of the State Heritage Inventory, *Dubbo Local Environmental Plan 2011* and Aboriginal Heritage Information Management System (AHIMS) (refer **Appendix E**) was undertaken for the site and its immediate surrounds. There are no known items or places of European or Aboriginal cultural heritage significance have been identified as being recorded on or within the vicinity of the site.

2.12 Background to Planning Proposal

The development (formerly Harnett Transportable Homes and Taylor Made Buildings since 2007) has been operating on Lot 3 for over 40 years. Details of the existing and intended development are provided in **Appendix F**. It operates under existing use rights as the development was originally approved under a previous planning instrument. The operation of the development under existing use rights limits expansion of the development.

It is understood that the site was rezoned to E3 Environmental Management under *Dubbo Local Environmental Plan 2011* to reflect the general area of flood affectation.



3 EXISTING LEGISLATIVE FRAMEWORK

3.1 Introduction

As shown in **Figure 3**, the site is part zoned E3 Environmental Management and part zoned IN2 Light Industrial under Dubbo LEP.

3.2 E3 Environmental Management Zone

The objectives of the E3 Zone are:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To ensure development is compatible with the flood hazard of the Macquarie and Talbragar Rivers.*
- *To ensure development does not create outbreaks of saline lands or exacerbate the existence of existing saline lands.*

The land use table for the E3 Zone is as follows:

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads

3 Permitted with consent

Boat launching ramps; Boat sheds; Camping grounds; Charter and tourism boating facilities; Dwelling houses; Environmental facilities; Farm buildings; Group homes; Home businesses; Home industries; Jetties; Mooring pens; Moorings; Recreation areas; Signage; Turf farming; Water recreation structures; Water reticulation systems; Wharf or boating facilities

4 Prohibited

Advertising structures; Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Comment: It is understood the E3 Zoning reflects the flood hazard of the site based on previous flood studies. Light Industrial land uses, such as the Taylor Made Buildings development, are prohibited in the E3 Zone.

3.3 IN2 Light Industrial Zone

The objectives of the IN2 Zone are:

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*



- *To support and protect industrial land for industrial uses.*
- *To recognise the Depot Road and McKenzie Street industrial area as providing start up and transport related development opportunities.*

The land use table for the IN2 Zone is as follows:

2 Permitted without consent

Environmental protection works; Roads

3 Permitted with consent

Agricultural produce industries; Depots; Funeral homes; Garden centres; Hardware and building supplies; Health consulting rooms; Industrial training facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Medical centres; Neighbourhood shops; Places of public worship; Plant nurseries; Rural supplies; Take away food and drink premises; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource transfer stations; Water reticulation systems; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Correctional centres; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Flood mitigation works; Forestry; Function centres; Health services facilities; Heavy industrial storage premises; Helipads; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Sewerage systems; Sex services premises; Tourist and visitor accommodation; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

Comment: Light Industrial land uses, such as the Taylor Made Buildings development, are permissible with consent in the E3 Zone.



4 PLANNING PROPOSAL

4.1 Part 1 - Objectives or Intended Outcomes

The *Planning Proposals: A guide to preparing planning proposals* identifies that Part 1 of a PP should consist of:

... a short, concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be easily understood by the general community (NSW Department of Planning & Environment, 2016).

The objective of this PP is to amend the *Dubbo Local Environmental Plan 2011* to make the existing Taylor Made Buildings development a permissible land use on the part of the site that it currently occupies and to enable future expansion of the development on the site and to the land to the south.

The masterplan provided in **Appendix F** illustrates the intent for future development of the Taylor Made Buildings development. The intent is to consolidate the development around the office/main shed area to maximise efficiencies on site and to minimise sprawl on site and contain flood impacts by providing the development in a consolidated central area adjacent to the industrial zoned land.

4.2 Part 2 - Explanation of Provisions

The *Planning Proposals: A guide to preparing planning proposals* identifies that Part 2 of a PP is to provide:

... a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending an existing LEP. ... explanation of provisions to identify what zones or development standards are being proposed (NSW Department of Planning & Environment, 2016).

The proposed outcome for the PP will be achieved by:

- Amending the Dubbo LEP 2011 Land Zoning Map on Lot 1 DP 197736 and Lot 69 DP 259061 in accordance with the proposed zoning map shown in **Appendix A**; and
- Amending the Dubbo LEP 2011 Schedule 1 Additional Permitted Uses to include a new clause to enable "Light Industry (Movable Building Manufacturing)" to be permitted to be carried out with development consent on:
 - That part of Lot 3 DP 1194822 that is within 243m of the boundary with Lot 1 DP 1163911;
 - Lot 1 DP 1163911; and
 - The part of Lot 1 DP197736 that is zoned E3 Environmental Management and located within 35m of the boundary with Lot 1 DP 1163911.

The plan in **Appendix A** shows the extent of the additional permitted use.



4.3 Part 3 - Justification

The *Planning Proposals: A guide to preparing planning proposals* identifies that Part 3 is to set out the case for the making the proposed LEP. The following section provides a response to the questions outlined in the guide.

4.3.1 Section A - Need for the Planning Proposals

Q1. Is the planning proposal a result of any strategic study or report?

No applicable studies or reports.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Other options were considered as potential means for achieving the objective of the planning proposal. These were considered as follows:

- Changing the zoning of the site from E3 to IN2 to make the land use permissible. This would result in permitting a wide range of light industrial land uses on the site, when given the constraints, the current land use is considered to be appropriate, but not others.
- Amending the Land Use Table to make 'light industry' a land use that is permissible with consent in the E3 Zone. This would have the effect of allowing the light industry land as a permissible land use in all areas zoned E3, which is not generally considered appropriate given the characteristics of E3 zoned land in most other cases.
- The small extension of the IN2 Zone and provision of an additional permitted use on the remainder of the site that has the existing Taylor Made Buildings development will enable the existing development to continue to operate and expand to the south in the less constrained area. It will facilitate the specific land use without enabling other inappropriate land uses on the site or enabling other inappropriate land uses to be facilitated in the E3 zone elsewhere throughout the LGA.



4.3.2 Section B - Relationship to Strategic Planning Framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The following Assessment Criteria have been established by the guide and are considered below in relation to the PP:

- a) Does the proposal have strategic merit? Is it:
- Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or
 - Consistent with a relevant local council strategy that has been endorsed by the Department; or
 - Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

Response

- The PP is considered to be consistent with the *Central West and Orana Regional Plan 2036* as it will:
 - Provide for security of on-going operation and expansion of the existing Taylor Made Buildings development. Its location is well appointed adjacent to existing industrial zoned land and access to regional road networks whilst providing the required land for the operation of the development (Direction 10).
 - Provide for an appropriate land use location based on the most up to date available flooding information (Direction 15).
- The PP is based on the most up to date flooding information that has been sourced from Council's currently being undertaken revised flood models.



- b) Does the proposal have site-specific merit, having regard to the following:
- the natural environment (including known significant environmental values, resources or hazards) and
 - the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and
 - the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

Response

The existing Taylor Made Building development operates under existing use rights and has been operating on the site for over 40 years. The flood affectation of the area limits future development of the site to the north. However, the part of the site that currently contains the existing development is considered to be appropriate to the flood risk. Any future expansion of the Taylor Made Building development would occur to the south, which is moving away from the flood risk area.

The PP is considered to have site specific merit given:

- the substantial existing investment on site,
- nature of the development, being largely outdoor storage of the partially manufactured buildings and compatibility with the flood risk, and
- any future expansion of the land use would be away from the flood risk.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

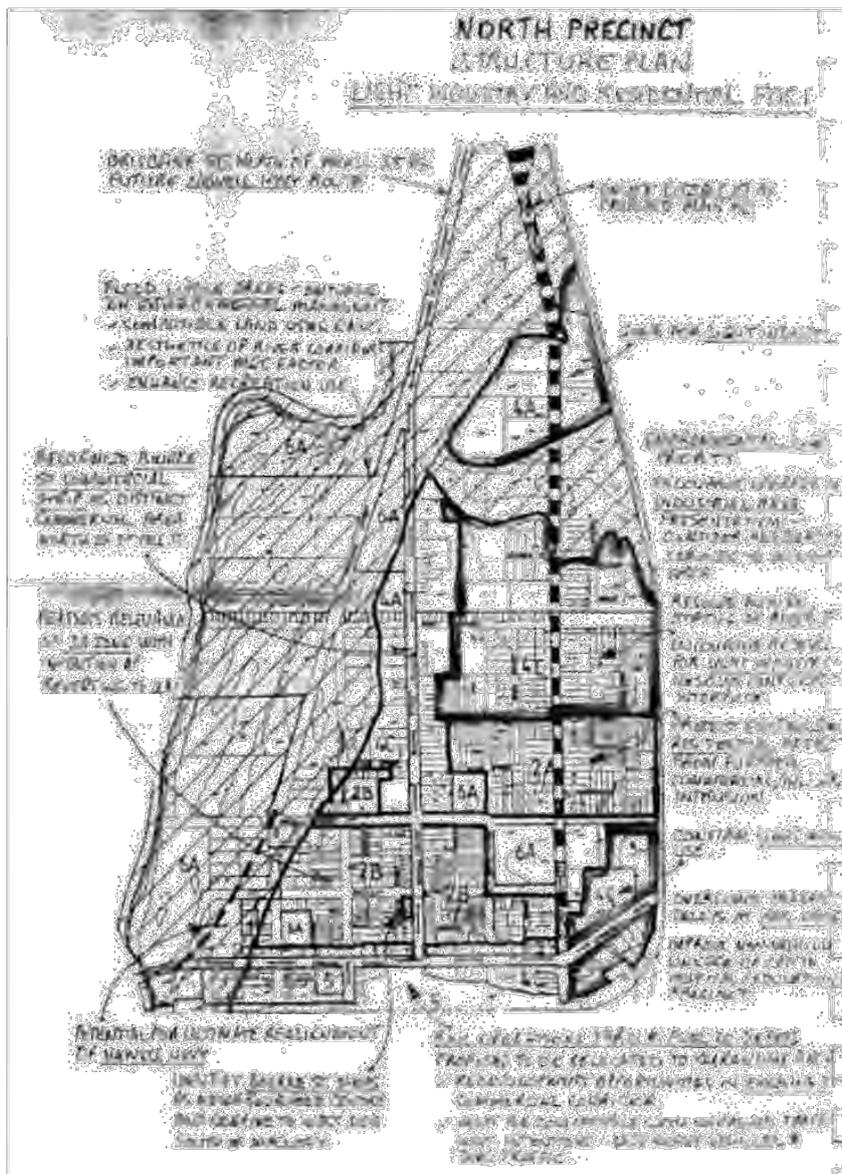
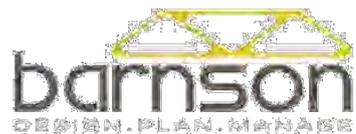
The site is covered by one of the existing local strategies:

- Dubbo City Council Urban Development Strategy (C) Industrial Areas Development Strategy 1997

Urban Development Strategy (C) Industrial Areas Development Strategy 1997

Figure 8 provides the existing structure plan for the subject site from the Industrial Areas Development Strategy. It generally reflects the current zoning of the site, being IN2 Light Industrial Zone and E3 Environmental Management Zone. The key difference on the structure plan is that the flood liable areas are excluded from the light industrial area and that the flood liable area is to:

- include compatible land use only;
- the aesthetics of the river corridor is an importance factor; and
- enhance the recreation use.



Source: (Dubbo City Council, 1997)

Figure 8 – Industrial Areas - North Precinct Structure Plan



The transportable building manufacturing development has been carried out on this site since the early 1980s. It has been designed to respond to the flood risk with the permanent habitable structures being located on earth pads above the smaller more frequent flood event levels and house construction areas and storage areas located at natural ground level with contingency plans respond to flooding events based on what products are on site at the time of the flooding event.

The PP to extend the IN2 zone will require additional filling to provide a finished ground level (FGL) above the 1% AEP Flood Level (262.4m AHD). This will provide an appropriate area for future IN2 development in accordance with the Industrial Areas Strategy.

A flood runner has been identified on the site which has been depicted on the master plan. This flood runner shall remain free of buildings and/or earth pads to ensure flood waters traverse through the site appropriately.

The additional permitted use is to be included as part of the PP on the part of the site that contains the existing transportable building manufacturing development and a small additional area (35m wide) to the south to provide for modest expansion of the development. The location of the additional area of the additional permitted use has been chosen as it is in close proximity to the existing office and storage shed on site and also would pose the least impact in terms of flooding. It is therefore considered to be compatible to the flood risk that the existing development is exposed to and thus is consistent with the Industrial Areas Strategy. Furthermore, being separated from the Macquarie River riparian area by the Newell Highway, the site does not offer any benefit in terms of the aesthetics of the river corridor or the recreation use of the river corridor.

The PP is considered not to be inconsistent with the Industrial Areas Strategy.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The applicable State Environmental Planning Policies (SEPP) are outlined below in relation to the PP.

Table 2 – Application of SEPPs	
SEPP	Comments
SEPP 55 – Remediation of Land	The land is not known to: <ul style="list-style-type: none"> be within an investigation area, or have been used for any purpose referred to in Table 1 of the Contaminated Land Planning Guidelines and it is not proposed to carry out development for residential, educational, recreational or childcare purposes, or for the purpose of a hospital.



Table 2 – Application of SEPPs	
SEPP	Comments
	Therefore, no further consideration of SEPP 55 is considered to be required.
SEPP Infrastructure 2007	Whilst the site fronts a classified road (Newell Highway), there are no provisions of the SEPP that would apply at PP stage. The PP would not result in changes to access off the Newell Highway. All additional access points would be from Fitzroy Street.
SEPP Vegetation in Non-Rural Areas 2017	The SEPP applies to the removal of vegetation in non-rural zones, including IN2 and E3, where it is not included in a DA. No provisions are applicable to PPs. Any future vegetation removal would need to be considered under this SEPP if it is undertaken outside of a DA. Note Exempt and Complying Development is not obviated from the consideration of the approval requirements of the Vegetation SEPP.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table provides an assessment of the consistency of the PP with the Section 117 Directions issued by the Minister under Section 9.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).



Table 3 – Section 117 Directions				
Direction No.	Applicability	Provisions		Comment
			Provision	
1. Employment & Resources				
1.1 Business & Industrial Zones	When a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary)	A planning proposal must:	<ul style="list-style-type: none"> (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment. 	The PP is considered to be consistent with this direction. It will increase the area within the industrial zone and provide for surety for the existing Taylor Made Buildings development in terms of permissibility and potential expansion in the future.
1.2 Rural Zones	When a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).	(4) A planning proposal must:	<ul style="list-style-type: none"> (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an 	N/A – No rural zones affected.



Table 3 – Section 117 Directions			
Direction No.	Provisions		Comment
	Applicability	Provision	
		existing town or village). Applies to certain listed LGAs.	
1.3 Mining, Petroleum Production & Extractive Industries	<p>When a relevant planning authority prepares a planning proposal that would have the effect of:</p> <ul style="list-style-type: none"> (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development. 	<p>In the preparation of a planning proposal affected by this direction, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) consult the Director-General of the Department of Primary Industries (DPI) to identify any: <ul style="list-style-type: none"> (i) resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and (ii) existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and (b) seek advice from the Director-General of DPI on the development potential of resources identified under (4)(a)(i), and (c) identify and take into consideration issues likely to lead to land use conflict between other land uses and : <ul style="list-style-type: none"> (i) development of resources identified under (4)(a)(i), or 	N/A – no mining, petroleum production of extractive industries proposed or affected.



Table 3 – Section 117 Directions			
Direction No.	Applicability	Provisions	Comment
		Provision	
		<p>(ii) existing development identified under (4)(a)(ii).</p> <p>Where a planning proposal prohibits or restricts development of resources identified under (4)(a)(i), or proposes land uses that may create land use conflicts identified under (4)(c), the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) provide the Director-General of DPI with a copy of the planning proposal and notification of the relevant provisions, (b) allow the Director-General of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and (c) include a copy of any objection and supporting information received from the Director-General of DPI with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) before undertaking community consultation in satisfaction of section 57 of the Act. 	



Table 3 – Section 117 Directions			
Direction No.	Provisions		Comment
	Applicability	Provision	
1.4 Oyster Aquaculture	<p>when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in:</p> <p>(a) adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”; or</p> <p>(b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses.</p>	<p>In the preparation of a planning proposal affected by this direction, the relevant planning authority must:</p> <p>(a) identify any Priority Oyster Aquaculture Areas and oyster aquaculture leases outside such an area, as shown the maps to the Strategy, to which the planning proposal would apply,</p> <p>(b) identify any proposed land uses which could result in any adverse impact on a Priority Oyster Aquaculture Area or oyster aquaculture leases outside such an area,</p> <p>(c) identify and take into consideration any issues likely to lead to an incompatible use of land between oyster aquaculture and other land uses and identify and evaluate measures to avoid or minimise such land use incompatibility,</p> <p>(d) consult with the Director-General of the Department of Primary Industries (DPI) of the proposed changes in the preparation of the planning proposal, and</p> <p>(e) ensure the planning proposal is consistent with the Strategy.</p>	N/A – no oyster aquaculture proposed or affected.



Table 3 – Section 117 Directions

Direction No.	Provisions		Comment
	Applicability	Provision	
		<p>Where a planning proposal proposes land uses that may result in adverse impacts identified under (4)(b) and (c), relevant planning authority must:</p> <ul style="list-style-type: none"> (a) provide the Director-General of DPI with a copy of the planning proposal and notification of the relevant provisions, (b) allow the Director-General of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and (c) include a copy of any objection and supporting information received from the Director-General of DPI with the statement to the Director-General of the Department of Planning before undertaking community consultation in satisfaction of section 57 of the Act. 	
1.5 Rural Lands	<p>This direction applies to all planning proposals to which State Environmental Planning Policy (Rural Lands) 2008 applies</p> <p>This direction applies when:</p>	<ul style="list-style-type: none"> ▪ A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008. 	<p>The PP will affect land in the E3 Zone, therefore, the rural planning principles need to be considered.</p> <p>The PP is not considered to be inconsistent with the rural planning principles as the current land uses that occur on site are not of</p>



Table 3 – Section 117 Directions			
Direction No.	Provisions		Comment
	Applicability	Provision	
	<p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p>	<ul style="list-style-type: none"> A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008. 	<p>a rural land-use nature. It would not impact on the agricultural potential of any land or adversely impact on any natural resources. The PP is considered to appropriately respond to the natural hazards and associated constraints.</p>
2. Environment & Heritage			
2.1 Environment Protection Zones	When a relevant planning authority prepares a planning proposal.	<ul style="list-style-type: none"> A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection 	<p>The PP would provide for an additional use on the E3 zoned land. The additional use would make the development that has been operating for over 40 years on site (currently under existing use rights) permissible on the site.</p> <p>There would be no other change to the current controls for the zone and as such it is</p>



Table 3 – Section 117 Directions			
Direction No.	Applicability	Provisions	Comment
		standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.	not considered to reduce the environmental protection standards.
2.2 Coastal Management	Applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 – comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area – and as identified by the State Environmental Planning Policy (Coastal Management) 2018. Applies when a relevant planning authority prepares a planning proposal that applies to land identified above.	<ul style="list-style-type: none"> ▪ A planning proposal must include provisions that give effect to and are consistent with: <ul style="list-style-type: none"> (a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas; (b) the NSW Coastal Management Manual and associated Toolkit; (c) NSW Coastal Design Guidelines 2003; and (d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land. 	N/A – not within the coastal zone.



Table 3 – Section 117 Directions			
Direction No.	Applicability	Provisions	
		Provision	Comment
		<ul style="list-style-type: none"> ▪ A planning proposal must not rezone land which would enable increased development or more intensive land-use on land: <ul style="list-style-type: none"> (a) within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018; or (b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken: <ul style="list-style-type: none"> (i) by or on behalf of the relevant planning authority and the planning proposal authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority. ▪ A planning proposal for a Local Environmental Plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under the State 	

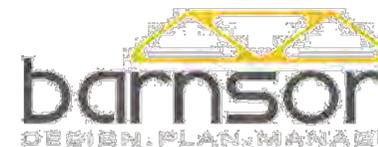


Table 3 – Section 117 Directions

Direction No.	Applicability	Provisions	
		Provision	Comment
		Environmental Planning Policy (Coastal Management) 2018: (a) Coastal wetlands and littoral rainforests area map; (b) Coastal vulnerability area map; (c) Coastal environment area map; and (d) Coastal use area map. Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.	
2.3 Heritage Conservation	Applies when a relevant planning authority prepares a planning proposal.	A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of	The site is not known to contain any items of Aboriginal or European Heritage significance (refer Section 2.11). No known items of heritage significance would be impacted by the PP.



Table 3 – Section 117 Directions

Direction No.	Applicability	Provisions		Comment
			Provision	
			the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	
2.4 Recreation Vehicles Area	Applies when a relevant planning authority prepares a planning proposal.		A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983): (a) where the land is within an environmental protection zone, (b) where the land comprises a beach or a dune adjacent to or adjoining a beach,	N/A – PP not enabling land to be developed for the purpose of a RV area.



Table 3 – Section 117 Directions			
Direction No.	Applicability	Provisions	Comment
		Provision	
		(c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration: <ul style="list-style-type: none"> (i) the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and (ii) the provisions of the guidelines entitled Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985. 	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed. Applies when a relevant planning authority prepares a planning proposal: <ul style="list-style-type: none"> (a) that introduces or alters an E2 Environmental Conservation or 	A planning proposal that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone or an overlay and associated clause must: <ul style="list-style-type: none"> (a) apply the proposed E2 Environmental Conservation or E3 Environmental Management zones, or the overlay and associated clause, consistent with the 	N/A – not in Ballina, Byron, Kyogle, Lismore and Tweed LGAs.



Table 3 – Section 117 Directions			
Direction No.	Provisions		Comment
	Applicability	Provision	
	E3 Environmental Management zone; (b) that introduces or alters an overlay and associated clause.	Northern Councils E Zone Review Final Recommendations.	
3. Housing, Infrastructure & Urban Development			
3.1 Residential Zones	This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted.	<ul style="list-style-type: none"> ▪ planning proposal must include provisions that encourage the provision of housing that will: <ul style="list-style-type: none"> (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. ▪ A planning proposal must, in relation to land to which this direction applies: <ul style="list-style-type: none"> (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other 	N/A – no residential zone or area proposed.



Table 3 – Section 117 Directions			
Direction No.	Applicability	Provisions	
		Provision	Comment
		appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	
3.2 Caravan Parks & Manufactured Home Estates	Applies to all relevant planning authorities. This direction does not apply to: (a) Crown land reserved or dedicated for any purposes under the Crown Lands Act 1989, except Crown land reserved for accommodation purposes, or (b) land dedicated or reserved under the National Parks and Wildlife Act 1974.	<ul style="list-style-type: none"> ▪ In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must: <ul style="list-style-type: none"> (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park. ▪ In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must: 	N/A – no caravan parks or manufactured home estates.



Table 3 – Section 117 Directions			
Direction No.	Applicability	Provisions	
		Provision	Comment
		(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located, (b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and (c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent.	
3.3 Home Occupations	Applies when a relevant planning authority prepares a planning proposal.	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	N/A – no impact on this provision.
3.4 Integrating Land Use and Transport	Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned	A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:	The PP would result in a minor increase in the existing industrial zoned land. No change to the provisions relating to industrial zoned land is considered warranted in this instance.



Table 3 – Section 117 Directions			
Direction No.	Provisions		Comment
	Applicability	Provision	
	for residential, business, industrial, village or tourist purposes.	<ul style="list-style-type: none"> (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001). 	
3.5 Development Near Regulated Airports and Defence Airfields	This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.	<ul style="list-style-type: none"> ▪ In the preparation of a planning proposal that sets out controls for development of land near a regulated airport, the relevant planning authority must: <ul style="list-style-type: none"> (a) consult with the lessee/operator of that airport; (b) take into consideration the operational airspace and any advice from the lessee/operator of that airport; (c) for land affected by the operational airspace, prepare appropriate development standards, such as height controls; (d) Not allow development types that are incompatible with the current and future operation of that airport. ▪ In the preparation of a planning proposal that sets controls for development of land 	N/A – site not in the vicinity of a licensed aerodrome.



Table 3 – Section 117 Directions

Direction No.	Applicability	Provisions	Comment
		<p>near a core regulated airport, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport; (b) for land affected by the prescribed airspace (as defined in Regulation 6(1) of the Airports (Protection of Airspace) Regulation 1996, prepare appropriate development standards, such as height controls. (c) not allow development types that are incompatible with the current and future operation of that airport. (d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the Airports Act 1996. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Environmental Planning and Assessment Act 1979. 	



Table 3 – Section 117 Directions			
Direction No.	Applicability	Provisions	Comment
		Provision	
		<ul style="list-style-type: none"> ▪ In the preparation of a planning proposal that sets controls for the development of land near a defence airfield, the relevant planning authority must: <ul style="list-style-type: none"> (a) consult with the Department of Defence if: <ul style="list-style-type: none"> (i) the planning proposal seeks to exceed the height provisions contained in the Defence Regulations 2016 – Defence Aviation Areas for that airfield; or (ii) no height provisions exist in the Defence Regulations 2016 – Defence Aviation Areas for the airfield and the proposal is within 15km of the airfield. (b) for land affected by the operational airspace, prepare appropriate development standards, such as height controls. (c) not allow development types that are incompatible with the current and future operation of that airfield. LOCAL PLANNING DIRECTIONS Section 9.1(2) of the Environmental Planning and Assessment Act 1979 	



Table 3 – Section 117 Directions			
Direction No.	Applicability	Provisions	
		Provision	Comment
		<ul style="list-style-type: none"> ▪ A planning proposal must include a provision to ensure that development meets Australian Standard 2021 – 2015, Acoustic- Aircraft Noise Intrusion – Building siting and construction with respect to interior noise levels, if the proposal seeks to rezone land: <ul style="list-style-type: none"> (a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25; or (b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or (c) for commercial or industrial purposes where the ANEF is above 30. ▪ A planning proposal must not contain provisions for residential development or to increase residential densities within the 20 ANEC/ANEF contour for Western Sydney Airport. 	
3.6 Shooting Ranges	Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision	A planning proposal must not seek to rezone land adjacent to and/or adjoining an existing shooting range that has the effect of:	N/A – no impact on a shooting range.



Table 3 – Section 117 Directions			
Direction No.	Provisions		Comment
	Applicability	Provision	
	relating to land adjacent to and/or adjoining an existing shooting range.	<ul style="list-style-type: none"> (a) permitting more intensive land uses than those which are permitted under the existing zone; or (b) permitting land uses that are incompatible with the noise emitted by the existing shooting range. 	
3.7 Reduction in non-hosted short term rental accommodation period	<ul style="list-style-type: none"> • Applies in the Byron Shire Council. • Applies when Council prepared a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its LGA. 	<ul style="list-style-type: none"> • The council must include provisions which give effect to the following principles in a planning proposal to which this direction applies: <ul style="list-style-type: none"> - non-hosted short term rental accommodation periods must not be reduced to be less than 90 days - the reasons for changing the non-hosted short-term rental accommodation period should be clearly articulated - there should be a sound evidence base for the proposed change, including evidence of the availability of short-term rental accommodation in the area (or parts of the area) in the 12 months preceding the proposal, relative to the amount of 	N/A – site not within LGA.



Table 3 – Section 117 Directions			
Direction No.	Provisions		Comment
	Applicability	Provision	
		housing in the area, and trend data on the availability of short-term rental accommodation over the past 5 years. - the impact of reducing the non-hosted short-term rental accommodation period should be analysed and explained, including social and economic impacts for the community in general, and impacted property owners specifically.	
4. Hazard and Risk			
4.1 Acid Sulfate Soils	<ul style="list-style-type: none"> Applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning. Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as 	<ul style="list-style-type: none"> The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present. When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in 	N/A – site not known to contain acid sulfate soils.



Table 3 – Section 117 Directions

Direction No.	Applicability	Provisions	Comment
	<p>shown on the Acid Sulfate Soils Planning Maps.</p>	<p>acid sulfate soils, those provisions must be consistent with:</p> <ul style="list-style-type: none"> (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or (b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines. <ul style="list-style-type: none"> ▪ A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act. 	



Table 3 – Section 117 Directions			
Direction No.	Provisions		Comment
	Applicability	Provision	
		<ul style="list-style-type: none"> Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5). 	
4.2 Mine Subsidence and Unstable Land	<ul style="list-style-type: none"> applies to land that: <ul style="list-style-type: none"> (a) is within a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961, or (b) has been identified as unstable land. applies when a relevant planning authority prepares a planning proposal that permits development on land that: <ul style="list-style-type: none"> (a) is within a mine subsidence district, or 	<ul style="list-style-type: none"> When preparing a planning proposal that would permit development on land that is within a Mine Subsidence District a relevant planning authority must: <ul style="list-style-type: none"> (a) consult the Mine Subsidence Board to ascertain: <ul style="list-style-type: none"> (i) if the Mine Subsidence Board has any objection to the draft Local Environmental Plan, and the reason for such an objection, and (ii) the scale, density and type of development that is appropriate for the potential level of subsidence, and 	N/A – site not within an MSD or identified as being unstable land.



Table 3 – Section 117 Directions			
Direction No.	Provisions		Comment
	Applicability	Provision	
	<p>(b) has been identified as unstable in a study, strategy or other assessment undertaken:</p> <p>(i) by or on behalf of the relevant planning authority, or</p> <p>(ii) by or on behalf of a public authority and provided to the relevant planning authority.</p>	<p>(b) incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under (4)(a)(ii), and</p> <p>(c) include a copy of any information received from the Mine Subsidence Board with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</p> <ul style="list-style-type: none"> A planning proposal must not permit development on unstable land referred to in paragraph 3(b). 	
4.3 Flood Prone Land	<ul style="list-style-type: none"> Applies to all relevant planning authorities that are responsible for flood prone land within their LGA. Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a 	<ul style="list-style-type: none"> A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). A planning proposal must not rezone land within the flood planning areas from 	<p>No changes would be made to the existing flood planning area provisions.</p> <p>The PP will rezone a small portion of land from E3 to IN2 that is contiguous to the existing IN2 zone. It has been demonstrated that the land to be rezoned to IN2 will be able to facilitate future development above the Flood Planning Level (FPL) as outlined in Appendix D. The PP will also include an</p>



Table 3 – Section 117 Directions

Direction No.	Applicability	Provisions	Comment
	<p>provision that affects flood prone land.</p> <p>A flood runner has been identified on the site which has been depicted on the master plan. This flood runner shall remain free of buildings and/or earth pads to ensure flood waters traverse through the site appropriately.</p> <ul style="list-style-type: none"> ▪ 	<p>Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <ul style="list-style-type: none"> ▪ A planning proposal must not contain provisions that apply to the flood planning areas which: <ul style="list-style-type: none"> (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. 	<p>additional permitted use over the E3 zoned land that contains the current Taylor Made Buildings development plus an additional 35m to the south.</p> <p>A flood runner has been identified on the site which has been depicted on the master plan. This flood runner shall remain free of buildings and/or earth pads to ensure flood waters traverse through the site appropriately. The following is considered:</p> <ul style="list-style-type: none"> ▪ The rezoned area of IN2 land will not be within a floodway. ▪ The works to facilitate future development in accordance with this PP would not result in significant flood impacts to other properties as shown in Appendix D. ▪ The PP would not permit a significant increase in development on the E3 zoned land. The IN2 zoned land would be above the 1% AEP Flood Level and facilitate development above the FPL. ▪ The PP would not result in a substantially increased requirement for government



Table 3 – Section 117 Directions			
Direction No.	Provisions		Comment
	Applicability	Provision	
		<ul style="list-style-type: none"> A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General). For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General). 	<p>spending on flood mitigation measures, infrastructure or services.</p> <ul style="list-style-type: none"> The PP would not change the development types in the zones permitted to be carried out without development consent. The PP would not impose any flood related development controls. <p>Overall, the PP is considered to be generally consistent with this Direction.</p>
4.4 Planning for Bushfire Protection	<ul style="list-style-type: none"> Applies to all local government areas in which the responsible Council is required to prepare a 	<ul style="list-style-type: none"> In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the 	N/A – the site is not mapped as being bushfire prone land.



Table 3 – Section 117 Directions			
Direction No.	Provisions		Comment
	Applicability	Provision	
	<p>bush fire prone land map under section 146 of the Environmental Planning and Assessment Act 1979 (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.</p> <ul style="list-style-type: none"> Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. 	<p>NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</p> <ul style="list-style-type: none"> A planning proposal must: <ul style="list-style-type: none"> (a) have regard to Planning for Bushfire Protection 2006, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. A planning proposal must, where development is proposed, comply with the following provisions, as appropriate: <ul style="list-style-type: none"> (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: <ul style="list-style-type: none"> (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with 	



Table 3 – Section 117 Directions

Direction No.	Applicability	Provisions	Comment
		<p>the incorporation of an APZ, within the property, and</p> <p>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p>	



Table 3 – Section 117 Directions			
Direction No.	Provisions		Comment
	Applicability	Provision	
		(f) introduce controls on the placement of combustible materials in the Inner Protection Area.	
5. Regional Planning			
5.1 Implementation of Regional Strategies	<ul style="list-style-type: none"> This direction applies to land to which the following regional strategies apply: <ul style="list-style-type: none"> (a) South Coast Regional Strategy (excluding land in the Shoalhaven LGA) (b) Sydney–Canberra Corridor Regional Strategy 	Planning proposals must be consistent with a regional strategy released by the Minister for Planning	N/A – not within strategy area.
5.2 Sydney Drinking Water Catchment	Applies when a relevant planning authority prepares a planning proposal that applies to land within the Sydney drinking water catchment.	<ul style="list-style-type: none"> A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles: <ul style="list-style-type: none"> (a) new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and 	N/A – not within the Sydney drinking water catchment.



Table 3 – Section 117 Directions

Direction No.	Applicability	Provisions	Comment
		<p>(b) future land use in the Sydney drinking water catchment should be matched to land and water capability, and</p> <p>(c) the ecological values of land within a Special Area that is:</p> <ul style="list-style-type: none"> (i) reserved as national park, nature reserve or state conservation area under the National Parks and Wildlife Act 1974, or (ii) declared as a wilderness area under the Wilderness Act 1987, or (iii) owned or under the care control and management of the Sydney Catchment Authority, should be maintained. <ul style="list-style-type: none"> ▪ When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must: <p>(a) ensure that the proposal is consistent with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, and</p>	



Table 3 – Section 117 Directions			
Direction No.	Provisions		Comment
	Applicability	Provision	
		(b) give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and (c) zone land within the Special Areas owned or under the care control and management of Sydney Catchment Authority generally in accordance with the details outlined, and (d) consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (4) of this Direction, and (e) include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 56 of the Environmental Planning and Assessment Act 1979.	
5.3 Farmland of State and Regional Significance	<ul style="list-style-type: none"> • applies to: <ul style="list-style-type: none"> (a) Ballina Shire Council, (b) Byron Shire Council, 	A planning proposal must not:	N/A to the site.



Table 3 – Section 117 Directions

Direction No.	Provisions		Comment
	Applicability	Provision	
on the NSW Far North Coast	(c) Kyogle Shire Council, (d) Lismore City Council, (e) Richmond Valley Council, and (f) Tweed Shire Council, except within areas contained within the “urban growth areas” mapped in the North Coast Regional Plan 2036. • apply when a relevant planning authority prepares a planning proposal for land mapped as: (a) State significant farmland, or (b) regionally significant farmland, or (c) significant non-contiguous farmland, on the set of four maps held in the Department of Planning and Environment marked “Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117(2) Direction)”.	(a) rezone land identified as “State Significant Farmland” for urban or rural residential purposes. (b) rezone land identified as “Regionally Significant Farmland” for urban or rural residential purposes. (c) rezone land identified as “significant non-contiguous farmland” for urban or rural residential purposes.	



Table 3 – Section 117 Directions

Direction No.	Provisions		Comment
	Applicability	Provision	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	<ul style="list-style-type: none"> Applies to those council areas on the North Coast that the Pacific Highway traverses, being those council areas between Port Stephens Shire Council and Tweed Shire Council, inclusive. Applies when a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway. 	<ul style="list-style-type: none"> A planning proposal that applies to land located on “within town” segments of the Pacific Highway must provide that: <ul style="list-style-type: none"> (a) new commercial or retail development must be concentrated within distinct centres rather than spread along the highway; (b) development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway; and (c) for the purposes of this paragraph, “within town” means areas which, prior to the draft local environmental plan, have an urban zone (eg: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) and where the Pacific Highway speed limit is less than 80km/hour. A planning proposal that applies to land located on “out-of-town” segments of the Pacific Highway must provide that: <ul style="list-style-type: none"> (a) new commercial or retail development must not be established near the Pacific Highway if this proximity would be 	N/A to the site.



Table 3 – Section 117 Directions

Direction No.	Applicability	Provisions		Comment
			Provision	
			<p>inconsistent with the objectives of this Direction;</p> <p>(b) development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway; and</p> <p>(c) for the purposes of this paragraph, “out-of-town” means areas which, prior to the draft local environmental plan, do not have an urban zone (eg: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) or are in areas where the Pacific Highway speed limit is 80km/hour or greater.</p> <ul style="list-style-type: none"> Notwithstanding the requirements of paragraphs (4) and (5), the establishment of highway service centres may be permitted at the localities listed in Table 1, provided that Roads and Maritime Services is satisfied that the highway service centre(s) can be safely and efficiently integrated into the Highway interchange(s) at those localities. For the purposes of this paragraph, a highway service centre has the same meaning as is 	



Table 3 – Section 117 Directions			
Direction No.	Provisions		Comment
	Applicability	Provision	
		contained in the Standard Instrument (Local Environmental Plans) Order 2006.	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	(Revoked 18 June 2010)	-	-
5.6 Sydney to Canberra Corridor	(Revoked 10 July 2008)	-	-
5.7 Central Coast	(Revoked 10 July 2008)	-	-
5.8 Second Sydney Airport: Badgerys Creek	(Revoked 20 August 2018)	-	-
5.9 North West Rail Link Corridor Strategy	<ul style="list-style-type: none"> Applies to Hornsby Shire Council, The Hills Shire Council and Blacktown City Council. Applies when a relevant planning authority prepares a planning proposal for land within the North West Rail Link Corridor, as identified in the NWRL Corridor Strategy and Structure Plans. 	<p>A planning proposal that applies to land located within the NWRL Corridor must:</p> <ul style="list-style-type: none"> (a) give effect to the objectives of this direction (b) be consistent with the proposals of the NWRL Corridor Strategy, including the growth projections and proposed future character for each of the NWRL precincts (c) promote the principles of transit-oriented development (TOD) of the NWRL Corridor Strategy. 	N/A to the site.

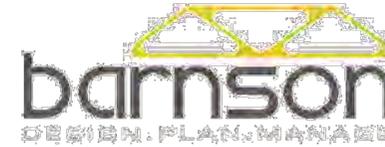


Table 3 – Section 117 Directions			
Direction No.	Provisions		Comment
	Applicability	Provision	
5.10 Implementation of Regional Plans	Applies to land to which a Regional Plan has been released by the Minister for Planning.	Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.	The PP is not considered inconsistent to the Regional Plan as outlined in Section 4.3.2.
5.11	Applies to all relevant planning proposal authorities.	<ul style="list-style-type: none"> When preparing a planning proposal to which this direction applies, the planning proposal authority must take into account: <ul style="list-style-type: none"> (a) any applicable development delivery plan made under State Environmental Planning Policy (Aboriginal Land) 2019; or (b) if no applicable development delivery plan has been published, the interim development delivery plan published on the Department’s website on the making of this direction. <p>Note: Development delivery plans must be published in the Gazette or the NSW planning portal.</p>	N/A to the site.
6. Local Plan Making			
6.1 Approval and Referral Requirements	Applies when a relevant planning authority prepares a planning proposal.	<p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) minimise the inclusion of provisions that require the concurrence, consultation or 	The PP would not impact on requirements for concurrence, consultation or referral of development applications to a Minister or



Table 3 – Section 117 Directions

Direction No.	Applicability	Provisions	Comment
		<p>referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p>(i) the appropriate Minister or public authority, and</p> <p>(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),</p> <p>prior to undertaking community consultation in satisfaction of section 57 of the Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>(i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have</p>	<p>public authority. The PP is not for a designated development.</p>



Table 3 – Section 117 Directions			
Direction No.	Applicability	Provisions	
		Provision	Comment
		a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.	
6.2 Reserving Land for Public Purposes	Applies when a relevant planning authority prepares a planning proposal.	<ul style="list-style-type: none"> A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General). When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just 	The PP would not impact on any zonings or reservations of land for public purposes.



Table 3 – Section 117 Directions				
Direction No.	Applicability	Provisions		Comment
		Provision		
		<p>Terms Compensation) Act 1991, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) reserve the land in accordance with the request, and (b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and (c) identify the relevant acquiring authority for the land. <ul style="list-style-type: none"> ▪ When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must: <ul style="list-style-type: none"> (a) include the requested provisions, or (b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department 		



Table 3 – Section 117 Directions			
Direction No.	Applicability	Provisions	
		Provision	Comment
		<p>nominated by the Director-General) with respect to the use of the land before it is acquired.</p> <ul style="list-style-type: none"> When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request. 	
6.3 Site Specific Provisions	Applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.	<ul style="list-style-type: none"> A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: <ul style="list-style-type: none"> (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development 	The PP will provide for an additional permissible use within the existing zone on which the development is located, plus rezone a small portion of the adjacent land to an existing zone within the LEP. The PP is consistent with this Direction.



Table 3 – Section 117 Directions			
Direction No.	Provisions		Comment
	Applicability	Provision	
		standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. • A planning proposal must not contain or refer to drawings that show details of the development proposal.	
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	Applies to certain LGAs within the Sydney metropolitan area.	Planning proposals shall be consistent with: (a) the NSW Government’s A Plan for Growing Sydney published in December 2014.	N/A – not within the Sydney metropolitan area.
7.2 Implementation of Greater Macarthur Land Release Investigation	<ul style="list-style-type: none"> Applies to Campbelltown City Council and Wollondilly Shire Council Applies when a relevant planning authority prepares a planning proposal for land within the Greater Macarthur 	Planning proposals shall be consistent with the Preliminary Strategy published in September 2015.	N/A – not within Campbelltown City Council or Wollondilly Shire Council LGAs.



Table 3 – Section 117 Directions			
Direction No.	Provisions		Comment
	Applicability	Provision	
	Land Release Investigation Area, as identified in the Preliminary Strategy.		
7.3 Parramatta Road Corridor Urban Transformation Strategy	<ul style="list-style-type: none"> ▪ This Direction applies to the following Local Government Areas: <ul style="list-style-type: none"> (a) City of Parramatta Council, (b) Cumberland Council, (c) Strathfield Council, (d) Burwood Council, (e) Canada Bay Council, and (f) Inner West Council. ▪ Applies when a relevant planning authority prepares a planning proposal for land within the Parramatta Road Corridor as identified on the Map titled Parramatta Road Corridor on pages 14 and 15 of the Parramatta Road Corridor Urban Transformation Strategy (November, 2016). 	<p>A planning proposal that applies to land within the Parramatta Road Corridor must:</p> <ul style="list-style-type: none"> (a) give effect to the objectives of this Direction, (b) be consistent with the Strategic Actions within the Parramatta Road Corridor Urban Transformation Strategy (November, 2016), (c) be consistent with the Parramatta Road Corridor Planning and Design Guidelines (November, 2016) and particularly the requirements set out in Section 3 Corridor-wide Guidelines and the relevant Precinct Guidelines, (d) be consistent with the staging and other identified thresholds for land use change identified in the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016), (e) contain a requirement that development is not permitted until land is adequately 	N/A – not within applicable LGAs.



Table 3 – Section 117 Directions

Direction No.	Provisions		Comment
	Applicability	Provision	
		serviced (or arrangements satisfactory to the relevant planning authority, or other appropriate authority, have been made to service it) consistent with the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016), (f) be consistent with the relevant District Plan.	
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Applies to Blacktown City Council, The Hills Shire Council and Hawkesbury City Council.	Planning proposals shall be consistent with the North West Land Use and Infrastructure Strategy.	N/A – not within applicable LGAs.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Applies to land contained within Greater Parramatta Priority Growth Area and as indicated in the map attached.	Planning proposals shall be consistent with the interim Plan published in July 2017.	N/A – not within applicable LGAs.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	<ul style="list-style-type: none"> ▪ Applies to Wollondilly Shire Council ▪ Applies when a relevant planning authority prepares a planning proposal for land 	A planning proposal is to be consistent with the Interim Land Use and Infrastructure Implementation Plan and Background Analysis, approved by the Minister for Planning and as published on 5 August 2017 on the website of	N/A – not within applicable LGAs.



Table 3 – Section 117 Directions			
Direction No.	Provisions		Comment
	Applicability	Provision	
	within the Wilton Priority Growth Area (being the Wilton Priority Growth Area within the meaning of <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i>).	the Department of Planning and Environment (Implementation Plan).	
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	<ul style="list-style-type: none"> Applies to Campbelltown City Council. Applies when a relevant planning authority prepares a planning proposal for land within the precincts between Glenfield and Macarthur. 	A planning proposal is to be consistent with the precinct plans approved by the Minister for Planning and published on the Department’s website on 22 December 2017.	N/A – not within applicable LGAs.
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	To Liverpool City Council, Penrith City Council, Blue Mountains City Council, Blacktown City Council, Camden Council, Campbelltown City Council, Fairfield City Council and Wollondilly Shire Council.	A Planning Proposal is to be consistent with the Stage 1 Land Use and Infrastructure Implementation Plan.	N/A – not within applicable LGAs.
7.9 Implementation of Bayside West Precincts 2036 Plan	Applies to land within the Bayside LGA.	A Planning Proposal must be consistent with the Bayside West Precincts 2036 Plan.	N/A – not within applicable LGA.



Table 3 – Section 117 Directions			
Direction No.	Provisions		Comment
	Applicability	Provision	
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Applies to Cooks Cove Precinct in the Bayside LGA.	Ensure the Planning Proposal is consistent with the relevant principles of the precinct.	N/A – not within applicable LGA.



4.3.3 Section C - Environmental, Social and Economic Impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

As outlined in **Section 2.5**, the site is quite disturbed as a result of previous land uses on site. The site does not contain any mapped PCTs or previously identified threatened species. Given this and the nature of the PP, it is unlikely that critical habitat, threatened species, population or ecological communities or their habitats would be adversely affected as a result of the PP. Further assessment of biodiversity and clearing of vegetation would be required at DA stage for any future development or under the Vegetation SEPP if a DA is not required.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

As outlined in **Section 2.7.1**, the site is mapped as being within the Flood Planning Area under the LEP. The 1% AEP Flood Level has been determined for the site, from the dominant flood (Macquarie River), as being 262.4m AHD.

A flood runner has been identified on the site which has been depicted on the master plan. This flood runner shall remain free of buildings and/or earth pads to ensure flood waters traverse through the site appropriately.

Initial modelling of the likely development to be facilitated as a result of the PP has been undertaken in relation to flooding impact and is provided in **Appendix D**. The assessment concludes that:

- The proposed earthworks would have a negligible impact on the 1% AEP flood levels.
- The proposed earthworks would have a negligible impact or a local impact only on flood velocities, velocity x depth, and provisional flood hazard.
- Local changes in peak velocity are such that peak velocity remains low and does not pose a concern in relation to erosion or scour in the 1% AEP flood (Cardno (NSW) Pty Ltd, 17).

There is no other known likely environmental effects that would occur as a result of the planning proposal.



Q9. Has the planning proposal adequately addressed any social and economic effects?

As outlined in **Section 2.11**, the site is not known to contain any items or places of European or Aboriginal Heritage significance.

The PP is considered that it will provide for security for the existing development to operate as a permissible land use on site, rather than having to operate under existing use rights. The PP will also provide the ability for some small-scale expansion of the existing development. The development currently employs 34 people and approximately 15 sub-contractors.

As outlined above, the PP will not result in adverse off-site flooding impacts as a result of the required earthworks. It is also not considered that the reinforcement of the existing development would result in adverse social or economic impacts. The development has been carried out on the site for over 40 years and has procedures in place for managing the risk, which does not extend any costs to the wider community.

The PP is therefore considered that it will provide for positive social and economic outcomes.

4.3.4 Section D - State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

The PP is not expected to result in a noticeable increase in demand for public infrastructure. Existing service infrastructure would be augmented to support future development. No limitations to existing services are known to exist.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

No preliminary views were sought from any State or Commonwealth agencies as it was deemed to be unnecessary at this time given the scale and scope of the PP.

It is likely that pre-gateway consultation would be undertaken with the Office of Environment and Heritage (OEH) for flooding matters.

Post Gateway consultation would be determined through the gateway process.

4.4 Part 4 - Mapping

The plans provided in **Appendix A** clearly outline the PP and associated likely development requirements. The plans include:



- P02 Sheet 1 – Existing and proposed zoning map. Showing the area to be rezoned from E3 to IN2.
- P02 Sheet 2 – Showing the proposed area of the Additional Permitted Use.
- P02 Sheet 3 – Showing the masterplan for the site.
- P02 Sheet 4 – Showing the likely fill areas and associated batters. To inform the flood assessment and preliminary impact assessment.

4.5 Part 5 - Community Consultation

It is expected that the PP would not be considered to be a Low Impact Proposal and therefore community consultation would be undertaken as such in accordance with the requirements set out in *A guide to preparing local environmental plans* for “all other planning proposals”.

The consultation would include:

- notification in a newspaper that circulates in the area affected by the planning proposal;
- notification on the website of the RPA; and
- notification in writing to affected and adjoining landowners, unless the planning authority is of the opinion that the number of landowners makes it impractical to notify them.

4.6 Part 6 -Project Timeline

The following indicative project timeline is provided:

Stage	Timing
Anticipated commencement date (date of Gateway determination)	TBA
Anticipated timeframe for the completion of required technical information	4 weeks
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	4 weeks
Commencement and completion dates for public exhibition period	4 weeks (28 day exhibition period)
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	4 weeks
Timeframe for the consideration of a proposal post exhibition	4 weeks
Date of submission to the Department to finalise the LEP	TBA
Anticipated date RPA will make the plan (if delegated)	TBA



Table 4 – Indicative Project Timing	
Stage	Timing
Anticipated date RPA will forward to the Department for notification.	TBA



5 CONCLUSION

It is recommended that the planning proposal that intends to amend *Dubbo Local Environmental Plan 2011* (Dubbo LEP) by:

- Rezoning part of Lot 1 DP 1163911, part of Lot 1 DP 197736, and part of Lot 69 DP 259061 from E3 Environmental Management to IN2 Light Industrial; and
- Providing an additional use of “Light Industry (Movable Building Manufacturing)” on part of Lot 3 DP 1194822, part of Lot 1 DP 1163911 & part of Lot 1 DP 197736.

be supported on the following grounds:

- It is consistent with the Central West and Orana Regional Plan and Dubbo City Council Industrial Areas Development Strategy;
- It is consistent with the applicable SEPPs;
- It is consistent with the Section 117 directions;
- It will not have any adverse environmental impacts;
- It is not expected to have any adverse social or economic effects;
- There is adequate public infrastructure for the proposal; and
- The Planning Proposal provides the best way to achieve the intended objective.

It is therefore requested that the PP be forwarded for Gateway Determination.



6 REFERENCES

- Cardno (NSW) Pty Ltd. (17). *Flooding Information for Proposed Subdivision of Lot 3 in DP 1194822, Lot 1 in DP 1163911 and Lot 1 in DP 197736, Fitzroy Street, Dubbo*. Sydney: Cardno (NSW) Pty Ltd.
- Dubbo City Council. (1997). *Urban Development Strategy (C) Industrial Areas Development Strategy*. Dubbo: Dubbo Regional Council.
- Google Earth. (2018). *Google Earth*.
- Murphy, B. W., & Lawrie, J. W. (1998). *Soil Landscapes of the Dubbo 1:250 000 Sheet*. Department of Land & Water Conservation.
- NSW Department of Planning & Environment. (2016). *Planning Proposals: A guide to preparing planning proposals*. Sydney: NSW Department of Planning & Environment.
- NSW Department of Urban Affairs and Planning & Environment Protection Authority. (1998). *Managing Land Contamination: Planning Guidelines SEPP 55 - Remediation of Land*. Sydney: DUAP.
- NSW Government Environment & Heritage. (2018, May 9). *BioNet*. Retrieved from http://www.environment.nsw.gov.au/atlaspublicapp/UI_Modules/ATLAS_/AtlasSearch.aspx
- NSW Government Spatial Services. (2018). *Six Maps*. Retrieved from <http://maps.six.nsw.gov.au/>
- NSW Office of Environment & Heritage. (2018, May 25). *State Vegetation Type Map: Central West / Lachlan Region Version 1.3. VIS_ID 4468*. Retrieved from https://mapprod1.environment.nsw.gov.au/arcgis/rest/services/VIS/Vegetation_CWLSVM_v1p3_Raster5m_PCT_E_4682/MapServer
- NSW Planning & Environment. (2018). *Find a Property*. Retrieved from <https://www.planningportal.nsw.gov.au/find-a-property>



Appendix A - Planning Proposal Plans

Reference: 27415-PR01_B | 72



Office Located
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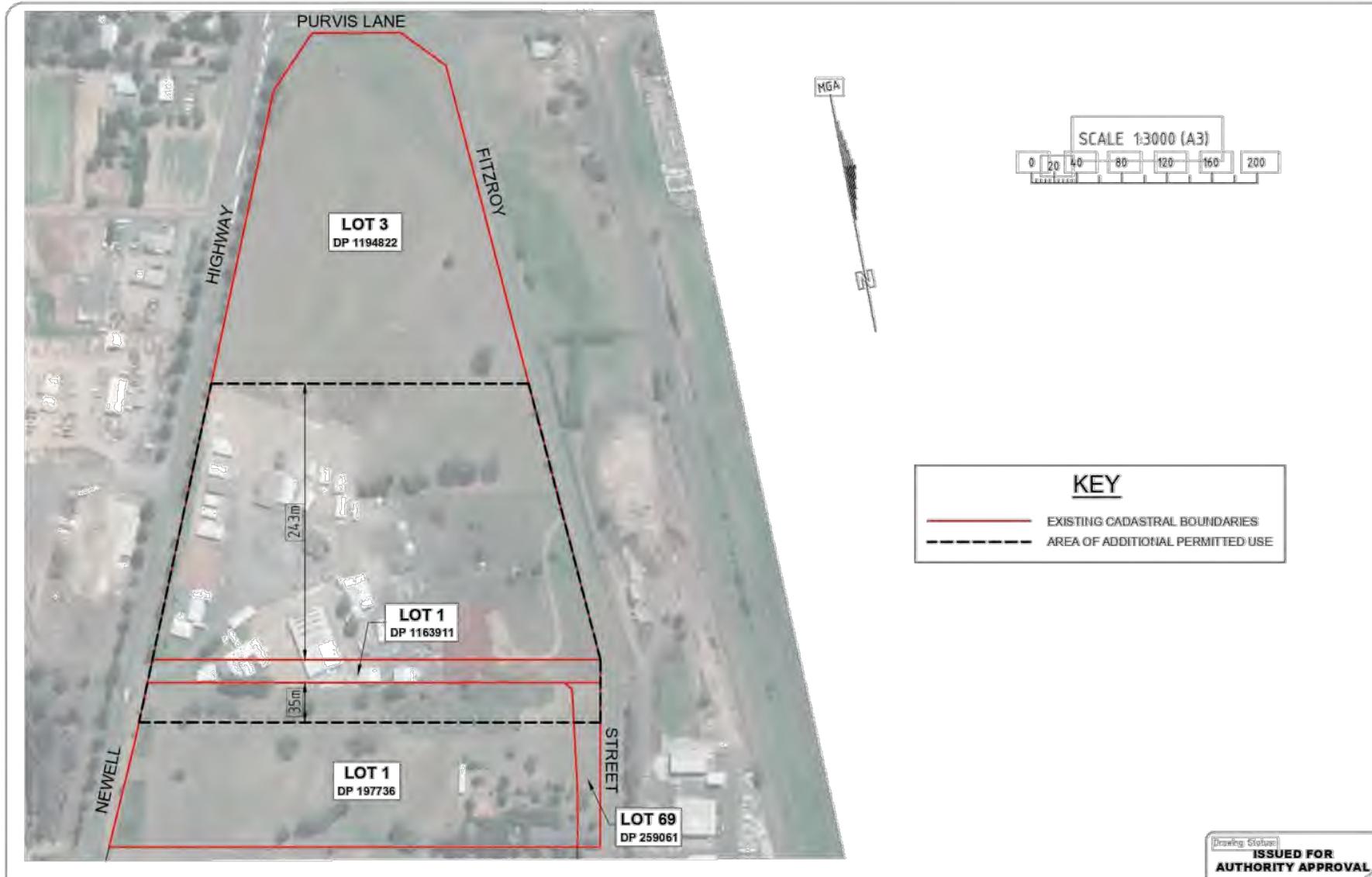
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 Project: PLANNING PROPOSAL
 TAYLOR MADE BUILDINGS SITE
 2 NEWELL HIGHWAY, DUBBO, NSW

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 EXISTING AND PROPOSED
 ZONING MAPS

Design: [Signature]
 Drawn: [Signature]
 Check: [Signature]
 Drawing Sheet: [Signature]

Sheet: 1 of 4
 Drawing Number: 27415_P02

Revision: 0



KEY

— EXISTING CADASTRAL BOUNDARIES

- - - AREA OF ADDITIONAL PERMITTED USE

Drawing Status: **ISSUED FOR AUTHORITY APPROVAL**



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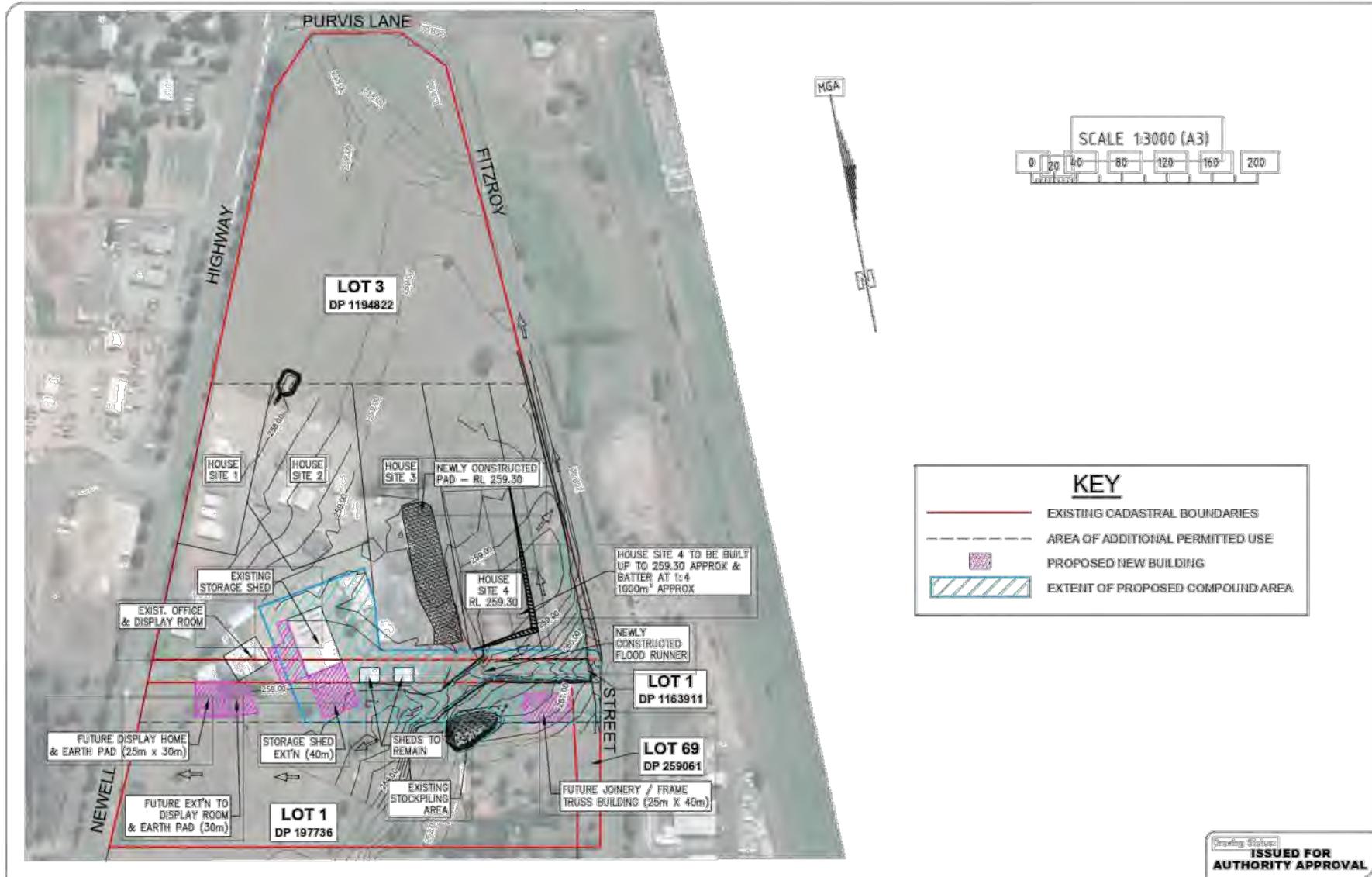
Projects
PLANNING PROPOSAL
TAYLOR MADE BUILDINGS SITE
2 NEWELL HIGHWAY, DUBBO, NSW

Drawing Title
ADDITIONAL PERMITTED USE PLAN

Design	Drawn	Rev	Date	Amendment
ES	SC			
ES	GA			
ES	ES			

Sheet: 2 of 4
Drawing Number: **27415_P02**

Revision: **0**



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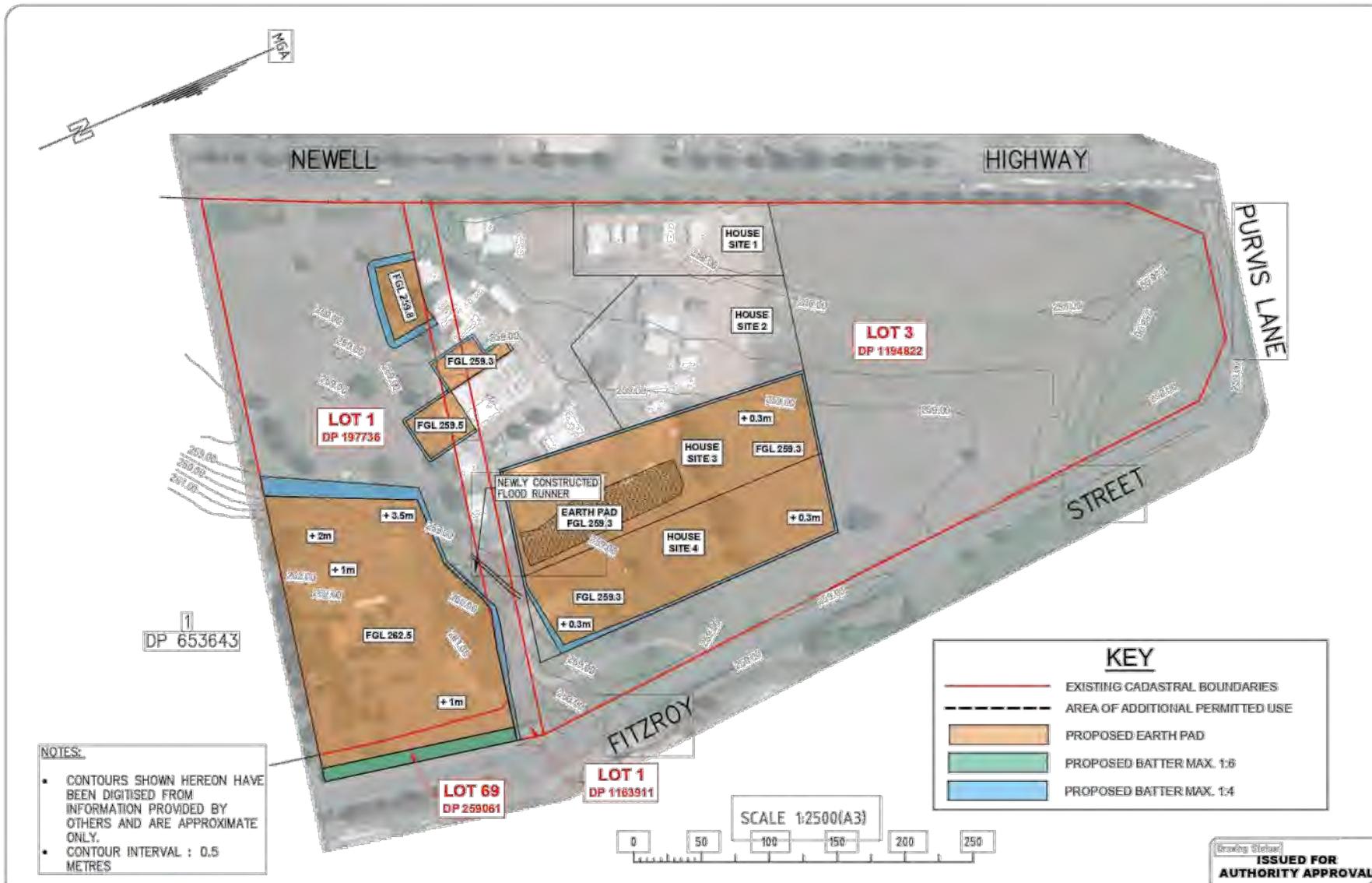
Client TAYLOR MADE BUILDINGS
Project PLANNING PROPOSAL
TAYLOR MADE BUILDINGS SITE
2 NEWELL HIGHWAY, DUBBO, NSW

Drawing Title
MASTER PLAN

Design	Drawn	Rev	Date	Amendment
TS	SS			

Sheet 11 of 4
Drawing Number 27415_P02

Revision 2



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Project PLANNING PROPOSAL
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Drawing Title
PROPOSED AREAS OF FILL

Design: [initials]
Check: [initials]
Drawing Sheet: [initials]

Rev. Data Amendment

0	ISSUED FOR AUTHORITY APPROVAL
1	ISSUED FOR AUTHORITY APPROVAL
2	ISSUED FOR AUTHORITY APPROVAL
3	ISSUED FOR AUTHORITY APPROVAL
4	ISSUED FOR AUTHORITY APPROVAL

Certification

Sheet: 4 of 4

Drawing Number: 27415_P02

Revision: 3



Appendix B - Information Checklist

ATTACHMENT 1 - INFORMATION CHECKLIST

STEP 1: REQUIRED FOR ALL PROPOSALS (under s55(a) - (e) of the EP&A Act)

- Objectives and intended outcome
- Mapping (including current and proposed zones)
- Community consultation (agencies to be consulted)
- Explanation of provisions
- Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)

STEP 2: MATTERS - CONSIDERED ON A CASE BY CASE BASIS (Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			<ul style="list-style-type: none"> • Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining) • Sea level rise 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • Demonstrated consistency with relevant Regional Strategy • Demonstrated consistency with relevant Sub-Regional strategy • Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy • Demonstrated consistency with Threshold Sustainability Criteria 	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site Description/Context			Urban Design Considerations		
<ul style="list-style-type: none"> • Aerial photographs • Site photos/photomontage 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Existing site plan (buildings vegetation, roads, etc) • Building mass/block diagram study (changes in building height and FSR) • Lighting impact • Development yield analysis (potential yield of lots, houses, employment generation) 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Traffic and Transport Considerations			Economic Considerations		
<ul style="list-style-type: none"> • Local traffic and transport • TMAP • Public transport • Cycle and pedestrian movement 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Economic impact assessment • Retail centres hierarchy • Employment land 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Considerations			Social and Cultural Considerations		
<ul style="list-style-type: none"> • Bushfire hazard • Acid Sulphate Soil • Noise impact • Flora and/or fauna • Soil stability, erosion, sediment, landslip assessment, and subsidence • Water quality • Stormwater management • Flooding • Land/site contamination (SEPP55) 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Heritage impact • Aboriginal archaeology • Open space management • European archaeology • Social & cultural impacts • Stakeholder engagement 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			Infrastructure Considerations		
			<ul style="list-style-type: none"> • Infrastructure servicing and potential funding arrangements 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			Miscellaneous/Additional Considerations		
			<i>List any additional studies</i>		



Appendix C - Titles & Deposited Plans

Reference: 27415-P801_B | 74



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/1163911

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
13/6/2018	2:15 PM	2	23/5/2016

LAND

LOT 1 IN DEPOSITED PLAN 1163911
AT DUBBO
LOCAL GOVERNMENT AREA DUBBO REGIONAL
PARISH OF DUBBO COUNTY OF LINCOLN
TITLE DIAGRAM DP1163911

FIRST SCHEDULE

SWANLACE PTY LTD (TX AG263657)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)
- 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- 3 AK408261 MORTGAGE TO SUNCORP-METWAY LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Barnson Pty Ltd (Mudgee)

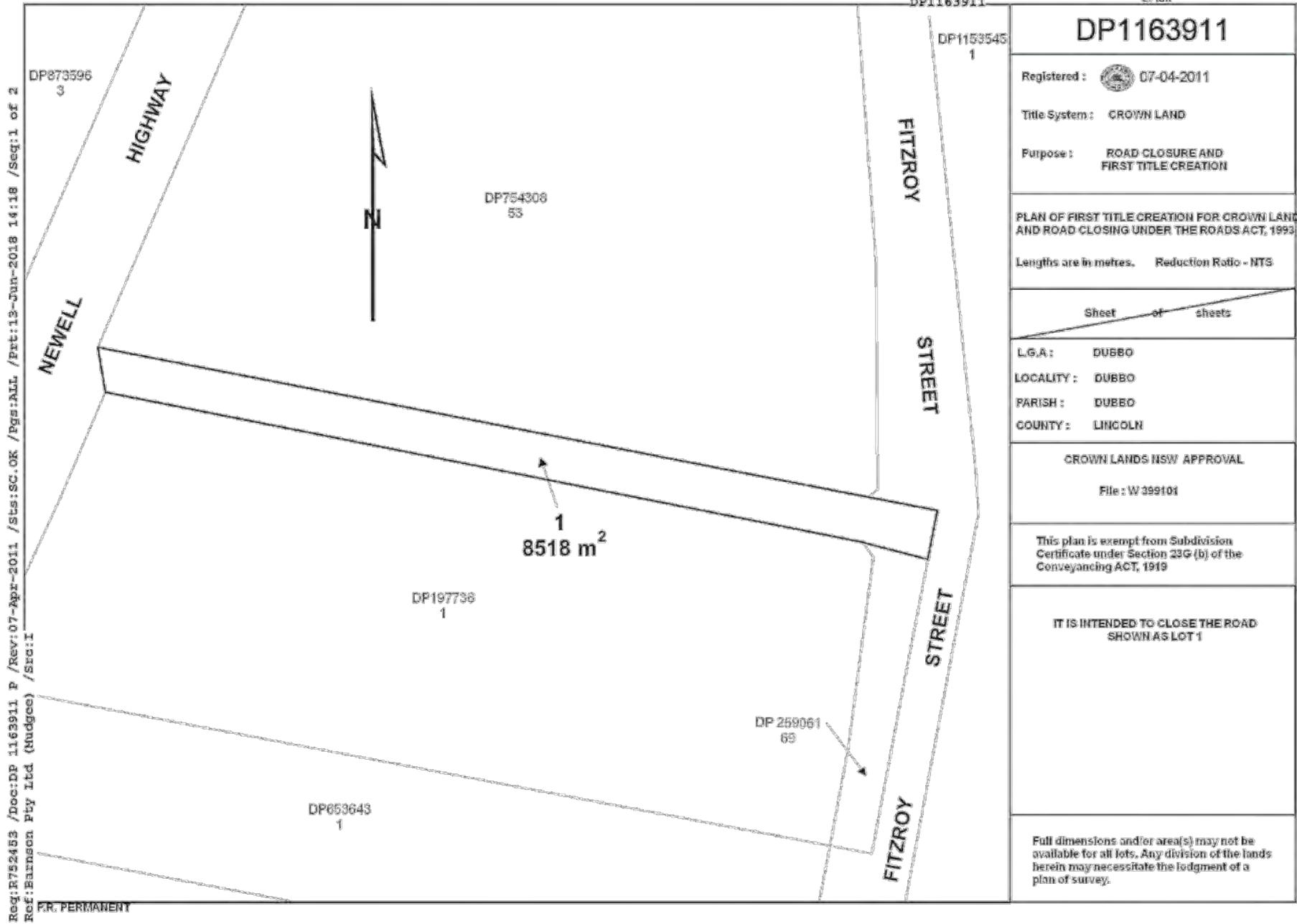
PRINTED ON 13/6/2018

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title.
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CERTIFICATES, SIGNATURES AND SEALS Sheet 1 of 1	
<p>PLAN OF FIRST TITLE CREATION AND ROAD CLOSING UNDER THE ROADS ACT, 1993</p>	<p style="font-size: 24pt; font-weight: bold;">DP1163911</p> <p style="font-size: 12pt;">Registered: 04-07-2011</p>
<p style="text-align: center;">Surveying Regulation, 2001</p> <p>I, of a surveyor registered under the <i>Surveying Act, 2002</i>, certify that the survey represented in this plan is accurate, has been made in accordance with the <i>Surveying Regulation, 2001</i> and was completed on:</p> <p>The survey relates to</p> <p>(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)</p> <p>Signature Dated: Surveyor registered under the <i>Surveying Act, 2002</i></p> <p>Defin Line: Type: Urban/Rural</p>	<p>SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads or to create public reserves and drainage reserves.</p>
<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>I ANTHONY GARY PILON in approving this plan certify (Authorised Officer) that all necessary approvals in regard to the allocation of the land shown herein have been given</p> <p style="text-align: center;"></p> <p>Signature: Date: 01-Apr-2011 W Number: W399101 File Number: 10/16807 Office: Crown Lands Division, Dubbo</p>	
<p style="text-align: center;">Subdivision Certificate</p> <p>I certify that the provisions of s.106J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:</p> <p>the proposed set out herein (insert 'subdivision' or 'new road')</p> <p>..... * Authorised Person/General Manager/Accredited Certifier</p> <p>Consent Authority: Date of Endorsement: Accreditation no: Subdivision Certificate no: File no:</p> <p>* Delete whichever is inapplicable.</p>	<p style="text-align: center;">Use PLAN FORM 6A for additional certificates, signatures and seals</p>
<p>SURVEYOR'S REFERENCE:</p>	

* OFFICE USE ONLY



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/197736

SEARCH DATE	TIME	EDITION NO	DATE
13/6/2018	2:16 PM	6	1/2/2018

LAND

LOT 1 IN DEPOSITED PLAN 197736
 AT NTH DUBBO
 LOCAL GOVERNMENT AREA DUBBO REGIONAL
 PARISH OF DUBBO COUNTY OF LINCOLN
 TITLE DIAGRAM DP197736

FIRST SCHEDULE

SWANLACE PTY LTD (T AN85373)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Barnson Pty Ltd (Mudgee)

PRINTED ON 13/6/2018

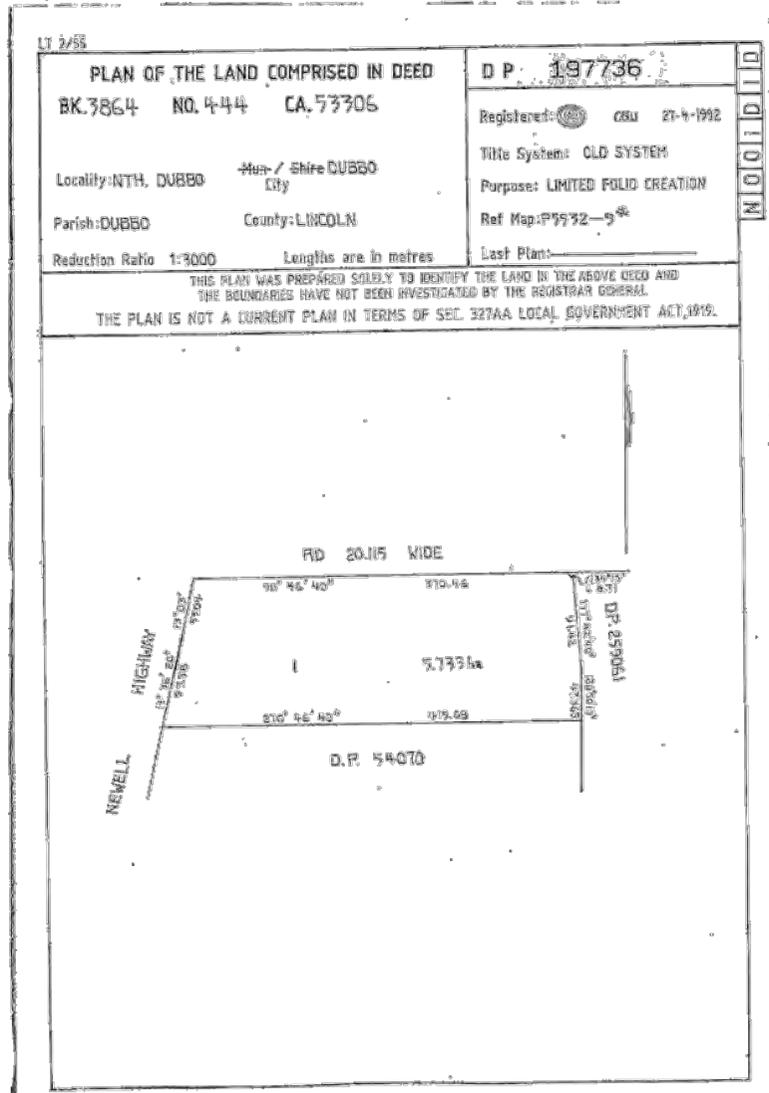
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Reg:K752473 /DocID: 0197736 P /Rev:07-Jan-1993 /Sta:OK.OK /Egs:ALL /Frt:13-Jun-2018 14:19 /Seq:1 of 1
 Ref:Baranson Pty Ltd (Mudjee) /Szc:1



LT 2/55

PLAN OF THE LAND COMPRISED IN DEED
 BK.3864 NO.444 CA.53306

Locality: NTH. DUBBO *Mun. / Shire DUBBO*
 City

Parish: DUBBO County: LINCOLN

Reduction Ratio 1:3000 Lengths are in metres

D.P. 197736

Registered: OSU 21-4-1992

Title System: OLD SYSTEM

Purpose: LIMITED FOLIO CREATION

Ref Map: P1972-5*

Last Plan:

THIS PLAN WAS PREPARED SOLELY TO IDENTIFY THE LAND IN THE ABOVE DEED AND THE BOUNDARIES HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

THE PLAN IS NOT A CURRENT PLAN IN TERMS OF SEC. 327AA LOCAL GOVERNMENT ACT, 1919.

N1001D1D

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day: 28th April 1992

10 20 30 40 50 60 70 Table of top 110 120 130 140



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 3/1194822

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
13/6/2018	2:14 PM	2	23/5/2016

LAND

LOT 3 IN DEPOSITED PLAN 1194822
 AT DUBBO
 LOCAL GOVERNMENT AREA DUBBO REGIONAL
 PARISH OF DUBBO COUNTY OF LINCOLN
 TITLE DIAGRAM DP1194822

FIRST SCHEDULE

SWANLACE PTY LIMITED

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 NOTIFICATION IN GOVERNMENT GAZETTE DATED 23-1-1981 FOLIO 530:
 REALIGNMENT AFFECTING PART OF THE LAND ABOVE DESCRIBED BEING LOT
 77 IN DP259060
- 3 AK408261 MORTGAGE TO SUNCORP-METWAY LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Barnson Pty Ltd (Mudgee)

PRINTED ON 13/6/2018

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PLAN FORM 2

Plan Drawing only to appear in this space

OFFICE USE ONLY

DP1194822

Registered: 13.5.2014

This is sheet 2 of my plan in 3 sheets
dated: 11 July 2001

M. Thomas

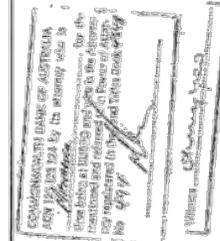
Surveyor registered under the Surveying Act 2002

This is sheet 2 of the plan in 3 sheets covered
by subdivision Certificate no.

Authorised Person/General Manager/Accredited Certifier

For use where space is insufficient in any panel on
Plan Form 2

A. J. ...



M. Thomas

FOR SIGNATURES AND SEALS ONLY

Reg:RVS2400 /Doc:DP 1194822 P /Rev:13-May-2014 /Sts:SC-OK /Egs:ALL /Prt:13-Jun-2018 14:14 /Seq:2 of 3
Ref:Parsons Pty Ltd (Mudgee) /Src:1

SURVEYOR'S REFERENCE

10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200 210 220 230 240 250 260 270 280 290 300 310 320 330 340 350 360 370 380 390 400

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

PLAN FORM 2

Plan Drawing only to appear in this space

SIGNATURES, SEALS AND STATEMENTS of intention to dedicate public roads or to create reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

MGA CO-ORDINATES
SURVEY PRACTICE REGULATION (CLAUSE 92(2))

MARK	EASTING	NORTHING	ZONE	CLASS
PM 25047	652945.378	615790.068	55	B
PM 25048	652550.020	614325.045	55	B
PM 56576	653230.512	613262.776	55	C

COMBINED SCALE FACTOR 0.99985
SOURCE: MGA COORDINATES ADAPTED FROM
LAND & PROPERTY INFORMATION 1994 SCHEMES 24 MAY 2001

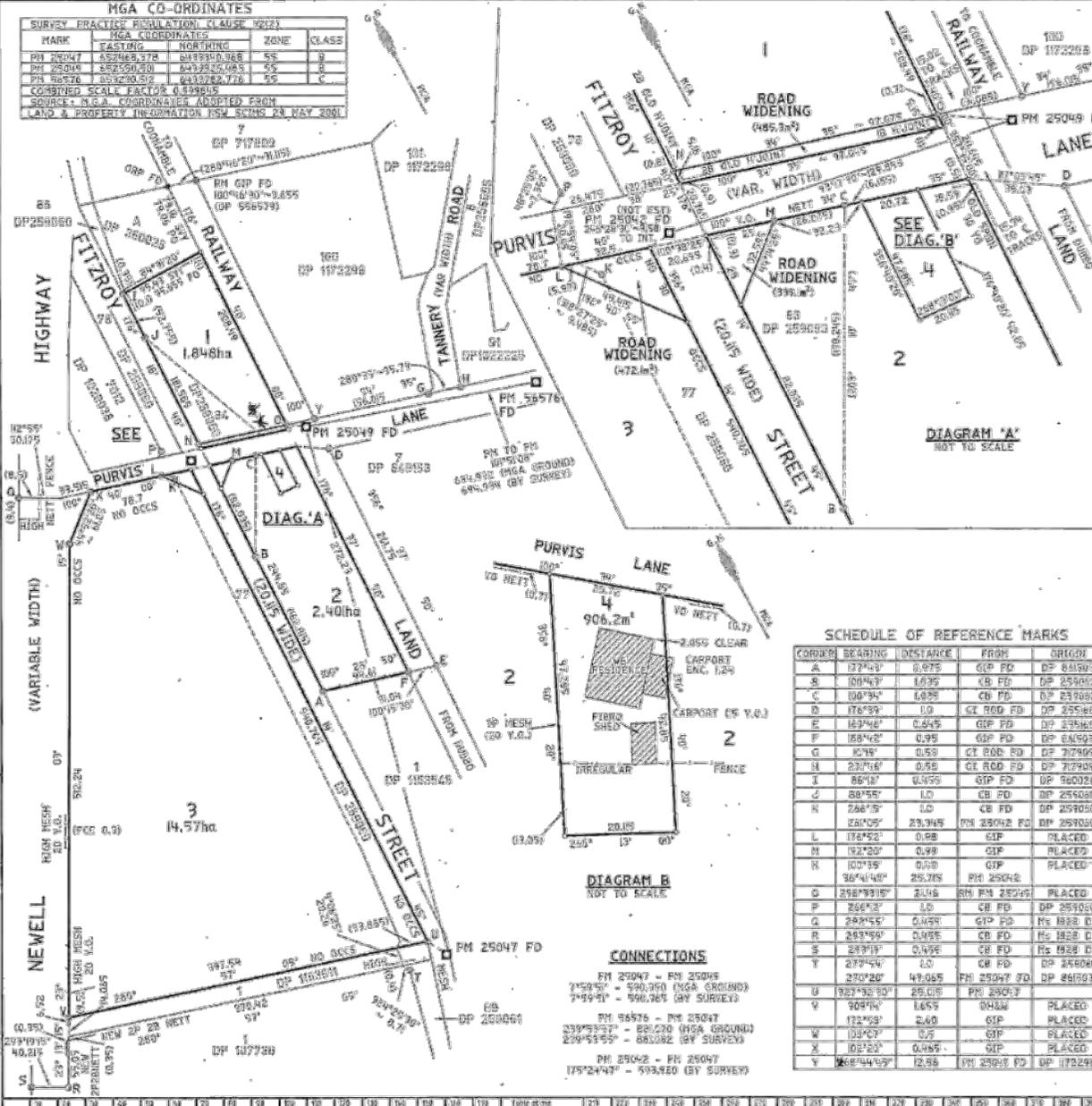


DIAGRAM 'A'
NOT TO SCALE



DIAGRAM B
NOT TO SCALE

SCHEDULE OF REFERENCE MARKS

CORNER	BEARING	DISTANCE	FROM	ORIGIN
A	174°43'	0.975	GP FD	DP 61509
B	104°47'	1.635	CB FD	DP 25043
C	106°39'	1.625	CB FD	DP 25048
D	176°39'	1.0	CB ROD FD	DP 25568
E	163°46'	0.645	GP FD	DP 25568
F	88°42'	0.95	GP FD	DP 61509
G	35°18'	0.58	CB ROD FD	DP 27909
H	23°16'	0.58	CB ROD FD	DP 27909
I	86°18'	0.455	GP FD	DP 60028
J	88°55'	1.0	CB FD	DP 25040
K	266°15'	1.0	CB FD	DP 25040
L	261°05'	23.345	PM 25042 FD	DP 25040
M	176°52'	0.98	GP	PLACED
N	122°20'	0.98	GP	PLACED
R	107°35'	0.98	GP	PLACED
P	36°44'48"	25.215	PM 25046	
Q	258°33'15"	2.04	PM 25045	PLACED
D	266°18'	1.0	CB FD	DP 25040
G	242°55'	0.455	GP FD	Ms 1828 De
R	263°56'	0.455	CB FD	Ms 1828 De
S	237°18'	0.455	CB FD	Ms 1828 De
T	277°54'	1.0	CB FD	DP 25040
U	270°20'	47.065	PM 25047 FD	DP 61509
V	327°32'30"	25.015	PM 25047	
Y	309°18'	1.655	OHLM	PLACED
W	172°52'	2.40	GP	PLACED
X	103°07'	0.9	GP	PLACED
X	102°20'	0.945	GP	PLACED
Y	168°44'05"	12.85	PM 25045 FD	DP 173295

CONNECTIONS

PM 25047 - PM 25048
75°52'57" - 540.160 (MGA GROUND)
75°52'57" - 540.165 (BY SURVEY)

PM 56576 - PM 25047
239°53'57" - 881.230 (MGA GROUND)
239°53'57" - 881.230 (BY SURVEY)

PM 25042 - PM 25047
175°24'47" - 593.850 (BY SURVEY)

DP1194822

Registered 13.5.2014
C.A.s SEE CERTIFICATE
Title System: TORRENS
Purpose: SUBDIVISION
Ref. Map: P55329
Last Plan: DP360028, DP1122612

PLAN OF SUBDIVISION OF LOT 1
IN DP 360028, LOT 53 IN
DP 754205 AND LOTS 630
AND 631 IN DP 822912

Lengths are in metres. Reduction Ratio 1:3000
LGAs: DUBBO
Suburb/Locality: DUBBO
Parishes: DUBBO
County: LINCOLN

Author: GERRARD THORPE
DRAWN BY: GERRARD THORPE
Checked by: GERRARD THORPE
Scale: 1:3000

Drawn by: GERRARD THORPE
Checked by: GERRARD THORPE
Scale: 1:3000

IF IT IS INTENDED TO DEDICATE THE
ROAD WIDENING TO THE PUBLIC
AS PUBLIC ROAD

CONSENT FROM RAIL CORPORATION
NSW FOR BOUNDARY DEFINITION
FURNISHED.

Crown Lands Office Approval

PLAN APPROVED: _____
Authorised officer

Land District: _____
Paper No: _____
Field Book: _____

Subdivision Certificate

I certify that the conditions of s10(1) of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to the proposed SUBDIVISION set out herein (insert 'subdivision' or 'new road')

Proprietor: _____
+ Authorised Officer/General Manager/Deputy General Manager

Consent Authority: DUBBO CITY COUNCIL
Date of endorsement: 12/12/2021
Accreditation No.: N/A
Subdivision Certificate No.: DP1194822
File No.: DP-1081

When the plan is lodged electronically in the Land Titles Office, the owner/submitter is required to provide a signature in an electronic or digital format approved by the Registrar-General. A return will be issued if the signature is illegible.

SURVEYOR'S REFERENCE 10000 CHECKLIST REPORT

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

REQ:K752400 /Doc:DP 1194822 P /Rev:13-May-2014 /Sts:SC:OK /Egs:ALL /Ext:13-Jun-2018 14:14 /Seq:3 of 3
Pre:Ramsay Pty Ltd (Judge) /Srs:1



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 69/259061

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
13/6/2018	2:18 PM	5	1/2/2018

LAND

LOT 69 IN DEPOSITED PLAN 259061
 AT NTH DUBBO
 LOCAL GOVERNMENT AREA DUBBO REGIONAL
 PARISH OF DUBBO COUNTY OF LINCOLN
 TITLE DIAGRAM DP259061

FIRST SCHEDULE

SWANLACE PTY LTD (T AN85373)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Barnson Pty Ltd (Mudgee)

PRINTED ON 13/6/2018

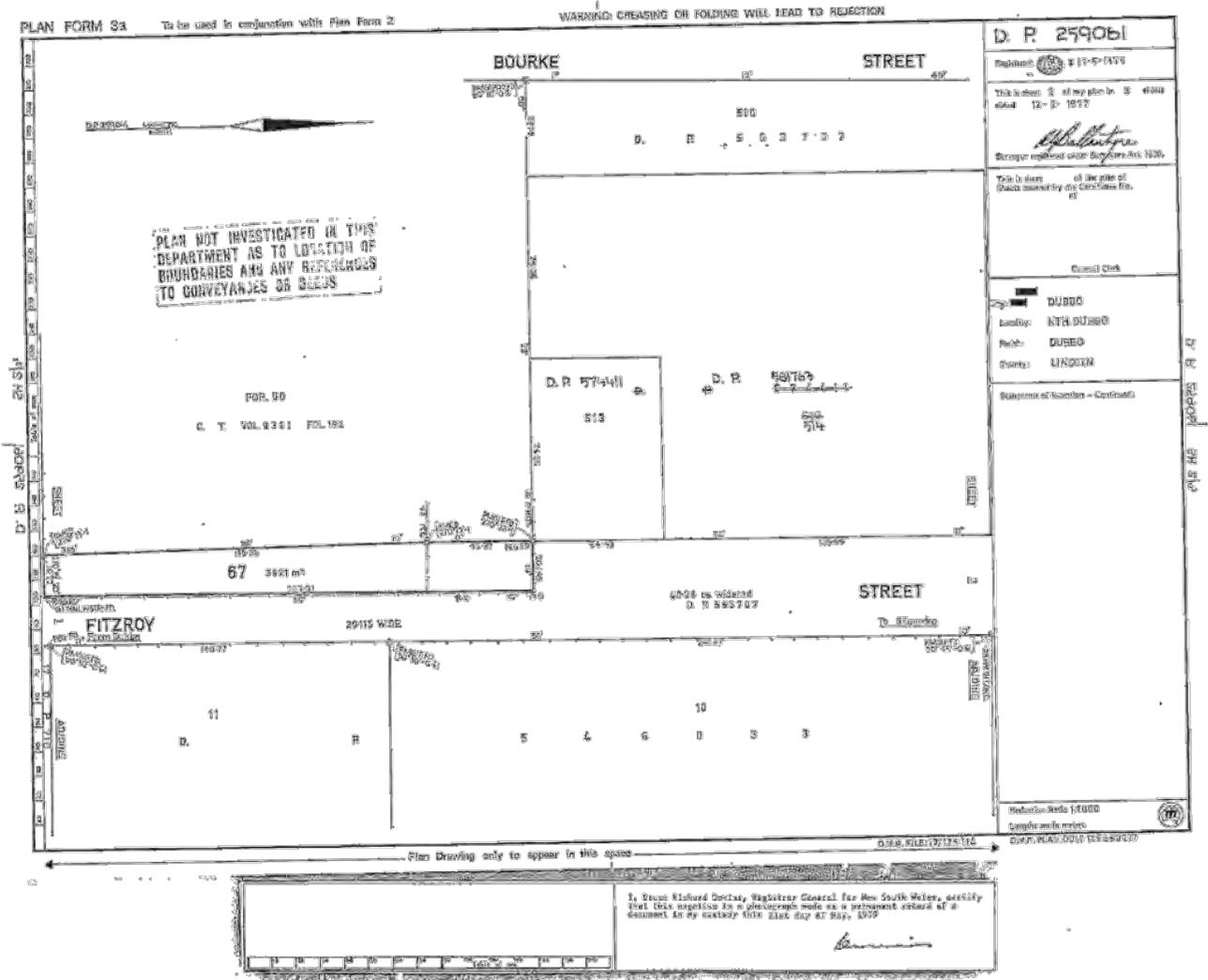
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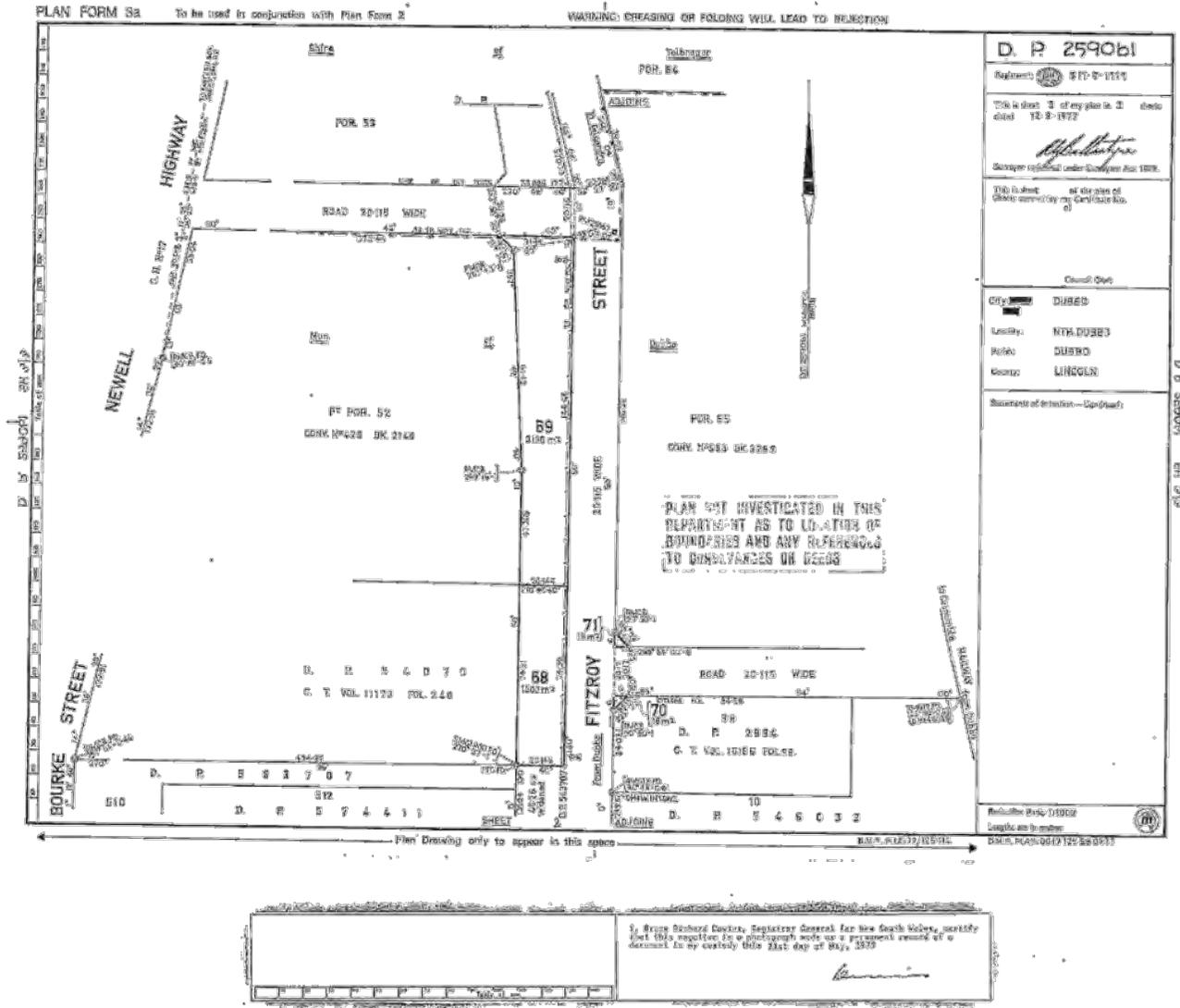
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Req: R752472 / DocID: 0258061 P / Rev: 19-Jun-1992 / sta: OK OK / Egs: ALL / Frt: 13-Jun-2018 14:19 / Seq: 2 of 3
 Ref: Hanson Pty Ltd (Mudgee) / Szc: 11



Req: R752472 / Doc: DF 0258061 P / Rev: 19-Jun-1992 / Sta: OK.OK / Egs: ALL / Frt: 13-Jun-2018 14:19 / Seq: 3 of 3
 Ref: Barrison Pty Ltd (Mudgee) / Szc: 11



D. P 2590b1

Diagram: 217 7-1111

This is sheet 3 of my plan in 3 sheets dated 12-8-1977

Signature
 Surveyor registered under Statute Act 1939.

This is sheet 3 of the plan of GUYRA COUNCIL (City of Guyra No. 10)

City: DUBBO
 Locality: MTA DUBBO
 Parish: DUBBO
 County: LINCOLN

Statement of intention - (to be read)

Includes 2590 01000
 Length as to meter

I, Bruce Richard Dockett, Engineer General for New South Wales, certify that this register is a photograph made on a permanent record of a document in my custody this 21st day of May, 1979

Signature



Appendix D - Flooding Assessment



Our Ref: 5991802001-L01: BCP
Contact: Dr Brett C. Phillips

30/03/2020

The Manager,
Barnson Pty Ltd
"Riverview" Business Park
1/36 Darling Street
DUBBO NSW 2830

Attention: Mr Jim Sarantzouklis
Email: jim@barnson.com.au

Cardno (NSW/ACT) Pty Ltd

Level 9

The Forum

203 Pacific Highway

St. Leonards NSW 2065

P.O. Box 19

St Leonards NSW 1590

Australia

Phone: +61 2 9496 7700

www.cardno.com.au

In response to your recent request, we are pleased to provide the findings of our assessment of the updated flooding impact of various proposed fill pads on a site located between Fitzroy St and the Newell Highway, Dubbo.

1. BACKGROUND

The location of the site is indicated in **Figure 1**.

The estimated 1% AEP flood level contours and flood depths under "mainstream" flooding conditions are given in **Figure 2**. It is evident from Figure 2 that the site is completely flooded in a 1% AEP event. This has consequences for safe evacuation of workers from the site along a route that ideally would be above the 1% AEP flood level.

In November 2018 a study was undertaken to provide information on current flooding of the site and to undertake an assessment of the impact of the proposed latest fill pad on the site in relation to flooding in a 1% AEP event under mainstream (Macquarie River) and local (Troy Gully) flooding regimes to inform Barnson's formulation of a DA for planned works on the site. This assessment is appended in **Attachment A**.

In August 2019 comments and responses were submitted in relation to a number of issues raised by Council on the flooding information dated 8 November 2018 appended to the Statement of Environmental Effects submitted with Development Application D2019-107. These comments and responses are appended in **Attachment B**.

2. OBJECTIVE

The objective of the study is to provide information on current flooding of the site and to undertake an assessment of the impact of various proposed fill pads on the site in relation to flooding in a 1% AEP event under mainstream (Macquarie River) and local (Troy Gully) flooding regimes to inform Barnson's formulation of a DA for planned works on the site.



3. OUR APPROACH

3.1 Study Inputs

The inputs to the study comprised:

- (i) Information on existing flood behaviour across the site under mainstream (Macquarie River) and local (Troy Gully) flooding including assessments undertaken since 2012 (already held);
- (ii) A copy of the hydrological and floodplain model for the site and its surrounds (already held)
- (iii) An annotated copy of the various fill pads to be assessed (provided by Barnson).

3.2 Tasks

The tasks included:

- (i) Modify the Existing Conditions Macquarie River hydraulic model represent the planned filling;
- (ii) Re-run the Post-development model and extract flooding information including flood depths, velocities and hazards for the 1% AEP event only;
- (iii) Determine the "mainstream" 1% AEP flood level differences;
- (iv) Extract information on flooding of the site in the 1% AEP "local" Troy Gully flooding conditions;
- (v) Modify the Existing Conditions Troy Gully hydraulic model represent the planned filling;
- (vi) Re-run the Post-development model and extract flooding information including flood depths, velocities and hazards for the 1% AEP event only;
- (vii) Determine the 1% AEP flood level differences;

3.3 Pedestrian and Vehicular Stability

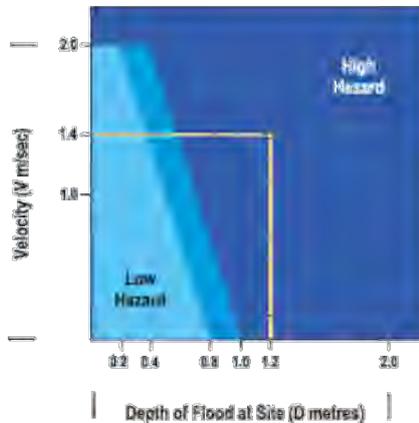
When considering pedestrian and vehicular stability, three velocity x depth criteria were identified as follows:

Velocity x Depth	Comment
$\leq 0.4 \text{ m}^2/\text{s}$	This is typically adopted by Councils as a limit of stability for pedestrians
$0.4 - 0.6 \text{ m}^2/\text{s}$	Unsafe for pedestrians but safe for vehicles if overland flood depths do not exceed around 0.3 m
$> 0.6 \text{ m}^2/\text{s}$	This is typically adopted by Councils as a limit of stability for vehicles

3.4 Flood Hazards

Experience from studies of floods throughout NSW and elsewhere has allowed authorities to develop methods of assessing the hazard to life and property on floodplains. This experience has been used in developing the NSW Floodplain Development Manual to provide guidelines for managing this hazard. These guidelines are shown schematically below.

To use the diagram, it is necessary to know the average depth and velocity of floodwaters at a given location. If the product of depth and velocity exceeds a critical value (as shown below), the flood flow will create a **high hazard** to life and property. There will probably be danger to persons caught in the floodwaters, and possible structural damage. Evacuation of persons would be difficult. By contrast, in **low hazard** areas people and their possessions can be evacuated safely by trucks.



*Provisional Hazard Categories
(after Figure L2, NSW Government, 2005)*

Between the two categories a transition zone is defined in which the degree of hazard is dependent on site conditions and the nature of the proposed development. This calculation leads to a provisional hazard rating. The provisional hazard rating may be modified by consideration of effective flood warning times, the rate of rise of floodwaters, duration of flooding and ease or otherwise of evacuation in times of flood.

4. COMPARISON OF 2012 AND 2019 MACQUARIE RIVER FLOODPLAIN MODELS

In response to some concerns expressed by stakeholders regarding the draft 2012 Macquarie River Flood Study Update¹, a number of reviews were undertaken to assess the stakeholder concerns and the outcomes of the additional assessments were outlined in a number of Discussion Papers. The outcomes of the assessments were also progressively peer reviewed by an independent leading industry expert. These additional assessments included:

- Re-calibration of the floodplain model against observed 2010 flood levels which included the modification of the floodplain model on the lower Talbragar River floodplain;
- A review of the rating tables, flow gaugings and the flood frequency analysis at Station 421001 Macquarie River at Dubbo (Dubbo PS gauge);
- Three separate peer reviews at various stages through the period which led to further assessments;
- An update of the flood frequency analysis which led to the adoption of different design peak flood flows at the Macquarie River gauge; and

¹ Cardno (2012) "Macquarie River, Dubbo, Compilation of Flood Studies", *Final Report*, prepared for Dubbo Regional Council, March, 34 pp



- Sensitivity assessments of the impact of model time step, mixed grids of different size (30 m grid + 6 m grid v 15 m grid+6m grid v uniform 6 m grid) and TUFLOW Classic (CPU engine) and of the TUFLOW HPC (GPU engine) on flood levels estimated for historical floods and design floods.

As discussed in Cardno (2019)², the peak design inflows for the Talbragar River adopted in the 2012 and 2018 assessments are given in **Table 1** for comparison to the Macquarie River peak design inflows.

Table 1 Comparison of Adopted Peak Design Inflows for the Macquarie River and the Talbragar River

AEP		Macquarie River				Talbragar River
(1 in X)	(%)	Table 4(b) & Table C.2	2012 TUFLOW Model	2016 PO4A EO FFA	2018 TUFLOW Model	2012 & 2018 TUFLOW Models
10	10%	820	1,142	790	790	1,819
20	5%	1,360	1,360	1,343	1,343	2,473
50	2%	2,500	2,500	2,557	2,557	3,214
100	1%	3,820	3,820	4,037	4,037	4,011
200	0.50%	5,700	4,700	6,255	5,300 [†]	4,881

[†] With the concurrence of the Peer Reviewer, the 0.5% AEP peak inflow was adjusted to give a 0.5% AEP flood level at the Dubbo PS gauge which should be comparable to the gauge height predicted by the adopted Flood Frequency Analysis (FFA)

Validation of the floodplain model was undertaken as a component of the modelling of the December 2010 flood and led to the modification of the floodplain model on the lower Talbragar River floodplain. The chronology of the iterative assessments of the 2010 flood is detailed in Appendix B of Cardno, 2019.

Various assessments were undertaken also of the flood levels estimated by a CPU version and a GPU (HPC) version of the Macquarie River floodplain from October 2016 until August 2018 as outlined in Appendix A of Cardno, 2019. This included extending the floodplain model further downstream (to improve the estimated flood levels at the downstream end of the floodplain), testing a 15 m / 6 m mixed grid (originally 30 m / 6 m mixed grid) and testing a uniform 6 m grid.

These assessments led to the re-running of all historical and design floods using a TUFLOW HPC (GPU) floodplain model based on a 6 m x 6 m grid.

The 10th, 25th, 50th, 75th and 90th percentile differences between the Macquarie River dominant and Talbragar River dominant and the envelope of the 1% AEP flood levels estimated in 2018 and reported in 2012 are as follows.

² Cardno (2019) "Macquarie River, Dubbo, Compilation of Flood Studies Addendum", *Draft Final Report*, prepared for Dubbo Regional Council, January, 25 pp + Apps



	Macquarie River Talbragar River	1% AEP 5% AEP	5% AEP 1% AEP	Max 1% AEP
Percentile	Difference (cm) (2018-2012)	Difference (cm) (2018-2012)	Difference (cm) (2018-2012)	
10%	-13	-16	-13	
25%	3	-11	2	
50%	8	-6	8	
75%	11	1	11	
90%	39	17	39	

It is noted that changes in 1% AEP flood levels were slightly smaller for the Talbragar River dominant flood than for the Macquarie River dominant flood.

It was found that the estimated 1% AEP flood levels in 2012 on the subject property were around 262.41 m AHD and in 2018 were 262.49 m AHD.

5. TROY GULLY FLOODPLAIN MODEL

In 2004, the original TUFLOW Classic model for Troy Gully was developed based on LiDAR data provided at the time. The model extended from the confluence of Troy Gully and Macquarie River downstream of Newell Highway up to Peachville Road, and run based on a 10m x 10m grid spacing.

In 2007, a series of flood mitigation options for Troy Gully were assessed using a TUFLOW Classic model which was truncated to the reach from Yarrandale Road and the confluence of Troy Gully and Macquarie River. The truncated model used two separate grid bases being a 2.5m x 2.5 m grid between Yarrandale Road and the railway line and a 5 m x 5 m grid downstream of the railway line to the confluence of Troy Gully and the Macquarie River.

In 2018 the 2007 truncated TUFLOW Classic model of Existing Conditions was extended 600 m upstream from Yarrandale Road and a uniform 3 m x 3 m grid base was adopted. Existing buildings evident on current aerial photos from Nearmap were also blocked out in the model. The modified 2007 model was run using TUFLOW HPC.

There were a number of stormwater drainage structures located under road and railway crossings in the Troy Gully floodplain and within the boundary of the 2018 TUFLOW model. **Table 2** lists the stormwater drainage structures included in the 2018 TUFLOW model (refer **Figure 3**)

The same roughness zones adopted in the 2004 and 2007 models were also adopted in the 2018 TUFLOW model.

Design flood inflows to the TUFLOW model were estimated by the XP-RAFTS model previously assembled for the Troy Gully catchment. Time series of inflow hydrographs were generated by the XP-RAFTS model, and imported into the TUFLOW model as interface files.



Table 2 – Road and Railway Crossings include in Existing Conditions Model

Crossing	Reference Location (Refer Figure 1)	Details
Gilgandra-Dubbo Railway	A	4 x 600 mm diameter pipes
	B	1 x 600 mm diameter pipe
	C	3 x 1200 mm diameter pipes
	D	13 x 1.2mW x 0.9mH box culverts
	E	96 x 600mm diameter pipes
Fitzroy Street	F	2 x 1.8mW x 0.6mH box culverts
	G	3 x 1.2mW x 0.6mH box culverts
Purvis Lane	H	3 x 1.2mW x 0.6mH box culverts
	I	2 x 1.8mW x 0.6mH box culverts
Newell Highway	J	2 x 1.8mW x 0.6mH box culverts
	K	1 x 1.8mW x 0.6mH box culvert
	L	2 x 1.8mW x 0.6mH box culverts
Yarrandale Road	M	2 x 600 mm diameter pipes

In the TUFLOW model, the downstream boundary conditions for Macquarie River at the confluence of Troy Gully adopted in the 2006, 2007 and 2012 assessments were adopted in this study.

4. FLOOD IMPACT ASSESSMENTS

4.1 Macquarie River Flood

Current Conditions

The estimated 1% AEP depths, velocities, velocity x depth and hazards under Existing Conditions are plotted in **Figures 4, 5, 6 and 7** respectively.

Post-Development Conditions

The assumed properties of the filling included:

- The inclusion of a newly constructed flood runner (refer **Figure 1**);
- The fill platform levels and extents as defined in **Figure 1**;
- Side slopes as defined in **Figure 1**;
- The inclusion of a vertical wall along the southern boundary as disclosed on **Figure 1**;
- Inclusion of an extended fill pads labelled as House Site 3 and House Site 4;
- Adoption of a high roughness zone for on-grade permanent buildings (Manning $n = 0.1$); and
- Adoption of a high roughness zone for demountable houses under construction (Manning $n = 0.07$).

The estimated 1% AEP depths, velocities, velocity x depth and hazards under post-development conditions with the proposed extension of the existing pad are plotted in **Figures 8, 9, 10 and 11** respectively.

The estimated 1% AEP level differences under post-development conditions in comparison with Existing Conditions are plotted in **Figure 12**.



Flood Impact Assessment

As disclosed in **Figure 12** the proposed earthworks have a negligible impact on the 1% AEP flood levels. Likewise, it is noted that the proposed earthworks have a negligible impact or a local impact only on flood velocities, velocity x depth and provisional flood hazard. The local changes in peak velocity are such that the peak velocity remains low and does not pose a concern in relation to erosion or scour in the 1% AEP flood.

4.2 Troy Gully Flood

Current Conditions

The estimated 1% AEP depths, velocities, velocity x depth and hazards under Existing Conditions are plotted in **Figures 13, 14, 15 and 16** respectively.

Post-Development Conditions

The estimated 1% AEP depths, velocities, velocity x depth and hazards under post-development conditions with the proposed extension of the existing pad are plotted in **Figures 17, 18, 19 and 20** respectively.

The estimated 1% AEP level differences under post-development conditions with the proposed extension of the existing pad in comparison with Existing Conditions are plotted in **Figure 21**.

Flood Impact Assessment

As disclosed in **Figure 21** the proposed earthworks locally increase the 1% AEP flood levels on the southern side of the fill platform. Likewise, it is noted that the proposed earthworks have a small impact on flood velocities on the southern site boundary. The local impact on velocity x depth and provisional flood hazard is negligible. The local changes in peak velocity are such that the peak velocity remains low and does not pose a concern in relation to erosion or scour in the 1% AEP flood.

The estimated 1% AEP level differences between the Macquarie River 1% AEP flood levels and the Troy Gully post-development conditions with the proposed earthworks are plotted in **Figure 22**. This discloses that notwithstanding local small increases in the 1% AEP flood levels under a Troy Gully flood that these flood levels remain lower than the Macquarie River flood levels.

Yours sincerely,

A handwritten signature in black ink that reads 'Brett C. Phillips'. The signature is written in a cursive style and is positioned above a horizontal dashed line.

Dr Brett C Phillips
Global senior Principal
for Cardno (NSW/ACT) Pty Ltd
Phone: +61 2 9496 7700
Email: brett.phillips@cardno.com.au

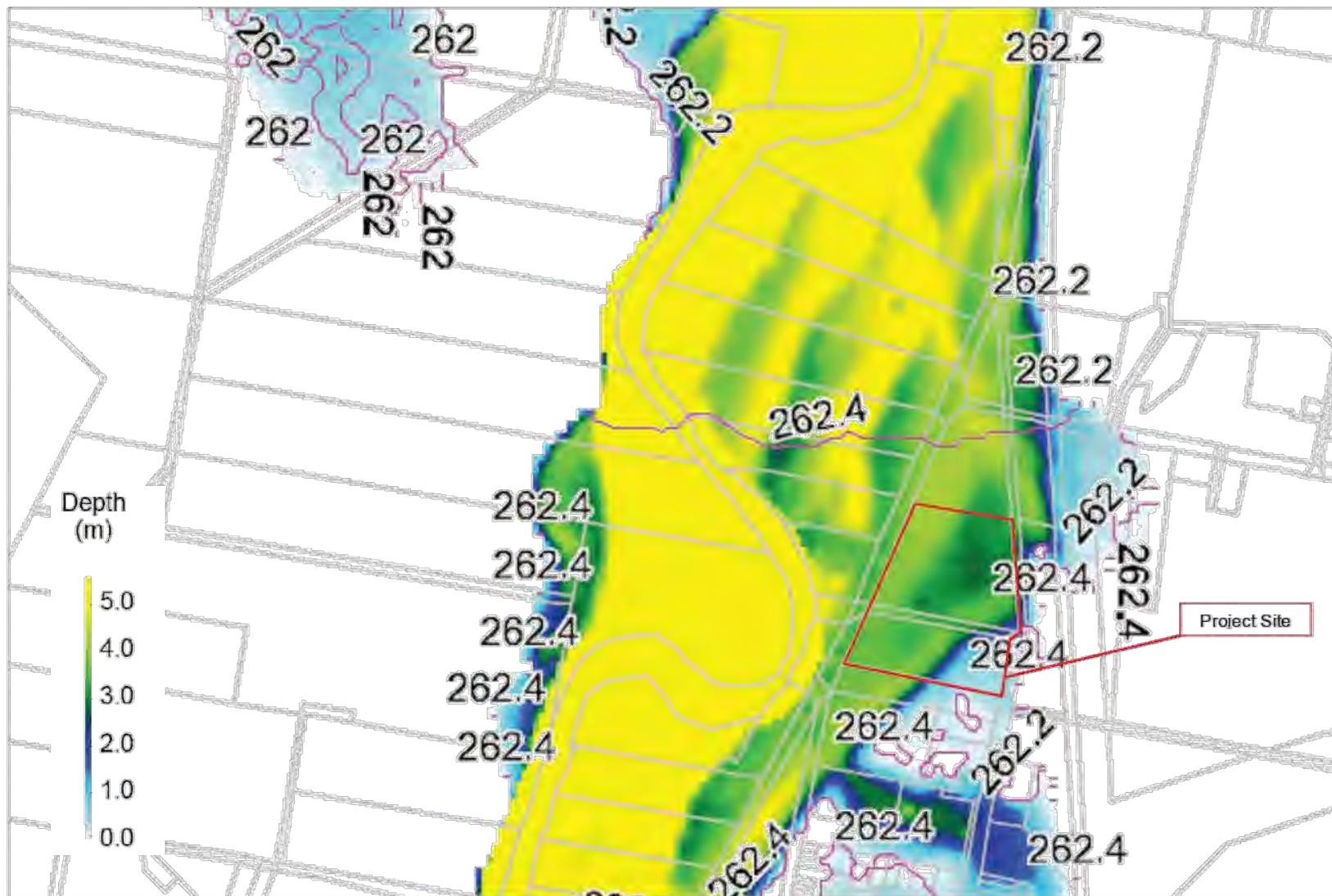


Figure 2 1% AEP Flood Level Contours and Depths – Macquarie River (Cardno, 2012)

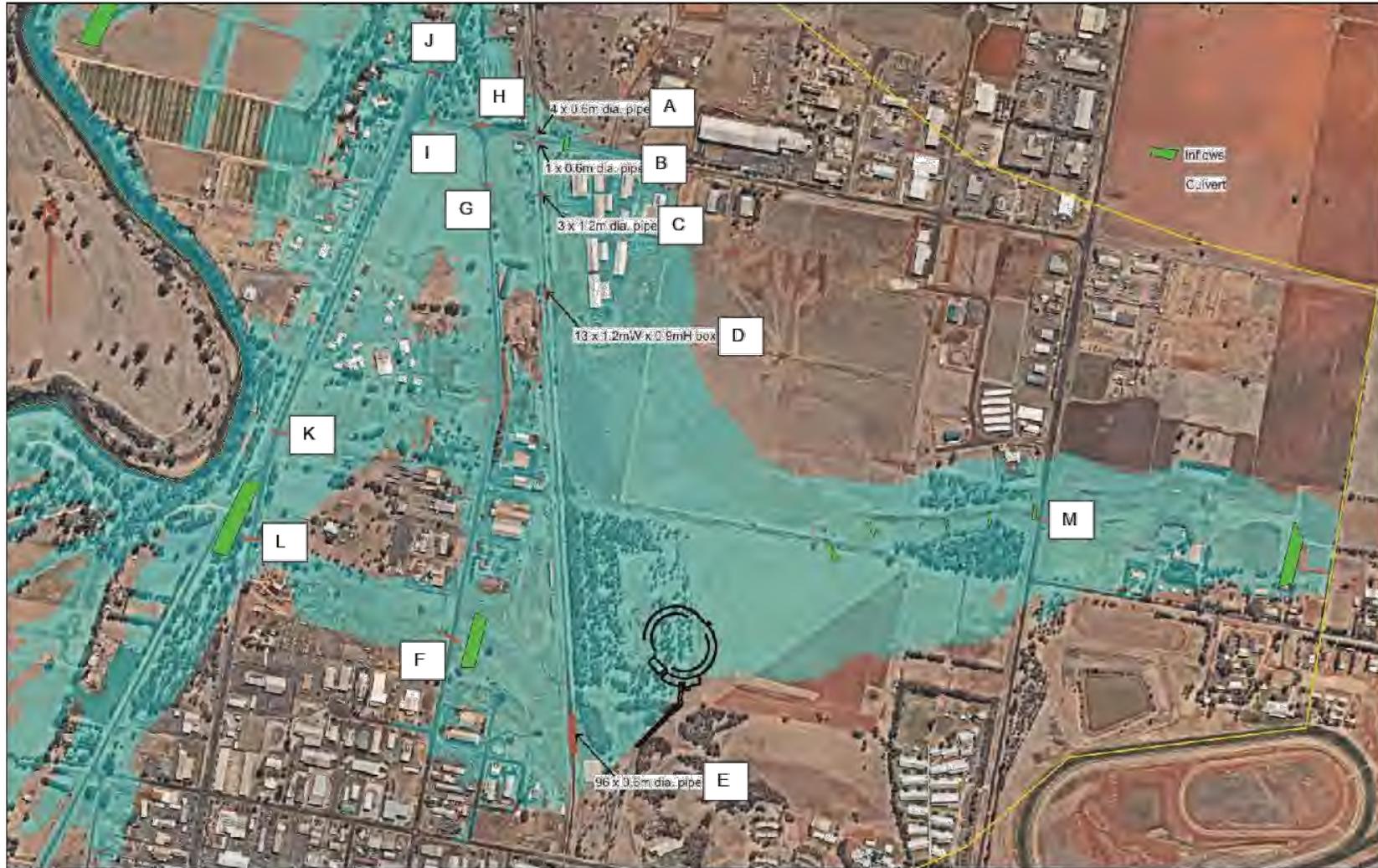


Figure 3 Location of Troy Gully Floodplain Model Crossings

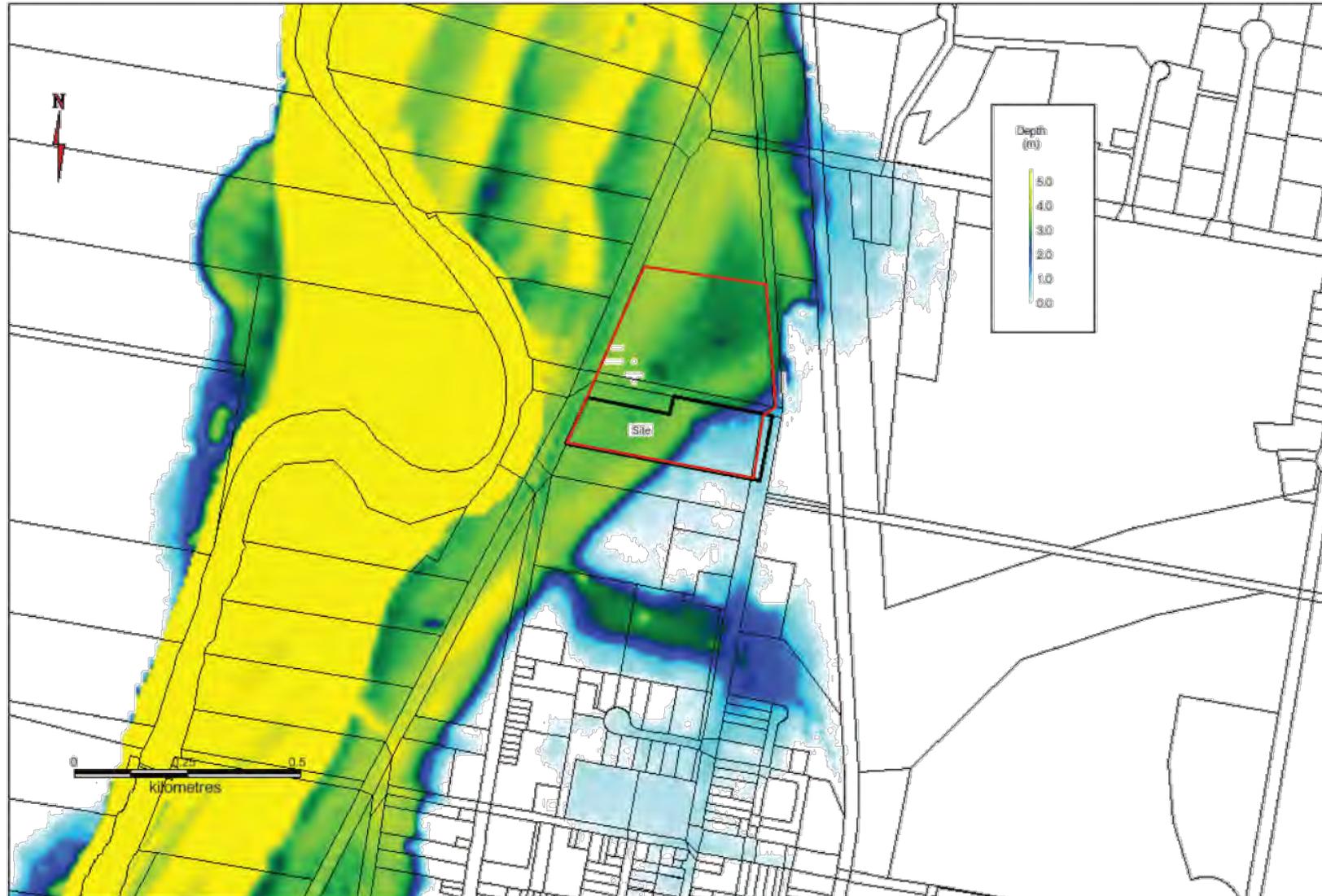


Figure 4 1% AEP Flood Depths – Macquarie River - Existing Conditions

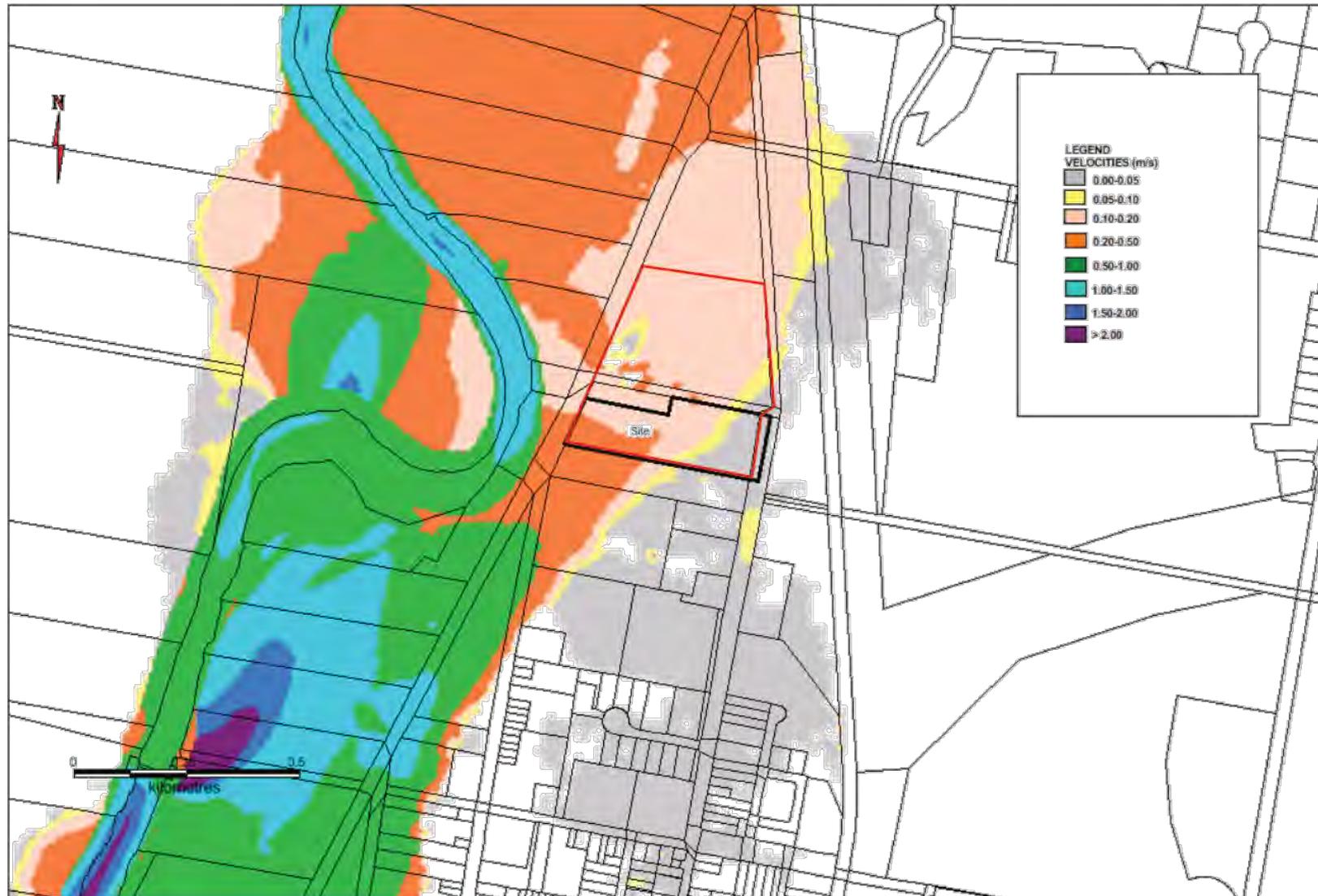


Figure 5 1% AEP Flood Velocities – Macquarie River - Existing Conditions

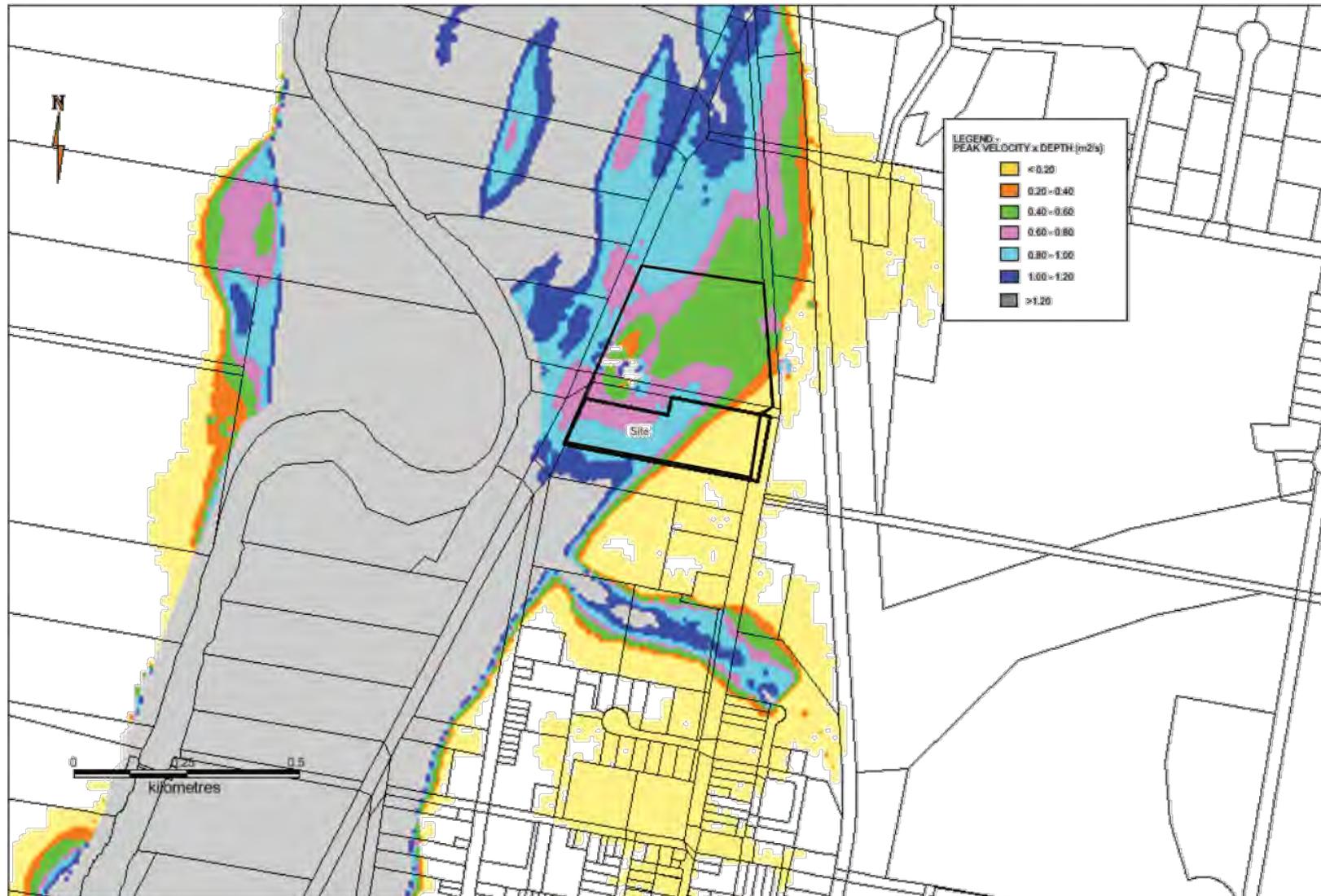


Figure 6 1% AEP Flood Velocity x Depths – Macquarie River - Existing Conditions

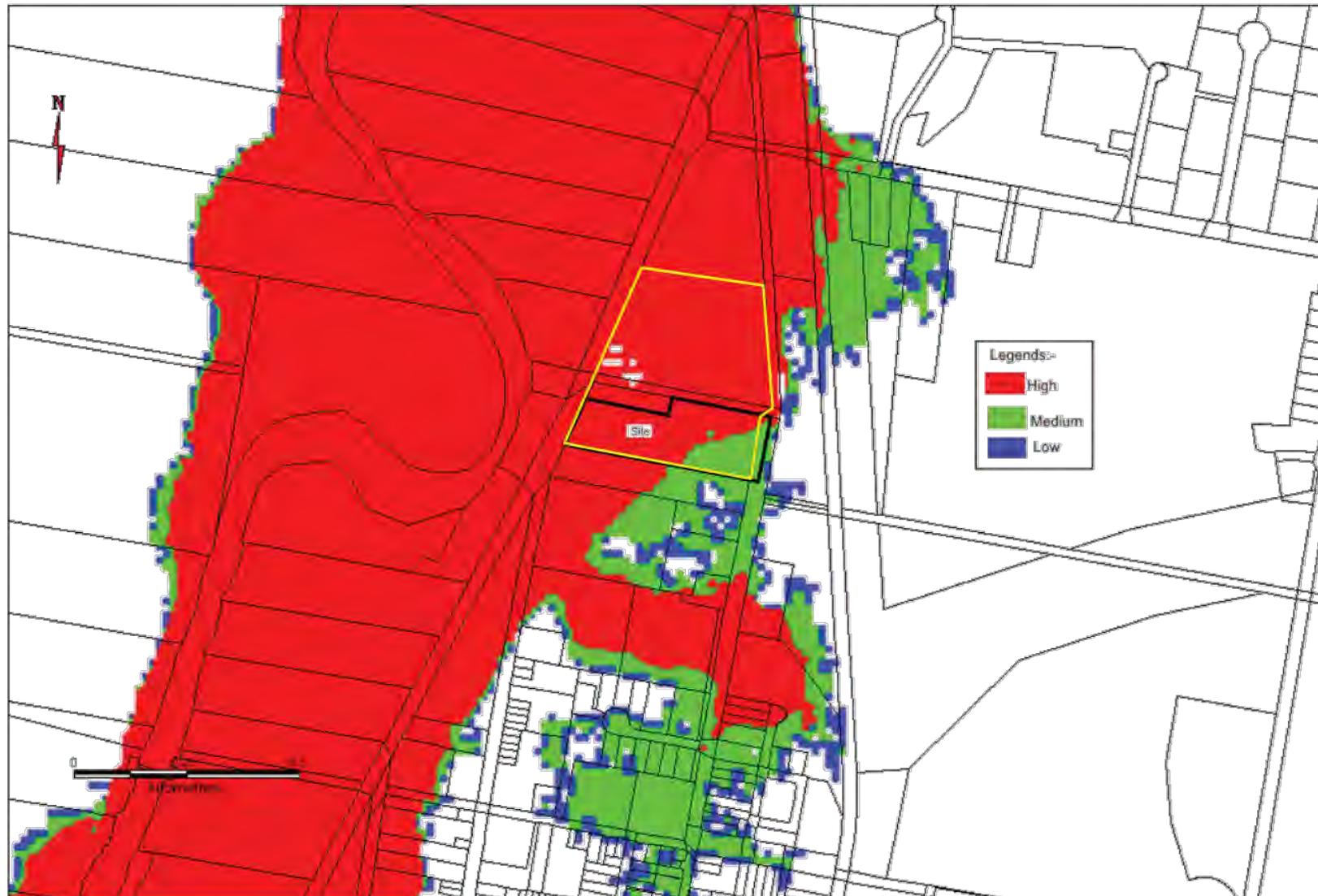


Figure 7 1% AEP Flood Hazards – Macquarie River - Existing Conditions

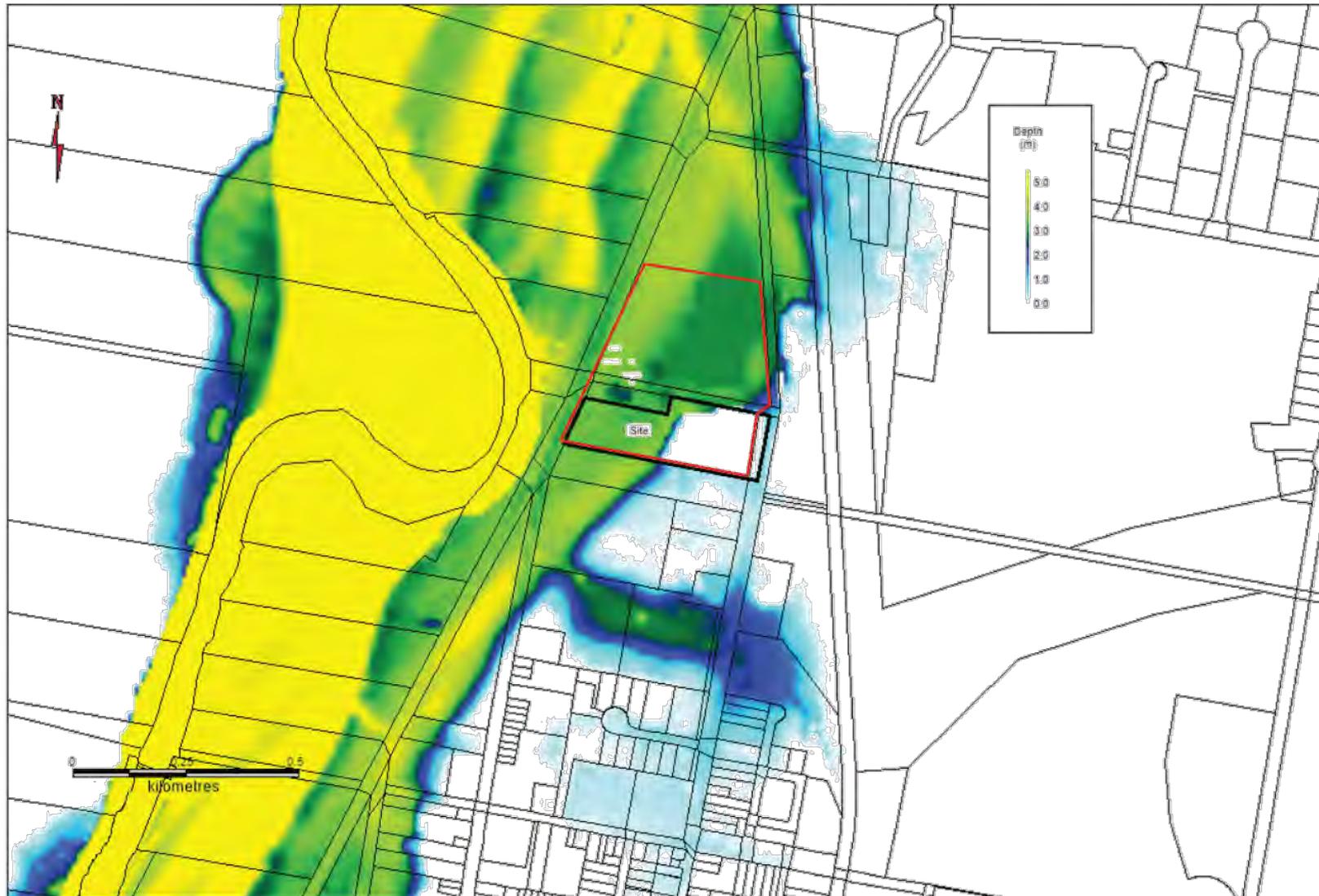


Figure 8 1% AEP Flood Depths – Macquarie River - Post Earthworks Conditions

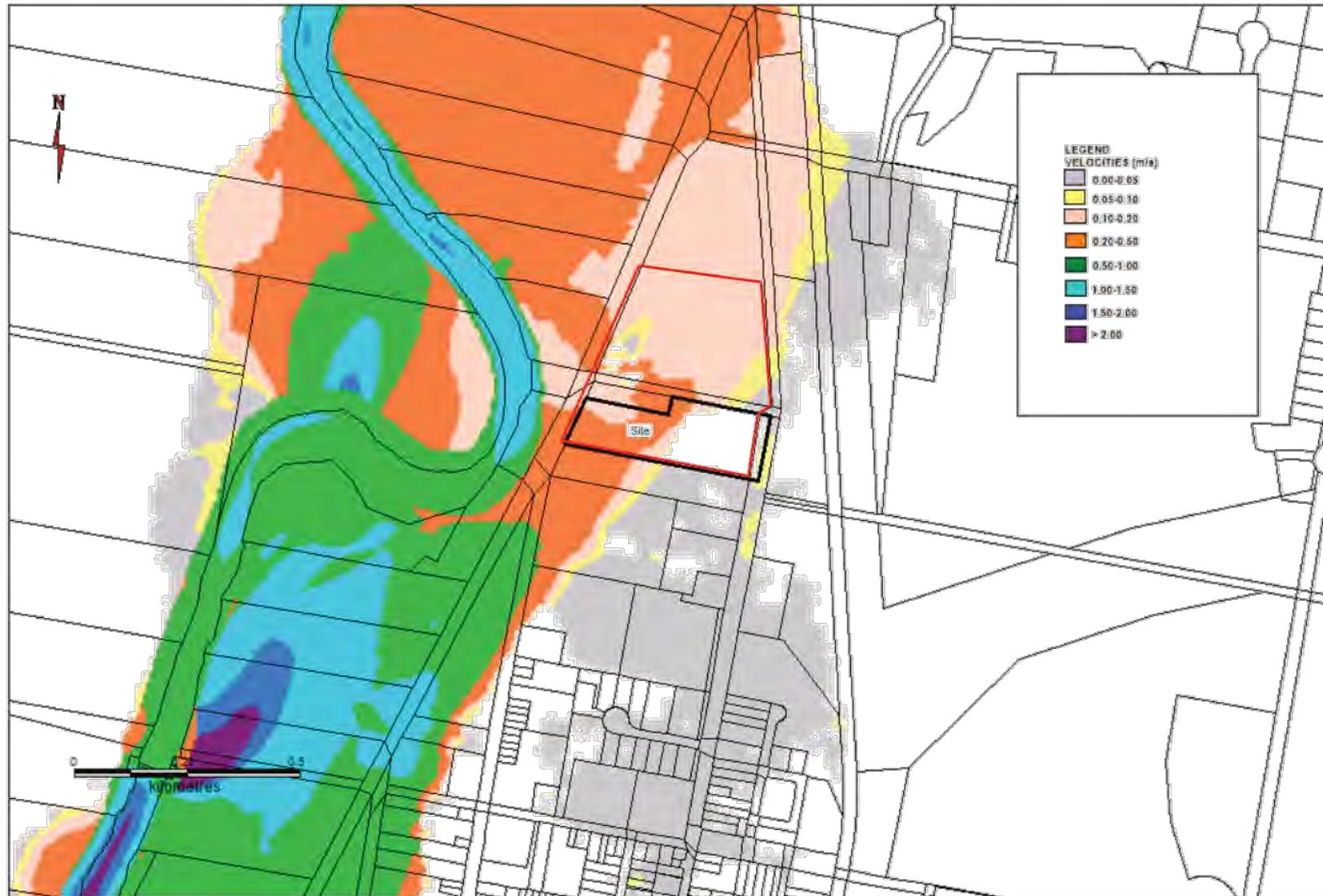


Figure 9 1% AEP Flood Velocities - Macquarie River - Post Earthworks Conditions

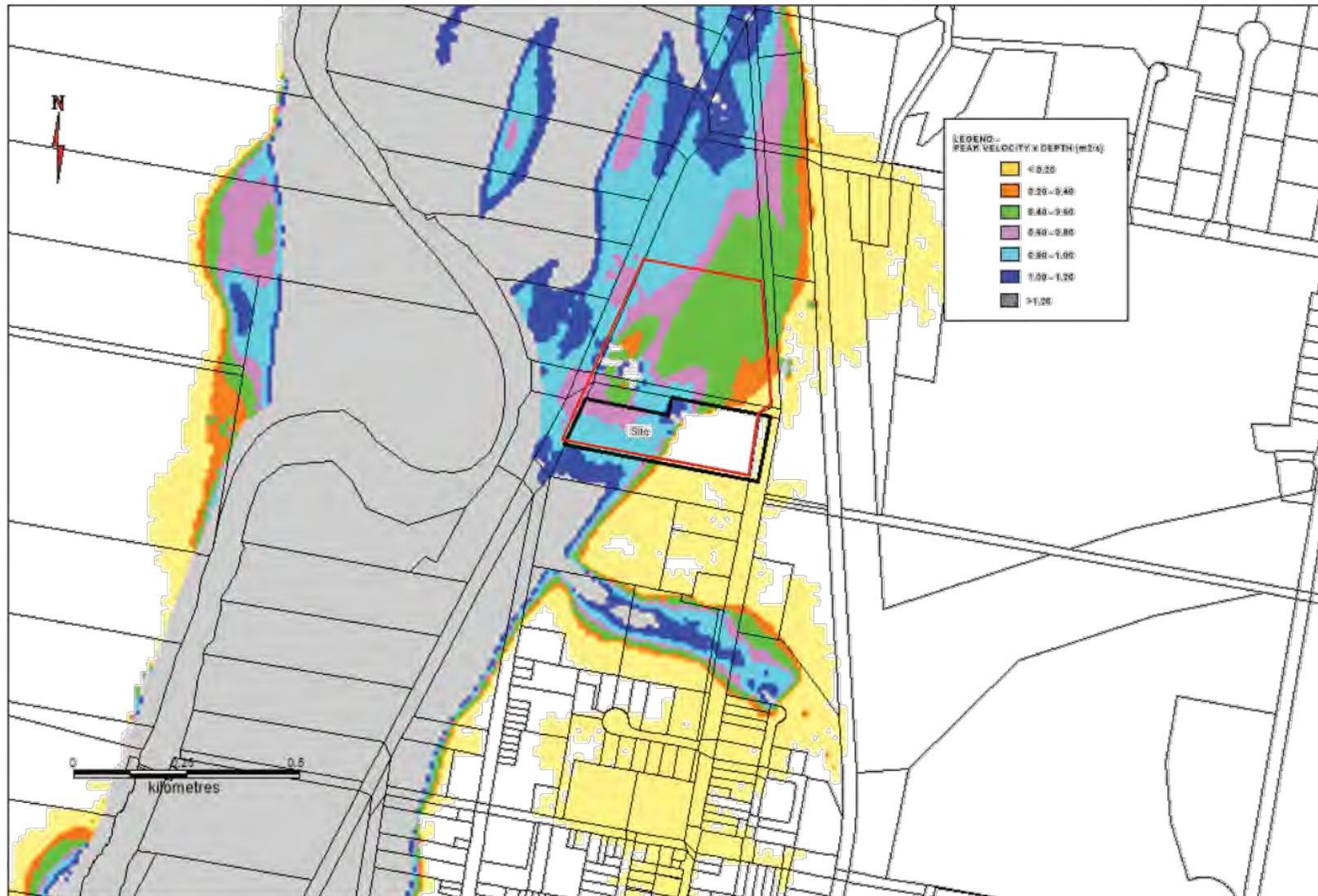


Figure 10 1% AEP Flood Velocity x Depths - Macquarie River - Post Earthworks Conditions

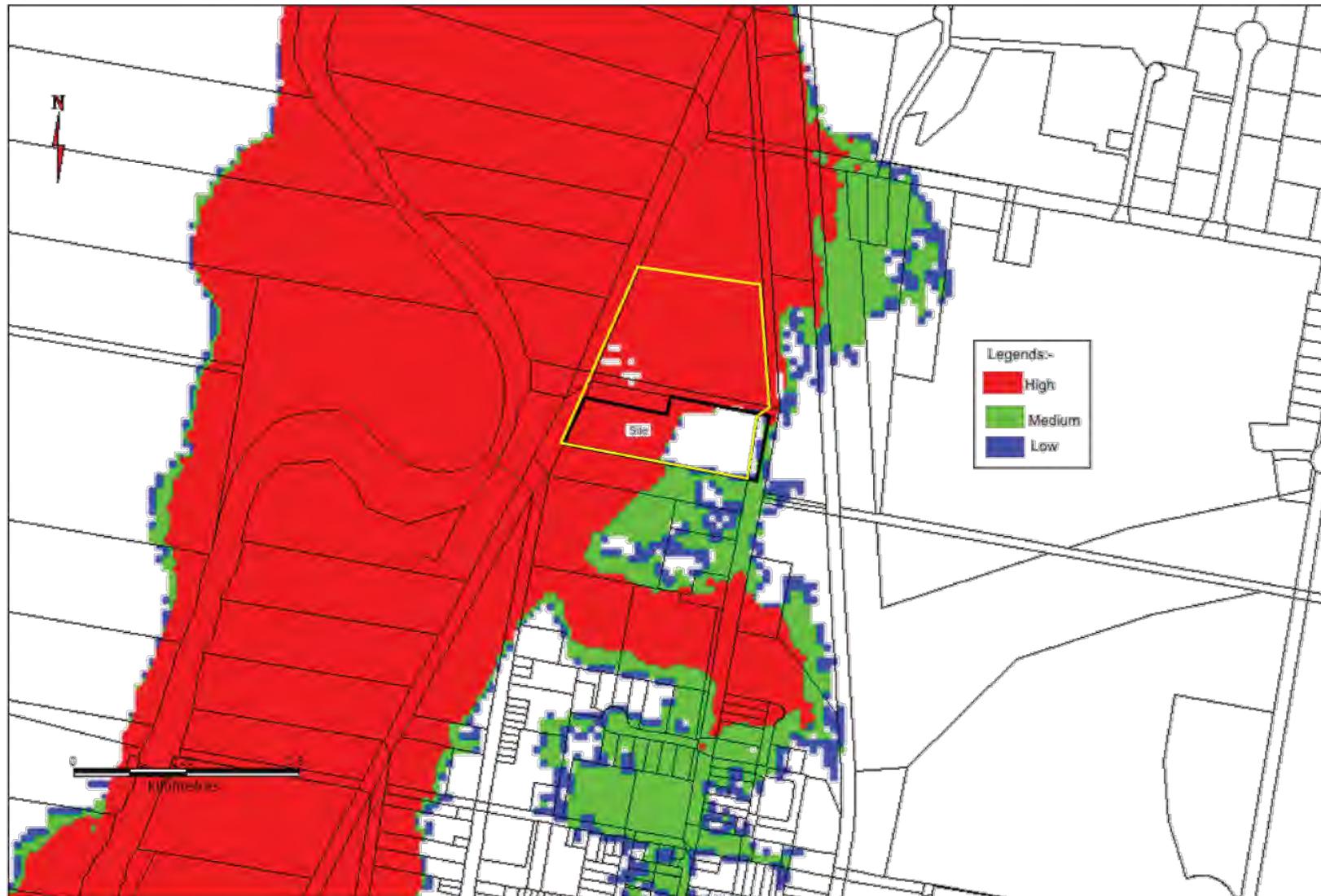


Figure 11 1% AEP Flood Hazards - Macquarie River - Post Earthworks Conditions

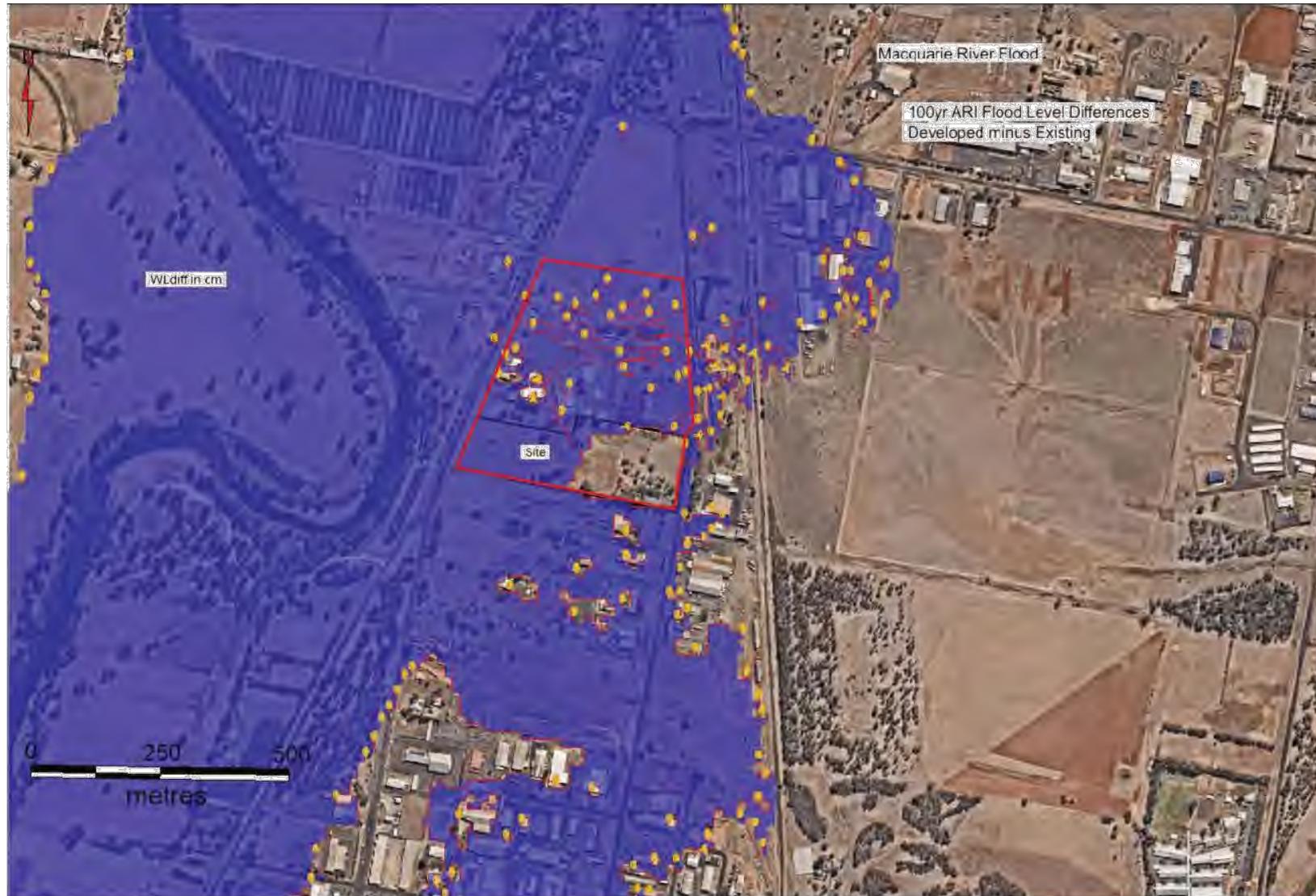


Figure 12 1% AEP Flood Levels Differences (Post Earthworks Conditions – Existing Conditions) - Macquarie River



Figure 13 1% AEP Flood Depths – Troy Gully - Existing Conditions

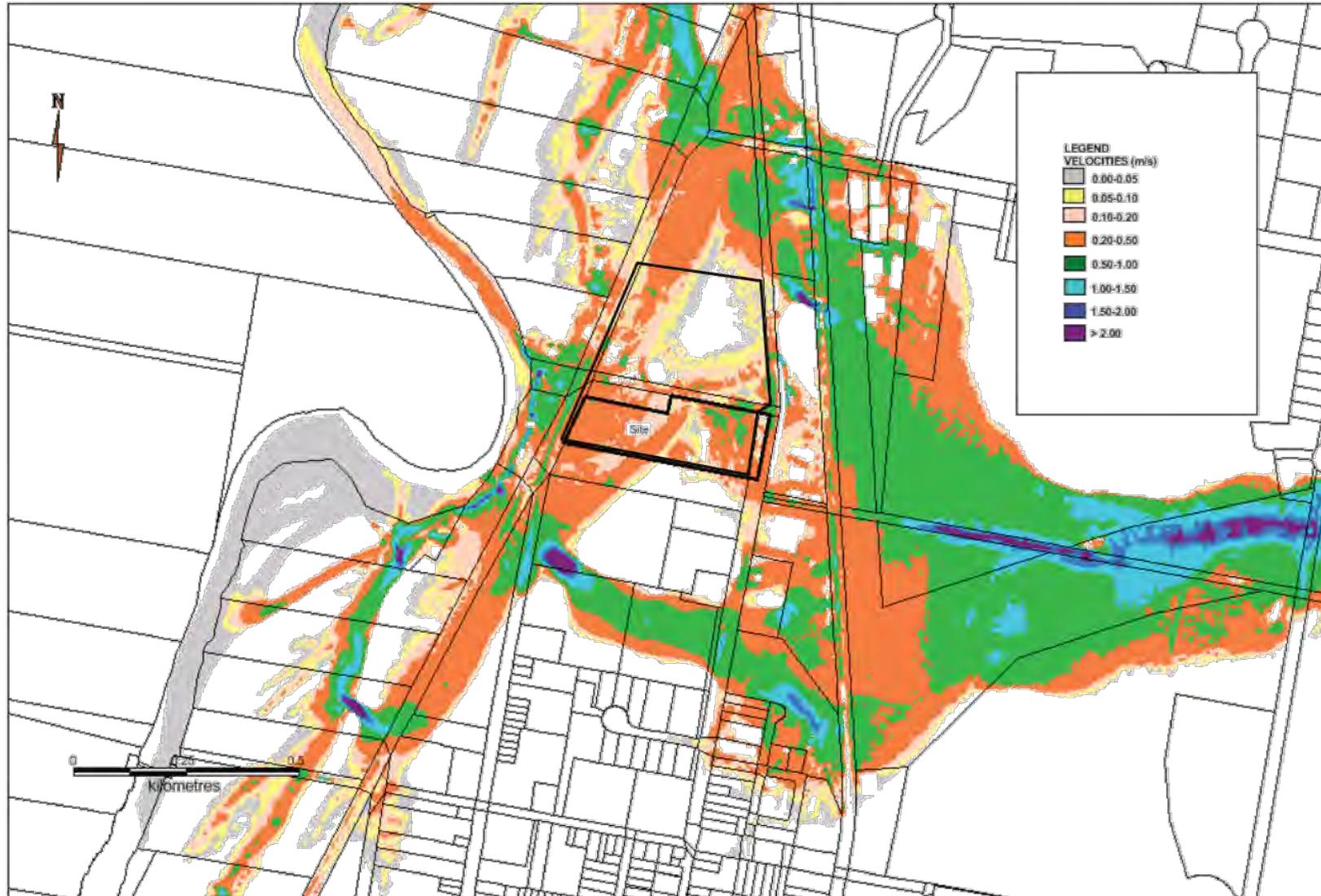


Figure 14 1% AEP Flood Velocities – Troy Gully - Existing Conditions

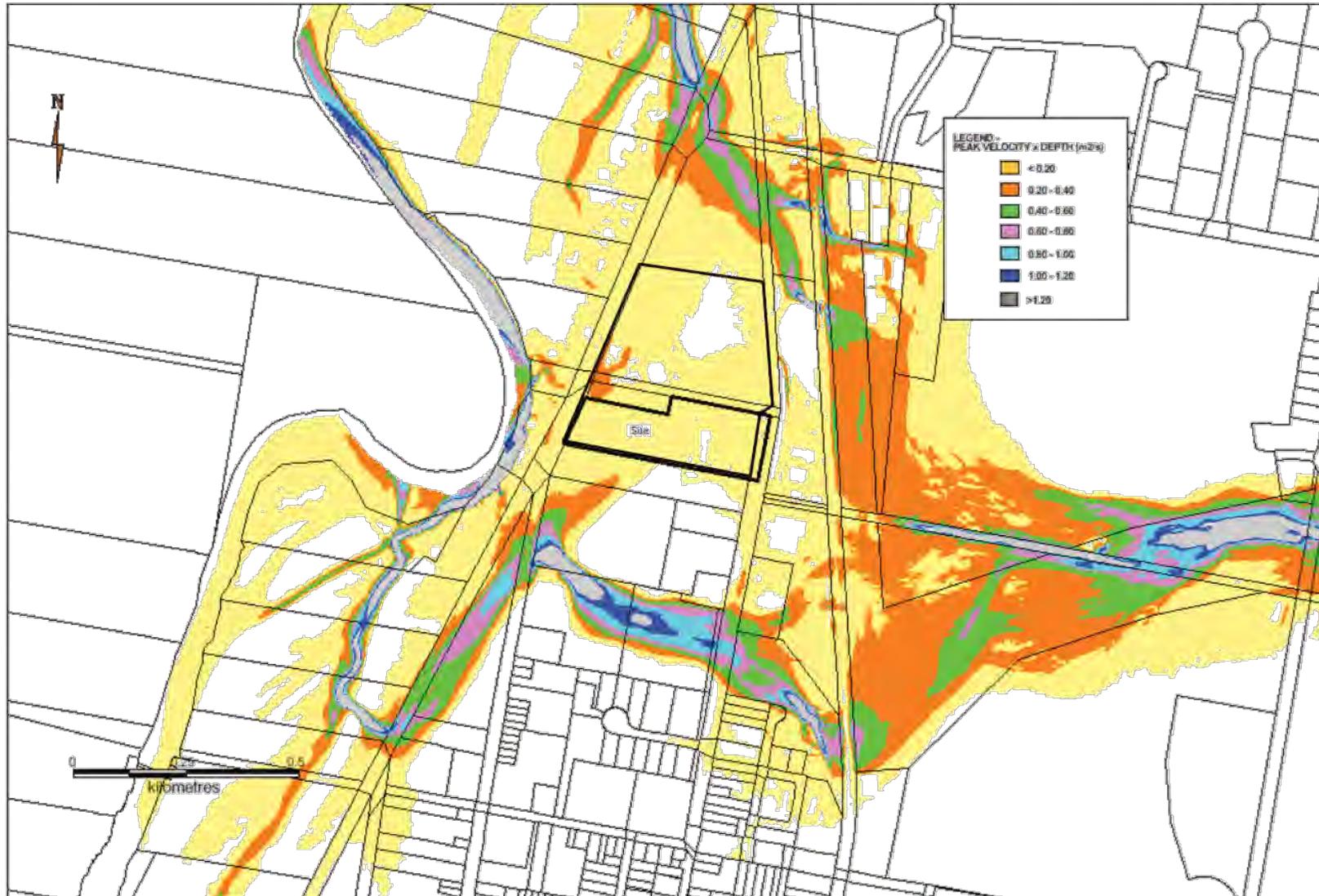


Figure 15 1% AEP Flood Velocity x Depths – Troy Gully - Existing Conditions

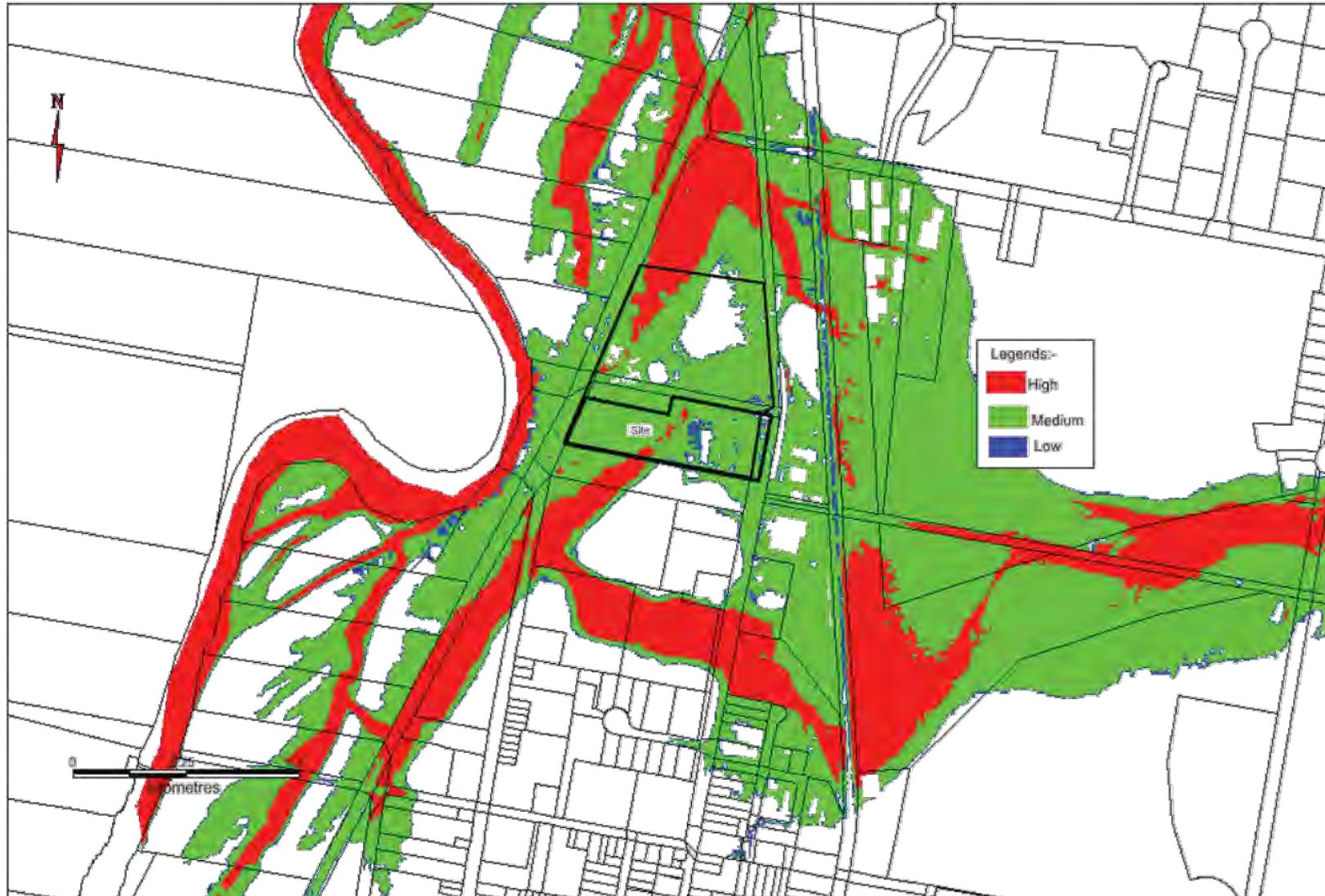


Figure 16 1% AEP Flood Hazards – Troy Gully - Existing Conditions



Figure 17 1% AEP Flood Depths – Troy Gully - Post Earthworks Conditions

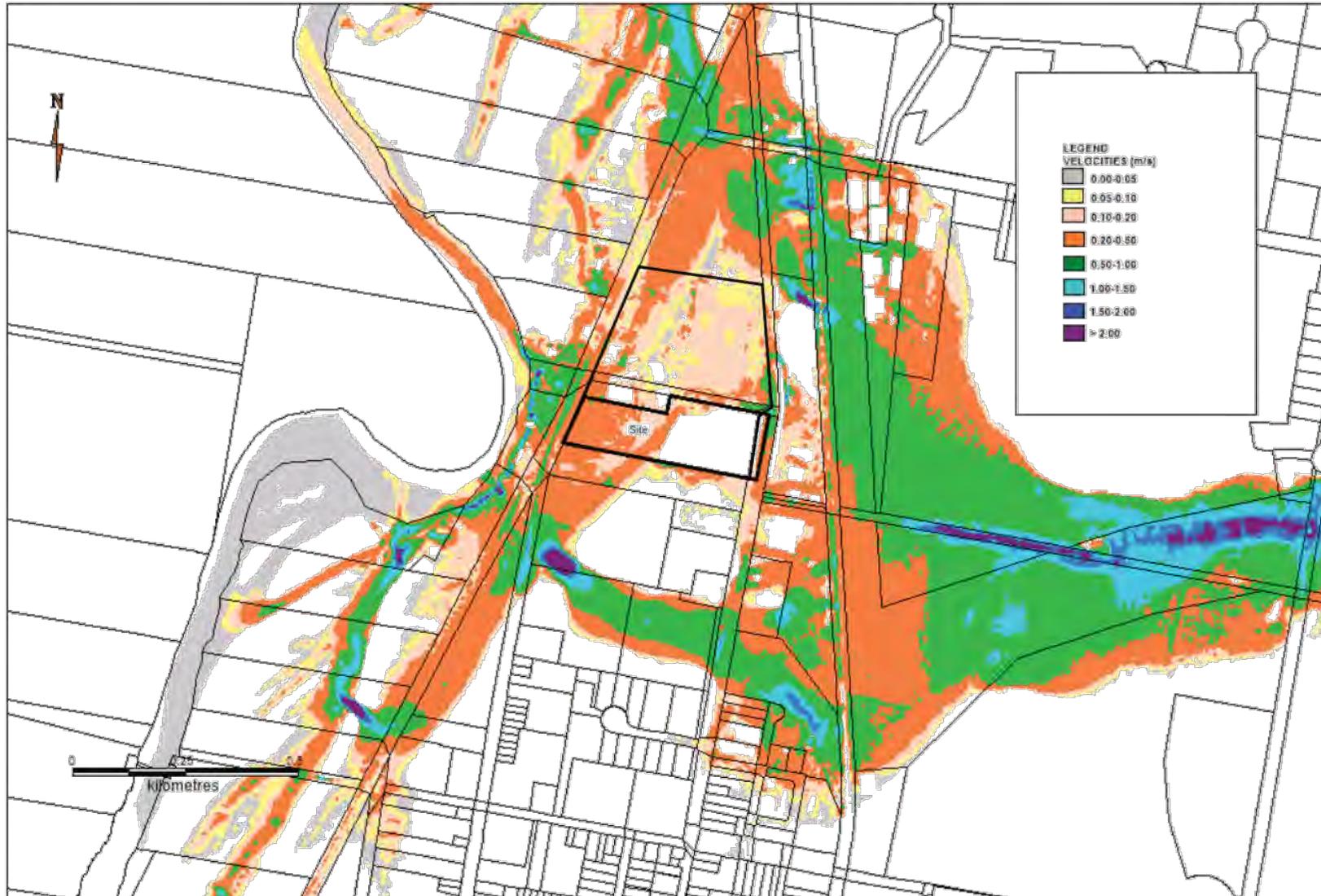


Figure 18 1% AEP Flood Velocities - Troy Gully - Post Earthworks Conditions

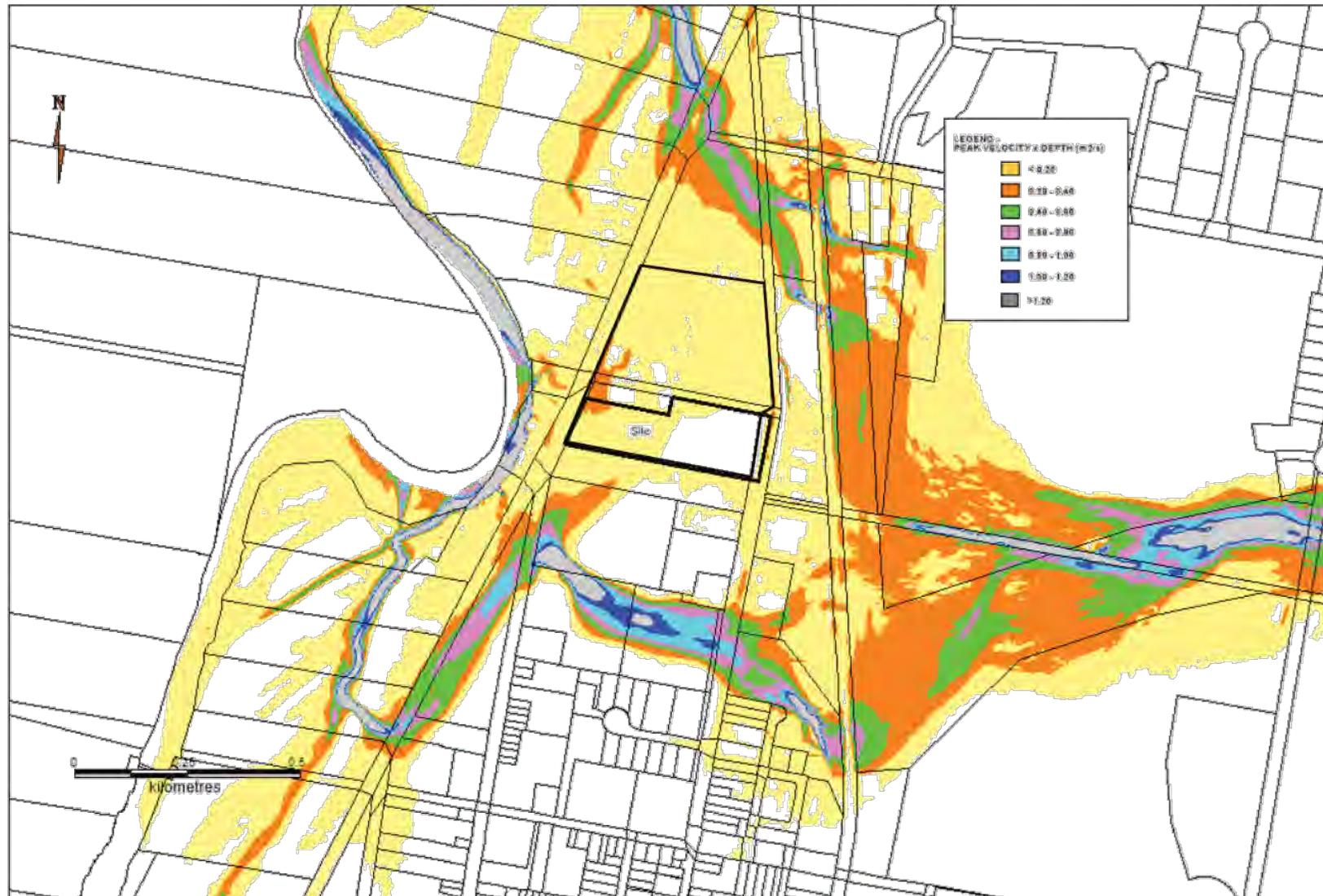


Figure 19 1% AEP Flood Velocity x Depths - Troy Gully - Post Earthworks Conditions



Figure 20 1% AEP Flood Hazards - Troy Gully - Post Earthworks Conditions

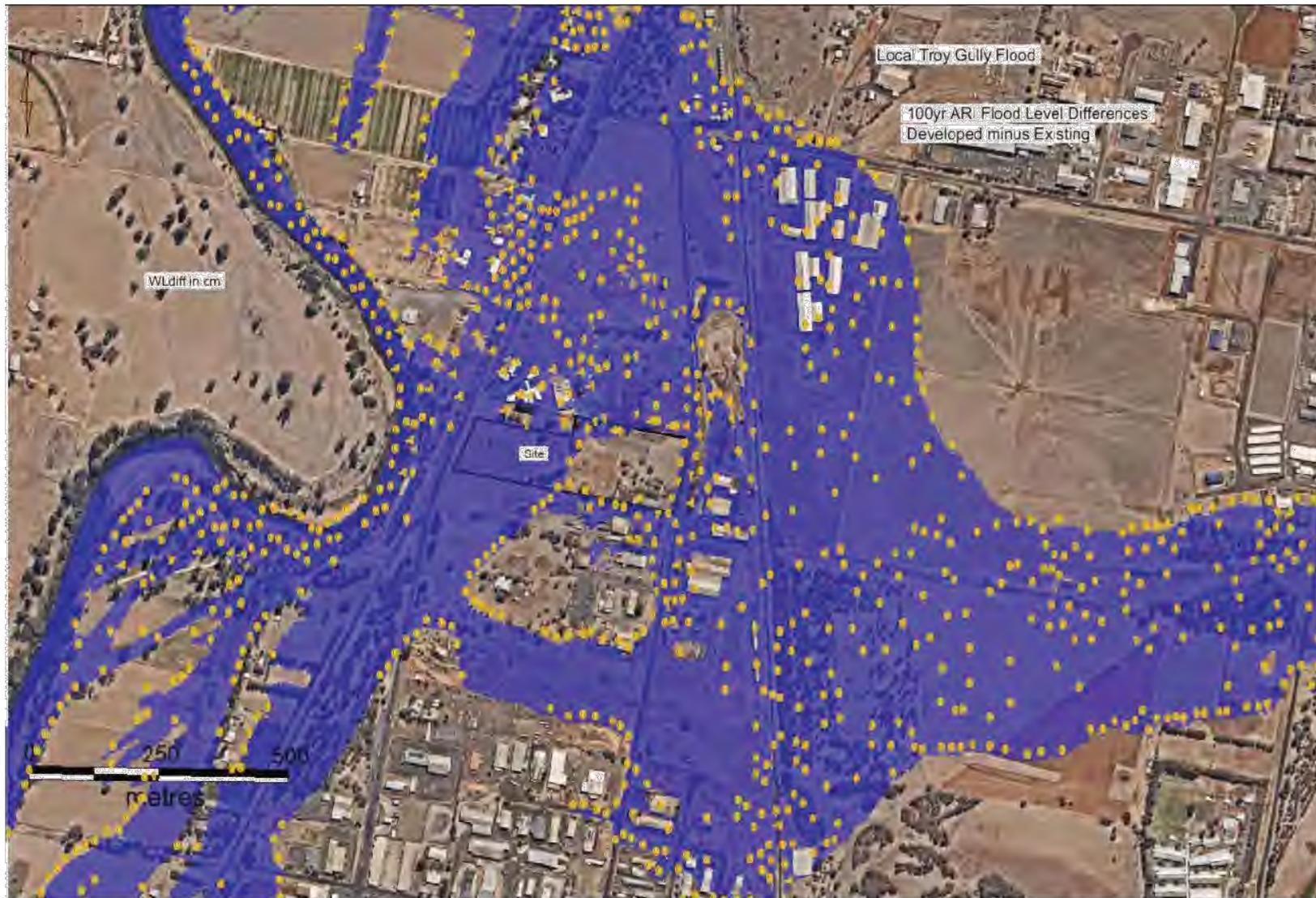


Figure 21 1% AEP Flood Levels Differences (Post Earthworks Conditions – Existing Conditions) - Troy Gully

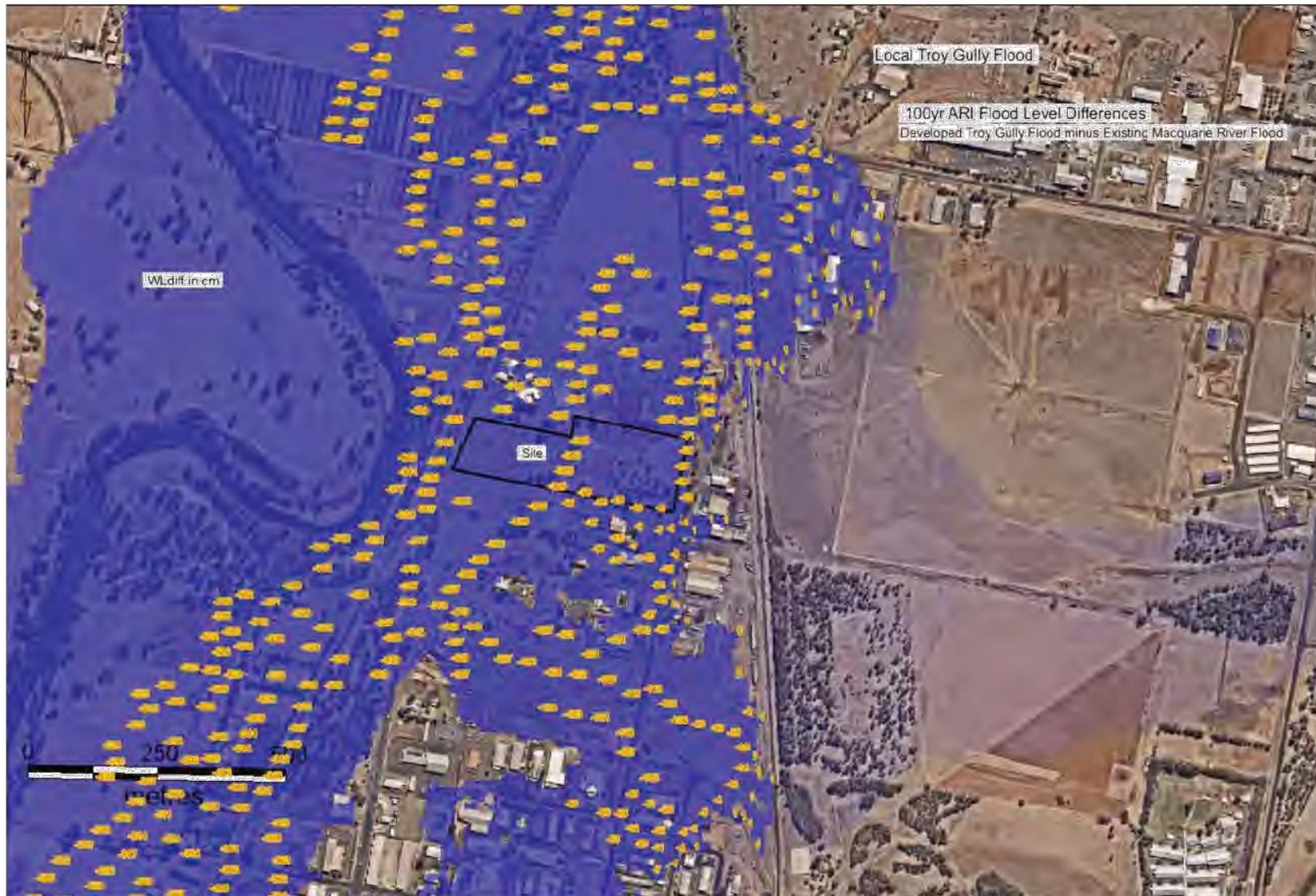


Figure 22 1% AEP Flood Levels Differences (Troy Gully Post Earthworks - Macquarie River Existing)



Our Ref: 59918021-L02:BCP/bcp
 Contact: Dr Brett C. Phillips

8th November 2018

The Manager,
 Barnson Pty Ltd
 "Riverview" Business Park
 1/36 Darling Street
DUBBO NSW 2830

Attention: Mr Jim Sarantzouklis

Cardno (NSW) Pty Ltd
 ABN 95 001 145 035

Level 9
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 203 Pacific Highway
 St Leonards NSW 2065
 Australia

Phone: 61 2 9496 7700
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Dear Jim,

**FLOODING INFORMATION FOR PROPOSED SUBDIVISION OF LOT 3 IN DP
 1194822, LOT 1 IN DP 1163911 AND LOT 1 IN DP 197736, FITZROY STREET,
 DUBBO**

In response to your recent request, we are pleased to provide the findings of our assessment of the updated flooding impact of the proposed fill pad on a site located between Fitzroy St and the Newell Highway, Dubbo.

1. BACKGROUND

The location of the site is indicated in **Figure 1**.

The estimated 1% AEP flood level contours and flood depths under "mainstream" flooding conditions are given in **Figure 2**. It is evident from Figure 2 that the site is completely flooded in a 1% AEP event. This has consequences for safe evacuation of workers from the site along a route that ideally would be above the 1% AEP flood level.

2. OBJECTIVE

The objective of the study is to provide information on current flooding of the site and to undertake an assessment of the impact of the proposed latest fill pad on the site in relation to flooding in a 1% AEP event under mainstream (Macquarie River) and local (Troy Gully) flooding regimes to inform Barnson's formulation of a DA for planned works on the site

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- 2 -



3. OUR APPROACH

3.1 Study Inputs

The inputs to the study comprised:

- (i) Information on existing flood behaviour across the site under mainstream (Macquarie River) and local (Troy Gully) flooding including assessments undertaken since 2012 (already held);
- (ii) A copy of the hydrological and floodplain model for the site and its surrounds (already held)
- (iii) An annotated copy of the planned filling to be assessed (provided by Barnson)

3.2 Tasks

The tasks included:

- (i) Modify the Existing Conditions Macquarie River hydraulic model represent the planned filling;
- (ii) Re-run the Post-development model and extract flooding information including flood depths, velocities and hazards for the 1% AEP event only;
- (iii) Determine the "mainstream" 1% AEP flood level differences;
- (iv) Extract information on flooding of the site in the 1% AEP "local" Troy Gully flooding conditions;
- (v) Modify the Existing Conditions Troy Gully hydraulic model represent the planned filling;
- (vi) Re-run the Post-development model and extract flooding information including flood depths, velocities and hazards for the 1% AEP event only;
- (vii) Determine the 1% AEP flood level differences;

3.3 Pedestrian and Vehicular Stability

When considering pedestrian and vehicular stability, three velocity x depth criteria were identified as follows:

Velocity x Depth	Comment
$\leq 0.4 \text{ m}^2/\text{s}$	This is typically adopted by Councils as a limit of stability for pedestrians
$0.4 - 0.6 \text{ m}^2/\text{s}$	Unsafe for pedestrians but safe for vehicles if overland flood depths do not exceed around 0.3 m
$> 0.6 \text{ m}^2/\text{s}$	This is typically adopted by Councils as a limit of stability for vehicles

3.4 Flood Hazards

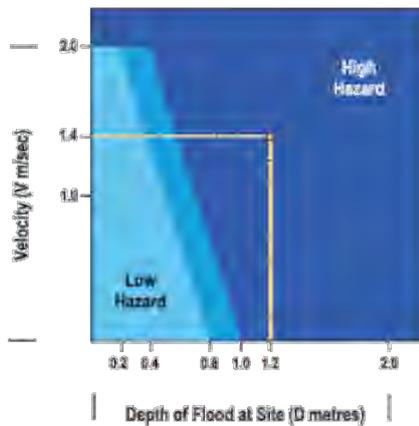
Experience from studies of floods throughout NSW and elsewhere has allowed authorities to develop methods of assessing the hazard to life and property on floodplains. This experience has been used in developing the NSW Floodplain Development Manual to provide guidelines for managing this hazard. These guidelines are shown schematically below.

To use the diagram, it is necessary to know the average depth and velocity of floodwaters at a given location. If the product of depth and velocity exceeds a critical value (as shown below), the flood flow will create a **high hazard** to life and property. There will probably be danger to persons caught in the floodwaters, and possible structural damage. Evacuation of persons would be difficult. By contrast, in **low hazard** areas people and their possessions can be evacuated safely by trucks.

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8th November 2018

- 3 -



Provisional Hazard Categories
(after Figure L2, NSW Government, 2005)

Between the two categories a transition zone is defined in which the degree of hazard is dependent on site conditions and the nature of the proposed development. This calculation leads to a provisional hazard rating. The provisional hazard rating may be modified by consideration of effective flood warning times, the rate of rise of floodwaters, duration of flooding and ease or otherwise of evacuation in times of flood.

4. COMPARISON OF 2012 AND 2016 DRAFT MACQUARIE RIVER FLOODPLAIN MODELS

In response to some concerns expressed by stakeholders regarding the draft 2012 Macquarie River Flood Study Update, a number of the review tasks have been undertaken to assess the stakeholder concerns and the outcomes have been outlined in a number of Discussion Papers. The outcomes of the assessments have been also progressively peer reviewed by an independent leading industry expert. These assessments have included the re-calibration of the floodplain model against the December 2010 flood. Sensitivity testing was also undertaken to ascertain the primary sources of any changes in flood levels to:

- Changes due to the modification and re-calibration of the floodplain model during the assessment of the December 2010 flood (Feb2015 floodplain model);
- TUFLOW engine version (TufLOW 2008-08-AH versus TufLOW 2013-12-AE); and
- Adopted time step for modelling

It was concluded that:

- While the modification and re-calibration of the floodplain model during the assessment of the December 2010 flood can locally increase flood levels by up to 0.62 m and locally decrease flood levels by up to 0.99 m the median change in flood levels is a 0.01 m reduction;
- The reduction in time step gives a median reduction in flood levels of around 0.08 m;
- The reduction in time step also reduces the spatial extent of 100 yr ARI flooding in north Dubbo;
- The adoption of a newer TUFLOW engine gives a median reduction in flood levels of around 0.14 m;

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8th November 2018

- 4 -



The overall impact of the modification and re-calibration of the floodplain model during the assessment of the December 2010 and adoption of a newer engine and shorter computational time step can locally increase 100 yr ARI flood levels by up to 0.02 m and locally decrease flood levels by up to 1.06 m the median reduction in 100 yr ARI flood levels is a 0.09 m.

Other assessments which have been undertaken include:

- A detailed review of the rating tables and flow gaugings at the Dubbo PS gauge;
- Updating the flood frequency analysis of flows at Dubbo PS gauge levels to include readings from 2007 – 2014 inclusive;
- Updating the flood frequency analysis of flows at Dubbo PS gauge using the procedure recommended by the draft 2016 edition of Australian Rainfall & Runoff
- Assessing the sensitivity of flood frequency estimates at the Dubbo PS gauge to the inclusion of major historical floods which occurred prior to the commissioning of Burrendong Dam.

A comparison of the peak flows at the Dubbo PS gauge estimated by the flood frequency analysis reported in 2012 and the updated 2016 flood frequency analysis is given in **Table 1**.

Consequently the 2016 draft Macquarie River floodplain model has been run based on:

- The floodplain model calibrated to the 2010 flood,
- The 2013-12-AE CPU Engine;
- A 2 second timestep; and
- the draft 2016 peak flows at the Dubbo PS gauge as given in **Table 1**.

Table 1 Comparison of Peak Flows at the Dubbo PS Gauge estimated by Flood Frequency Analysis

AEP (1 in)	2012 Study	Draft 2016 Assessments
10	820	790
20	1,360	1,343
50	2,500	2,557
100	3,820	4,037
200	5,700	6,255

It was found that the estimated 1% AEP flood levels in 2012 and 2016 are almost identical in the location at around 262.42 m AHD.

5. TROY GULLY FLOODPLAIN MODEL

In 2004, the original TUFLOW Classic model for Troy Gully was developed based on LiDAR data provided at the time. The model extended from the confluence of Troy Gully and Macquarie River downstream of Newell Highway up to Peachville Road, and run based on a 10m x 10m grid spacing.

In 2007, a series of flood mitigation options for Troy Gully were assessed using a TUFLOW Classic model which was truncated to the reach from Yarrandale Road and the confluence of Troy Gully and Macquarie River. The truncated model used two separate grid bases being a 2.5m x 2.5 m grid between Yarrandale

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8th November 2018

- 5 -



Road and the railway line and a 5 m x 5 m grid downstream of the railway line to the confluence of Troy Gully and the Macquarie River.

In 2018 the 2007 truncated TUFLOW Classic model of Existing Conditions was extended 600 m upstream from Yarrandale Road and a uniform 3 m x 3 m grid base was adopted. Existing buildings evident on current aerial photos from Nearmap were also blocked out in the model. The modified 2007 model was run using TUFLOW HPC.

There were a number of stormwater drainage structures located under road and railway crossings in the Troy Gully floodplain and within the boundary of the 2018 TUFLOW model. **Table 2** lists the stormwater drainage structures included in the 2018 TUFLOW model (refer **Figure 3**)

The same roughness zones adopted in the 2004 and 2007 models were also adopted in the 2018 TUFLOW model.

Table 2 – Road and Railway Crossings include in Existing Conditions Model

Crossing	Reference Location (Refer Figure 1)	Details
Gilgandra-Dubbo Railway	A	4 x 600 mm diameter pipes
	B	1 x 600 mm diameter pipe
	C	3 x 1200 mm diameter pipes
	D	13 x 1.2mW x 0.9mH box culverts
	E	96 x 600mm diameter pipes
Fitzroy Street	F	2 x 1.8mW x 0.6mH box culverts
	G	3 x 1.2mW x 0.6mH box culverts
Purvis Lane	H	3 x 1.2mW x 0.6mH box culverts
	I	2 x 1.8mW x 0.6mH box culverts
Newell Highway	J	2 x 1.8mW x 0.6mH box culverts
	K	1 x 1.8mW x 0.6mH box culvert
	L	2 x 1.8mW x 0.6mH box culverts
Yarrandale Road	M	2 x 600 mm diameter pipes

Design flood inflows to the TUFLOW model were estimated by the XP-RAFTS model previously assembled for the Troy Gully catchment. Time series of inflow hydrographs were generated by the XP-RAFTS model, and imported into the TUFLOW model as interface files.

In the TUFLOW model, the downstream boundary conditions for Macquarie River at the confluence of Troy Gully adopted in the 2006, 2007 and 2012 assessments were adopted in this study.

8th November 2018

- 6 -



4. FLOOD IMPACT ASSESSMENTS

4.1 Macquarie River Flood

Current Conditions

The estimated 1% AEP depths, velocities, velocity x depth and hazards under Existing Conditions are plotted in **Figures 4, 5, 6 and 7** respectively.

Post-Development Conditions

The assumed properties of the filling included:

- The fill platform level of 262.5 m AHD;
- Side slopes as defined in **Figure 1**;
- The inclusion of a vertical wall as disclosed on **Figure 1**;
- Inclusion of an extended fill pad with a platform level of 259.8 m AHD; and
- Adoption of a high roughness zone for on-grade permanent buildings (Manning $n = 0.1$); and
- Adoption of a high roughness zone for demountable houses under construction (Manning $n = 0.07$).

The estimated 1% AEP depths, velocities, velocity x depth and hazards under post-development conditions with the proposed extension of the existing pad are plotted in **Figures 8, 9, 10 and 11** respectively.

The estimated 1% AEP level differences under post-development conditions with the proposed extension of the existing pad in comparison with Existing Conditions are plotted in **Figure 12**.

Flood Impact Assessment

As disclosed in **Figure 12** the proposed earthworks have a negligible impact on the 1% AEP flood levels. Likewise it is noted that the proposed earthworks have a negligible impact or a local impact only on flood velocities, velocity x depth and provisional flood hazard. The local changes in peak velocity are such that the peak velocity remains low and does not pose a concern in relation to erosion or scour in the 1% AEP flood.

4.2 Troy Gully Flood

Current Conditions

The estimated 1% AEP depths, velocities, velocity x depth and hazards under Existing Conditions are plotted in **Figures 13, 14, 15 and 16** respectively.

Post-Development Conditions

The estimated 1% AEP depths, velocities, velocity x depth and hazards under post-development conditions with the proposed extension of the existing pad are plotted in **Figures 17, 18, 19 and 20** respectively.

The estimated 1% AEP level differences under post-development conditions with the proposed extension of the existing pad in comparison with Existing Conditions are plotted in **Figure 21**.

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8th November 2018

- 7 -



Flood Impact Assessment

As disclosed in **Figure 21** the proposed earthworks locally increase the 1% AEP flood levels on the southern side of the fill platform. Likewise it is noted that the proposed earthworks have a small impact on flood velocities on the southern side of the fill platform on Fitzroy Street just north of the fill platform. The local impact on velocity x depth and provisional flood hazard is negligible. The local changes in peak velocity are such that the peak velocity remains low and does not pose a concern in relation to erosion or scour in the 1% AEP flood.

The estimated 1% AEP level differences between the Macquarie River 1% AEP flood levels and the Troy Gully post-development conditions with the proposed earthworks are plotted in **Figure 22**. This discloses that notwithstanding local small increases in the 1% AEP flood levels under a Troy Gully flood that these flood levels remain lower than the Macquarie River flood levels.

We would be pleased to further discuss our findings with you upon your request.

Yours faithfully

A handwritten signature in black ink that reads 'Brett C. Phillips'.

.....
Dr Brett C. Phillips
Director, Water Engineering
for **Cardno**

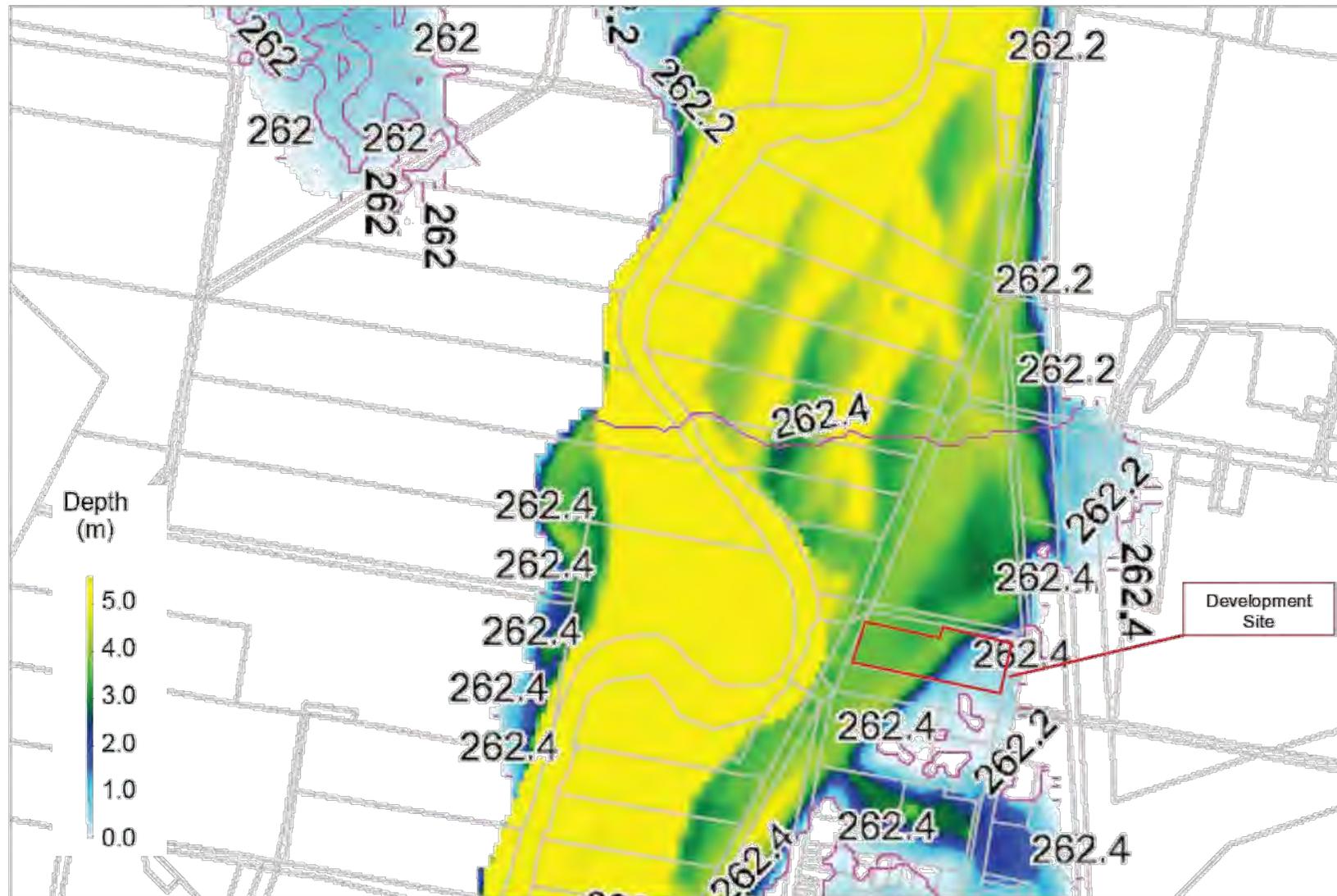


Figure 2 1% AEP Flood Level Contours and Depths – Macquarie River (Cardno, 2012)

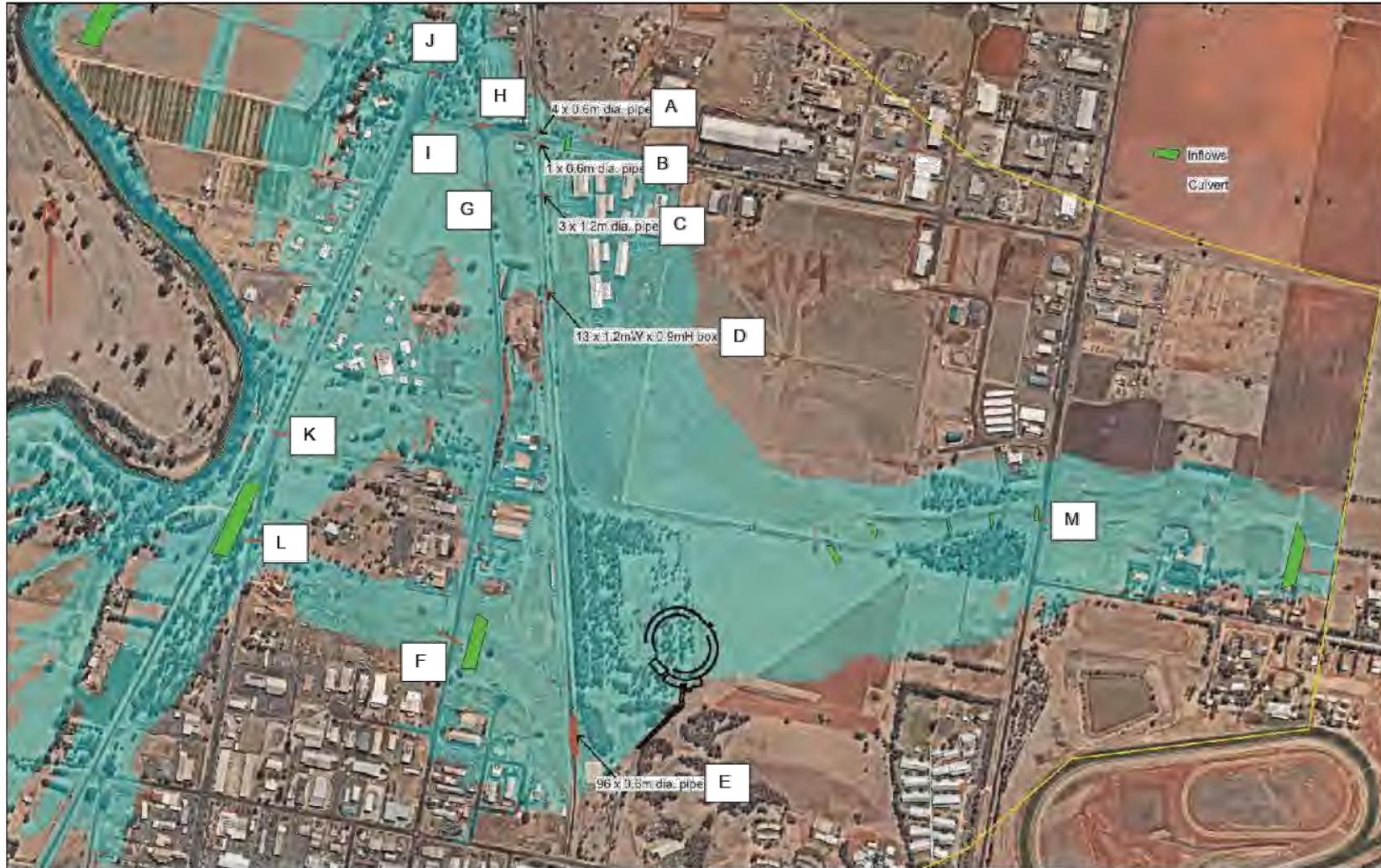


Figure 3 Location of Troy Gully Floodplain Model Crossings

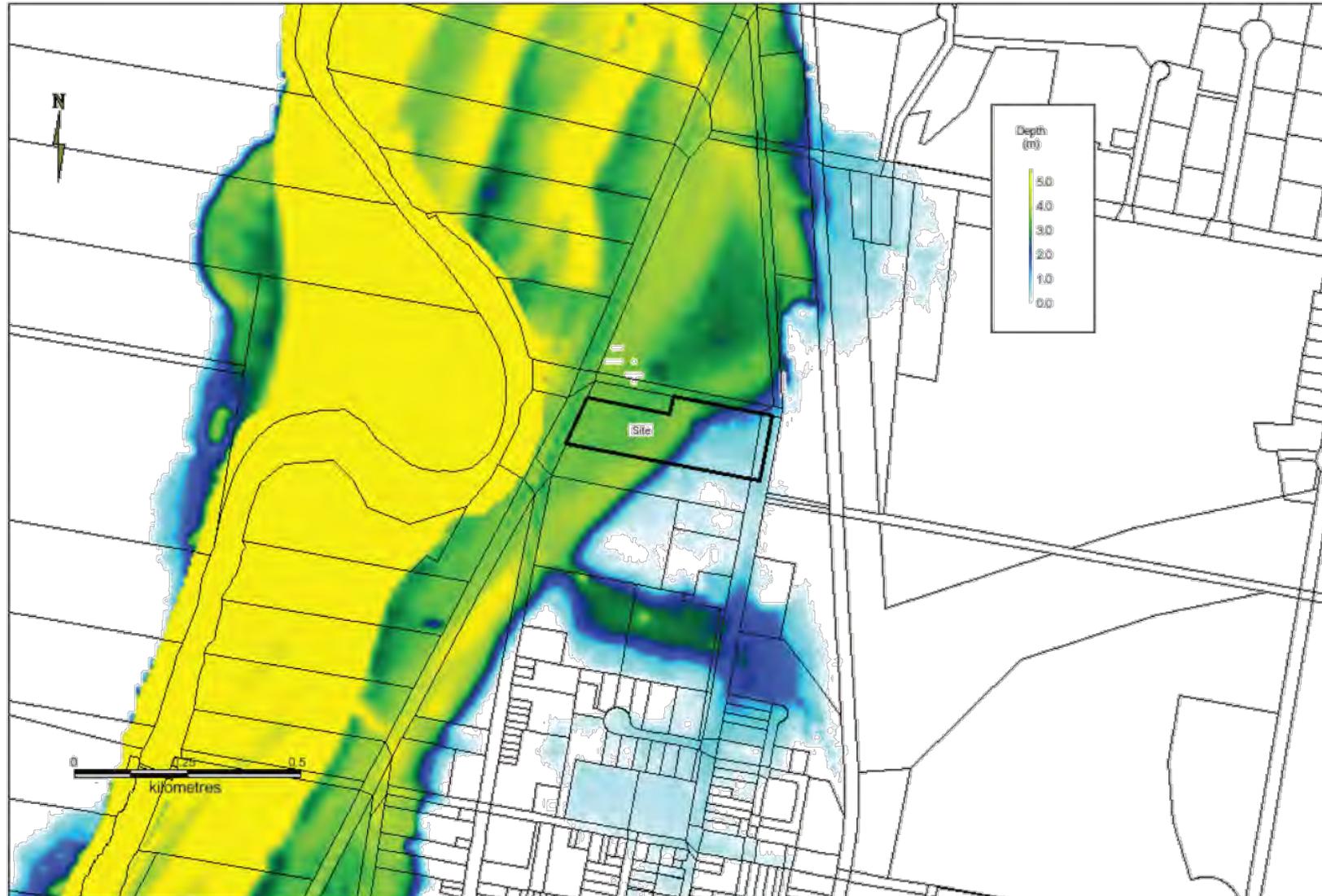


Figure 4 1% AEP Flood Depths – Macquarie River - Existing Conditions

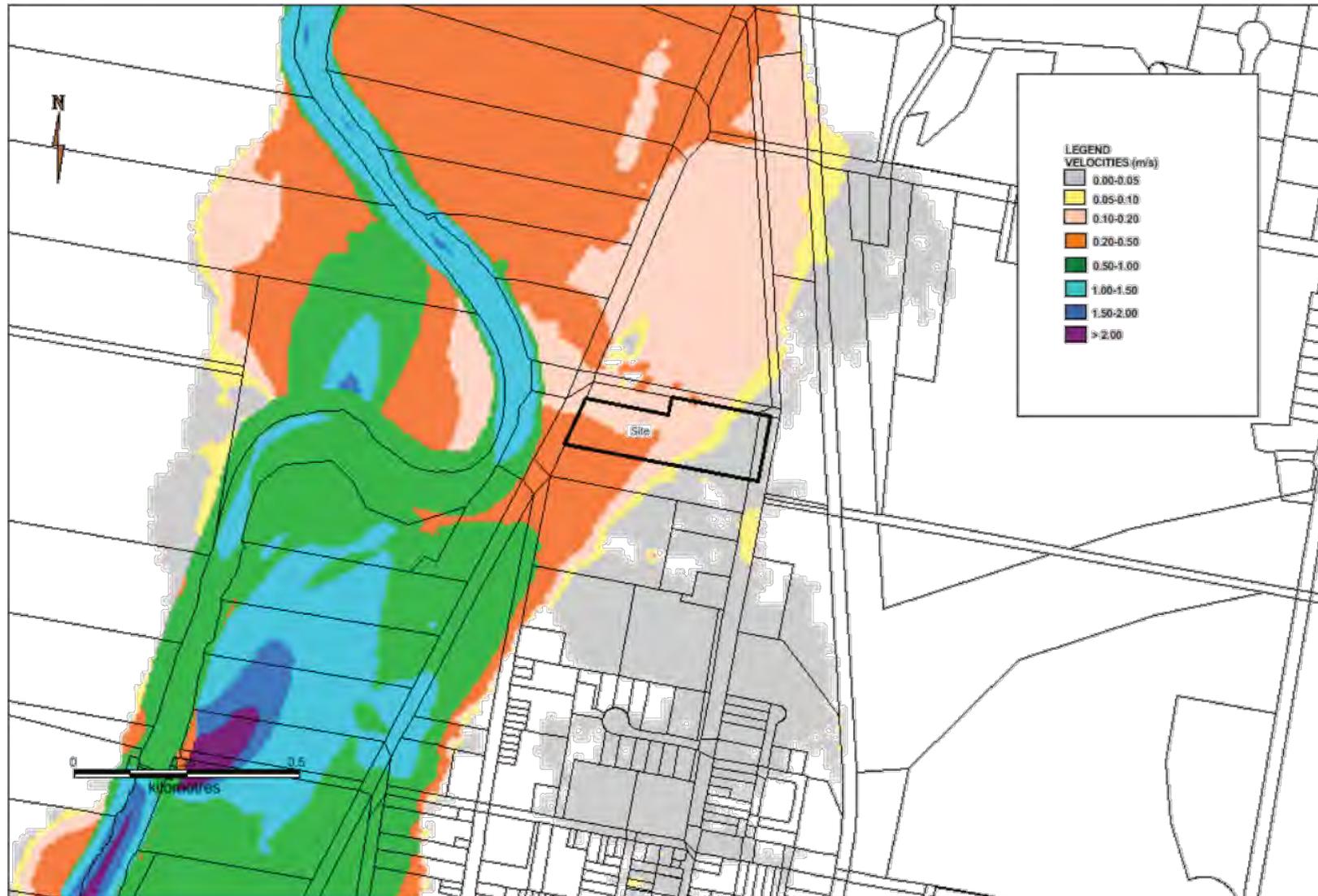


Figure 5 1% AEP Flood Velocities – Macquarie River - Existing Conditions

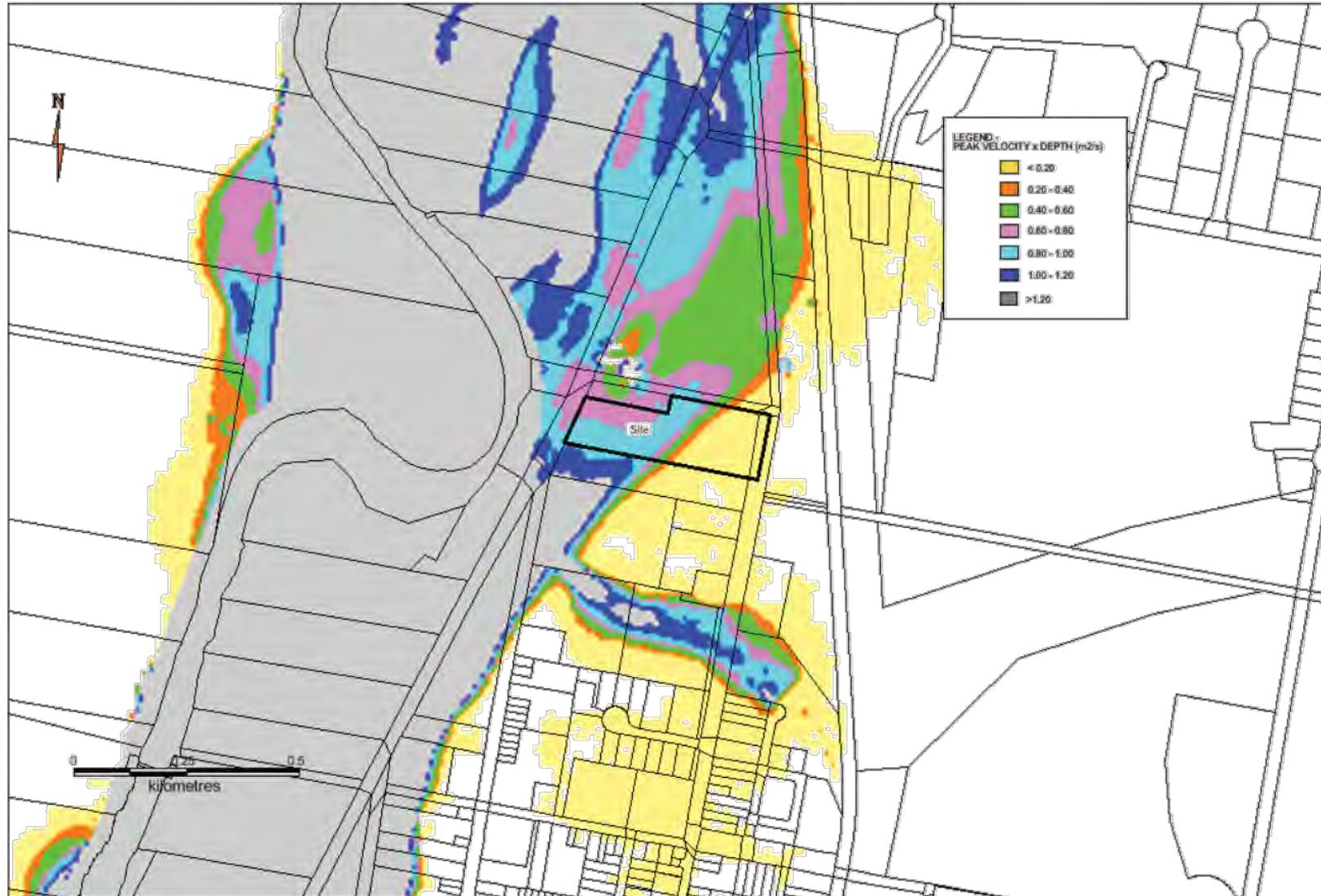


Figure 6 1% AEP Flood Velocity x Depths – Macquarie River - Existing Conditions

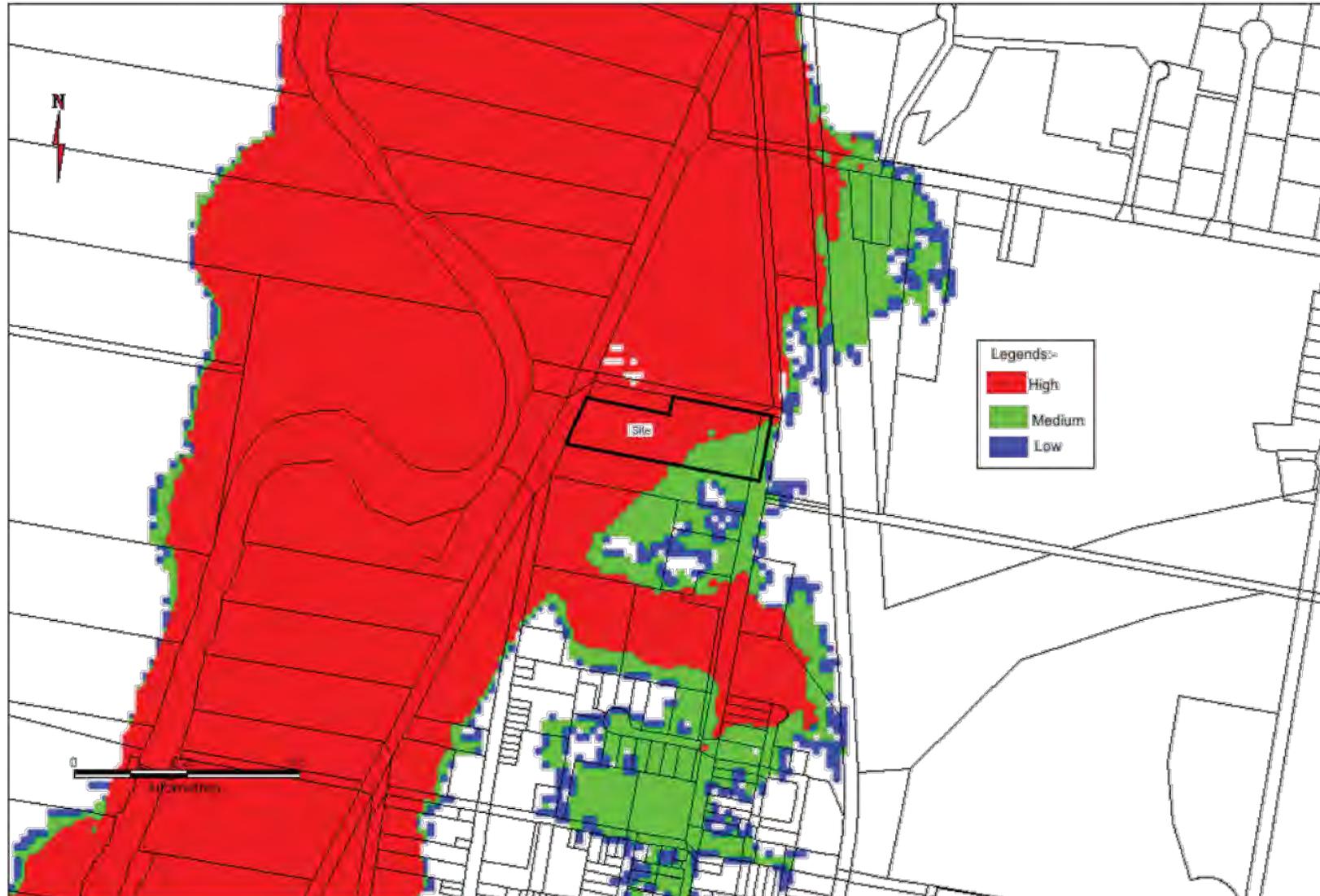


Figure 7 1% AEP Flood Hazards – Macquarie River - Existing Conditions

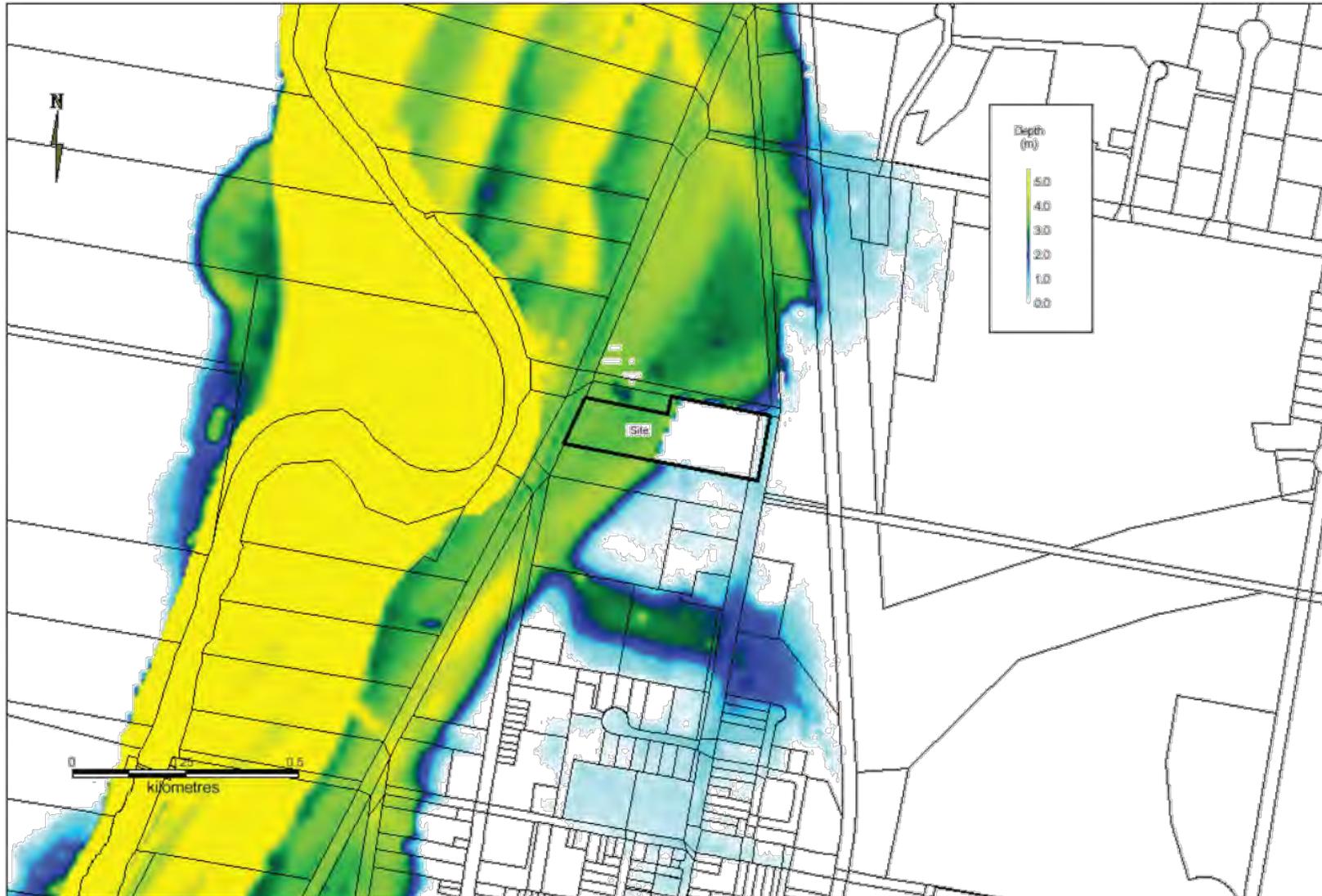


Figure 8 1% AEP Flood Depths – Macquarie River - Post Earthworks Conditions

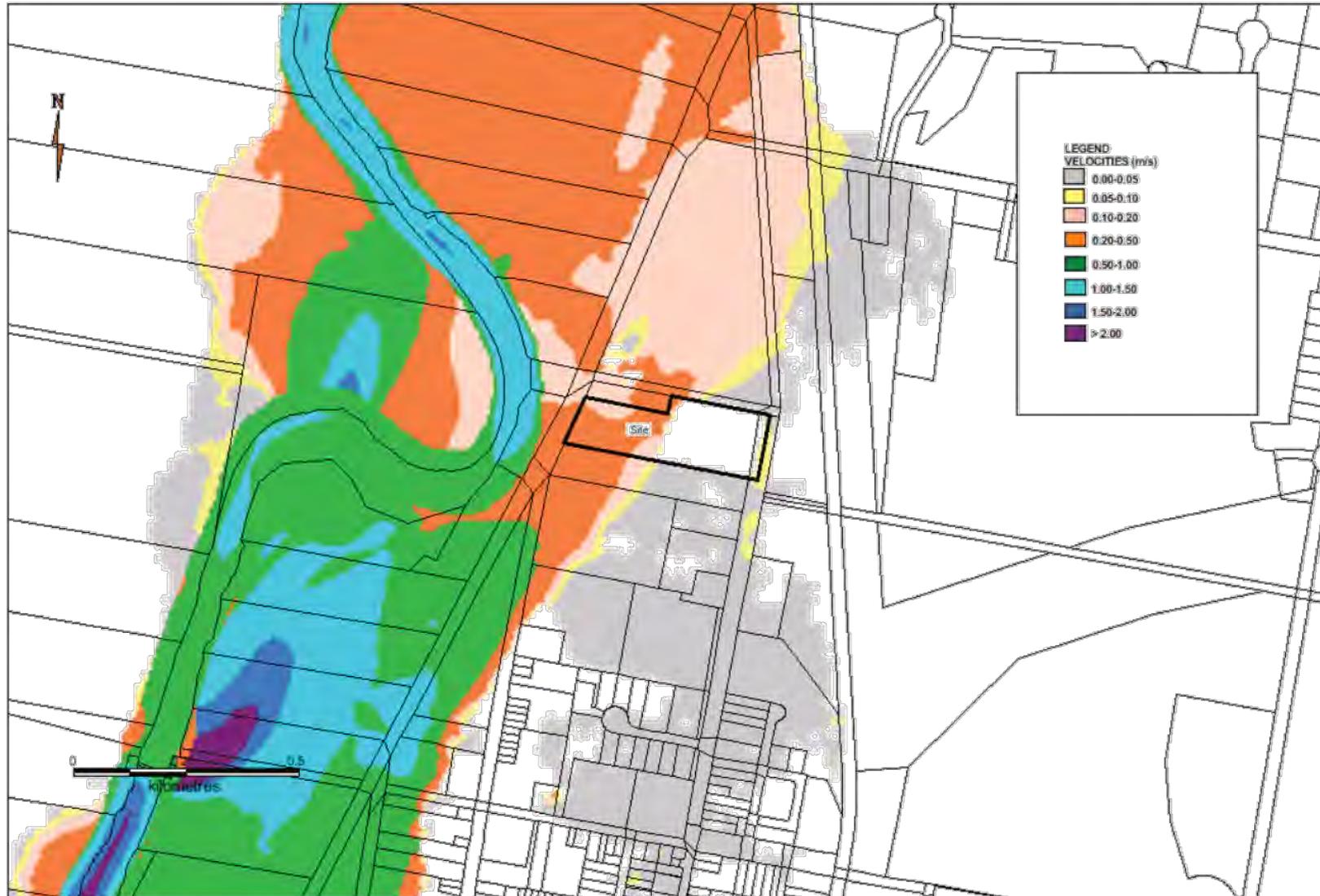


Figure 9 1% AEP Flood Velocities - Macquarie River - Post Earthworks Conditions

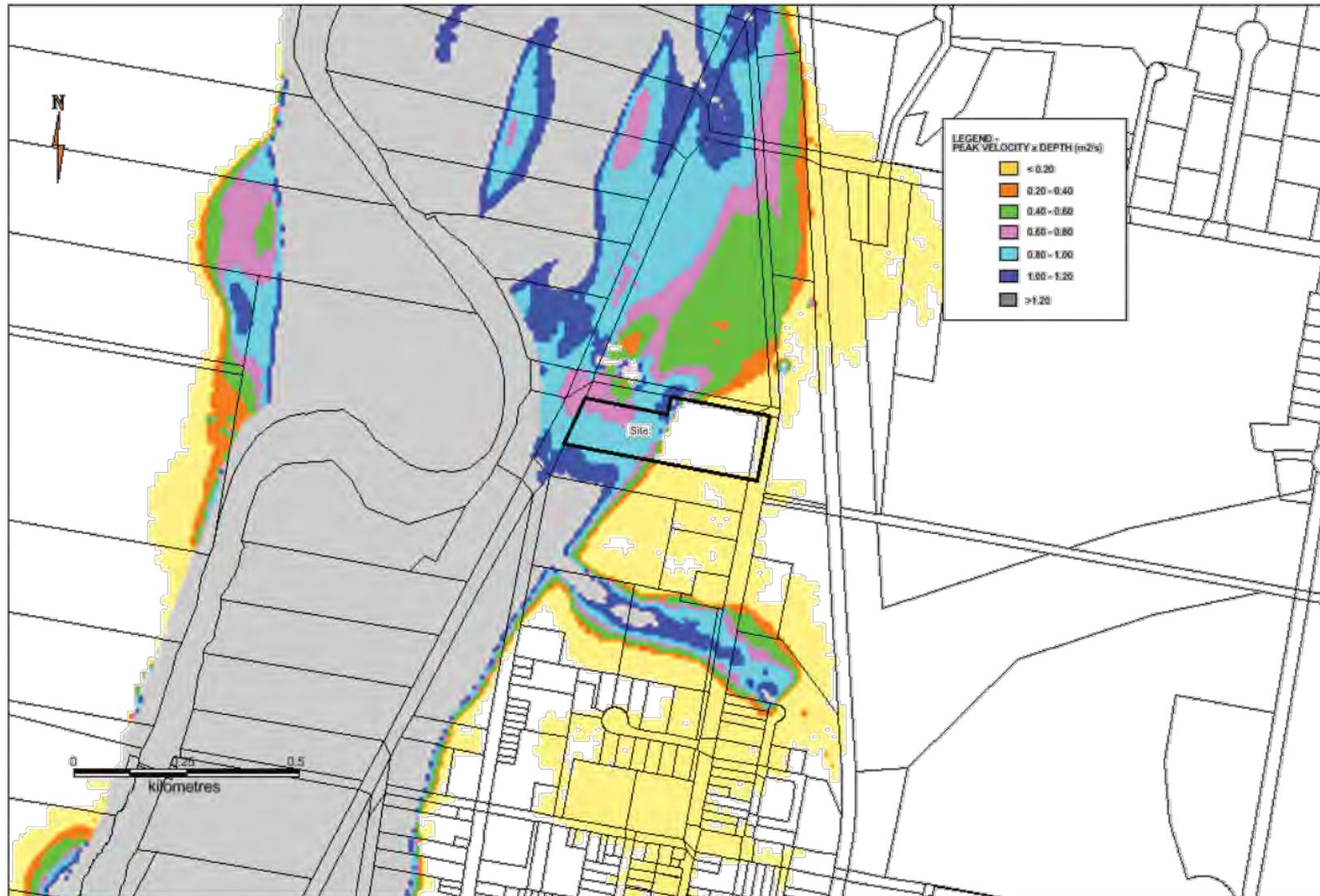


Figure 10 1% AEP Flood Velocity x Depths - Macquarie River - Post Earthworks Conditions

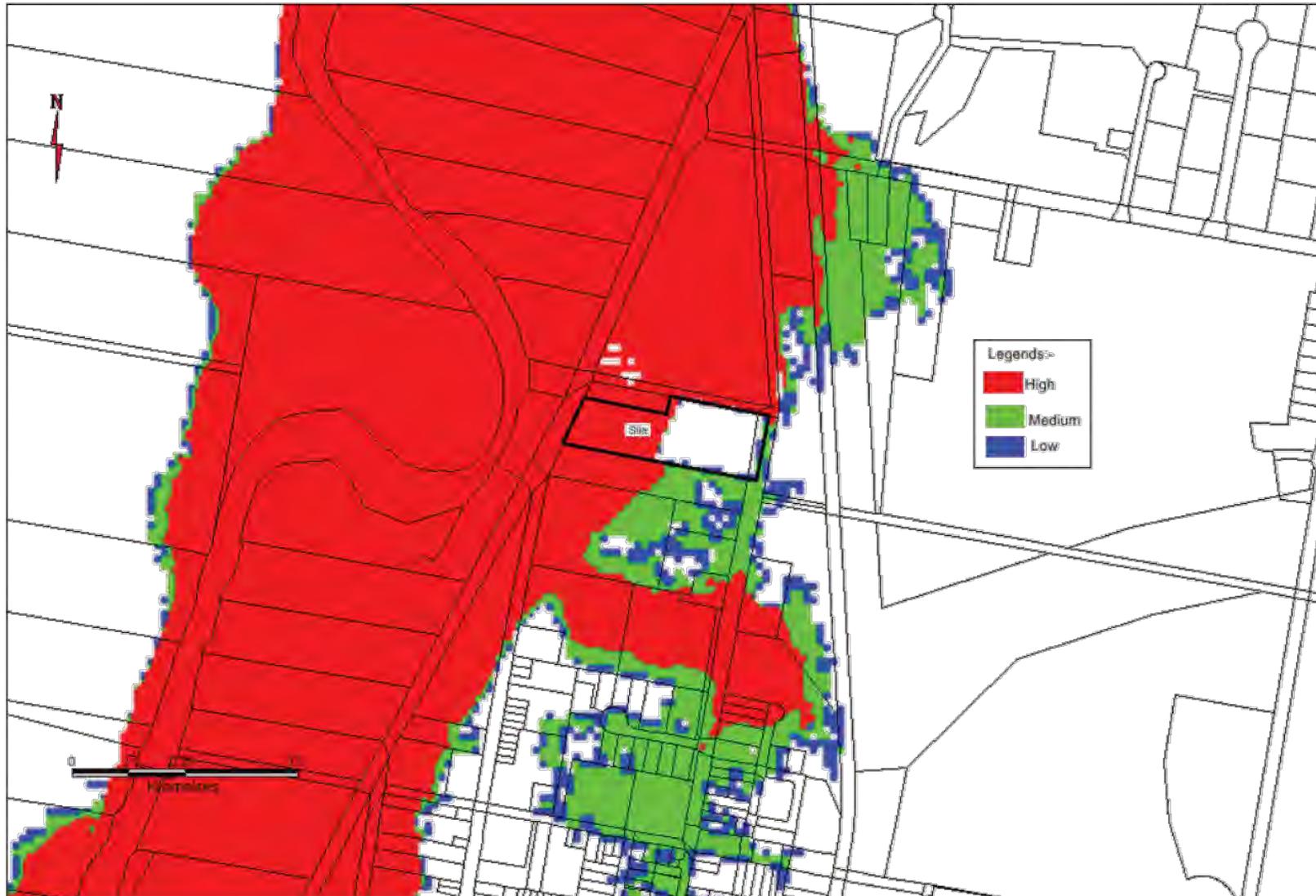


Figure 11 1% AEP Flood Hazards - Macquarie River - Post Earthworks Conditions

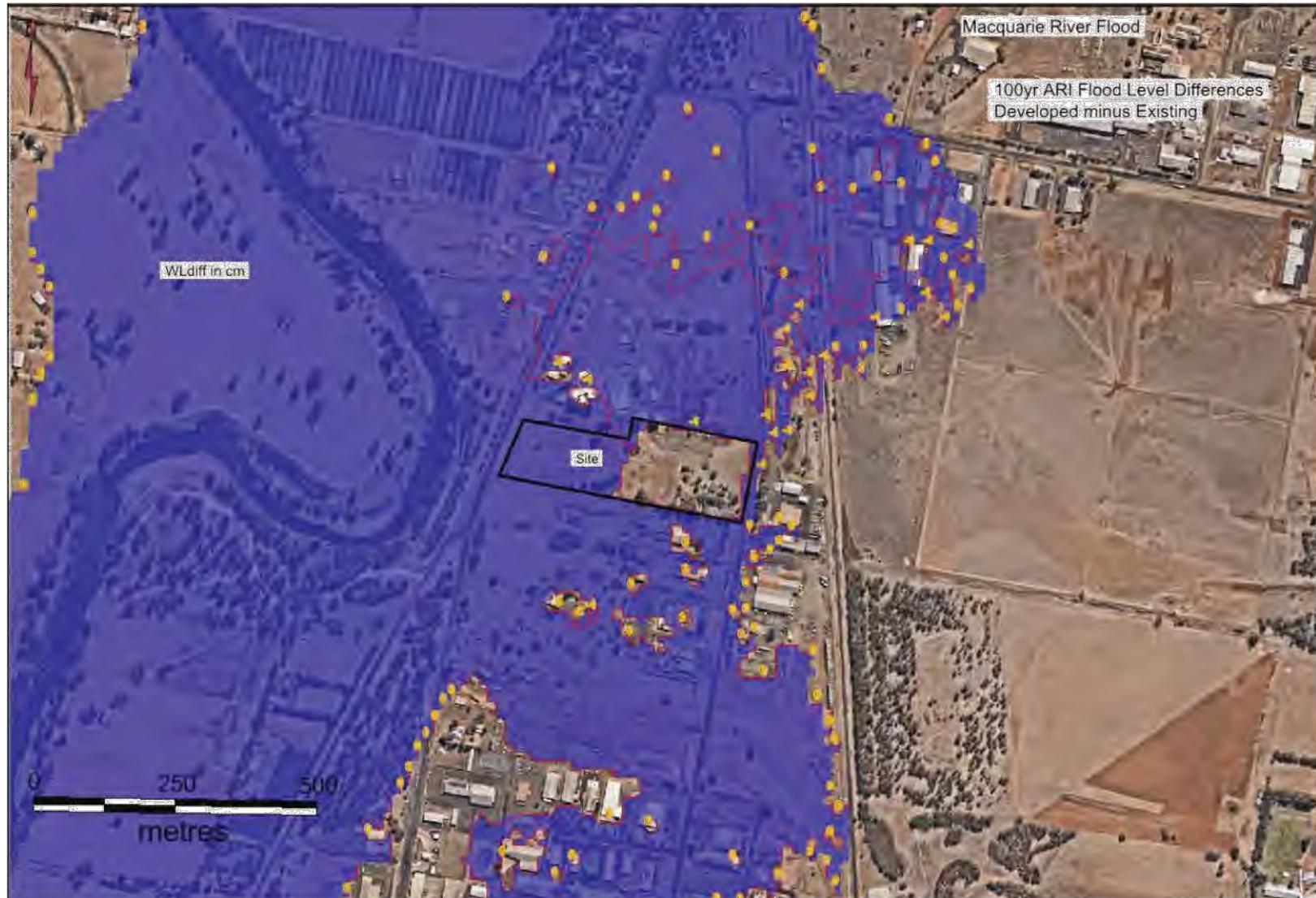


Figure 12 1% AEP Flood Levels Differences (Post Earthworks Conditions – Existing Conditions) - Macquarie River



Figure 13 1% AEP Flood Depths – Troy Gully - Existing Conditions

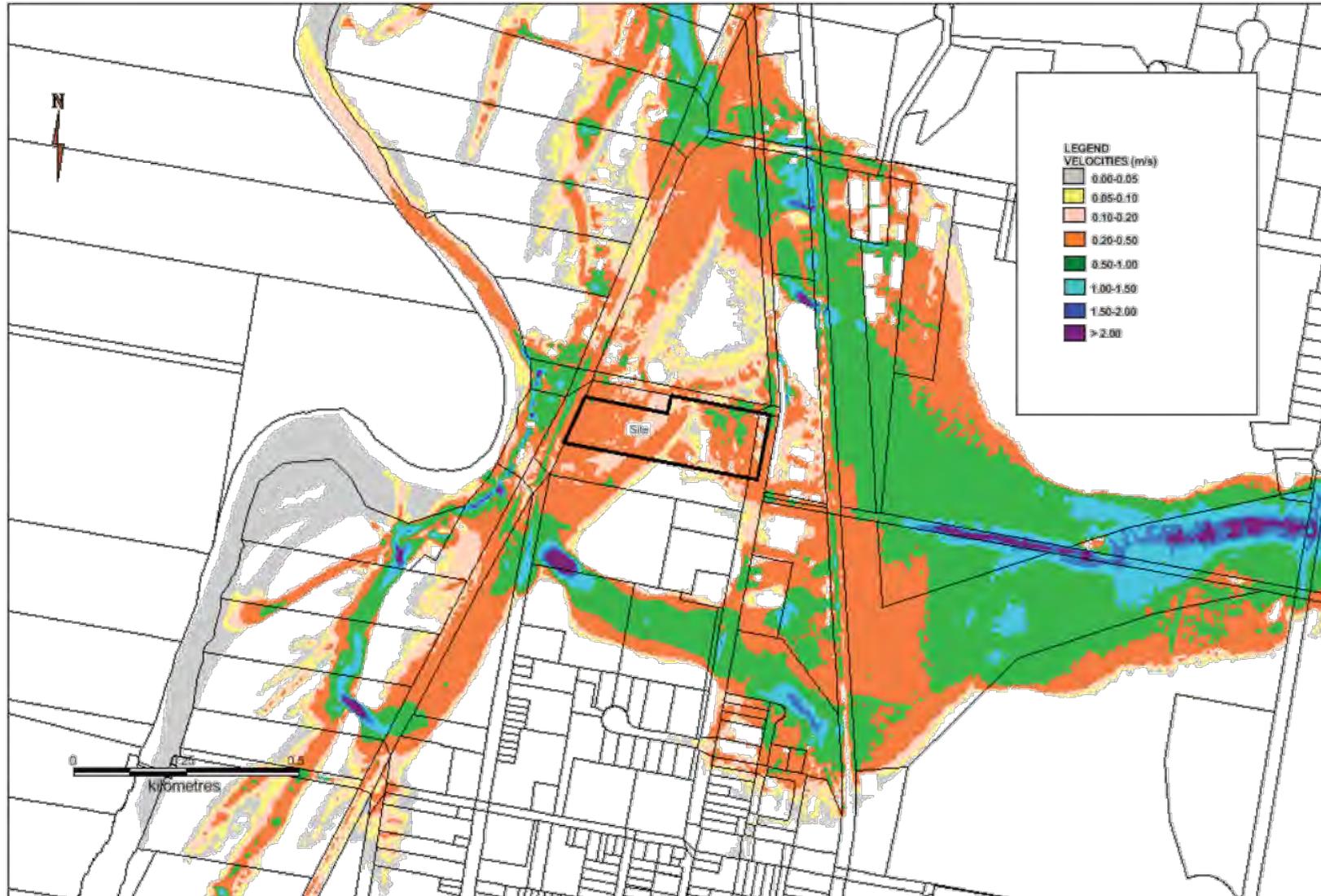


Figure 14 1% AEP Flood Velocities – Troy Gully - Existing Conditions

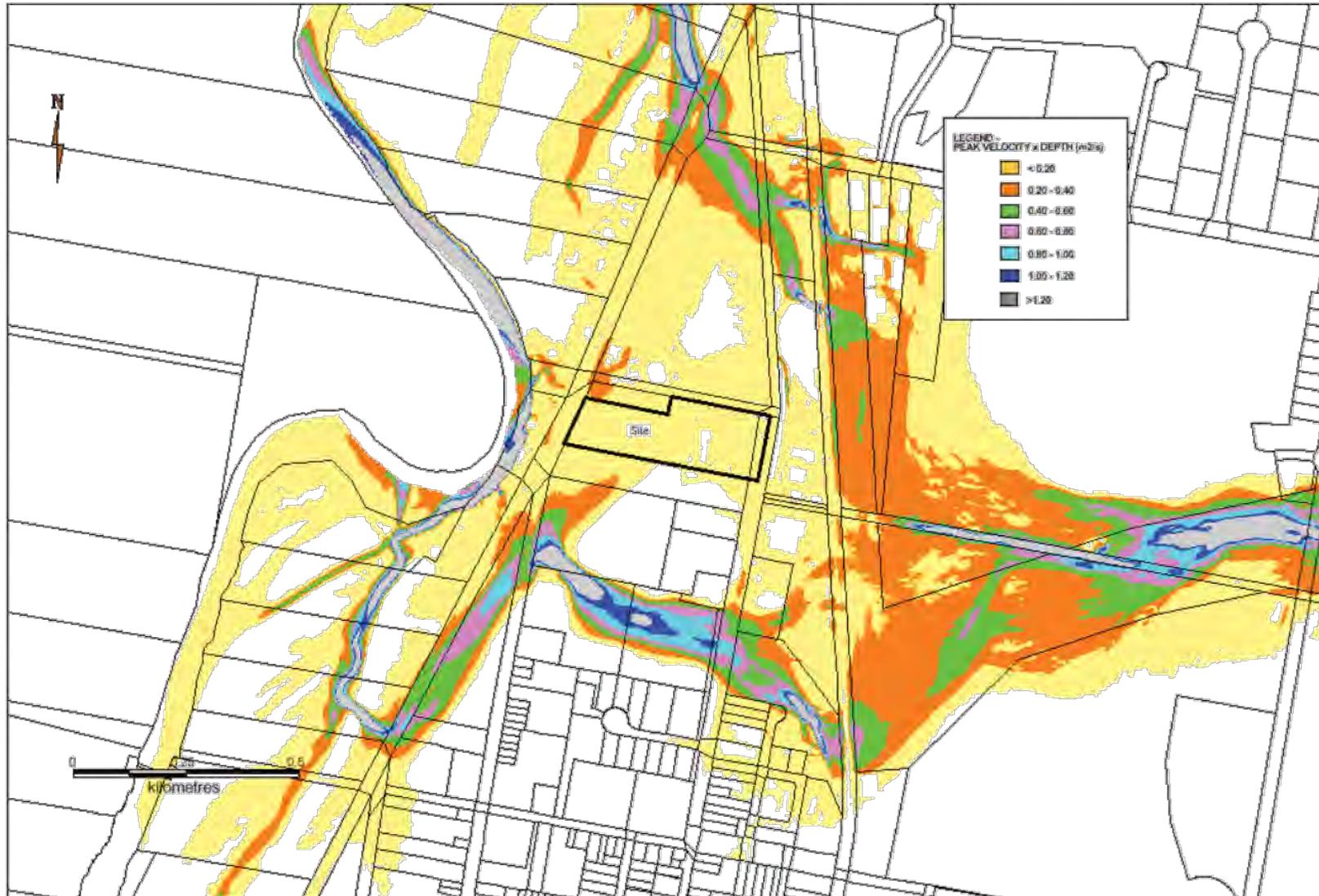


Figure 15 1% AEP Flood Velocity x Depths – Troy Gully - Existing Conditions

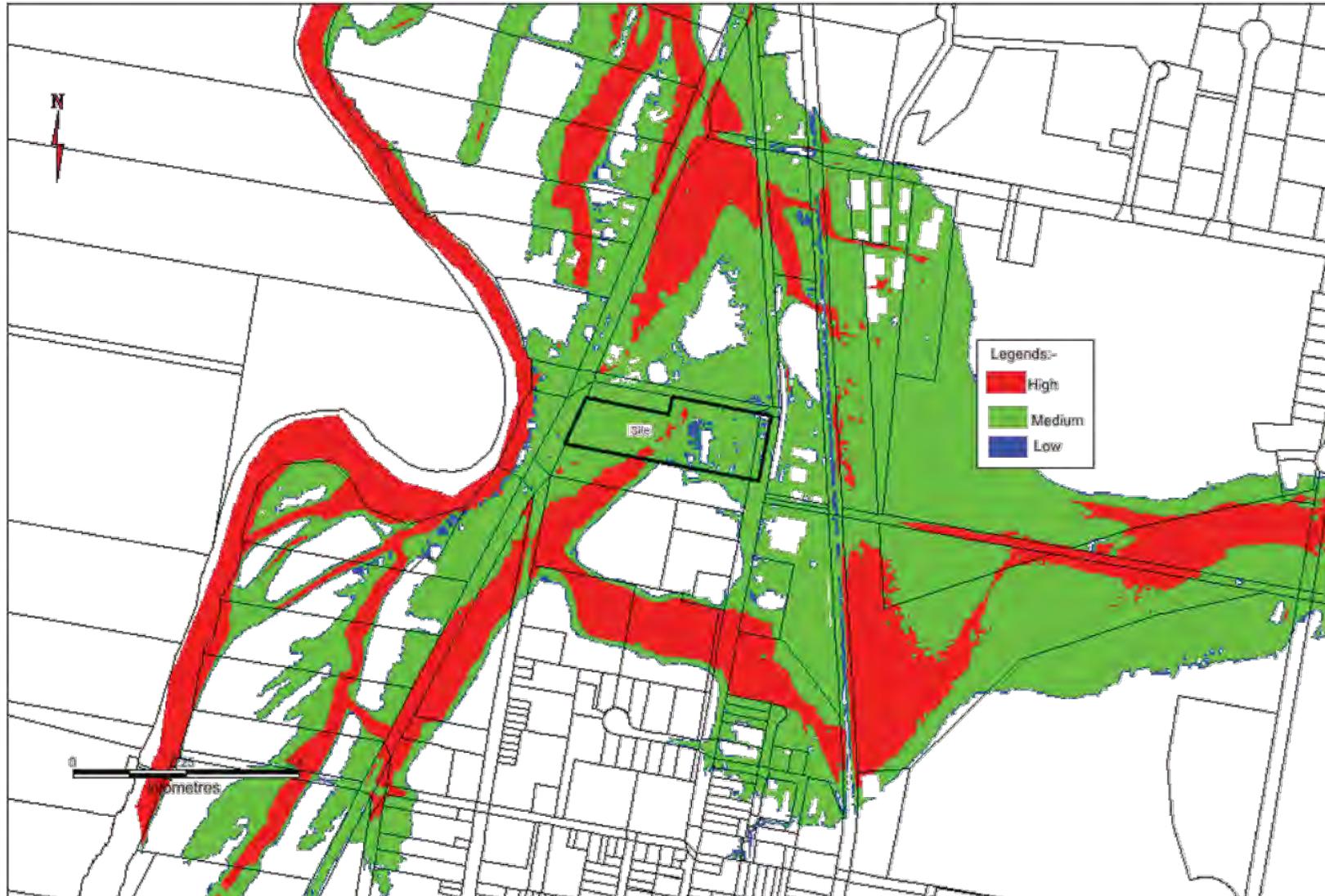


Figure 16 1% AEP Flood Hazards – Troy Gully - Existing Conditions



Figure 17 1% AEP Flood Depths – Troy Gully - Post Earthworks Conditions

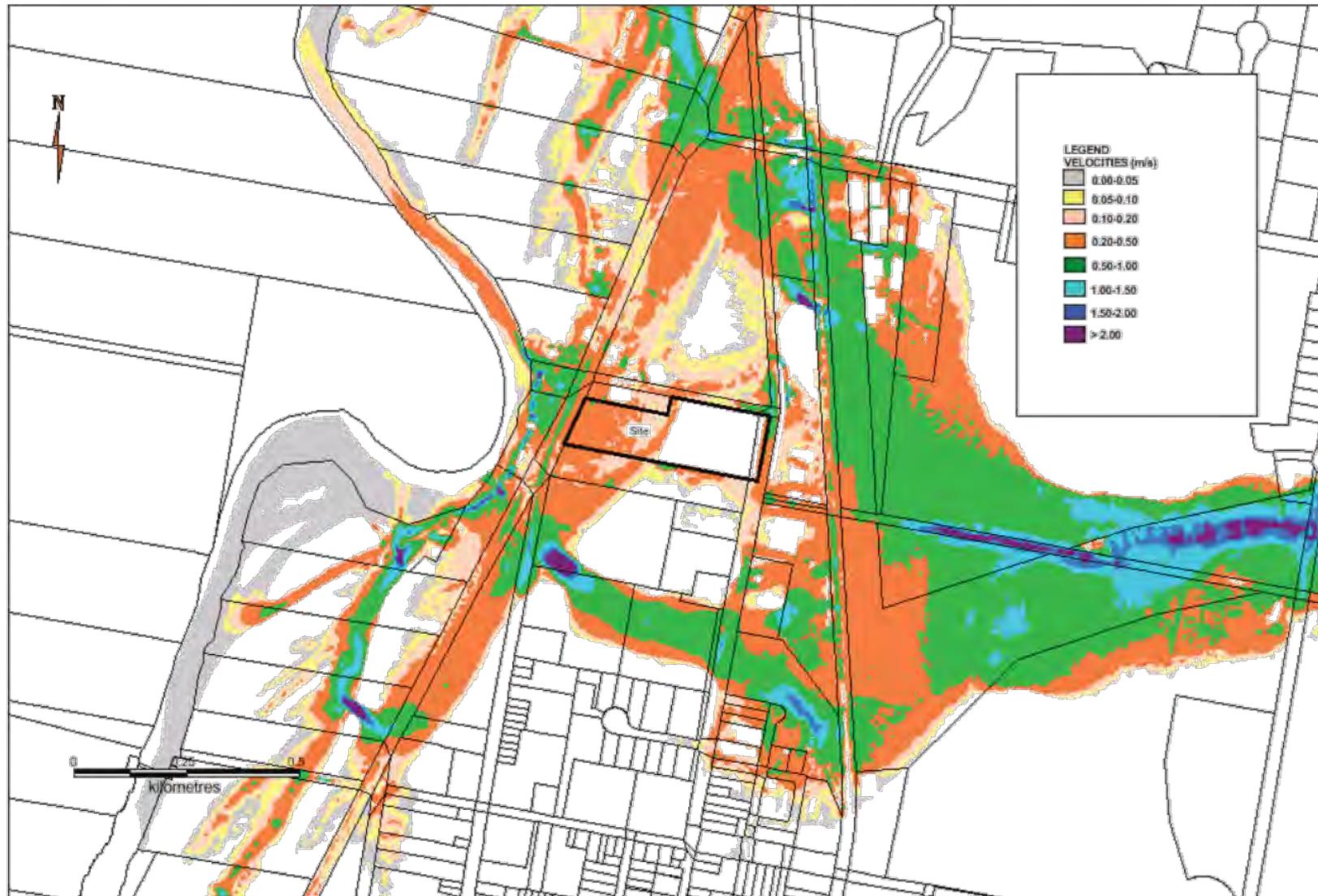


Figure 18 1% AEP Flood Velocities - Troy Gully - Post Earthworks Conditions

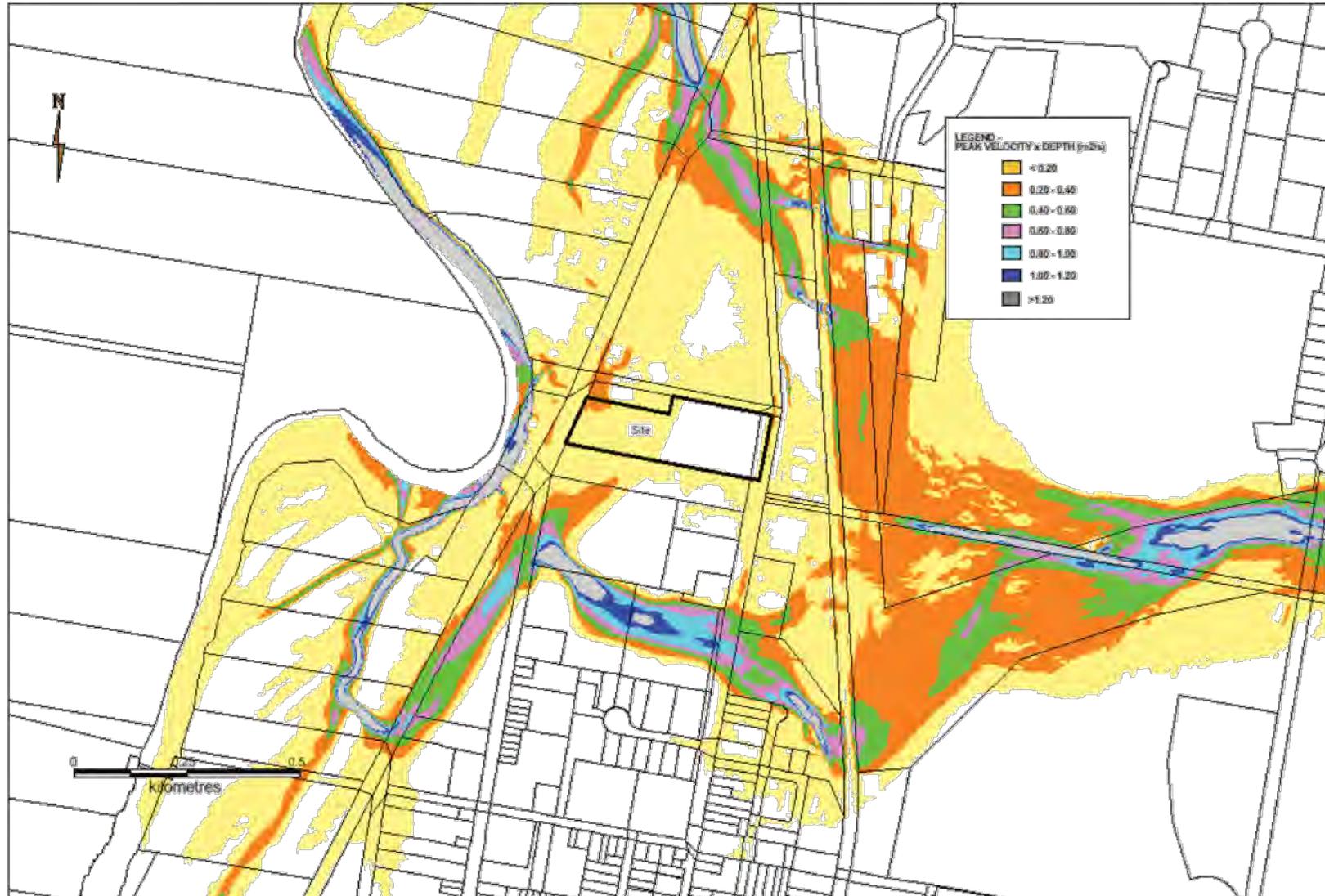


Figure 19 1% AEP Flood Velocity x Depths - Troy Gully - Post Earthworks Conditions



Figure 20 1% AEP Flood Hazards - Troy Gully - Post Earthworks Conditions

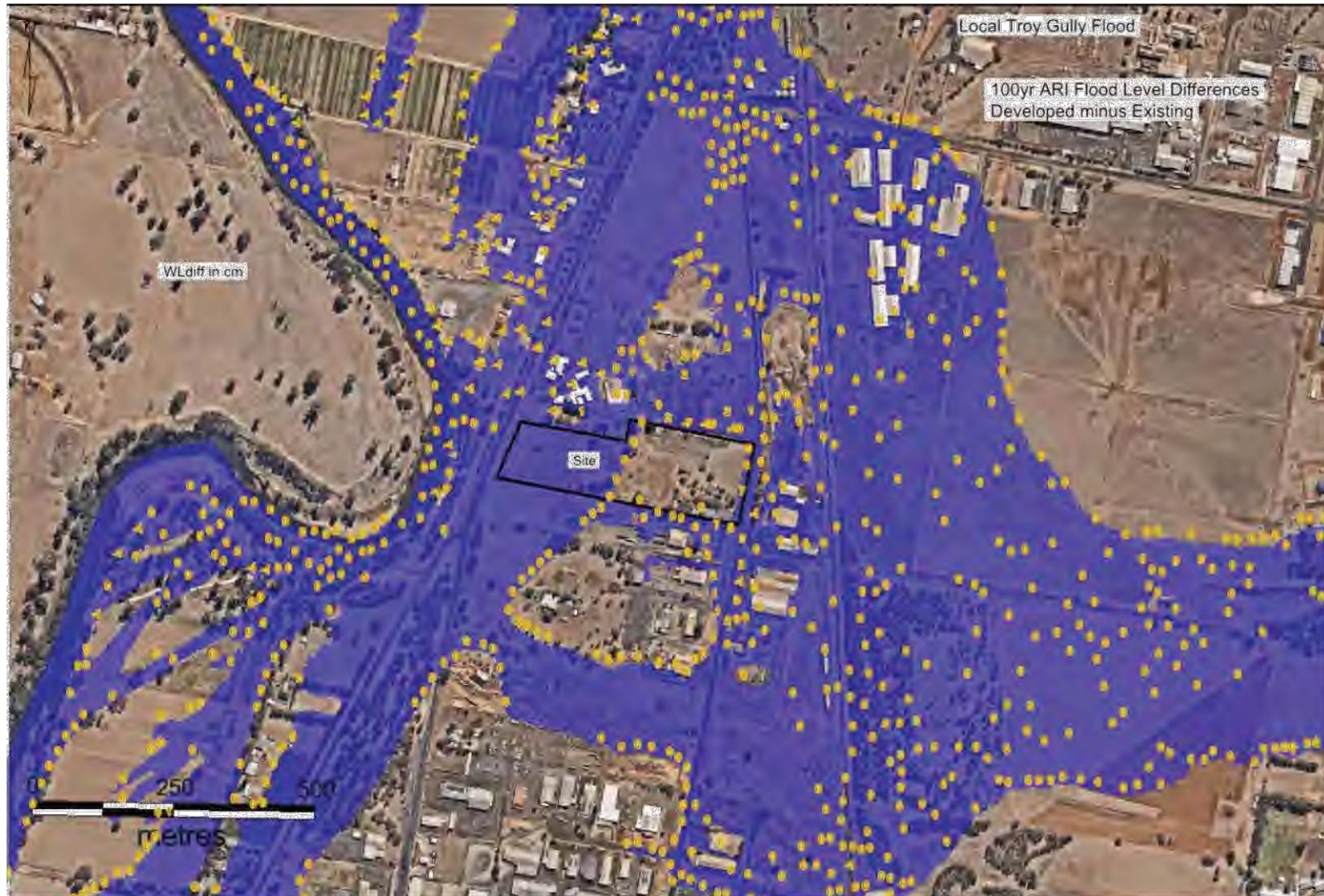


Figure 21 1% AEP Flood Levels Differences (Post Earthworks Conditions – Existing Conditions) - Troy Gully

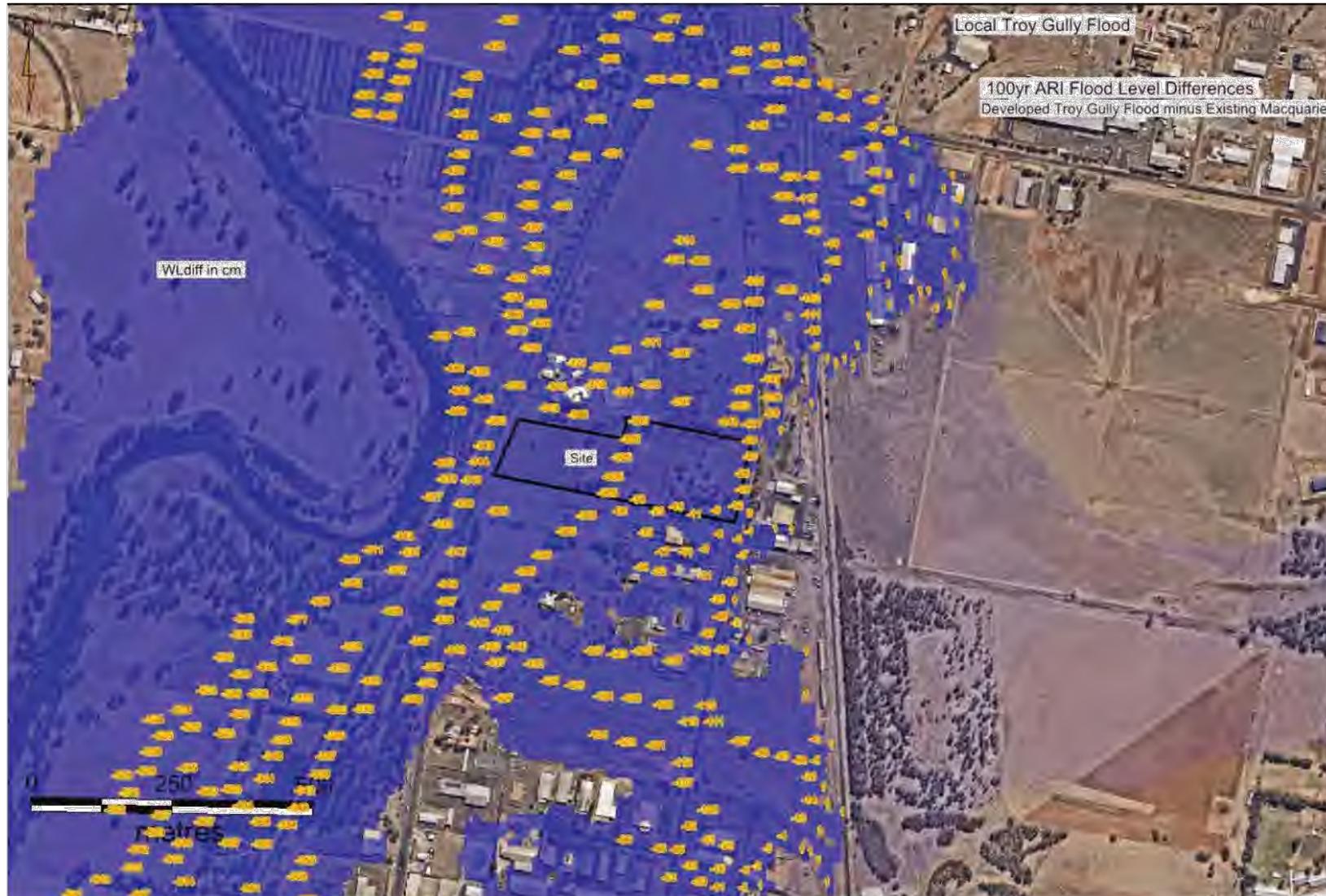


Figure 22 1% AEP Flood Levels Differences (Troy Gully Post Earthworks - Macquarie River Existing)

Attachment B



Our Ref: 59918021-L03:BCP/bcp
Contact: Dr Brett C. Phillips

20th August 2019

The Manager,
Barnson Pty Ltd
"Riverview" Business Park
1/36 Darling Street
DUBBO NSW 2830

Attention: Mr Jim Sarantzouklis

Cardno (NSW) Pty Ltd
ABN 95 001 145 035

Level 9
The Forum
203 Pacific Highway
St Leonards NSW 2065
Australia

Phone: 61 2 9496 7700
Fax: 61 2 9439 5170

www.cardno.com.au

Dear Jim,

**COUNCIL'S COMMENTS ON FLOODING INFORMATION FOR DEVELOPMENT
APPLICATION D2019-107**

Further to Council's comments on our flooding information dated 8 November 2018 appended to the Statement of Environmental Effects submitted with Development Application D2019-107, we are pleased to provide the following comments and responses to a number of issues raised by Council.

1. BACKGROUND

The Statement of Environmental Effects prepared by Bamson and submitted with Development Application D2019-107 describes the soil stockpiling as follows:

The soil stockpile is currently located on Lot 1 DP 197736, having been recently relocated from a potentially localised flood area on Lot 1 DP 1163911 and Lot 3 DP 1194822 to a higher elevation. The new location of the soil stockpile is supported by the Flood Assessment carried out by Cardno provided in Appendix E of this report. The Flood Assessment provides information on the flood impact of proposed fill for a planning proposal on the subject site and adjacent land to support future industrial development. The objective of this assessment was to provide information on current flooding patterns at the site and consider potential impact of a proposed (pad) filling in relation to flooding in a 1% AEP event. The assessment indicates that the proposed earthworks would have a negligible impact on the 1% AEP flood levels. It was further concluded that the earthworks would have a negligible impact on flood velocities, velocity x depth and provisions flood hazards and Troy Gully flood levels would remain lower than Macquarie River flood levels. The current soil stockpile is within the same area (location) considered in the above flood assessment. It should also be noted that the stockpile involves a far less quantity of earthworks than considered by the flood assessment, therefore the flood assessment coincides and remains relevant to this development.

Australia • Belgium • Canada • Colombia • Ecuador • Germany • Indonesia •
Kenya • New Zealand • Nigeria • Papua New Guinea • Peru • Philippines • Singapore •
United Arab Emirates • United Kingdom • United States • Operations in over 100 countries

20th August 2019

- 2 -



Council's letter dated 7 June 2019 raised the following concerns regarding the submitted flood assessment:

(1) Amended Flood Assessment

The Flood Assessment submitted is dated 8 November 2018 which is before the works were undertaken on the land. The Assessment considers two (2) earth pads on the southern side of the property which appears to be the same report submitted with a recent Planning Proposal lodged with Council. It does not consider the temporary stockpile nor the additional works area on the eastern side of the property. While it may be argued there is some overlap between the temporary stockpile and the report in terms of the location of works and quantity of fill, the same cannot be said for the other earthworks which the Assessment fails to address. Therefore, Council is of the opinion that the study does not accurately reflect or assess the earthworks undertaken.

It is therefore requested an amended Flood Assessment be undertaken which accurately reflects and considers the works undertaken. While comments are noted regarding the quantity of earthworks undertaken compared to that mentioned in the Assessment, Council is still of the opinion that the Assessment is not accurate for the works undertaken and should be amended to reflect this.

The layout of the fill pads assessed in November 2018 (as disclosed in Appendix E of the Statement of Environmental Effects submitted with Development Application D2019-107) is given in **Figure 1**.

The layout of the proposed fill and a newly constructed hardstand area (as disclosed in Appendix C of the Statement of Environmental Effects submitted with Development Application D2019-107) is given in **Figure 2**. Also included in **Figure 2** is an overlay of the fill pad extents identified in **Figure 1**. It is very clear from **Figure 2** and that the stockpile involves a considerably less quantity of earthworks than considered by the 2018 flood assessment.

It is concluded that the outcomes of the 2018 flood impact assessment of a substantially greater volume of fill are very conservative in comparison to the fill extent proposed under DA2019-107 and that the proposed fill under DA2019-107 will have negligible impact.

Council also raises a concern regarding the newly constructed hardstand area. As disclosed in Appendix C of the Statement of Environmental Effects submitted with Development Application D2019-107 the newly constructed hardstand area has raised the surface level by 0.05 up to a local maximum of 0.51 m. The raised surface level within the footprint of the hardstand area is around 259.3 m AHD. In comparison the proposed surface level of the major fill platform assessed in November 2018 was 262.5 m AHD. It is clear from **Figure 2** that the extent of the newly constructed hardstand area is substantially smaller than the extent of the of the major fill platform assessed in November 2018 and is also substantially lower.

An assessment of the loss of flood storage within the property due to the newly constructed hardstand estimated a reduction of 0.17%. This is a negligible loss and would have no discernible impact on 1% AEP flooding.

It is concluded that the outcomes of the 2018 flood impact assessment of a substantially greater volume of fill are conservative in comparison to the loss of flood storage due to the newly constructed hardstand area and that the newly constructed hardstand area will have negligible impact and additional hydraulic modelling is not warranted at this time.

20th August 2019

- 3 -



A further concern with the Flood Assessment is that while it has considered flood waters from the Macquarie River and Troy Creek, it has only considered these in isolation and not as a combined event. Given flooding rains are rarely restricted to the headwaters of one of these waterways, Council considers the Assessment should consider both impacts simultaneously. Council therefore requests clarification be made as to whether the Flood Assessment has considered both simultaneously, and if not, amend the Assessment to consider this. Alternatively, if for flood engineering reasons it is considered not necessary to consider both simultaneously, details of the reasoning for this are requested

In March 2012, Version 3 of a report titled "Macquarie River, Dubbo – Compilation of Flood Studies" was submitted to Dubbo City Council. The Executive Summary of this report described the assessments undertaken prior to 2012 in part as follows.

The study area comprised the city of Dubbo and the floodplain of the Macquarie River and its tributaries from Angle Park to downstream of Whylandra Creek. The floodplain includes a number of cowals and other flow paths, which were included within the area of the 2D hydrodynamic model. A major tributary, the Talbragar River, joins the Macquarie River approximately 6 km north of Dubbo and the confluence area was included in the model.

This flood study uses data from a number of previous studies. However, by using the latest 2-dimensional hydrodynamic modelling techniques and comprehensive aerial laser survey data it is considered to be more complete and reliable than previous investigations.

Estimation of flood discharges was undertaken by a combination of flood frequency analysis and hydrological modelling. Flood frequency analysis was undertaken for the Macquarie River at Dubbo, for the post-Burrendong Dam scenario. Burrendong Dam was commissioned in 1965 and it has affected the flood behaviour of the Macquarie River, so that analyses of pre-1965 data are not directly relevant. The flood frequency analysis was updated to include stream gauging data up until 2006, and estimates of the magnitude of flood peaks for design rainfall events were updated.

Estimates of flood discharges for the Talbragar River, and for the minor tributaries within the study area, were derived using rainfall-runoff modelling. In the case of the Talbragar River the modelling was based on modelling undertaken for a previous study (Rust-PPK, 1995).

The layout of subcatchments in the vicinity of Dubbo adopted in the 2012 Macquarie River study and the matching layout of the XP-RAFTS hydrological model is given in **Figure 3**. It will be noted that the Troy Gully catchment (Node TROY_GY) is included in the study area. In the case of the Macquarie River flooding assessments the inflows from the local subcatchments and the Talbragar River catchment were input directly into the 1D/2D TUFLOW floodplain model typically at locations along the Macquarie River and in the lower reach of the Talbragar River. In the case of the subcatchments downstream of Burrendong Dam the adopted storm burst duration of inflows was 18 hours.

In the 1D/2D TUFLOW model of the Troy Gully catchment, the downstream boundary conditions for Macquarie River at the confluence of Troy Gully adopted by Council in the 2006, 2007 and 2012 assessments were adopted in the November 2018 study. The locations of inflows in the 1D/2D TUFLOW model of the Troy Gully catchment are identified in **Figure 4**. In the case of the Troy Gully catchment the critical storm burst duration varies from 3 – 6 hours depending on location. Consequently, the peak inflows adopted in the Troy Gully floodplain model are higher than adopted in the Macquarie River floodplain model due to the difference in the adopted storm burst durations.

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20th August 2019

- 4 -



It is concluded that the impact of runoff from the Troy Gully catchment and flooding in the Macquarie River have been considered simultaneously and in accordance with the approaches adopted by Council for the Macquarie River and Troy Gully flood assessments.

(2) Alterations to Stormwater Flow

It is noted earthworks have been undertaken on the southern side of the property adjacent to the temporary stockpile which has the potential to alter natural stormwater characteristics in the area. While in general stormwater flows are pushed through the northern side of the property around the natural channel of Troy Creek, there also appears to be a natural 'flood runner' around the southern side of the property which runs west below the Newell Highway to the Macquarie River, which has the potential to carry additional stormwater flows during heavy or prolonged storm events.

Similar to the Flood Assessment, it is therefore requested an assessment be undertaken to determine if the earthworks undertaken will impact on natural stormwater flows in the locality to demonstrate it will not have a detrimental impact to downstream properties.

Appendix E of the Statement of Environmental Effects submitted with Development Application D2019-107 includes an assessment of the impacts of a substantially greater volume of fill than proposed fill under DA2019-107. The assessment of the impact of this substantially greater volume of fill on 1% AEP flooding due to runoff from the Troy Gully catchment is summarised as follows.

Current Conditions

The estimated 1% AEP depths and velocity vectors under Existing Conditions are plotted in **Figures 5 and 6** respectively.

Figure 6 discloses a shallow flood runner which crosses northeast in the southern area of the site and which appears to have been modified by the construction of Fitzroy Street. The peak velocity is generally towards the northeast. In the area immediately north of the fill platform assessed in November 2018 the velocity field is mixed with a bifurcation of flow around slightly higher ground within the property.

Post-Development Conditions

The estimated 1% AEP depths and velocity vectors under post-development conditions with the proposed extension of the existing pad are plotted in **Figures 7 and 8** respectively.

Figure 8 discloses that the peak velocity is generally towards the northeast. In the area immediately north of the fill platform assessed in November 2018 the velocity field remains mixed with a bifurcation of flow around slightly higher ground within the property.

The estimated 1% AEP level differences under post-development conditions with the proposed extension of the existing pad in comparison with Existing Conditions are plotted in **Figure 9**.

20th August 2019

- 5 -



Flood Impact Assessment

As disclosed in **Figure 9** the 2018 fill pads (refer **Figures 1 and 2**) locally increase the 1% AEP flood levels on the southern side of the fill platform. Likewise, it is noted that the proposed earthworks have a small impact on flood levels on Fitzroy Street just north of the fill platform. The local changes in peak velocity are such that the peak velocity remains low and does not pose a concern in relation to erosion or scour in the 1% AEP flood.

The estimated 1% AEP level differences between the Macquarie River 1% AEP flood levels and the Troy Gully post-development conditions with the proposed earthworks are plotted in **Figure 10**. This discloses that notwithstanding local small increases in the 1% AEP flood levels under a Troy Gully flood that these flood levels remain lower than the Macquarie River flood levels.

We would be pleased to further discuss our findings with you upon your request.

Yours faithfully

A handwritten signature in black ink that reads 'Brett C. Phillips'.

.....
Dr Brett C. Phillips
Global Senior Principal - Hydrology
for **Cardno**

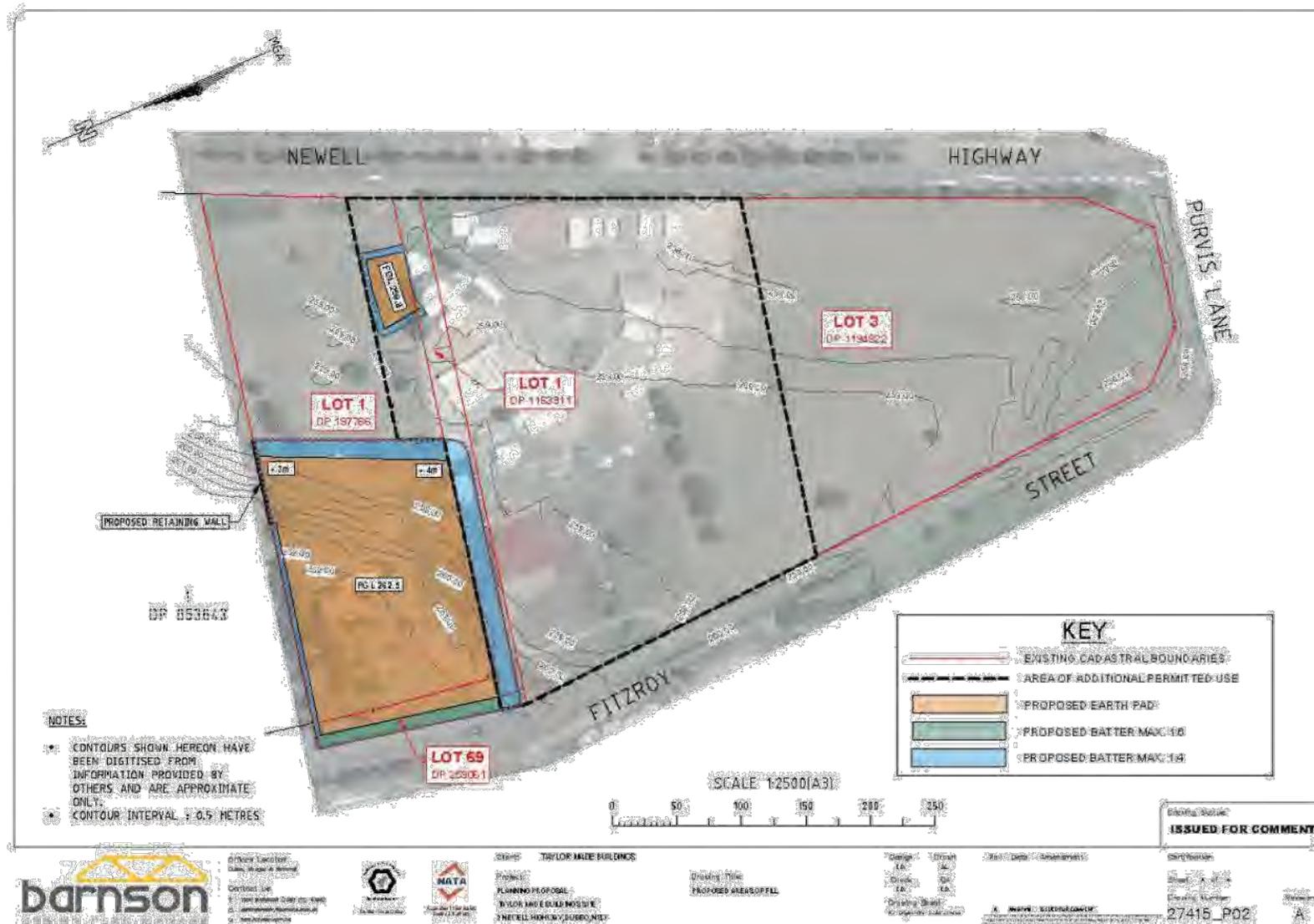
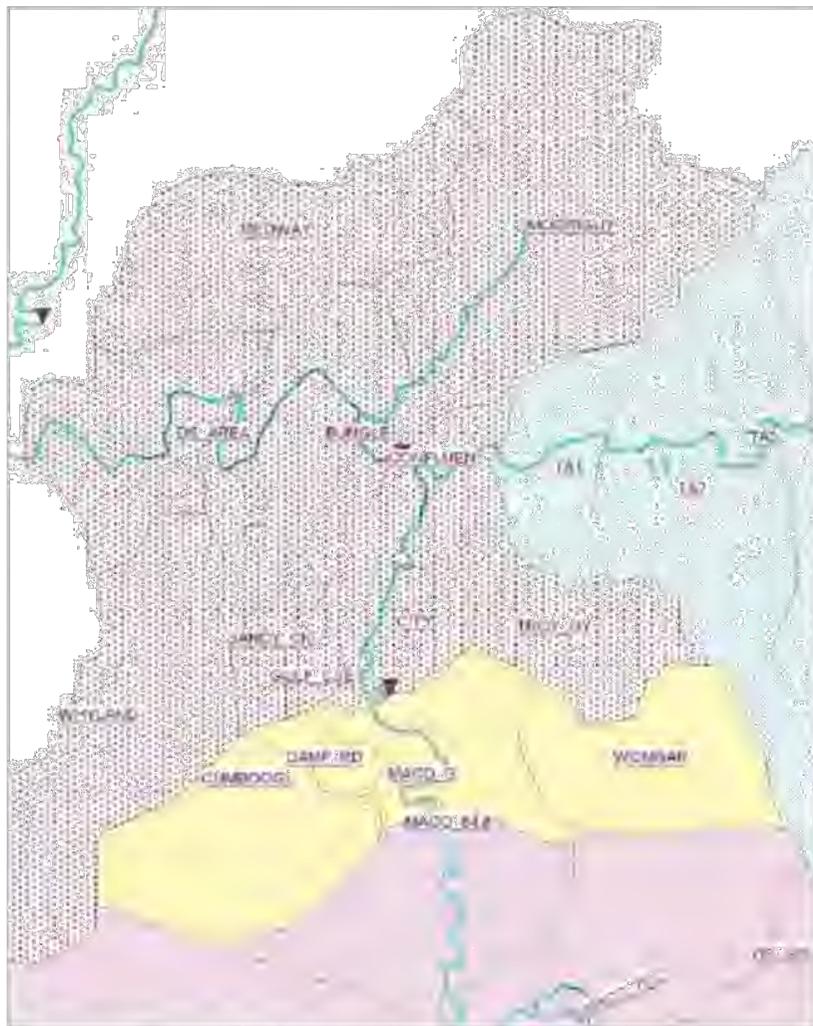
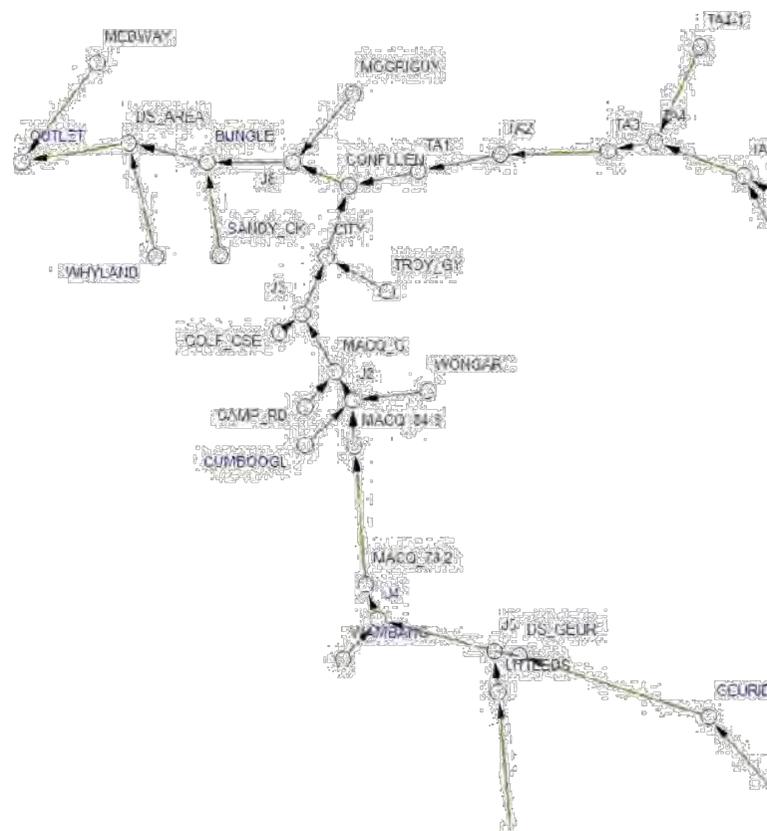


Figure 1 Layout of Fill Pads assessed in November 2018



(a) Extract from Figure 3 Macquarie River at Dubbo – Subcatchments downstream of Burrendong Dam



(b) Extract of Layout of XP-RAFTS Hydrological Model of Subcatchments downstream of Burrendong Dam

Figure 3 Subcatchments downstream of Burrendong Dam (Cardno, 2012)

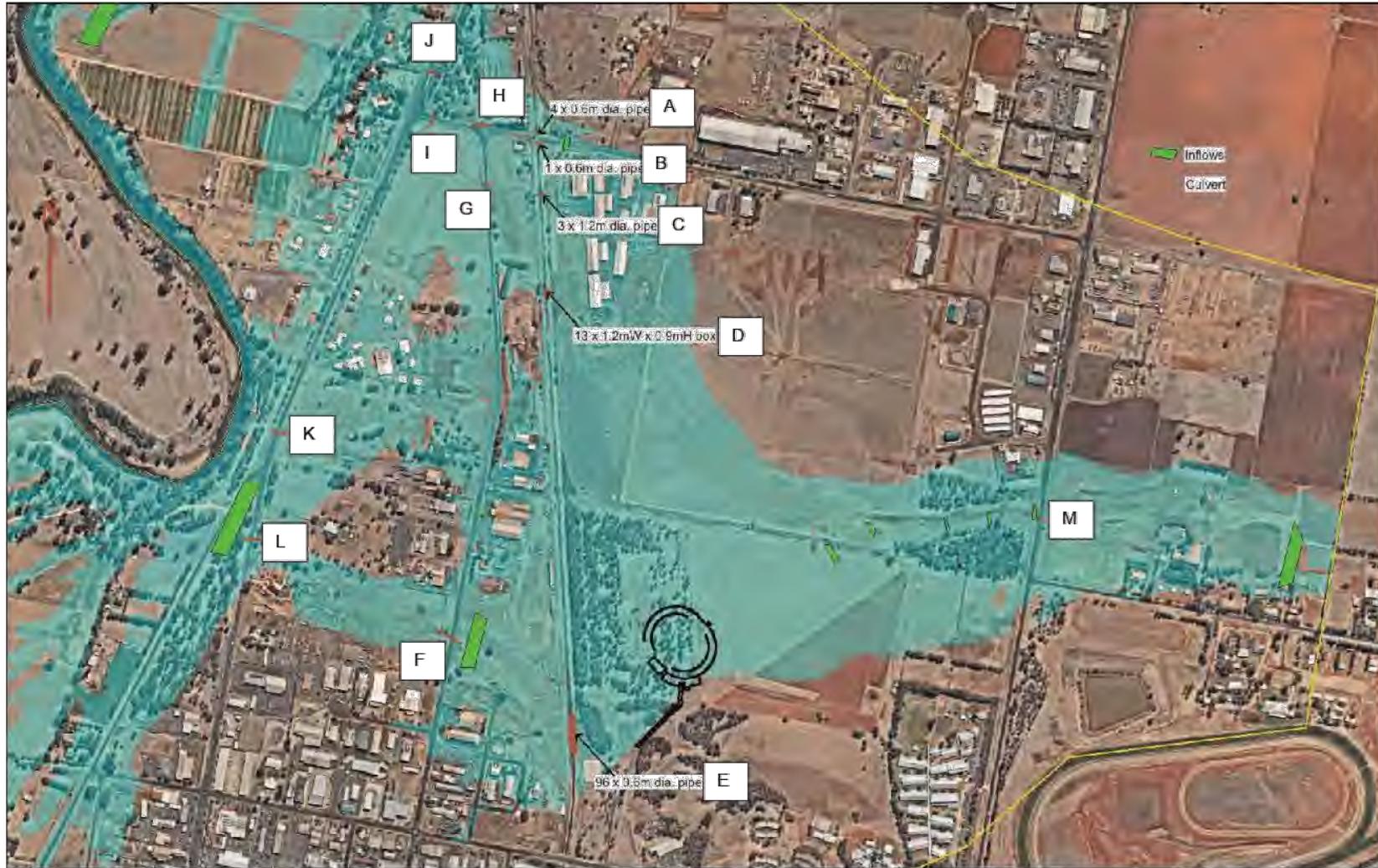


Figure 4 Location of Troy Gully Floodplain Model Crossings



Figure 5 1% AEP Flood Depths – Troy Gully - Existing Conditions

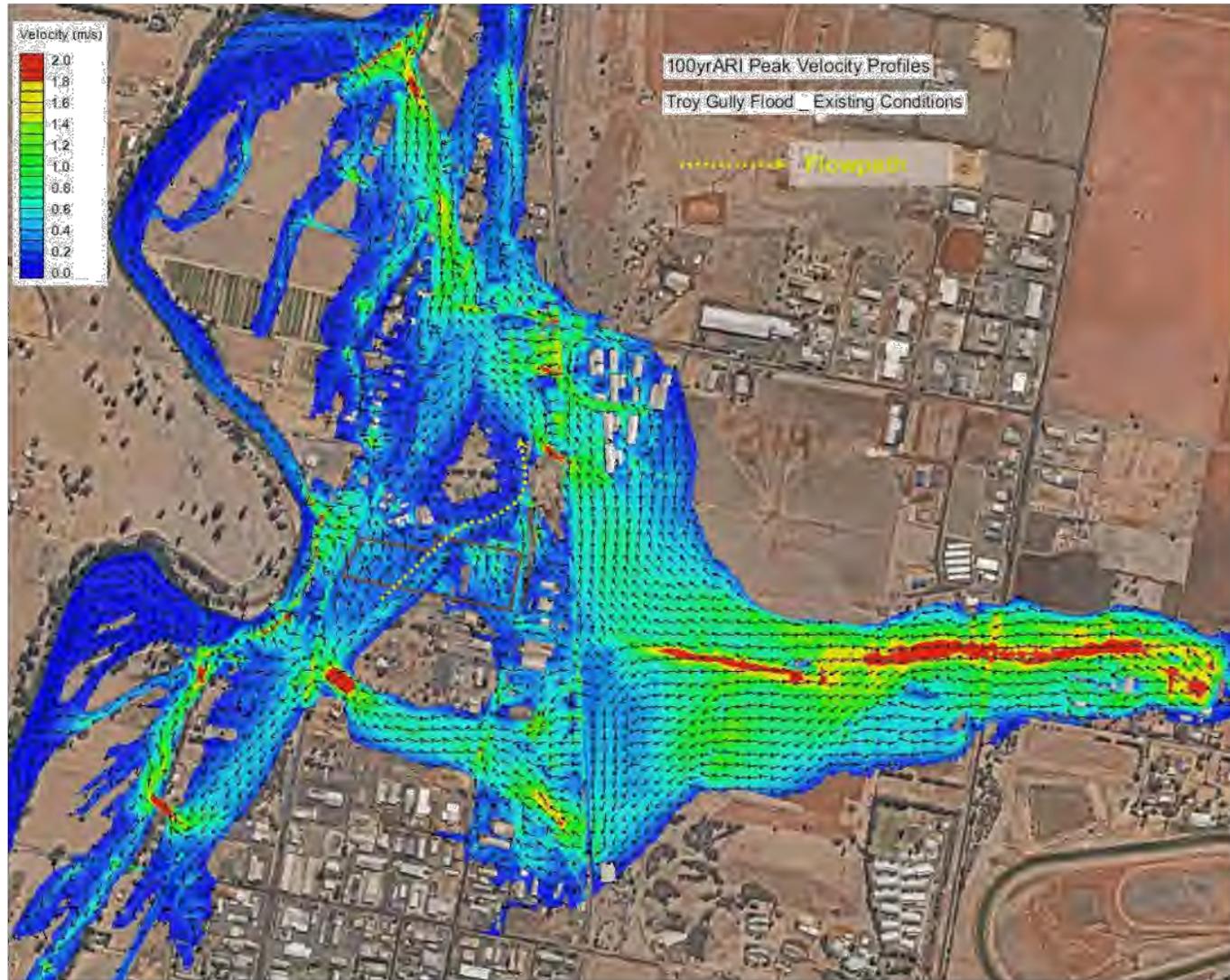


Figure 6 1% AEP Flood Velocity Vectors – Troy Gully - Existing Conditions

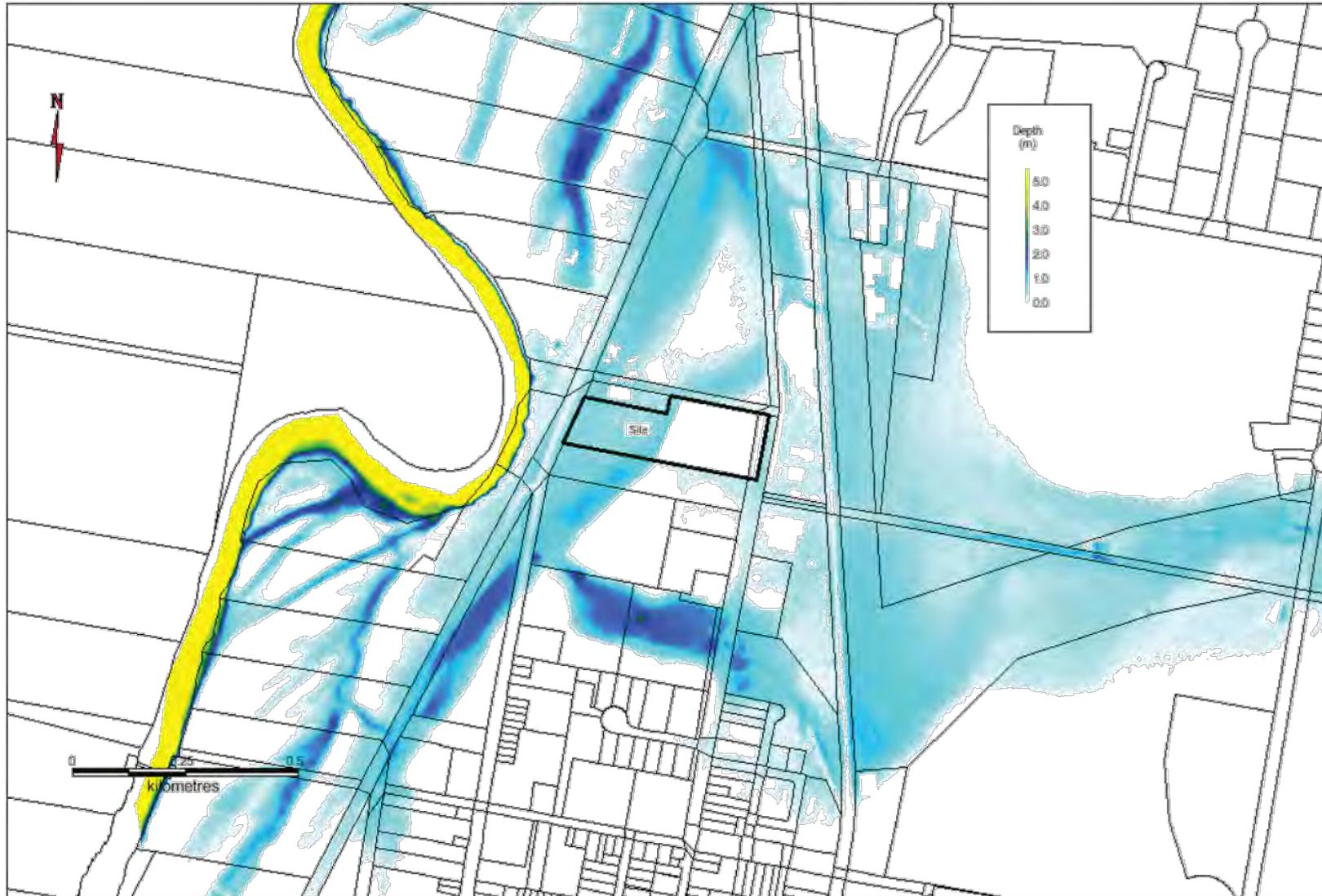


Figure 7 1% AEP Flood Depths – Troy Gully - Post Earthworks Conditions

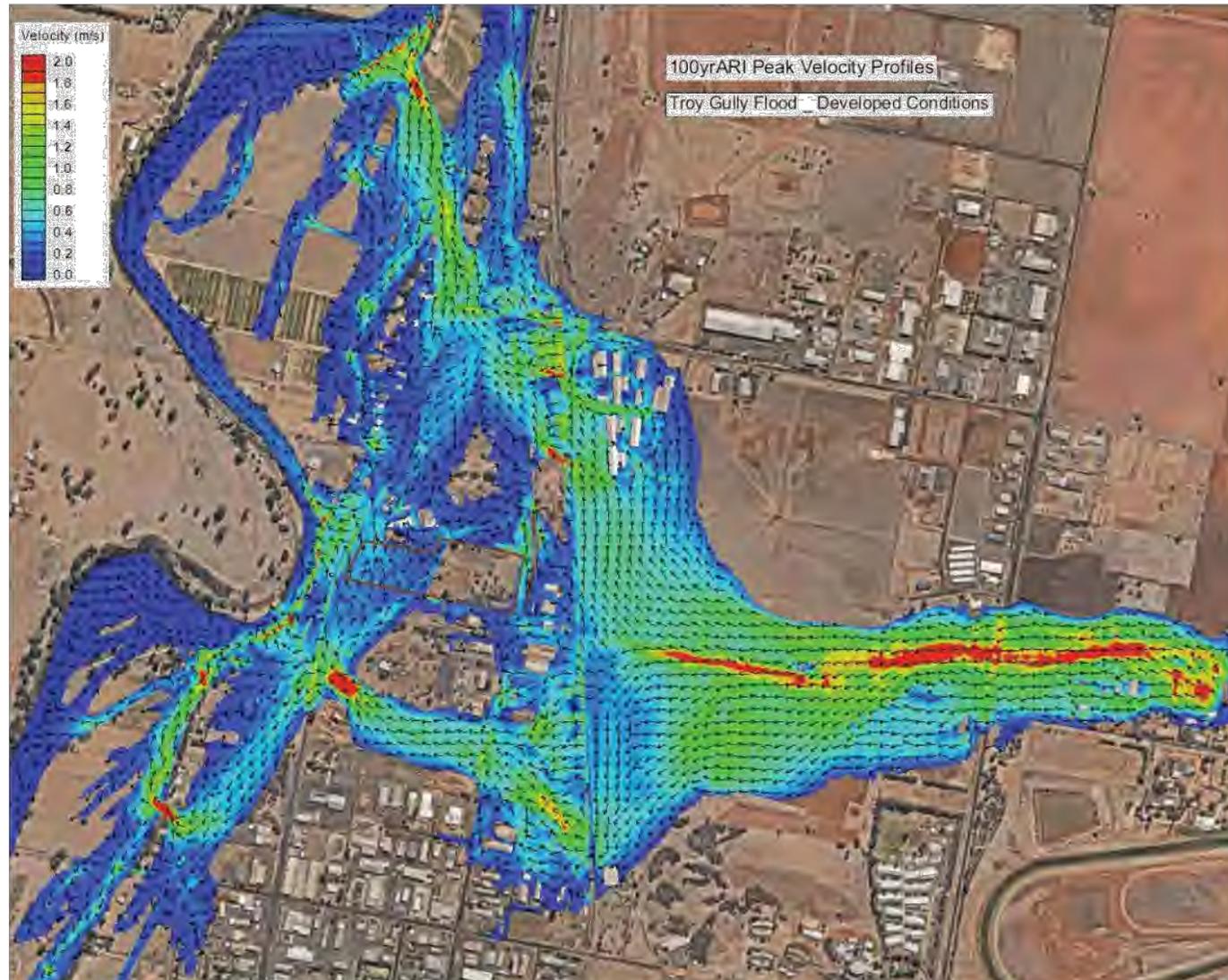


Figure 8 1% AEP Flood Velocity Vectors - Troy Gully - Post Earthworks Conditions

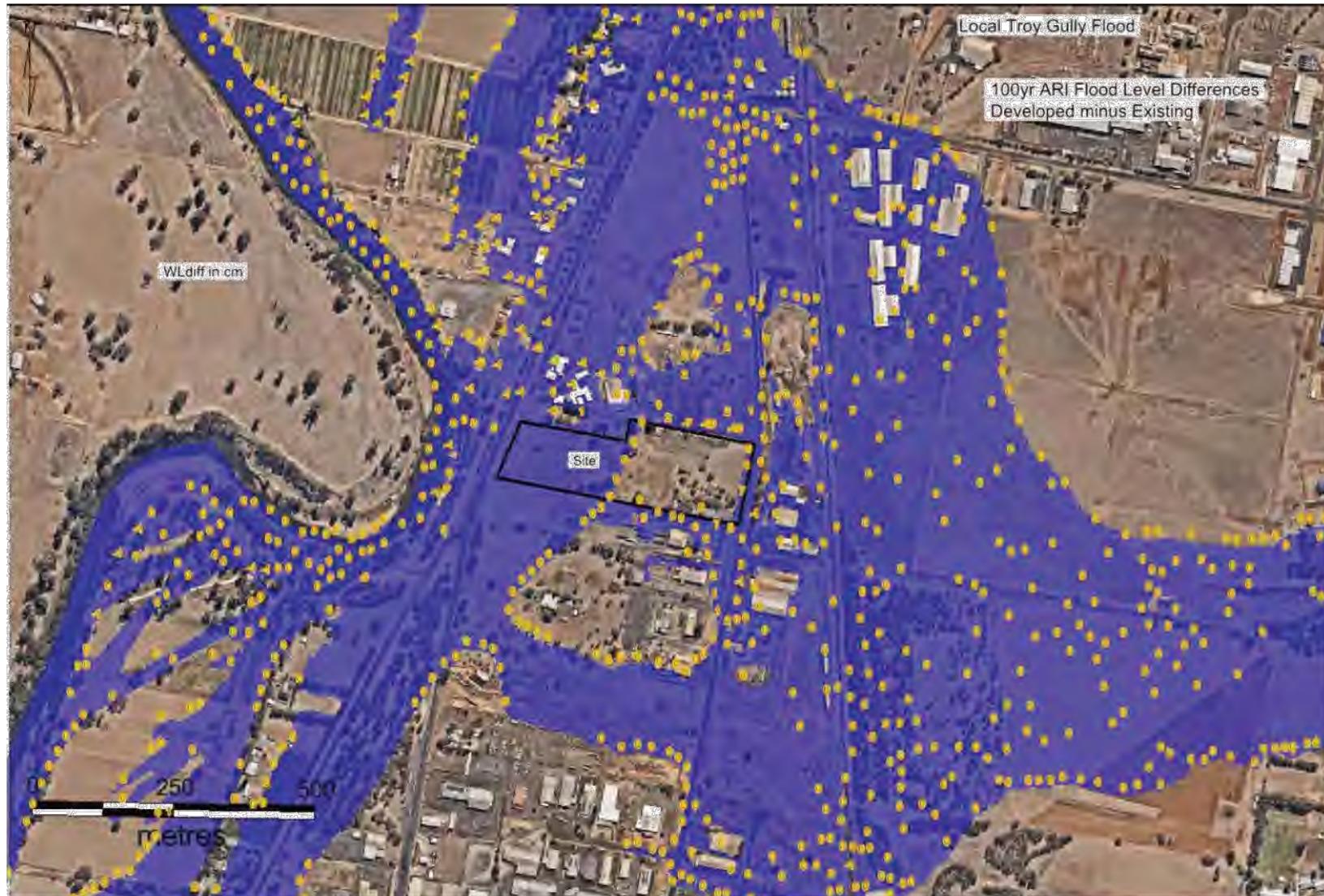


Figure 9 1% AEP Flood Levels Differences (Post Earthworks Conditions – Existing Conditions) - Troy Gully

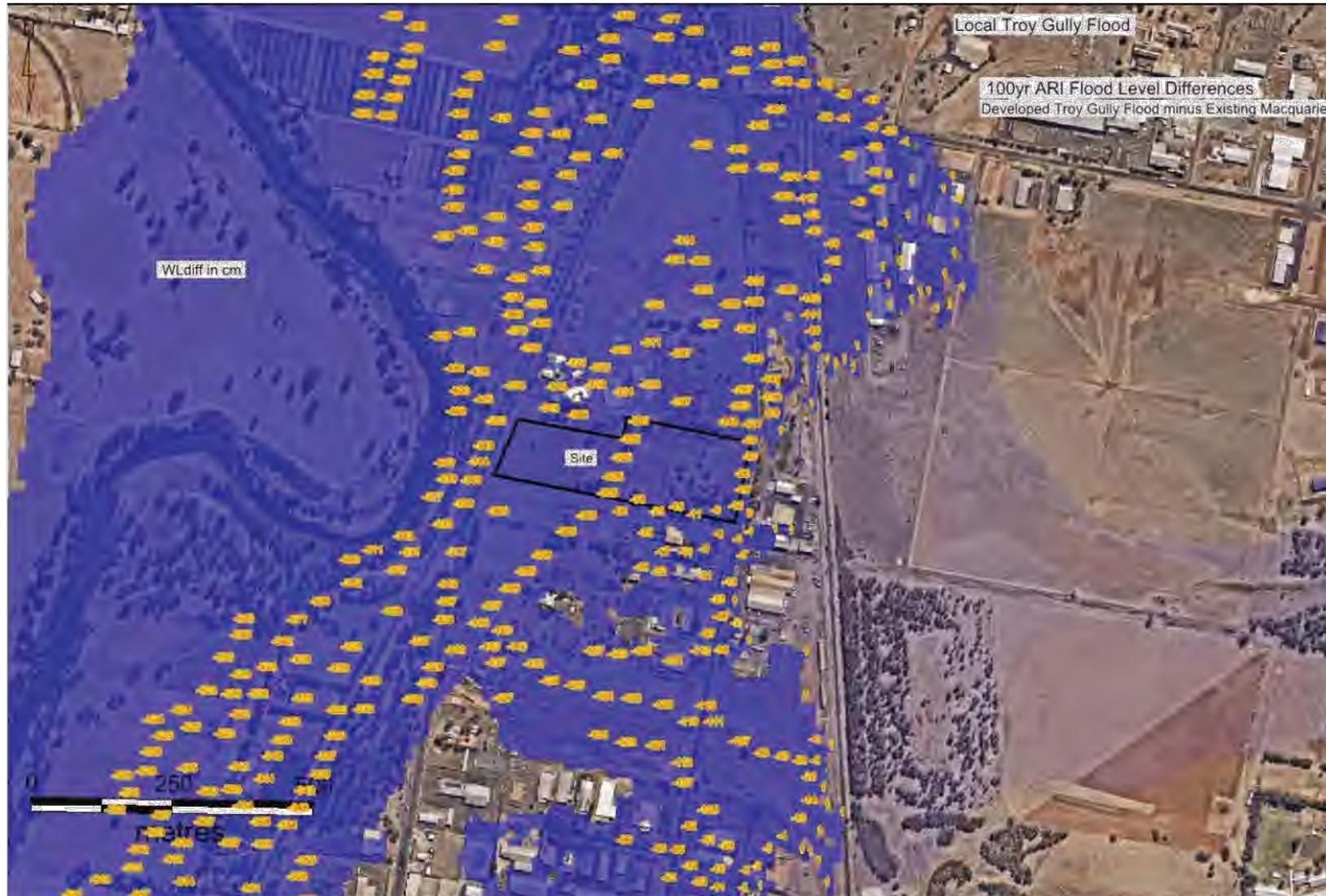


Figure 10 1% AEP Flood Levels Differences (Troy Gully Post Earthworks - Macquarie River Existing)



Appendix E - AHIMS Search



**AHIMS Web Services (AWS)
Search Result**

Purchase Order/Reference : 27415

Client Service ID : 351041

Erika Dawson
2 littlebourne Street
Bathurst New South Wales 2795
Attention: Erika Dawson
Email: edawson@barnson.com.au

Date: 14 June 2018

Dear Sir or Madam:

AHIMS Web search for the following area at Lot : 1, DP:DP1163911 with a Buffer of 50 meters, conducted by Erika Dawson on 14 June 2018.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location.*

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the *NSW Government Gazette* (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

3 Marist Place, Parramatta NSW 2150
Locked Bag 5020 Parramatta NSW 2220
Tel: (02) 9585 6380 Fax: (02) 9873 8599

ABN 30 841 387 271
Email: ahims@environment.nsw.gov.au
Web: www.environment.nsw.gov.au



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 27415

Client Service ID : 351044

Erika Dawson

Date: 14 June 2018

2 littlebourne Street
Bathurst New South Wales 2795

Attention: Erika Dawson

Email: edawson@barnson.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 1, DP:DP197736 with a Buffer of 50 meters, conducted by Erika Dawson on 14 June 2018.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

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ABN 30 841 387 271
Email: ahims@environment.nsw.gov.au
Web: www.environment.nsw.gov.au



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 27415

Client Service ID : 351040

Erika Dawson

Date: 14 June 2018

2 littlebourne Street
Bathurst New South Wales 2795

Attention: Erika Dawson

Email: edawson@barnson.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 3, DP:DP1194822 with a Buffer of 50 meters, conducted by Erika Dawson on 14 June 2018.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location.*

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
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Tel: (02) 9585 6380 Fax: (02) 9873 8599

ABN 30 841 387 271
Email: ahims@environment.nsw.gov.au
Web: www.environment.nsw.gov.au



Office of
Environment
& Heritage

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 27415

Client Service ID : 351043

Erika Dawson

Date: 14 June 2018

2 littlebourne Street

Bathurst New South Wales 2795

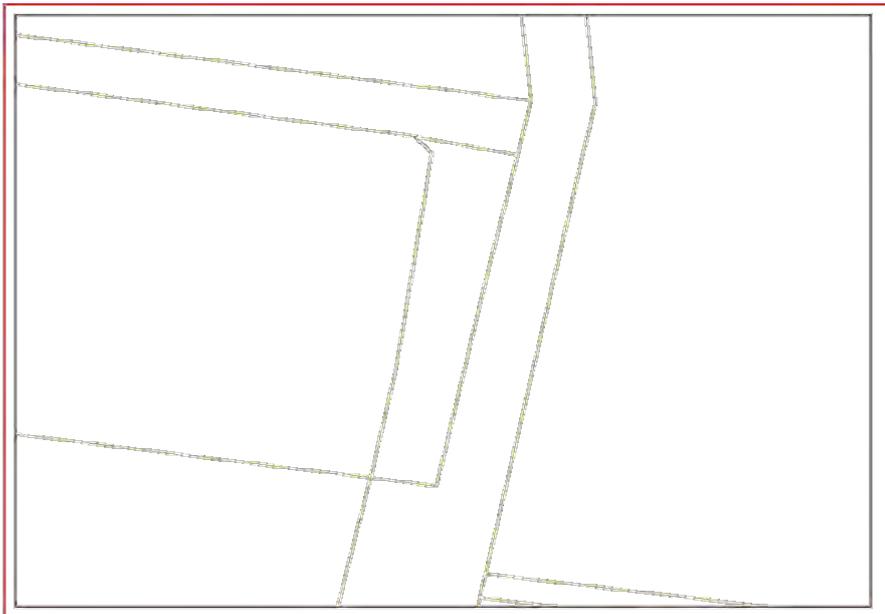
Attention: Erika Dawson

Email: edawson@barnson.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 69, DP:DP259061 with a Buffer of 50 meters, conducted by Erika Dawson on 14 June 2018.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

<input type="checkbox"/>	Aboriginal sites are recorded in or near the above location.
<input type="checkbox"/>	Aboriginal places have been declared in or near the above location.®

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
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ABN 30 841 387 271
Email: ahims@environment.nsw.gov.au
Web: www.environment.nsw.gov.au



Appendix F - Masterplan Details



Dubbo Regional Council
70 Church Street
Dubbo NSW 2830

ATTN: Steven Jennings

RE: Master plan for Taylor Made Buildings

Taylor Made Buildings bought Harnett Transportable Homes in May 2007. In the first year we budgeted on doing 15 homes per year. We started with 4 employees and me.

Over the 11 years we have extended the construction yard 4 times and made the materials shed 3 times the size as when we first started back in 2007.

We now employ 34 people with around 15 Subcontractors.

The sizes of the transportable houses from 2007 averaged around 93m² and all transportable homes were only a 2 module construction. Now in 2017 we have taken the average square metres up to 135m² and some transportable homes are now up to 5 and 6 modules.

Were the transportable homes have more than 2 modules we then need to have more space around the houses as the modules are all in different directions. If we build a 4 module transportable home it can take up to 3 building sites.

We are applying for an additional permit use (now under existing use rights). We are running out of land to extend our transportable business. We are seeking permission to use a portion of land 35m wide x 397m long to the south to use in the transportable business.

2R Gilgandra Rd, North Dubbo: P.O. Box 989 Dubbo NSW 2830

Phone: 02 6882 6066 Fax: 02 6882 0155 Email: admin@tayormadebuildings.com.au Web: www.tayormadebuildings.com.au

ACN: 123 586 096 ABN: 32 123 586 096

 Transportable Homes  Brick Veneer Homes  Kit Homes

We do not want to extend the transportable home business to the North as this would put the buildings under construction too far away from the office, Amenities block and materials shed.

In the additional permit use we are asking for a 35m wide x 397m long section of land taken from the old Golf West Site this section would then become part of our compound and allow for use to propose 2 sheds at a later date
1st Shed would be for a Joinery shop so we can build our own kitchens
The second shed would be used for a steel frame and truss factory as we also have our own Frame and Truss engineering from Barnson
If we can use the land to the south that would put the compound extension and the two proposed shed close to the office.

With the existing compound we will need to upgrade the shed as well as the area needed to take materials for transportable buildings. The hatched area on the plan will be used for this. We will extend the existing shed by 40m long and keep the same width. The rest of the compound will be used to store materials as we buy a lot of bulk items. This hatched area needs to be close to the existing shed and office complex.

Number 1 site:

Number one building site which backs onto the Newell highway will be the first parcel of land filled with the transportable homes under construction as it makes the business look better from the highway.

Number 2 site:

Number two building site will be used as the second site filled with the transportable homes under construction as it is closer to the office, Amenities and Materials shed

Number 3 site:

Number three building site will be used as the third site filled with the transportable homes under construction as it will be the same distance from the office, Amenities and Materials shed as the northern end of site number one. This site will also be used for multiple building orders (say over 4 houses).

Number 4 site:

Number Four building site will be only used in the future if we cannot keep up with deliveries, construction but mostly wet weather. In 2016 we had a wet winter and we had 31 houses in the yard because we could not deliver because of the trucks would get bogged on site

We have done work before where we have built up to 30 units for the same client and all delivered one after the other. It is easier to have the multiple houses for the one client in the same area not scattered throughout the other 3 building sites.

Existing House site Number one

This site will hold around 13 transportable homes depending on size and module numbers.

Existing House site Number two

This site will hold around 12 transportable homes depending on size and module numbers.

Proposed House site Number three

This site will hold around 18 transportable homes depending on size and module numbers.

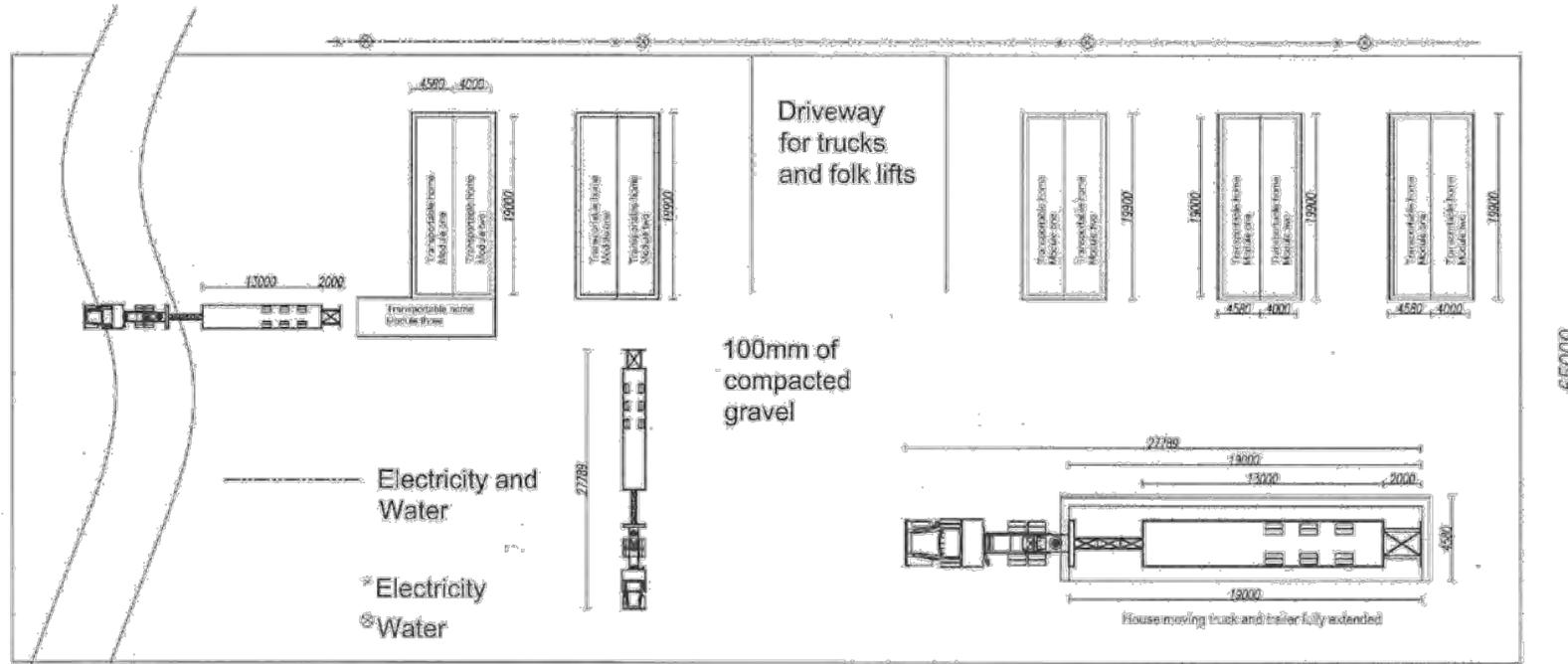
Proposed House site Number four

This site will hold around 18 transportable homes depending on size and module numbers.

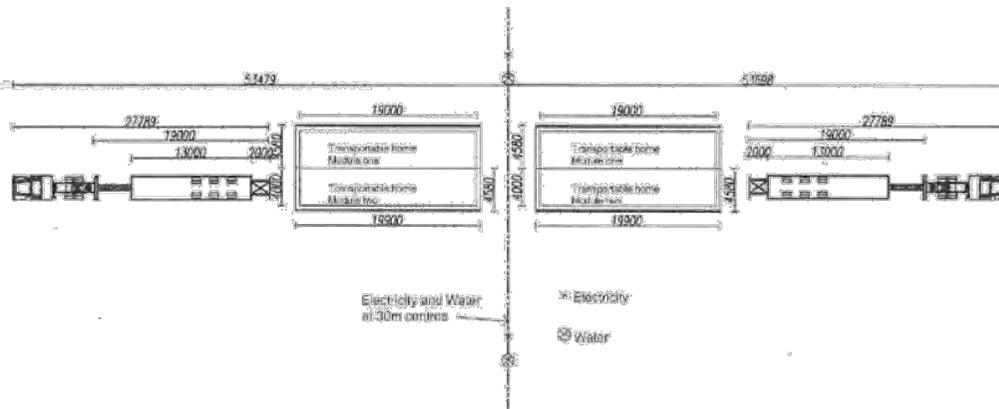
Yours faithfully



PAUL TAYLOR



House site number three and four



Taylor Made Buildings PTY LTD
 28 Silgarda Road Dubbo NSW
 PO Box 999 Dubbo NSW 2830

Paul Taylor 02 6882 6088
 paul@taylor-made-buildings.com.au



Planning,
Industry &
Environment

Our ref: DOC20/749377

Your ref:

Carmel O'Connor
Growth Planning Projects Leader – Digital
Futures
Dubbo Regional Council
Carmel.O'Connor@dubbo.nsw.gov.au

Dear Ms O'Connor

Planning proposal – 63 Fitzroy Street and 2R Gilgandra Road (Taylor Made Buildings)

Thank you for your email dated 31 August 2020 to the Biodiversity and Conservation Division (BCD) requesting advice on the pre-gateway planning proposal to:

- Rezone parts of three lots from E3 Environmental Management to IN2 Light Industrial.
- Provide an additional use of 'Light Industry (Movable Building Manufacturing)' on the three lots.

BCD considers that the planning proposal is consistent with the *NSW Flood Prone Land Policy* and the principles of the *Floodplain Development Manual 2005* as well as the *Guideline on Development Controls on Low Flood Risk Areas*.

The project site has been mapped under the Dubbo local environmental plan within the flood planning area and is subject to development controls. The planning proposal is seeking to extend the IN2 zone and will require additional filling pads to provide a finished floor level above the 1% annual exceedance probability (AEP) flood planning level. It is noted that future building development expansion would occur to the south away from the flood risk area.

The Troy Gully flood runner crosses the site; however, from the master plan it is understood that proposed buildings and earth pads will be located out of the floodway to ensure a safe passage of flood waters.

As part of the planning proposal, Cardno undertook a specific flooding assessment to consider the required earth fill works on the subject site based on an existing 2D TUFLOW Macquarie River floodplain model (2012). Such modelling exercise considered the 1% AEP flood event for both the mainstream (Macquarie River) and local overland flow (Troy Gully).

Regarding the impact of the proposed earthworks, the local effect on velocity x depth and provisional flood hazard was found negligible on the southern site boundary. The local changes in peak velocity do not pose a concern in relation to erosion or scour. Therefore, the works to facilitate future development would not result in significant flood impacts.

If you require any further information regarding this matter, please contact Liz Mazzer,
Conservation Planning Officer, via liz.mazzer@environment.nsw.gov.au or (02) 6883 5325.

Yours sincerely



Samantha Wynn
Senior Team Leader North West
Biodiversity and Conservation Division

11 September 2020



REPORT: Beautification of Dubbo CBD - proposed tree planting following public exhibition.

AUTHOR: Manager Recreation and Open Spaces
REPORT DATE: 11 October 2020
TRIM REFERENCE: ID20/1301

EXECUTIVE SUMMARY

At the February 2019 Ordinary Council Meeting, a Mayoral Minute was tabled requesting investigations be undertaken to potentially plant additional trees within the Central Business District. This was intended to provide more shading for pedestrians; and reduce extreme summer temperatures caused by asphalt heat absorption.

Group GSA were engaged to develop preliminary planting plans and montages for public exhibition (28 days) for Bultje, Wingewarra and Talbragar streets, between Macquarie and Bligh streets. Following the close of the public exhibition period, Council received 12 submissions. Generally, the submissions were positive with regard to Council undertaking tree planting to increase the level of shade within the Central Business District. Several of the submissions raised the issue of using exotic deciduous trees over native / endemic species and the perceived lack of biodiversity value of the exotic species but were still generally supportive of the tree planting initiative. It will be recommended that the exotic deciduous trees will be retained, for solar access and seasonal variance, for the street side plantings and a local native species, *Angophora floribunda* (Rough-barked apple) will be used for the central median plantings.

A final service review is underway prior to completion of the planting plan for the three streets. The proposed planting schedule and carparking impact for each of the streets is:

- Talbragar Street - seven (7) trees planted. Three (3) *Zelkova serrata* "Green Vase," and four (4) *Angophora floribunda*.
- Wingewarra Street – fifteen (15) trees. Four (4) *Zelkova serrata* "Green Vase," Eight (8) *Zelkova serrata* "wireless" (adjacent to powelines) and three (3) *Angophora floribunda*.
- Bultje Street – fifteen (15) trees. Eleven (11) *Zelkova serrata* "Green Vase," and five (5) *Angophora floribunda*.

Allowing an average canopy width of 11m, at maturity these thirty seven (37) trees will potentially provide an additional 3,500m² of shading within the CBD.

Finalisation of the design is continuing with a concerted effort in minimising any impacts to car parking.

FINANCIAL IMPLICATIONS

Dubbo Regional Council secured \$440,000 as a part of the Australian Government's Drought Communities Program – Round 2, for Drought Resilient Urban Landscapes, in Dubbo. These funds will be utilised to install tree pits within the streetscape, and to plant trees. In accordance with the Funding Deed, as it currently stands, these funds are to be fully expended by 31 December 2020.

POLICY IMPLICATIONS

Tree planting and beautification of Dubbo CBD is consistent with Dubbo Regional Council's *Community Strategic Plan*, Community Leadership theme 4.3, "the resources of Council are appropriately managed"; Liveability themes, 5.1.3, "the City of Dubbo is recognised as being attractive and welcoming"; 5.5.2, "quality passive... open space is located to maximise access and use by the community"; and the economy theme 3.8 "Dubbo Central Business District... is strategically managed to promote occupation, activity and investment".

RECOMMENDATION

- 1. That the report by the Manager Recreation and Open Space, dated 11 October 2020, be noted.**
- 2. That the proposed streetscape designs for Bultje, Wingewarra and Talbragar streets be adopted and implemented, subject to the finalisation of designs.**
- 3. That, due to funding constraints, Wingewarra and Talbragar streets are prioritised for tree planting, with Bultje Street plantings subject to available funds.**
- 4. That community members submitting feedback be sent correspondence thanking them for their contribution.**

Ian McAlister
Manager Recreation and Open Spaces

REPORT

At the February 2019 Ordinary Council Meeting, a Mayoral Minute was tabled requesting investigations be undertaken to potentially plant additional trees within the CBD. This was intended to provide more shading for pedestrians; and reduce extreme summer temperatures caused by asphalt heat absorption.

An initial planting layout was developed by Group GSA and a report prepared for consideration at the Ordinary Council Meeting held 24 August 2020. A recommendation of the report was that the proposed planting plan for Talbragar, Wingewarra and Bultje streets, was to be placed on public exhibition for 28 days to allow the community to provide feedback on the proposal. To further assist the community additional streetscape montages were developed and added to the information made available on Council's website.

Following the close of the public exhibition period 7 October 2020, Council had received twelve (12) submissions.

In summary, the comments can be largely grouped in the following categories; General support of tree planting, use of exotic deciduous trees versus native / endemic species and other comments.

Submissions have been attached as **Appendix 1** and have been numbered in the top right hand corner of the page for convenience and cross referencing. The numbers in the section below relate to the submission number. Two (2) of the submissions come from the Cancer Council and NSW Government Cancer Council. They are supportive of the initiative that Council is taking to increase the level of shade within the CBD.

General support of tree planting

3. I support the tree planting proposal.

Response

Noted.

6. I really believe that this is important action - greening our city, retaining mature trees that provide greater ecological and environmental contributions, and retaining our native species of plants. There needs to be much more done to protect and increase green space in the city. Glad to see this is initiated but it needs much more depth and extension to improve development and clearing of existing vegetation.

Response

Noted. Dubbo Street Tree Master Plan has a strategic priority planting plan included within it to replant missing trees within the residential streets. This planting plan is being implemented as funding becomes available. Dubbo Regional Council has also been successful in applying for a number of tree planting / climate resilience programs that further supports the master plan implementation.

7. The idea of greening Dubbo's streets is good. I would like to see the idea spread to further streets not just the CBD.

Response

Noted. Dubbo Street Tree Master Plan has a strategic priority planting plan included within it to replant missing trees within the residential streets. This planting plan is being implemented as funding becomes available. Dubbo Regional Council has also been successful in applying for a number of tree planting / climate resilience programs that further supports the master plan implementation.

10. Replanting trees around Dubbo is an excellent, and much needed idea. This town is almost devoid of trees when compared to nearby places like Orange, and even though the difference in climate plays a very small part in that, it is clear that the constant removal of trees by council/rms/developers over recent years is the main factor behind this. Plant many more trees and protect the ones that are left.

Response

*Noted. Dubbo Street Tree Master Plan has a strategic priority planting plan included within it to replant missing trees within the residential streets. The tree canopy of Dubbo is currently around 16% (2017). When compared to the same footprint in 1958 the tree cover was only 2%. Urbanisation of the Dubbo City area has effectively increased the urban forest from 71 ha to 575 ha. The largest increase (6.7% or 238 ha) occurred between 2003 and 2017. This was partially as a result of Council imposing additional conditions on Developers to include street tree plantings as part of their developments. Dubbo Council, and stakeholder community groups, have also contributed towards the growth and development of the urban forest. Council has recently completed a tree planting offset for the RMS along the Newell Highway, opposite the Golf Club. As part of upgrade works carried out 18 months ago nearly 50 *Accacia pendula* (Weeping Myall) have been planted. This was negotiated by Council staff and supported by the RMS.*

11. Plant as many trees as possible - fast growing ones.

Response:

Noted. Dubbo Street Tree Master Plan has a strategic priority planting plan included within it to replant missing trees within the residential streets. This planting plan is being implemented as funding becomes available.

Exotic deciduous trees versus native / endemic species (ecological value / leaf drop)

3. 1) these two species have no ecological value, so hope that in other areas (particularly north-south evergreen areas) that the Council will continue to consider local native species.
2) These deciduous trees mean greatly increased leaf drop in Autumn. It would be interesting to know if this leaf drop all ends up in the river (or not) - where it will cause water quality impacts, or if there is mitigation measures proposed for this impact.

Response

*Dubbo Regional Council chooses trees for streetscapes to achieve a number of objectives. The original trees in the plan were *Zelkova serrata*, or one of its varieties, to achieve solar access to the streets during the winter months, provide a high broad dome to avoid traffic conflicts, or in the case of Bultje Street - enable planting under power lines through the use of a smaller variety that maintains a consistent streetscape.*

*As a result of the community feedback from the public exhibition phase the central median trees will be changed to *Angophora floribunda* (rough barked apples) to provide additional ecological benefits to native wildlife. They are also an attractive tree that have also been used in Darling, Brisbane and Bligh streets tree plantings.*

*Australia, unfortunately has only a limited number of deciduous native trees available to choose from. None of the deciduous native trees, eg: *Melia azedarach* (white cedar) were considered appropriate. To achieve the required solar access objectives exotic trees are therefore substituted.*

As part of the design and placement of the tree pits, space is made available for the street sweeper to assist in reducing leaf loading to the river.

4. Dubbo should have signature tree, and myself and others propose the Mugga Ironbark. *Eucalyptus sideroxylon* has a unique colour palette that would make us spectacularly and photographically different from other locations, needs as little as 400ml of rain per year, is endemic to this area, is suitable for horticultural shaping, will not add foreign nutrient load to the river, and is favoured by native birds and insects.

The deciduous trees nominated in the Dubbo CBD Street Tree Planting Proposal are environmentally and culturally inappropriate. Trees that shed leaves seasonally will clog stormwater and create organic debris in the river with material likely to be detrimental to native aquatic species. The nominated trees from North America and East Asia will not favour native birds such as the spectacular Regent Honeyeater, and be attractive to pest species such as Starlings and Mynas.

Response

*The *Eucalyptus sideroxylon* (Mugga Ironbark) is an extremely attractive tree and potentially could be utilised. However, as a result of the community feedback from the public exhibition phase the central median trees will be changed to *Angophora floribunda* (rough barked apples) to provide additional ecological benefits to native wildlife. They are also an attractive tree that have also been used in Darling, Brisbane and Bligh streets tree plantings. This will start to develop a level of consistency within the CBD. The *E. sideroxylon* can also be a messy tree in terms of staining from its resin.*

*Australia, unfortunately has only a limited number of deciduous native trees available to choose from. None of the deciduous native trees, eg: *Melia azedarach* (white cedar) were considered appropriate. To achieve the required solar access objectives exotic trees are therefore substituted.*

As part of the design and placement of the tree pits, space is made available for the street sweeper to assist in reducing leaf loading to the river.

A report commissioned by Dubbo City Council through Charles Sturt University identified that starlings are an extremely adaptable species and will utilise nearly any available tree for roosting including endemic species. The tree species that were identified as having a low roosting potential were open canopied trees that are suitable for this location. The starlings utilise the river corridor, including the Eucalyptus camaldulensis (River Red Gum) during the winter months after the Celtis spp. in Macquarie Street have dropped their leaves.

7. Also to use trees endemic to the region is much more appropriate.

Response

As a result of the community feedback from the public exhibition phase the central median trees will be changed to Angophora floribunda (rough barked apples) to provide additional ecological benefits to native wildlife. They are also an attractive tree that have also been used in Darling, Brisbane and Bligh streets tree plantings.

8. Please consider evergreen tree species when planting rather than deciduous as has occurred down Macquarie Street. When these trees lose their leaves they are slip hazards on the footpaths, cost extra to ratepayers to sweep up and remove and clog drains. Evergreen trees would provide aesthetic benefits all year round.

Response

As a result of the community feedback from the public exhibition phase the central median trees will be changed to Angophora floribunda (rough barked apples) to provide additional ecological benefits to native wildlife. They are also an attractive tree that have also been used in Darling, Brisbane and Bligh streets tree plantings.

As part of the design and placement of the tree pits, space is made available for the street sweeper to assist in reducing leaf loading to the river.

9. Frangipani trees.

Response

Noted. Native frangipani (Hymenosporum flavum) is an attractive tree that does grow in Dubbo in well protected areas. However they are frost tender and need protection from wind. These planting sites are not appropriate.

12. We suggest that native trees are the only option for a city which is environmentally - conscious. It is counter-productive to support such community groups as Dubbo Rivercare and the River Repair bus to get rid of weeds when DRC is promoting the spread of weeds themselves. We have very little natural vegetation left. To combat extinction of our native flora and fauna, we need to keep our forests as pristine as possible. Appropriate native street trees attract native birds and insects. Exotic trees

attract exotic birds, insects and diseases. City gardeners need council to model correct planting strategies.

We are a city on the NSW western plains. We are not a city in Japan, China, England or Europe. We believe that tourists are keen to see a city which is proud of its own identity with Australian trees and plants gracing its streets such as seen in Canberra, Alice Springs, Perth and Broken Hill.

Response

Australia, unfortunately has only a limited number of deciduous native trees available to choose from. None of the deciduous native trees, eg: Melia azedarach (white cedar) were considered appropriate. To achieve the required solar access objectives exotic trees are therefore substituted. Council is also attempting to develop some streetscape continuity within the Dubbo CBD. Plantings of Zelkova serrata already exist in Bultje Street and this species have a number of varieties that can be used in specific planting locations. Z. serrata "Green Vase" is a larger higher branching broad dome tree reducing traffic conflict. Z. serrata "wireless" is a smaller growing variety that can be planted under / adjacent to power lines.

It is also important that a city wide approach is taken to ensure that a diverse tree planting palette is utilised to reduce the risk of disease or pest incursions decimating our tree population.

As a result of the community feedback from the public exhibition phase the central median trees will be changed to Angophora floribunda (rough barked apples) to provide additional ecological benefits to native wildlife. They are also an attractive tree that have also been used in Darling, Brisbane and Bligh streets tree plantings.

Other comments

5. 1.0 Design Principles

Urban and community forestry has transcended its original niche function in public policy as an aesthetic amenity to soften the urban landscape.

It is increasingly perceived as a solution to many more pressing urban environmental problems and even as a tool for community and social development.

Environmental benefits are also being quantified more accurately and more often in economic terms... Increasingly communities are realizing that green infrastructure is an economical long-term investment that reduces the need for much greater expenditures in gray infrastructure. JC Schwab (Ed.), 2009. Planning the Urban Forest

So contradictory. so frustrating... particularly given the outcomes at the old RAAF base for all Dubbo residents - sorry Dubbo Regional Council - YOU lost me right there !

I live in south Dubbo and the impact of the wholesale clearing of significant trees and other vegetation on this site - for which Council must take some responsibility- is a

DISGRACE. The natural flow line persists still- with inadequate respect or sediment and erosion controls!

Loss of urban habitat and biodiversity and shade!!!- Arboreal species now fighting it out in neighbouring urban backyards, Grey Crown Babblers not seen or heard since clearing...countless other species impacted never to see the light of spring after hibernation.

Significantly increased traffic noise, light & dust pollution across the whole neighbourhood!

History lost, community values lost, aesthetic, environmental, economic values lost...

This CBD proposed planting plan does nothing to mitigate the massive loss in our urban environment. (Not just RAAF but entire streetscapes for example Palmer Street- with tree stumps for past 2 years!)

Where are the values of the community input into 2040 Plan - about embracing uniqueness of Dubbo region?

Where are the endemic native species selections?

Where are the habitat and biodiversity values?

Response

Approval for the clearing of the vegetation at the RAAF Base was provided through the Land and Environment Court and not Dubbo Regional Council. A number of Council Officers were involved during the initial planning process that contributed to the retention of approximately 13 ha of the higher value endangered ecological community (Grassy Box Woodland) located on the southern end of the site.

As a result of improved strategic planning and management of the urban forest, including the development and adoption of the Dubbo Street Tree Master Plan, Dubbo Regional Council has committed significant funds (over the next 2 years) to commence replacing trees within our streetscapes. This improved planning has also enabled Council to apply for, and be successful in applying for external funding for street tree planting. This has included replacement trees in Bultje Street in 2018 and \$440,000 for this current project. It is acknowledged that we have lost a large number of trees due to age, drought, past poor planting practices and other factors but we are continuing to work towards further developing our urban forest with appropriate species (exotic and endemic) to increase our canopy cover.

6. It's a real shame that you hadn't introduced these principles before allowing the large scale clearing of beautiful native forest in the city centre at the RAAF base. Under this plan the remaining patch of endangered ecological community should be included and it should be protected and improved in perpetuity. I do fear that this patch, already severely compromised, will continue to be degraded and removed little by little.

Response

Approval for the clearing of the vegetation at the RAAF Base was provided through the Land and Environment Court and not Dubbo Regional Council. A number of Council Officers were involved during the initial planning process that contributed to the retention of approximately 13 ha of the higher value endangered ecological community (Grassy Box Woodland) located on the southern end of the site.

12. It is with great sorrow that we have witnessed the reduction of city tree canopy due to the drought, redesign of streets and further development such as the RAAF Base and East Keswick during 2018-20. Our city on the plains has no softening horizon- features and is surrounded by cleared farmland. It needs more trees not less, to both beautify and to add environmentally into its hotter, dryer future.

Response

Approval for the clearing of the vegetation at the RAAF Base was provided through the Land and Environment Court and not Dubbo Regional Council. A number of Council Officers were involved during the initial planning process that contributed to the retention of approximately 13 ha of the higher value endangered ecological community (Grassy Box Woodland) located on the southern end of the site.

We suggest that diligent expert ecological and environmental advice be taken by staff prior to the planting of trees. Errors have been made in the past which have required remediation, unnecessary cost to the ratepayer and the loss of valuable old -growth trees. One such error is the planting of Plane trees along Tracker Riley Walkway, a riparian zone, where the seeds can spread by wind, birds and floods.

We suggest that new staff be advised to take every precaution possible to retain existing trees.

Response

Public tree retention is a key objective of Council. To help ensure that public trees are removed only as a last resort, eg: safety or major capital work programs, urban street tree management was transferred from the Infrastructure division to the Liveability division in July 2019.

Council has staff that are highly qualified in in ecological and environmental management. Deciding on what species of tree to plant in a particular location is based on many factors and desired outcomes for the broader community. In the case of the Plane Trees on the Tracker Riley Walkway the decision may have been made on the basis of providing solar access to the path during the winter months. Moving forward, and due to the poor performance of the trees, these may be changed over to an endemic species as funds allow.

In September 2019 at the Ordinary Meeting of Council, the Public Tree Valuation Methodology was adopted. Through the implementation of the tree valuation process an amenity value is established for a tree that has been identified for removal. The value

of the tree is recovered prior to its removal from the individual requesting it, and put back into future tree planting projects. All public trees are covered under this policy, with major Capital Works undertaken by Council exempt. These are dealt through internal negotiations to ensure a responsible offset is achieved.

Please consider appropriate offsets which actually “replace” the carbon sequestration lost when developers clear vegetation.

Response

For major works requiring the removal of trees a Part 5 assessment is usually required. Depending on the location of the works will help determine the offset applied. For recent rural roads upgrading works that have required tree removal an offset of 10:1 has been applied. Some of the trees are planted back in adjacent lands to the works with the remainder being planted in urban reserves such as Regand Park. Appropriate species are chosen and planted in accordance with standard planting plans for the ecological community.

As a result of the feedback that resulted from the public exhibition the central tree plantings have been changed to an endemic species, *Angophora floribunda* (rough barked apple). This will provide some ecological benefit to wildlife and will not have a significant impact on solar access in the pedestrian areas. *Zelkova serrata* (Japanese Elms) varietals will still be used in the side plantings to provide seasonal variance and solar access to the area. Figures 1, 2 and 3 below shows the updated tree planting locations. Further design work is being carried out to minimise loss of car parking spaces – although this was not identified in the community feedback comments, and this may also impact on tree numbers.



Figure 1. Talbragar Street – Three *Zelkova serrata* “Green Vase” and four *Angophora floribunda*.



Figure 2. Wingewarra Street – Ten *Zelkova serrata* “Green Vase” and five *Angophora floribunda*.



Figure 3. Bultje Street – Four *Zelkova serrata* “Green Vase,” eight *Zelkova serrata* “wireless” and three *Angophora floribunda*.

This project is being funded by the Commonwealth Government to the value of \$440,000. Council will maximise the number of trees planted utilising these funds, however the full complement of trees as shown may not be possible. In this event Wingewarra and Talbragar streets will be given priority over Bultje Street.

SUMMARY

Generally the public feedback received from the public exhibition can be considered supportive with regards to the initiative of increasing the number of trees within the Dubbo CBD. Several of the comments received identified the desire to utilise endemic / native species and a reasonable compromise has been proposed through the use of *Angophora floribunda* for the central plantings. The side plantings need to remain as a deciduous species to ensure that the streetscapes have solar access during winter months, ensuring they do not become dark and dank.

Appendices:

[1](#) Drought Resilient Landscapes CBD Beautification Feedback

Ian McAlister

From: comms@dubbo.nsw.gov.au
Sent: Tuesday, 6 October 2020 10:04 AM
To: Dubbo Regional Council
Subject: Beautification of Dubbo CBD - proposed tree planting submission
Attachments: 0_102459_06Oct2020100330_Cancer Council NSW feedback on the Dubbo CBD Street Tree Planting Proposal.pdf

[EXTERNAL Message: Be cautious of clicking on links or opening attachments.]

The following information has been submitted from the Dubbo Regional Council:

First Name: [REDACTED]
Surname: [REDACTED]
Residential Address: [REDACTED]
Phone number: [REDACTED]
Email Address: [REDACTED]

Submission regarding the beautification of Dubbo CBD - proposed tree planting:

Dear Dubbo Council,

Re: Feedback on the Dubbo CBD Street Tree Planting Proposal

Thank you for the opportunity to provide feedback on your Tree Planting Proposal. Please find attached a submission from Cancer Council NSW.

Kind regards,

Emily Bestman

Skin Cancer Prevention Programs Administrator

Cancer Council NSW

Attach file if required:

0_102459_06Oct2020100330_Cancer Council NSW feedback on the Dubbo CBD Street Tree Planting Proposal.pdf



6 October 2020

Mr Michael McMahon
Chief Executive Officer
Dubbo Regional Council
PO Box 81
Dubbo NSW 2830

Dear Mr McMahon,

Re: Feedback on the Dubbo CBD Street Tree Planting Proposal

Thank you for the opportunity to provide feedback on the Dubbo CBD Street Tree Planting Proposal.

It is great to see that the proposal has identified outcomes to address the health and liveability of the urban environments, including the mitigation of the urban heat island effect. However, when planning urban spaces, it is the duty of care of local councils to protect their community from harms, including protection from harmful solar UV radiation.

Australia has the highest levels of UV radiation in the world and the highest skin cancer rates worldwide. UV radiation causes at least 95% of all skin cancers in Australia, meaning that it is highly preventable when we protect our skin.

Cancer Council NSW strongly encourages Dubbo Council to ensure the value of shade for UV radiation protection is fully recognised in your tree planting proposal. Dubbo Council can play an important role in reducing the risk of skin cancer of its residents through planning and designing shade. Well-designed and correctly positioned shade can reduce UV radiation exposure by up to 75%!

For decades, Cancer Council NSW has been promoting the benefits of shade through our Guidelines to Shade advice, helping organisations including local councils across the state to design better shade. Further information including the co-benefits of shade are accessible via Cancer Council NSW's [website](#), along with the *Cancer Council NSW Guidelines to Shade*, and example case studies of well-designed shade.

Thank you again for the opportunity to provide comment on the Dubbo CBD Tree Planting Proposal. If you would like any further information or support, please feel free to contact me via Elizabeth.king@nswcc.org.au or ph: (02) 9334 1760.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth King".

Elizabeth King
Chair, NSW Skin Cancer Prevention Strategy Shade Working Group
Skin Cancer Prevention Manager
Cancer Council NSW

2

Ian McAlister

From: comms@dubbo.nsw.gov.au
Sent: Tuesday, 6 October 2020 5:59 PM
To: Dubbo Regional Council
Subject: Beautification of Dubbo CBD - proposed tree planting submission
Attachments: 0_102459_06Oct2020175820_Cancer Institute NSW submission - Dubbo CBD Street Tree Planting Proposal - 6.10.2020.pdf

[EXTERNAL Message: Be cautious of clicking on links or opening attachments.]

The following information has been submitted from the Dubbo Regional Council:

First Name: [REDACTED]
Surname: [REDACTED]
Residential Address: [REDACTED]
Phone number: [REDACTED]
Email Address: [REDACTED]
Submission regarding the beautification of Dubbo CBD - proposed tree planting: Please find submission attached.
Attach file if required: 0_102459_06Oct2020175820_Cancer Institute NSW submission - Dubbo CBD Street Tree Planting Proposal - 6.10.2020.pdf



Working together to lessen
the impact of cancer

Mr Michael McMahon,
Chief Executive Officer
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

Dear Sir/Madam,

Re: Submission to Dubbo CBD Street Tree Planting Proposal

Thank you for the opportunity to provide feedback on Council's *CBD Street Tree Planting Proposal* (the Proposal). The Institute has previously provided feedback on Dubbo Regional Council draft Local Strategic Planning Statement which can also be referred to for further information.

The Cancer Institute NSW (the Institute) is a state government agency responsible for the delivery of the *NSW Cancer Plan* to reduce the incidence of cancer in NSW and the *NSW Skin Cancer Prevention Strategy*. The Institute works closely with key stakeholders with health and built environment expertise to reduce the incidence of skin cancer by improving access to adequate shade in NSW. The Institute also promotes healthy lifestyle behaviours, including physical activity, which reduce the risk of certain cancers.

The Institute is committed to supporting your Council to reduce skin cancer in your LGA and has prepared the following submission that will:

1. Outline the importance of well-designed shade for the prevention of skin cancer
2. Explain the role of local policy in shade provision and skin cancer protection
3. Provide further information and contacts to assist your LGA in planning for good quality shade for skin cancer prevention.

1. Skin cancer and shade

Skin cancer is the most common cancer in Australia. At least 95 per cent of melanoma skin cancer and 99 per cent of non-melanoma skin cancers are caused by overexposure to ultra-violet radiation (UVR) from the sun.¹ UVR is a carcinogen, and two in three Australians are expected to develop skin cancer before the age of 70.² In Dubbo Regional LGA, the age-standardised incidence rate of melanoma between 2012 and 2016 was 45.5 per 100,000 population. The NSW average rate was 51.7 per 100,000 population.³

Across NSW, UVR levels are high enough to damage unprotected skin for at least 10 months of the year.¹ **Unlike temperature, UVR can't be seen or felt and damage to unprotected skin can still occur on cool or overcast days.**

The good news is that skin cancer is highly preventable. In addition to personal protective behaviours (Slip Stop Slap Seek Slide), there is evidence that **well-designed and correctly**

positioned shade, from both natural vegetation and built structures, can reduce exposure to UVR by up to 75 per cent.⁴

The provision of good quality shade is integral to assisting the community in reducing its exposure to UVR. However, quality shade needs to be planned and provided with careful thought if it is to be effective. This is where your Council can play an important role through the planning and design of good quality shade.

2. The role of local policy and plans in shade provision and skin cancer prevention

Local government policies have a key place in ensuring the practical planning and delivery of shade, as does other policy that encourages the retention and addition of shade in a range of settings. As such, the Institute urges Council to make improvements to the Proposal by:

1. **recognising shade** as a key planning, design and health issue for your LGA
2. **recognising** shade as important for providing necessary protection from harmful UVR and reducing the incidence of skin cancer in the LGA
3. **recognising the range of co-benefits of shade** including reduction of skin cancer risk, comfort, shelter, aesthetics, biodiversity, reduction of the urban heat island effect, less evaporation, climate resilience, cooling of surrounding areas, encouragement of active lifestyles, and improvements in health and wellbeing
4. **making reference to the Guidelines to Shade** as a best-practice tool for designing and installing quality shade for protection from UVR.

Shade: A planning and design priority that prevents skin cancer, 2019 provides a summary of the benefits of shade, and its importance in the planning process.

Guidelines to Shade: A practical guide for shade development in New South Wales, 2013 provides practical design details and guidance for Council and can be referenced in Council policies and engineering guidelines etc. It is also a useful reference for engineering and facilities staff involved in the design and installation of shade structures.

The Institute would be pleased to assist Council in the development of a Shade and UV Protection Strategy/Policy.

4. Summary

The Institute's key message is that the provision of well-designed, appropriately located and properly budgeted built and natural shade is integral to assisting the community in reducing its over-exposure to UVR, and hence in reducing the risk of skin cancer in the community.

Local planning strategies/guidelines and DCP provisions have a key place in ensuring the practical planning and delivery of shade, as does policy that encourages the retention and addition of shade in a range of settings. The Institute has been pleased to provide practical suggestions on how this can be done in relation to the *Dubbo CBD Street Tree Planting Proposal*.

5. Further information and assistance

2.

Resources regarding how to design good quality shade for UVR protection, tools for performing shade audits, and shade case studies are provided in the *Additional Information* section below.

We can provide assistance in developing local government policy and strategy relating to shade, and can refer you to technical documents for the planning and construction of shade.

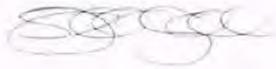
Further information and assistance can be obtained from the Institute:

Nikki Woolley or Nicola Groskops, Skin Cancer Prevention & Healthy Lifestyles
Email: CINSW-SkinCancerPrevention@health.nsw.gov.au or Phone: 8374 3661

Thank you for the opportunity to comment on Council's *CBD Street Tree Planting Proposal*.

Please keep the Institute informed as to its progress and any further relevant planning policy related to shade.

Yours sincerely,



Ms Sarah McGill
Director of Cancer Screening & Prevention, Cancer Institute NSW

06 October 2020

References

1. Armstrong BK, Kricger A. 1993. *How much melanoma is caused by sun exposure?* Melanoma Research 3(6):395-401.
2. Australian Institute of Health and Welfare 2016. *Skin cancer in Australia. Cat. no. CAN 96. Canberra: AIHW*
3. Cancer Institute NSW Statistics Portal <https://www.cancer.nsw.gov.au/data-research/access-our-data/cancer-statistics-nsw/#/>
4. Parsons, P., Neale, R., Wolski, P. & Green, A. 1998, *The shady side of solar protection*, Medical Journal of Australia, 168: 327-330.

Additional information

- i. Cancer Council NSW, 2013: [Guidelines to Shade – A practical guide for shade development in New South Wales](#)
- ii. Cancer Institute NSW, 2017: [NSW Skin Cancer Prevention Strategy](#)
- iii. Cancer Institute NSW, 2019: [Shade: A planning and design priority that prevents skin cancer](#)
- iv. Cancer Institute NSW, 2019: [Sun protection behaviours in NSW, 2017](#)
- v. Cancer Institute NSW, undated: [How schools, councils, community groups and sporting organisations created shade: 10 Case Studies](#)
- vi. Fallding, J for NSW Skin Cancer Prevention Strategy Shade Working Group, 2019: [Shade Provision: Suggested text for inclusion in Local Strategic Planning Statements \(also attached to this submission\)](#)
[cancer.nsw.gov.au/shade-and-uv](https://www.cancer.nsw.gov.au/shade-and-uv)
- vii. [cancercouncil.com.au/cancer-prevention/sun-protection/shade-and-sun-protection](https://www.cancercouncil.com.au/cancer-prevention/sun-protection/shade-and-sun-protection)
- ix. [healthstats.nsw.gov.au](https://www.healthstats.nsw.gov.au)

Ian McAlister

From: comms@dubbo.nsw.gov.au
Sent: Monday, 21 September 2020 11:05 PM
To: Dubbo Regional Council
Subject: Beautification of Dubbo CBD - proposed tree planting submission

EXTERNAL Message: Be cautious of clicking on links or opening attachments

The following information has been submitted from the Dubbo Regional Council:

First Name: [REDACTED]
Surname: [REDACTED]
Residential Address: [REDACTED]
Phone number: [REDACTED]
Email Address: [REDACTED]

Submission regarding the beautification of Dubbo CBD - proposed tree planting: Hi,
I support the tree planting proposal.
I note

1) these two species have no ecological value, so hope that in other areas (particularly north-south evergreen areas) that the Council will continue to consider local native species.

2) These deciduous trees mean greatly increased leaf drop in Autumn. It would be interesting to know if this leaf drop all ends up in the river (or not) - where it will cause water quality impacts, or if there is mitigation measures proposed for this impact.

Attach file if required:

*Supportive, noting concerns about ecological value of deciduous trees.
- Central median plantings changed to endemic evergreen species.*

4.

Ian McAlister

From: comms@dubbo.nsw.gov.au
Sent: Sunday, 4 October 2020 10:51 PM
To: Dubbo Regional Council
Subject: Beautification of Dubbo CBD - proposed tree planting submission
Attachments: 0_102459_04Oct2020225048_proxyImageThumbnail.jpeg

[EXTERNAL Message: Be cautious of clicking on links or opening attachments.]

The following information has been submitted from the Dubbo Regional Council:

First Name: Jack
Surname: Randell
Residential Address: 66 Taylor Street
Phone number: 0418605041
Email Address: jack@fishdog.com.au

Submission regarding the beautification of Dubbo CBD - proposed tree planting: Dubbo should have signature tree, and myself and others propose the Mugga Ironbark. Eucalyptus sideroxylon has a unique colour palette that would make us spectacularly and photographically different from other locations, needs as little as 400ml of rain per year, is endemic to this area, is suitable for horticultural shaping, will not add foreign nutrient load to the river, and is favoured by native birds and insects.

The deciduous trees nominated in the Dubbo CBD Street Tree Planting Proposal are environmentally and culturally inappropriate. Trees that shed leaves seasonally will clog stormwater and create organic debris in the river with material likely to be detrimental to native aquatic species. The nominated trees from North America and East Asia will not favour native birds such as the spectacular Regent Honeyeater, and be attractive to pest species such as Starlings and Mynas.

Attach file if required: 0_102459_04Oct2020225048_proxyImageThumbnail.jpeg

- Supportive of tree planting 30% with endemic species.
- Central median trees changed to endemic species to address biodiversity concerns.

5.

Ian McAlister

From: comms@dubbo.nsw.gov.au
Sent: Wednesday, 30 September 2020 9:43 PM
To: Dubbo Regional Council
Subject: Beautification of Dubbo CBD - proposed tree planting submission

[EXTERNAL Message: Be cautious of clicking on links or opening attachments.]

The following information has been submitted from the Dubbo Regional Council:

First Name: Kerry
Surname: Palmer
Residential Address: 66 Taylor Street
Phone number: 0429294418
Email Address: kerry@fishdog.com.au

Submission regarding the beautification of Dubbo CBD - proposed tree planting: first page... !!!... 1.0 Design Principles

Urban and community forestry has transcended its original niche function in public policy as an aesthetic amenity to soften the urban landscape.

It is increasingly perceived as a solution to many more pressing urban environmental problems and even as a tool for community and social development.

Environmental benefits are also being quantified more accurately and more often in economic terms... Increasingly communities are realizing that green infrastructure is an economical long-term investment that reduces the need for much greater expenditures in gray infrastructure.

JC Schwab (Ed.), 2009. Planning the Urban Forest

Agree.

So contradictory, so frustrating... particularly given the outcomes at the old RAAF base for all Dubbo residents - sorry Dubbo Regional Council - YOU lost me right there !

I live in south Dubbo and the impact of the wholesale clearing of significant trees and other vegetation on this site - for which Council must take some responsibility- is a DISGRACE. The natural flow line persists still- with inadequate respect or sediment & erosion controls!

RAAF Base clearing affected water through land & Environ't Council.

Loss of urban habitat and biodiversity and shade!!!- Arboreal species now fighting it out in neighbouring urban backyards, Grey Crown Babblers not seen or heard since clearing...countless other species impacted never to see the light of spring after hibernation.

Significantly increased traffic noise, light & dust pollution across the whole neighbourhood!

History lost, community values lost, aesthetic, environmental,
economic values lost...

This CBD proposed planting plan does nothing to mitigate the
massive loss in our urban environment. (Not just RAAF but entire
streetscapes for example Palmer Street- with tree stumps for past 2
years!)

*Land+Environment
Court.*

Where are the values of the community input into 2040 Plan - about
embracing uniqueness of Dubbo region?

Where are the endemic native species selections?

*Endemic species are included
in planting palette for*

Where are the habitat and biodiversity values?

*Dubbo and used as
site specific conditions
allow, otherwise
appropriate of solar
excess.*

Please! - surely you can do better?

Attach file if required:

6.

Ian McAlister

From: comms@dubbo.nsw.gov.au
Sent: Thursday, 1 October 2020 7:54 AM
To: Dubbo Regional Council
Subject: Beautification of Dubbo CBD - proposed tree planting submission

[EXTERNAL Message: Be cautious of clicking on links or opening attachments.]

The following information has been submitted from the Dubbo Regional Council:

First Name: [REDACTED]
Surname: [REDACTED]
Residential Address: [REDACTED]
Phone number: [REDACTED]
Email Address: [REDACTED]

Submission regarding the beautification of Dubbo CBD - proposed tree planting:

It's a real shame that you hadn't introduced these principles before allowing the large scale clearing of beautiful native forest in the city centre at the RAAF base. Under this plan the remaining patch of endangered ecological community should be included and it should be protected and improved in perpetuity. I do fear that this patch, already severely compromised, will continue to be degraded and removed little by little.

I really believe that this is important action - greening our city, retaining mature trees that provide greater ecological and environmental contributions, and retaining our native species of plants. There needs to be much more done to protect and increase green space in the city. Glad to see this is initiated but it needs much more depth and extension to improve development and clearing of existing vegetation

*Approval needs
passed through
Council - Not
Council.
Support.*

Attach file if required:

7.

Ian McAlister

From: comms@dubbo.nsw.gov.au
Sent: Thursday, 1 October 2020 7:34 AM
To: Dubbo Regional Council
Subject: Beautification of Dubbo CBD - proposed tree planting submission

[EXTERNAL Message: Be cautious of clicking on links or opening attachments.]

The following information has been submitted from the Dubbo Regional Council:

First Name: Peter
Surname: [REDACTED]
Residential Address: [REDACTED]
Phone number: [REDACTED]
Email Address: pa_duggan@yahoo.com

Submission regarding the beautification of Dubbo CBD - proposed tree planting:

The idea of greening Dubbo's streets is good. I would like to see the idea spread to further streets not just the CBD. Also to use trees endemic to the region is much more appropriate.

Support

Thanks.

Attach file if required:

Ian McAlister

From: comms@dubbo.nsw.gov.au
Sent: Thursday, 17 September 2020 9:46 PM
To: Dubbo Regional Council
Subject: Beautification of Dubbo CBD - proposed tree planting submission

[EXTERNAL Message: Be cautious of clicking on links or opening attachments.]

The following information has been submitted from the Dubbo Regional Council:

First Name: [REDACTED]
Surname: [REDACTED]
Residential Address: [REDACTED]
Phone number: [REDACTED]
Email Address: [REDACTED]

Submission regarding the beautification of Dubbo CBD - proposed tree planting:

Please consider evergreen tree species when planting rather than deciduous as has occurred down Macquarie Street, When these trees lose their leaves they are slip hazards on the footpaths, cost extra to ratepayers to sweep up and remove and clog drains. Evergreen trees would provide aesthetic benefits all year round.

Attach file if required:

*- Supportive of tree planting.
- Central median plantings changed to endemic evergreen species.*

9.

Ian McAlister

From: comms@dubbo.nsw.gov.au
Sent: Tuesday, 22 September 2020 6:36 PM
To: Dubbo Regional Council
Subject: Beautification of Dubbo CBD - proposed tree planting submission

[EXTERNAL Message: Be cautious of clicking on links or opening attachments.]

The following information has been submitted from the Dubbo Regional Council:

First Name: [REDACTED]
Surname: [REDACTED]
Residential Address: [REDACTED]
Phone number: [REDACTED]
Email Address: [REDACTED]

**Submission regarding the beautification of Dubbo CBD -
proposed tree planting:** Frangipani trees

Attach file if required:

*Supportive of tree planting - using alternative species
Central median plantings changed to endemic
evergreen species.*

10.

Ian McAlister

From: comms@dubbo.nsw.gov.au
Sent: Monday, 21 September 2020 10:00 PM
To: Dubbo Regional Council
Subject: Beautification of Dubbo CBD - proposed tree planting submission

EXTERNAL Message: Be cautious of clicking on links or opening attachments 1

The following information has been submitted from the Dubbo Regional Council:

First Name: [REDACTED]
Surname: [REDACTED]
Residential Address: [REDACTED]
Phone number: [REDACTED]
Email Address: [REDACTED]

Submission regarding the beautification of Dubbo CBD - proposed tree planting: Replanting trees around Dubbo is an excellent, and much needed idea. This town is almost devoid of trees when compared to nearby places like Orange, and even though the difference in climate plays a very small part in that, it is clear that the constant removal of trees by council/rms/developers over recent years is the main factor behind this. Plant many more trees and protect the ones that are left.

Attach file if required:

Supportive

Ian McAlister

From: comms@dubbo.nsw.gov.au
Sent: Monday, 21 September 2020 5:55 PM
To: Dubbo Regional Council
Subject: Beautification of Dubbo CBD - proposed tree planting submission

[EXTERNAL Message: Be cautious of clicking on links or opening attachments.]

The following information has been submitted from the Dubbo Regional Council:

First Name:

[REDACTED]

Surname:

[REDACTED]

Residential Address:

[REDACTED]

Phone number:

[REDACTED]

Email Address:

[REDACTED]

**Submission regarding the beautification of Dubbo
CBD - proposed tree planting:**

Plant as many trees as possible - fast
growing ones.

Attach file if required:

Supportive

12.

DRC Submission – Street Beautification- Dubbo Environment Group

Dubbo Environment Group currently has 27 members. The group welcomes any plans to further beautify the streetscape of our city, especially by the planting of more trees.

It is with great sorrow that we have witnessed the reduction of city tree canopy due to the drought, redesign of streets and further development such as the RAAF Base and East Keswick during 2018-20. Our city on the plains has no softening horizon- features and is surrounded by cleared farmland. It needs more trees not less, to both beautify and to add environmentally into its hotter, dryer future.

Our group is guided by the following facts on trees:

1. Trees encourage precipitation.

Researchers from the Centre for Water Research at the University of Western Australia say there is evidence that extensive clearing, which saw 50 per cent of the South West's native forests cleared in the 1960s to 1980s, caused a 16 per cent reduction in rainfall.

2. Old trees store more carbon and take decades to replace

As much as 70% of all carbon stored in a tree is captured in the last half of its life. For every large tree we cut down thousands need to be planted in its place to have the same carbon storage value in the next few decades. *(The University of Hamburg)*

3. Trees reduce temperatures

Recent research has shown that tree shade in cities could bring temperatures down by more than 5°C in the hottest of the heatwave summers. *(The University of Wisconsin-Madison)*

Parkes- Dubbo has been selected by ANU Climate scientists as being one of 5 Australian electorates to be the most severely effected by Climate Change with average temperatures increasing by 4^o C by 2050 if our emissions continue. For September 2020, Dubbo had an average temperature increase of 3.3^o C. *(ABC weather)*

4. Trees add to a city's economy

Researchers from the University of Wisconsin-Madison have been looking at what might be called the green response to urban warming for years, and found that urban tree cover can add as much as \$500m to the economies of the great cities. *(Climate News Network)*

Our submission:

- We suggest that diligent expert ecological and environmental advice be taken by staff prior to the planting of trees. Errors have been made in the past which have required remediation, unnecessary cost to the ratepayer and the loss of valuable old -growth trees. One such error is the planting of Plane trees along Tracker Riley Walkway, a riparian zone, where the seeds can spread by wind, birds and floods.
- We suggest that new staff be advised to take every precaution possible to retain existing trees.
- We suggest that native trees are the only option for a city which is environmentally - conscious. It is counter-productive to support such community groups as Dubbo Rivercare and the River Repair bus to get rid of weeds when DRC is promoting the spread of weeds themselves. We have very little natural vegetation left. To combat extinction of our native flora and fauna, we need to keep our forests as pristine as possible. Appropriate native

street trees attract native birds and insects. Exotic trees attract exotic birds, insects and diseases. City gardeners need council to model correct planting strategies.

- We are a city on the NSW western plains. We are not a city in Japan, China, England or Europe. We believe that tourists are keen to see a city which is proud of its own identity with Australian trees and plants gracing its streets such as seen in Canberra, Alice Springs, Perth and Broken Hill.
- Please consider appropriate offsets which actually “replace” the carbon sequestration lost when developers clear vegetation.

Some native street tree suggestions:



Acacia Pendula is hardy, endemic to south west NSW and tidy. It is growing well along Shoalhaven parkway, in the park and along Culgoa Crt, Yarrowonga Estate.



Eucalyptus Viridis is indigenous, grows quickly, is hardy and will not become large and dangerous. It grows well in Troy Gulley



Eucalyptus Kruseana is a delicate, very pretty little Mallee gum from WA, hardy, fast growing. It needs pruning to make it bushy.



Callistemon Pallidus grows well in Dubbo to 7m, is hardy, attractive and long-lived. It is endemic to Eastern - Central NSW.

We very much appreciate the opportunity to have our say on the beautification of the 3 CBD streets from Macquarie St – Bligh St.

Yours Faithfully,

Patrick Emblen, Michael Longhurst, Margaret McDonald (DEG coordinators)