



AGENDA

ORDINARY COUNCIL MEETING

28 SEPTEMBER 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".

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Confirmation of Minutes

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

RECOMMENDATION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 24 August 2020 comprising pages as attached as Appendix 1 and 2 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 - 24/08/2020
- 2⇒ Minutes - Committee of the Whole - 24/08/2020



DUBBO REGIONAL
COUNCIL

MAYORAL MINUTE: Annual Mayors Report

AUTHOR: Mayor
REPORT DATE: 16 September 2020
TRIM REFERENCE: ID20/1186

To the Council
Ladies and Gentlemen

Office of the Mayor
Civic Administration Building
Church Street, Dubbo

I would like to provide Council with a verbal year in review speech.

RECOMMENDATION

That the year in review speech be noted.

Councillor Ben Shields
Mayor



**DUBBO REGIONAL
COUNCIL**

Report of the Development and Environment Committee- meeting 14 September 2020

**AUTHOR: Executive Manager Governance and
Internal Control**

REPORT DATE: 14 September 2020

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

RECOMMENDATION

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



**REPORT
DEVELOPMENT AND ENVIRONMENT
COMMITTEE
14 SEPTEMBER 2020**

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

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager Governance and Internal Control, the Executive Manager People Culture and Safety, the Governance Team Leader, the Community Support Officer, 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 5:31pm.

It was noted by the Chairman that Councillor A Jones was in attendance at this meeting via audio only under the current COVID-19 provisions.

DEC20/26 BUILDING SUMMARY - SEPTEMBER 2020 (ID20/1086)

The Committee had before it the report dated 31 August 2020 from the Director Development and Environment regarding Building Summary - September 2020.

Moved by Councillor J Diffey and seconded by Councillor D Grant

MOTION

That the information contained within the report of the Director Development and Environment dated 31 August 2020, be noted.

CARRIED

DEC20/27 LEAVE OF ABSENCE

Requests for leave of absence were received from Councillors V Etheridge and D Gumley who were absent from the meeting due to personal reasons.

Moved by Councillor S Lawrence and seconded by Councillor K Parker

MOTION

That such requests for leave of absence be accepted and Councillors V Etheridge and D Gumley be granted leave of absence from this meeting.

CARRIED

The meeting closed at 5:32pm.

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CHAIRMAN



**DUBBO REGIONAL
COUNCIL**

Report of the Infrastructure and Liveability Committee - meeting 14 September 2020

**AUTHOR: Executive Manager Governance and
Internal Control**

REPORT DATE: 14 September 2020

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

RECOMMENDATION

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



**REPORT
INFRASTRUCTURE AND LIVEABILITY
COMMITTEE
14 SEPTEMBER 2020**

PRESENT: Councillors J Diffey, 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 Governance and Internal Control, the Executive Manager People, Culture and Safety, the Governance Team Leader, the Community Support Officer, 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 5:32pm.

It was noted by the Chairman that Councillor A Jones was in attendance at this meeting via audio only under the current Covid-19 provisions.

ILC20/42 DUBBO TRIATHLON RACES 2020/2021 (ID20/1147)

The Committee had before it the report dated 7 September 2020 from the Senior Traffic Engineer regarding Dubbo Triathlon Races 2020/2021.

Moved by Councillor J Diffey and seconded by Councillor D Grant

MOTION

That the application of the Dubbo Triathlon Club be approved for the 2020/2021 season as conditioned by the NSW Police Service and the following conditions of Dubbo Regional Council:

- 1. Approval shall be for the use of Bligh Street, from Ollie Robins Oval south to Macquarie Street, Macquarie Street from Bligh Street to Hennessy Road, Old Dubbo Road from Hennessy Road south to the 4.5 and 9 kilometres turnaround locations and return on the nominated days, generally between 9.00 am to 11.00 am, and at selected times for specific events in accordance with the Racing Schedule on 4 October 2020, 8 November 2020, 1 December 2020, 24 January**

2021, 7 March 2021, 21 March 2021 (inter-club series race) and 4 April 2021.

2. Submission of a Traffic Management Plan to Council for approval to be submitted a minimum of three weeks prior to the first event. All traffic control measures contained in the plan are to be in accordance with Australian Standard AS 1742.3 and the Roads and Maritime Services and NSW Guidelines for Bicycle Road Races and the Guide to Traffic Control at Worksites, prepared by an accredited person.
3. All traffic control, including the placement and removal of barricades and/or regulation of traffic, is to be carried out by traffic controllers appropriately trained in accordance with the requirements of Australian Standard AS 1742.3 and the Roads and Maritime Services accreditation requirements for Traffic Control Planners or Controllers as required.
4. All competitors shall comply with the Australian Road Rules for the cycle route.
5. All traffic advisory signs shall be placed in accordance with the approved Traffic Control Plan.
6. The NSW Police's consent and conditions for bicycle races permit under the NSW Roads Transport Act 2013, Section 115.
7. Council's Executive Manager Governance and Internal Control must sight a copy of the public liability insurance policy for a minimum amount of \$20 million on which Dubbo Regional Council and NSW Police is specifically noted to be indemnified against any action resulting from the triathlon races.
8. The applicant is to submit to Council all the appropriate documentation required, accepting the above terms and conditions before a final approval is granted.

CARRIED

ILC20/43 BOUNDARY ROAD NEIGHBOURHOOD SHOPPING PRECINCT - PROPOSED 15 MINUTE PARKING ZONE (ID20/1148)

The Committee had before it the report dated 7 September 2020 from the Senior Traffic Engineer regarding Boundary Road Neighbourhood Shopping Precinct - Proposed 15 Minute Parking Zone.

Moved by Councillor J Ryan and seconded by Councillor B Shields

MOTION

That Council approve the implementation of a 15 minute on-street Parking Zone on the southern side of Boundary Road to an existing angled parking space on the western side of the existing Mail Zone, and time restricted between 8.30 am to 8.00 pm, Monday to Saturday.

CARRIED

ILC20/44 PROPOSED TRAFFIC MANAGEMENT - INTERSECTION OF WINGEWARRA STREET AND REGIONAL RAIL DUBBO MAINTENANCE FACILITY ACCESS ROAD (ID20/1149)

The Committee had before it the report dated 7 September 2020 from the Senior Traffic Engineer regarding Proposed Traffic Management - Intersection of Wingewarra Street and Regional Rail Dubbo Maintenance Facility Access Road.

Moved by Councillor B Shields and seconded by Councillor K Parker

MOTION

- 1. That Council install the traffic facilities associated with the proposed Regional Rail Dubbo Maintenance Facility in Wingewarra Street as detailed on the WSP Consultants' plan RRP-PD-WSP-MF-TE-CE-SKT-401034dwg, Sheet 1.**
- 2. That the existing 'No Stopping' zone on the southern side of Wingewarra Street from Kokoda Place to Chelmsford Street be extended.**
- 3. That Council install the advanced fluorescent yellow/green pedestrian refuge warning signs in Wingewarra Street.**

CARRIED

Councillor J Diffey declared a non-pecuniary, less than significant interest in the matter now before the Committee and remained in the room during the Committee's consideration of this matter. The reason for such interest is that Councillor J Diffey has a working relationship with the State Member for the Dubbo Electorate, Mr Dugald Saunders.

ILC20/45 PROPOSED ROAD CLOSURES - ROAD CORRIDORS THAT CURRENTLY EXIST AT DUBBO CITY REGIONAL AIRPORT (ID20/959)

The Committee had before it the report dated 6 August 2020 from the Road Services Engineer regarding Proposed Road Closures - Road Corridors that Currently Exist at Dubbo City Regional Airport.

Moved by Councillor D Grant and seconded by Councillor B Shields

MOTION

- 1. That Council consent to the closure of the road corridors in the Dubbo City Regional Airport.**
- 2. That Council undertake the Roads Act Council Road Closure Process: Closing of Council Public Roads by Councils, Part 4 Division 3 of the Roads Act 1993.**
- 3. That Council provide appropriate easements for all Essential Energy overhead and underground assets.**
- 4. That all documentation in relation to this matter be executed under power of Attorney.**

CARRIED

ILC20/46 DRAFT WATER SUPPLY AND SEWERAGE SERVICES CUSTOMER SERVICE STANDARDS AND 2020 WATER AND SEWERAGE CUSTOMER SURVEY RESULTS - PUBLIC EXHIBITION (ID20/1129)

The Committee had before it the report dated 28 August 2020 from the Water Sewer Client Services Coordinator regarding Draft Water Supply and Sewerage Services Customer Service Standards and 2020 Water and Sewerage Customer Survey Results - Public Exhibition.

Moved by Councillor S Lawrence and seconded by Councillor J Ryan

MOTION

1. That the Water Supply and Sewerage Services Customer Satisfaction Survey Results 2020 as attached to this report (Appendix 1) be noted.
2. That the Water Supply and Sewerage Services Customer Satisfaction Survey Results attached to this report (Appendix 1) be adopted for public exhibition of not less than 28 days.
3. That the Draft Water Supply and Sewerage Services Customer Service Standards 2020/2021 and 2021/2022 attached to this report (Appendix 2) be adopted for public exhibition of not less than 28 days.
4. That a further report be provided to council with the results of the Public Exhibition period and for final adoption.

CARRIED

ILC20/47 MANAGEMENT OF CROWN LAND OPERATIONAL RESERVES (ID20/1069)

The Committee had before it the report dated 18 August 2020 from the Plans of Management Officer regarding Management of Crown Land Operational Reserves.

Moved by Councillor K Parker and seconded by Councillor J Diffey

MOTION

1. That the report by the Plan of Management Officer, dated 17 August 2020, be noted.
2. That the Crown Land Review – Operational Land, dated 13 August 2020, be placed on public exhibition for 28 days, providing the community an opportunity to review the plan and provide feedback.
3. That following completion of the public exhibition process, a final report to Council be submitted seeking resolution from Council to manage identified Crown land reserves as Operational Land.
4. That following adoption of the Crown Land Review – Operational Land, the document and Council resolution be submitted to Minister for NSW Crown Land, for final endorsement.

CARRIED

At this juncture Councillor A Jones was absent from the meeting due to the phone line dropping out, the time being 5:38pm.

ILC20/48 CROWN LAND MANAGEMENT - CEMETERY RESERVES (ID20/929)

The Committee had before it the report dated 3 August 2020 from the Plans of Management Officer regarding Crown Land Management - Cemetery Reserves.

Moved by Councillor D Grant and seconded by Councillor K Parker

MOTION

1. That the report by the Plan of Management Officer, dated 31 July 2020, be noted.
2. That the Cemetery Reserves Review, dated 31 July 2020 (Version 2), be placed on public exhibition for 28 days, providing the community an opportunity to review the plan and provide feedback.
3. That following completion of the public exhibition process, a final report to Council will be submitted seeking a resolution from Council to manage Cemetery Reserves as Operational Land.
4. That following adoption of the Cemetery Reserves Review the document and Council Resolution then be submitted to the Minister for NSW Crown Land for final endorsement.

CARRIED

ILC20/49 LEAVE OF ABSENCE

Requests for leave of absence were received from Councillors V Etheridge and D Gumley who were absent from the meeting due to personal reasons.

Moved by Councillor J Ryan and seconded by Councillor K Parker

MOTION

That such requests for leave of absence be accepted and Councillors V Etheridge and D Gumley be granted leave of absence from this meeting.

CARRIED

The meeting closed at 5:40pm.

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CHAIRMAN

**Report of the Culture, Economy and
Corporate Committee - meeting 14
September 2020**



**DUBBO REGIONAL
COUNCIL**

AUTHOR:

**Executive Manager Governance and
Internal Control**

REPORT DATE:

14 September 2020

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

RECOMMENDATION

That the report of the Culture, Economy and Corporate Committee meeting held on 14 September 2020, be noted.



**REPORT
CULTURE, ECONOMY AND CORPORATE
COMMITTEE
14 SEPTEMBER 2020**

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

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager Governance and Internal Control, the Executive Manager People, Culture and Safety, the Governance Team Leader, the Community Support Officer, 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 B Shields assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5:41pm.

Councillor A Jones returned the meeting via audio only, the time being 5:41pm.

It was noted by the Chairman that Councillor A Jones was in attendance at this meeting via audio only under the current Covid-19 provisions.

**CEC20/36 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT -
AUGUST 2020 (ID20/1084)**

The Committee had before it the report dated 1 September 2020 from the Director Organisational Performance regarding Investments Under Section 625 of the Local Government Act - August 2020.

Moved by Councillor A Jones and seconded by Councillor S Lawrence

MOTION

That the information contained within the report of the Director Organisational Performance dated 1 September 2020, be noted.

CARRIED

Councillor K Parker declared a 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 an employee of the Bank of Queensland and Council has funds invested with the Institution.

CEC20/37 DUBBO REGIONAL LIVESTOCK MARKETS - FUTURE PLANNING (ID20/1059)

The Committee had before it the report dated 14 August 2020 from the Director Culture and Economy regarding Dubbo Regional Livestock Markets - Future Planning.

Moved by Councillor J Ryan and seconded by Councillor G Mohr

MOTION

1. That the information contained within the report of the Director Culture and Economy dated 14 August 2020, be noted.
2. That Council call for expressions of interest for the Dubbo Regional Livestock Markets Technical Advisory Panel based with membership comprising the Mayor (or nominee), and two (2) Councillors, the Chief Executive Officer, the Director Culture and Economy, the Manager Dubbo Regional Livestock Markets, the President and one (1) nominee of Dubbo Stock and Station Agents Pty Ltd, one (1) buyer representative, one (1) carrier representative, two (2) producer representatives, one (1) management representative from Fletchers International and one (1) representative from Local Land Services.
3. That Council determine the two (2) Councillor Representatives for the Dubbo Regional Livestock Markets Technical Advisory Panel, at the Ordinary Meeting of Council to be held 28 September 2020.
4. That Council continue to work with stakeholders to address recommendations arising from the future planning workshop and outlined in the consultant's report, Appendix 1.

CARRIED

CEC20/38 DEDICATION OF ROADS, BODANGORA - WELLINGTON NORTH SOLAR FARM (ID20/1017)

The Committee had before it the report dated 9 August 2020 from the Property Development Officer regarding Dedication of Roads, Bodangora - Wellington North Solar Farm.

Moved by Councillor G Mohr and seconded by Councillor S Lawrence

MOTION

1. That Council notify the current proprietor of the subject 'private' road reserves of its intention to dedicate them to the public as roads (council public roads) pursuant to the Roads Act 1993, Division 2, Clause 17.
2. Subject to no objection being raised, that Council dedicate the subject 'private' road reserves to the public as roads (council public roads) pursuant to the Roads Act 1993,

Division 2, Clause 16.

3. That following the dedication of the 'private' road reserves to the public as roads (council public road), Council proceed to formally close the road and sell that portion of land to the solar farm operator.
4. That Council permit the North Wellington Solar Farm to be developed upon subject land, once it is gazetted as public road, whilst awaiting the formal road closure process to complete.
5. That the Chief Executive Officer be authorised to finalise the dedication of the private road reserves.
6. That all documentation in relation to this matter be executed under power of Attorney.

CARRIED

Councillor D Grant declared a 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 D Grant is employed with Elders and has business contacts with the current property owners.

CEC20/39 LEAVE OF ABSENCE

Request for leave of absence were received from Councillors V Etheridge and D Gumley who were absent from the meeting due to personal reasons.

Moved by Councillor S Lawrence and seconded by Councillor J Ryan

MOTION

That such requests for leave of absence be accepted and Councillors V Etheridge and D Gumley be granted leave of absence from this meeting.

CARRIED

The meeting closed at 5:49pm.

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CHAIRMAN

**Report of the Dubbo Regional Council
Airports Panel - meeting 14 September
2020**



**DUBBO REGIONAL
COUNCIL**

AUTHOR:

**Executive Manager Governance and
Internal Control**

REPORT DATE:

16 September 2020

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

RECOMMENDATION

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



REPORT
DUBBO REGIONAL COUNCIL AIRPORTS
PANEL
14 SEPTEMBER 2020

PRESENT: Councillors S Lawrence, G Mohr, J Ryan, the Director Culture and Economy, the Manager Dubbo City Regional Airport and the Chief Executive Officer.

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Director Culture and Economy, the Director Infrastructure, the Director Development, the Manager Airports Operations and Mr T Griffith (Airports Plus via video link).

Councillor G Mohr assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 2pm.

DRCAP20/26 PRESENTATION TOM GRIFFITH ON PRELIMINARY FINDINGS - WELLINGTON AERODROME REVIEW (ID20/1139)

The Panel was addressed by Manager Dubbo City Regional Airport regarding this matter.

RECOMMENDATION

- 1. The Airport Panel note report from Tom Griffith of Airports Plus.**
- 2. That the report remain confidential until such time it is provided to Council with relevant staff recommendations for consideration.**
- 3. The CEO prepare a response to the items raised in the report to be provided to next Panel meeting and that such as report be marked confidential.**
- 4. That formal inspections of Wellington Aerodrome be increased.**
- 5. That the Manager Dubbo City Regional Airport conduct a follow-up meeting with Dubbo City Car Club regarding risk assessments on site as part of their lease agreement.**

DRCAP20/27 RUNWAY STRIPS – TAIL DRAGGERS (ID20/1140)

The Panel was addressed by Manager Dubbo City Regional provided an update on landing area on northern area of the cross runway and update on discussion with CASA.

RECOMMENDATION

That the information be noted.

DRCAP20/28 BALLINA/BYRON – DUBBO (ID20/1141)

The Panel was addressed by Manager Dubbo City Regional Airport regarding this trial. The trial is proving very successful with all partners pleased with load factors. Community feedback has been very positive.

RECOMMENDATION

That the information be noted.

DRCAP20/29 GENERAL BUSINESS (ID20/1142)

1. The CEO provided advice from Matthews Folbigg Lawyers regarding a confidential matter.

RECOMMENDATION

The Panel noted the advice from the CEO. Panel to provide further consideration on the matter and a future meeting.

2. Manager Airport provided update on major projects at the Airport including LAT base development, potential café and bar redevelopment and planning for helicopters.

RECOMMENDATION

That the Manager Airport Operations provide a future report to the Panel regarding Helicopter activity, fees and charges and facilities at the airport.

DRACAP20/30 LEAVE OF ABSENCE

Request for leave of absence was received from Councillor B Shields who was absent from the meeting due to personal reasons.

RECOMMENDATION

That such request for leave of absence be accepted and Councillor B Shields be granted leave of absence from this meeting.

The meeting closed at 2:18pm.

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CHAIRMAN



DUBBO REGIONAL
COUNCIL

NOTICE OF MOTION: Wellington Showground / Racecourse Masterplan

REPORT DATE: 3 September 2020

FILE: ID20/1138

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

- 1. That the CEO 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.*

RECOMMENDATION

- 1. That the CEO 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.**

Councillor D Grant
Councillor

Appendices:

1⇒ Notice of Motion - Clr D Grant - Wellington Showground -
Racecourse Masterplan - 28.09.2020

Provided under
separate cover



DUBBO REGIONAL
COUNCIL

NOTICE OF MOTION: Council Savings Since 2017 Elections

REPORT DATE: 17 September 2020

FILE: 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 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.”

RECOMMENDATION

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.

Councillor J Ryan
Councillor

Appendices:

1⇒ Notice of Motion - Clr John Ryan - Council Savings Since
2017 Elections

Provided under separate
cover



DUBBO REGIONAL
COUNCIL

NOTICE OF MOTION: Councils Internal Ombudsman

REPORT DATE: 21 September 2020

FILE: ID20/1207

Council had before it a Notice of Motion dated 21 September 2020 from Councillor D Gumley regarding the Councils Internal Ombudsman as follows:

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

RECOMMENDATION

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

Councillor D Gumley
Councillor

Appendices:

1⇒ Notice of Motion - D Gumley - Councils Internal
Ombudsman

Provided under separate
cover



DUBBO REGIONAL
COUNCIL

REPORT: Quarterly Report on Documents Executed Under the Power of Attorney

AUTHOR: Executive Manager Governance and
Internal Control
REPORT DATE: 7 September 2020
TRIM REFERENCE: ID20/1146

EXECUTIVE SUMMARY

At the February 2018 Ordinary meeting of Council held 26 February 2018, Council resolved:

1. *That Council delegate to Michael Gerard McMahon, General Manager, a prescribed power of attorney in accordance with the General Power of Attorney attached to the report as Appendix 1.*
2. *That Council authorise the Mayor and Deputy Mayor to execute the General Power of Attorney under the Common Seal of the Council.*
3. *That the General Manager report to Council every three (3) months on all documents signed under the prescribed Power of Attorney.*

In accordance with point 3 of this resolution, this report provides a listing of documents signed under the Power of Attorney delegated to the Chief Executive Officer from 1 June 2020 to 31 August 2020.

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

Abbey Rouse

Executive Manager Governance and Internal Control

REPORT

In accordance with point 3 of the abovementioned resolution, following is a listing of documents signed under the Power of Attorney delegated to the Chief Executive Officer from 1 June 2020 to 31 August 2020, for your information:

Date Sealed	Details of Document
2/06/2020	Purchase agreement - Lot 22 DP 1223592 - Creation of Easement for Gas 3 wide - Jemena Pty Ltd
2/06/2020	Land Swap Deed - Land from Madden, Madden & Tink - Benolong Road - Little River Bridge Reconstruction - Road widening
3/06/2020	Deposited Plan Administration Sheet - Consolidation of Lots 10 & 11 DP 1215338 - Drag strip at Greengrove
4/06/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 518 to Hoyt Developments Pty Ltd - DP 1241303
4/06/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 554 to Justin Paul Brooks - DP 1241303
4/06/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 557 to Joanne Patricia Brooks - DP 1241303
4/06/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 549 to Hoyt Developments Pty Ltd - DP 1241303
16/06/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 542 to Nicholas Michael McMahon - DP 1241303
16/06/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 556 to Mahmood Ali Khan - DP 1241303
16/06/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 555 to Mohamed Al Nazooque and Mohamed Nihar - DP 1241303
16/06/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 544 to Hannah Claire Mawbey - DP 1241303
16/06/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 552 to Tabettha May Thompson and Michael James King - DP 1241303
16/06/2020	Lease - Emergency Services Training Facility - NSW Police Force - Dubbo City Regional Airport
23/06/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 559 to Nicholas Lorne Rodgers and Jaime Alice Rodgers - DP 1241303
23/06/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 537 to Pardeep Singh - DP 1241303
25/06/2020	Acquisition - Purchase of Part Lot 26R Sunnyside Road, Dubbo from Caroline and Craig Chad
26/06/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 513 to Herbert Smith Freehills - Westhaven Limited - DP 1241303

26/06/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 548 to Jaydon Trei Archer - DP 1241303
26/06/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 512 to Herbert Smith Freehills - Westhaven Limited - DP 1241303
26/06/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 533 to Caitlin Louise Pluta - DP 1241303
26/06/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 553 to Sam Michael Nugent and Stephanie Jane Filay - DP 1241303
26/06/2020	Put and Call Option Deed - Keswick Estate Stage 5 Release 1 - Lot 545 to Notesung Pty Ltd - DP 1241303
26/06/2020	Put and Call Option Deed - Keswick Estate Stage 5 Release 1 - Lot 526 to Notesung Pty Ltd - DP 1241303
26/06/2020	Put and Call Option Deed - Keswick Estate Stage 5 Release 1 - Lot 538 to Notesung Pty Ltd - DP 1241303
26/06/2020	Put and Call Option Deed - Keswick Estate Stage 5 Release 1 - Lot 543 to Notesung Pty Ltd - DP 1241303
26/06/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 558 to Ngoc Ngo Nguyen - DP 1241303
26/06/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 536 to Christopher Kelwyn McDougall and Kate Elizabeth McDougall
30/06/2020	Execution of Plan of Subdivision - Lots 22 and 23 DP 753220 - Plan for Title Issue and Road Closure - Benolong Road - Little River Bridge Reconstruction - Joan and Patrick Madden and Margaret Tink
30/06/2020	Execution of Plan of Subdivision - Lot 13 DP 753250 - Dubbo Regional Council and Focene Pty Ltd - Terrabella Road - Little River Bridge Reconstruction
3/07/2020	Deed of Agreement - Withdrawal of Aboriginal Land Claim - Part Lot 7003 DP 1001294 Fashions Mount Road - Part Lot 92 DP 753230 Part Lot 7302 DP 116892 Renshaw McGirr Way and Curra Curra Creek
3/07/2020	Contract - Execution of Transfer - Lot 100 and Lot 1010 DP 1260037 to Hamish Creswell and Mallory Creswell - King Street Montefiores Wellington
3/07/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 540 DP 1241303 to Connor Joseph McArdle
3/07/2020	Sale Contract - Keswick Estate Stage 5 Release 1 - Lot 547 DP 1241303 to Cassandra Lee Colley
3/07/2020	Contract - Creation of Easement for Pipeline - Lot 10 DP 1119436 - Supply of non-potable water to the Taronga Western Plains Zoo - Joseph Shibble and Dubbo Regional Council
9/07/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 514 to Pieta Catherine Lindner-Ellis and Ursula Corina Lindner-Ellis - Lindner-Ellis Construction Pty Ltd
9/07/2020	Contract - Acquisition of Land from Focene Pty Ltd - Terrabella Road - Little River Bridge Reconstruction

13/07/2020	Deed of Agreement and Charge - Part Fitzroy and Johnson Streets - Velcon Pty Ltd as trustee for the Temesvary Superannuation Fund
17/07/2020	Sale Contract - Keswick Estate Stage 5 Release 1 - Lot 508 to Laura Ashlie Hayden - DP 1241303
17/07/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 519 to Angela Ellen Semmler and Connor Andrew McDonald - DP 1241303
21/07/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 501 to Brett Harvey Constructions Pty Ltd - DP 1241303
21/07/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 534 to Gian Emmanuel Mallari Reyes and Kathrina Felismino Primero - DP 1241303
21/07/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 520 to Mayurashan Mylvaganam - DP 1241303
21/07/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 507 to Michael Alan Harper and Bethany Jean Brown - DP 1241303
21/07/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 502 to Brett Harvey Constructions Pty Ltd - DP 1241303
21/07/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 505 to Brett Harvey Constructions Pty Ltd - DP 1241303
21/07/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 506 to Brett Harvey Constructions Pty Ltd - DP 124303
23/07/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 517 to Sam Michael Coffee and Kendy Lea Beasley - DP 1241303
23/07/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 516 to Emily Joan Pitt - DP 1241303
17/08/2020	Lodgement of Subdivision Certificate for Rural Fire Service and Police Training Facility - Dubbo City Regional Airport
25/08/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 509 to Country Constructions Dubbo Pty Ltd - DP 124303
25/08/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 559 to Joshua Allen O'Dea and Sarah Maree O'Dea - DP 1241303
25/08/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 511 to Newlet Constructions Pty Ltd - DP 1241303
25/08/2020	Sale contract - Keswick Estate Stage 5 Release 1 - Lot 504 to Nicole Maree Bignell - DP 1241303
26/08/2020	Contract - Transfer of Lot 502 DP 1255115 Keswick Estate from MAAS Group to Dubbo Regional Council - Boundary Adjustment



DUBBO REGIONAL
COUNCIL

REPORT: Disclosure of Interest Returns

AUTHOR: Executive Manager Governance and
Internal Control
REPORT DATE: 17 August 2020
TRIM REFERENCE: ID20/1062

EXECUTIVE SUMMARY

Council's Code of Conduct requires Councillors and designated persons to lodge Disclosure of Interest returns annually in accordance with clause 4.21(b).

Clause 4.24 and 4.25 requires that the Chief Executive Officer not only keep a register of the returns, but is to table the returns at the first meeting after the last date for their lodgement.

The Office of Local Government has requested that it be advised of any failures to lodge by 30 September 2020.

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 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.

Abbey Rouse

Executive Manager Governance and Internal Control

BACKGROUND

Council's Code of Conduct requires Councillors and designated persons to lodge Disclosure of Interest returns annually in accordance with clause 4.21(b). Clause 4.24 and 4.25 requires that the Chief Executive Officer not only keep a register of the returns, but is to table the returns at the first meeting after the last date for their lodgement.

REPORT

The purpose of these Sections of the Code of Conduct is to enhance accountability and transparency of Local Government. It also ensures that breaches of the Code are brought to notice as soon as they occur. Additionally, it is to assist the Office of Local Government in its investigative role regarding breaches of the Disclosure of Interest provisions.

In respect of the Disclosure of Interest Returns for the 2019/2020 period, it is advised that these relate to the Councillors, Chief Executive Officer and designated staff.



DUBBO REGIONAL
COUNCIL

REPORT: Public Interest Disclosures and Internal Reporting Policy for review

AUTHOR: Internal Ombudsman
REPORT DATE: 15 September 2020
TRIM REFERENCE: ID20/1185

EXECUTIVE SUMMARY

The Public Interest Disclosures and Internal Reporting Policy was initially adopted by Council on 24 October 2016 and is due for review every two years. It has been updated to accord with the July 2020 Model Code for Internal Reporting from the NSW Ombudsman's Office. The terminology and formatting of the policy have been updated and a schedule document 'Nominated Disclosures Officers' included.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

Following adoption of this revised policy by Council, it will become a Council Policy.

RECOMMENDATION

- 1. That the Public Interest Disclosures and Internal Reporting Policy for review of 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**

Nicola Eggleton
Internal Ombudsman

REPORT

Under section 6D of the Public Interest Disclosures Act 1994 (PID Act), public authorities are required to have a policy and procedures for receiving, assessing and dealing with public interest disclosures.

The Public Interest Disclosures and Internal Reporting Policy was developed in 2016 in accordance with the recommendation of the NSW Ombudsman's Office and is based on the model policy, and guidelines, provided by the NSW Ombudsman's Office. This revised Public Interest Disclosures and Internal Reporting Policy accords with the July 2020 Model Code for Internal Reporting from the NSW Ombudsman's Office. Additionally Dubbo Regional Council's current Disclosures Officers are listed in Schedule A. 'Nominated Disclosures Officers' – attached to the policy.

The previous Public Interest Disclosures Policy was provided for 3 Nominated Disclosure Officers. The 3 officers were all located within the one building and did not encourage access for wider Council staff. Accordingly, a number of additional Disclosure Officers have been selected and attended training in October 2019.

The Policy now includes the additional wording "The Executive Manager of Governance and Internal Control is authorised to update Schedule A. 'Nominated Disclosures Officers' as required to reflect staffing changes and the inclusion of further Disclosures Officers." This will allow for the 'Nominated Disclosures Officers' document to be amended to include more staff after they are trained to become Disclosures Officers, new staff and review of outcomes.

The NSW Ombudsman's Office has stated that the policy should:

- be strongly endorsed by the Mayor and the Chief Executive Officer
- show Council's commitment to high standards of ethical and accountable conduct and confirm that it will not tolerate any form of wrongdoing
- conform with the Council's Code of Conduct and/or other relevant ethical codes
- address the relevant provisions of the Public Interest Disclosures Act
- state that staff who come forward and report wrongdoing are helping to promote integrity, accountability and good management within Council
- outline Council's broader responsibilities under the Public Interest Disclosures Act, such as reporting on public interest disclosures
- state that it is supported by procedures based on the Ombudsman's guidelines
- refer to any other relevant policies or procedures, such as Council's Code of Conduct and Grievance Policy, and provide information about how staff can access that information
- be publicly available on Council's website
- be implemented by Council through staff awareness training.

Accordingly, it is recommended that this revised Public Interest Disclosures and Internal Reporting Policy be adopted.

Appendices:

[1](#) ⇨ Draft Policy Public Interest Disclosures and Internal Reporting Policy - Public Version

Provided under separate cover



DUBBO REGIONAL
COUNCIL

REPORT: Financial Support and Partnership Policy

AUTHOR: Director Organisational Performance
REPORT DATE: 17 September 2020
TRIM REFERENCE: ID20/1195

EXECUTIVE SUMMARY

Dubbo Regional Council provides assistance to community groups, not-for-profit organisations, sporting clubs and businesses in the Dubbo Regional Local Government Area (LGA) through a number of funding channels or programs. The structure, funding allocation and consideration process for Council's key funding channels are contained within Council's Financial Assistance Program.

This report outlines proposed changes to the Financial Assistance Policy, attached as **Appendix 1**. The current Policy, endorsed 24 September 2018, lists six funds that Dubbo Regional Council administer on behalf of the community. After a review of funds across the organisation it was identified that a number of other funding opportunities should be included in the Policy.

The updated Policy also reflects adopted changes to Council's Event Development and Major Event Sponsor Program as endorsed by Council on 22 June 2020.

The updated Policy aims to consolidate communication of Council's key funding channels, reflects existing funding programs and does not alter from Council endorsed funding allocations. Therefore it is recommended that Council endorse the update Policy without the need for public exhibition.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

This report outlines updates to Council's Financial Assistance Policy

RECOMMENDATION

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

Dean Frost

Director Organisational Performance

BACKGROUND

Council's current Financial Assistance Policy was endorsed on 24 September 2018. The policy outlines six key channels of funding available, the intent of each channel and the framework around timing, eligibility, assessment and determination of applications.

- Chief Executive Officer's Sponsorship Fund (implemented July 2018)
- Community Service Fund (implemented July 2018)
- Corporate Sponsorship Program
- Event Development Fund
- Financial Assistance Fund
- Major Event Sponsor Program

After a review of Council's funding channels, in particular, the Event Funding programs (Event Development and Major Event Sponsor Program), it was noted that the financial assistance policy to be updated to reflect these changes and to include a number of other funding opportunities that are now available from Council.

The current list of funding channels available and their intent are listed below:

Term	Definition
Bodangora Wind Farm Community Benefit Fund	Funding assistance for the development contributions arising from the planning agreement between Council and Infigen Bodangora Wind Farm Pty Ltd.
Chief Executive Officer's Sponsorship Fund	Enable not-for-profit organisations to defray costs associated with hire of Council venues or procurement of services provided by Council relating to an event located on Council property
Community Financial Assistance Fund	The fund aims to ease the financial burden of not-for-profit organisations that contribute to the creation or enhancement of the community's well-being and amenity
Community Service Fund	Donations related to the requirements of Section 356 of the Local Government Act 1993 whereby Council may contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
Corporate Sponsorship Program	Financial assistance and tickets for projects and programs that support Council in the delivery of actions under the Community Strategic Plan
Dubbo Neighbourhood & Wellington Shopping Precinct CCTV Fund	Financial assistance for the installation of Closed Circuit Television (CCTV) infrastructure in Dubbo and Wellington.

Dubbo Regional Sports Council (DRSC) Playing Field Improvement Fund	Financial assistance to local sporting clubs/associations for the delivery of capital sporting infrastructure improvement works
Event Funding Program	<p><u>Emerging Events Fund</u> To assist, support and grow local events and drive a mix of social, cultural and economic benefits to the region.</p> <p><u>Community Events Fund</u> To assist and support events that deliver social and cultural benefits to the Dubbo Region LGA</p> <p><u>Destination Events Fund</u> Aimed to support, attract and retain events delivering significant economic and reputation benefits</p> <p><u>Event Support Program Fund</u> To provide time, knowledge and skills to add value for regional event owner. No financial assistance provided</p>
Local Heritage Assistance Fund	Provide financial assistance to owners of heritage properties/items listed in the Dubbo Local Environmental Plan 2011 or Wellington Local Environmental Plan 2012 with heritage conservation work

Each officer responsible for the channels outlined above has undertaken a review to update the policy to reflect updated objectives.

REPORT

Following a review of current funding programs to update the financial policy, twelve assistance programs have been identified at Dubbo Regional Council to be included in the updated policy. The funding programs included in the update policy, including changes made within the policy, are outlined below:

Directorate	Funding Channel
Executive Services	<p>Chief Executive Officer's Sponsorship Fund</p> <ul style="list-style-type: none"> • <i>Minor changes to wording</i> <p>Corporate Sponsorship Program</p> <ul style="list-style-type: none"> • <i>Minor changes to wording</i>
Liveability	<p>Bodangora Community Benefit Fund</p> <ul style="list-style-type: none"> • <i>Fund not previously included in policy</i> <p>Community Financial Assistance Program</p> <ul style="list-style-type: none"> • <i>Minor changes to directorate names and staff titles</i> <p>Community Service Fund</p> <ul style="list-style-type: none"> • <i>Minor changes to directorate names and staff titles</i> <p>Dubbo Regional Sports Council (DRSC) Playing Field Improvement Fund</p>

	<ul style="list-style-type: none"> • <i>Fund not previously included in policy</i> Dubbo Neighbourhood and Wellington Shopping Precinct CCTV Fund <ul style="list-style-type: none"> • <i>Fund not previously included in policy</i>
Culture and Economy	Emerging Events Fund <ul style="list-style-type: none"> • <i>See below detail of changes</i> Community Events Fund <ul style="list-style-type: none"> • <i>New fund endorsed by Council included in policy</i> Destination Events Fund <ul style="list-style-type: none"> • <i>See below for overview of changes</i> Event Support Program <ul style="list-style-type: none"> • <i>New fund endorsed by Council included in policy</i>
Development and Environment	Local Heritage Assistance Fund <ul style="list-style-type: none"> • <i>Fund not previously included in policy</i>

In addition, funding programs currently under development are the Uungula Fund and a financial assistance program within Council's Cultural Development program (SPARC). The programs once developed will be updated in the Financial Assistance Policy at a later date.

Additions to the Policy

Bodangora Community Benefit Fund:

- Funding assistance for the development contributions arising from the planning agreement between Council and Infigen Bodangora Wind Farm Pty Ltd.
- Fund is for not-for-profit community groups of the Wellington district and villages that are part of the Dubbo Regional LGA.
- Aim is to deliver social, cultural, economic or environmental benefits to local communities of the Wellington district and Villages which is part of Dubbo Regional Council Local Government Area.

Dubbo Neighbourhood and Wellington Shopping Precinct CCTV Fund:

- Financial assistance for the installation of Closed Circuit Television (CCTV) infrastructure in Dubbo Neighbourhood and Wellington Shopping Precinct.
- Fund is for shop owners in designated areas.
- Key criteria is meeting suitable CCTV specifications, registration of CCTV equipment with the Dubbo Police, at least one CCTV camera covering a public space, installation of signage notifying the public of surveillance equipment.

Dubbo Regional Sports Council (DRSC) Playing Field Improvement Fund:

- Financial assistance to local sporting clubs/associations for the delivery of capital sporting infrastructure improvement works.
- Funding is restricted to incorporated clubs and organisations that pay ground usage fees, with preference given to Dubbo Regional Sports Council members.
- Key criteria must address project benefits (to club and community), value, equity, merit, strategy and ongoing club success.

Event Fund - Community Events Fund:

- Funding assistance are primarily for events that benefit of the community.
- Not for profit organisations are eligible.
- Key criteria is for community events that delivery social and cultural outcomes.

Event Fund – Event Support Fund:

- Staff resources assistance program (event plans, marketing guidance).
- Not for profit organisations are eligible.
- Key criteria is for events that delivery social, cultural and economic outcomes.

Local Heritage Assistance Fund:

- Financial assistance to provide grants to assist owners of heritage properties/items listed in the Dubbo Local Environmental Plan 2011 or Wellington Local Environmental Plan 2012 with heritage conservation work.
- Open to owners of heritage properties/items listed as a heritage item in the Dubbo LEP 2011 or Wellington LEP 2012.
- Eligible works to heritage-listed properties include: repair, maintenance and reinstatement of missing elements.

Changes regarding names and structure to the Event Fund have been updated to reflect Council's recommendation on 22 June 2020

For all Event Funds, criteria around ability to provide COVID-safe events or alternate options should the event not be able to proceed has also been included for 2020 funding applications.

SUMMARY

The Financial Assistance Policy review has been undertaken and updated to reflect all funding opportunities from Dubbo Regional Council. This includes six new funds that were not previously included, including the Bodangora Wind Farm Community Benefit Fund, Dubbo Neighbourhood and Wellington Shopping Precinct CCTV Fund, Dubbo Regional Sports Council (DRSC) Playing Field Improvement Fund, Event Funding (Community Events and Event Support Program) and Local Heritage Assistance Fund. Funds that have had changes include the Emerging Events Fund and Destination Events Fund.

Appendices:

- 1 ➡ Financial Assistance Policy updated - August 2020 Provided under separate cover



REPORT: Planning Proposal - (R18-3) - Southlakes Estate, Dubbo, Proposed Alterations to Land Use Zonings and Minimum Lot Sizes

AUTHOR: Manager Growth Planning
REPORT DATE: 11 September 2020
TRIM REFERENCE: ID20/1030

SUMMARY

A Planning Proposal was lodged with Council on 25 June 2018 by MAAS Group Family Properties. The Planning Proposal seeks to rezone Lot 2 DP 880413, 24R Sheraton Road, Dubbo, which is located east of the existing Southlake's Estate.

The subject land is currently zoned R5 Large Lot Residential with a minimum lot size of 1.5 hectares. The Planning Proposal seeks to rezone the R5 Large Lot Residential zone to a mixture of R1 General Residential, R2 Low Density Residential and RU2 Rural Landscape.

In addition, the Planning Proposal seeks to amend the minimum lot size of 1.5 hectares to a range of no minimum lot size, 600m², 800m², 2000m², and 100 hectares.

In accordance with the conditions of the Gateway Determination, the Planning Proposal and supporting documentation, were placed on public exhibition from 19 February 2020 to 20 March 2020.

Council at its meeting on 13 July 2020 considered a report in respect of the Planning Proposal. In consideration of the report, Council resolved to defer and consider the matter at a Councillor Workshop.

Councillor Workshop

This matter was discussed at a Councillor Workshop on 3 August 2020. The purpose of the Workshop was to clarify the minimum lot size regime as intended by the Planning Proposal and to discuss the likely future development regime on the land. In addition, Councillors also undertook a general discussion in relation to the potential proliferation of dual occupancy development throughout different parts of the City.

Based on the issues discussed at the Councillor Workshop in respect of dual occupancy development, Council Staff, as a separate item will seek to include an appropriate clause in the Comprehensive Dubbo Local Environmental Plan (currently under preparation), to assist in guiding the location and design quality of dual occupancy development.

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.

It is recommended that Council supports the Planning Proposal to amend the Dubbo Local Environmental Plan 2011 and a request be made to the Department of Planning, Industry and Environment for the draft amendment of the Plan to be made.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

The adoption of the Planning Proposal by Council as recommended in this report would result in an amendment to the Dubbo Local Environmental Plan 2011.

RECOMMENDATION

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. 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.

Steven Jennings
Manager Growth Planning

BACKGROUND

A Planning Proposal was lodged with Council on 25 June 2018 by MAAS Group Family Properties. The Planning Proposal seeks to rezone Lot 2 DP 880413, 24R Sheraton Road, Dubbo, located east of the existing Southlake's Estate.

The subject land is currently zoned R5 Large Lot Residential with a subsequent minimum lot size of 1.5 hectares. The Planning Proposal seeks to rezone the R5 Large Lot Residential zone to a mixture of R1 General Residential, R2 Low Density Residential and RU2 Rural Landscape.

In addition, the Proposal seeks to amend the minimum lot size of 1.5 hectares to a range of no minimum lot size, 600m², 800m², 2000m², and 100 hectares.

The proposed land zoning and minimum lot size regime are shown in figure 1.

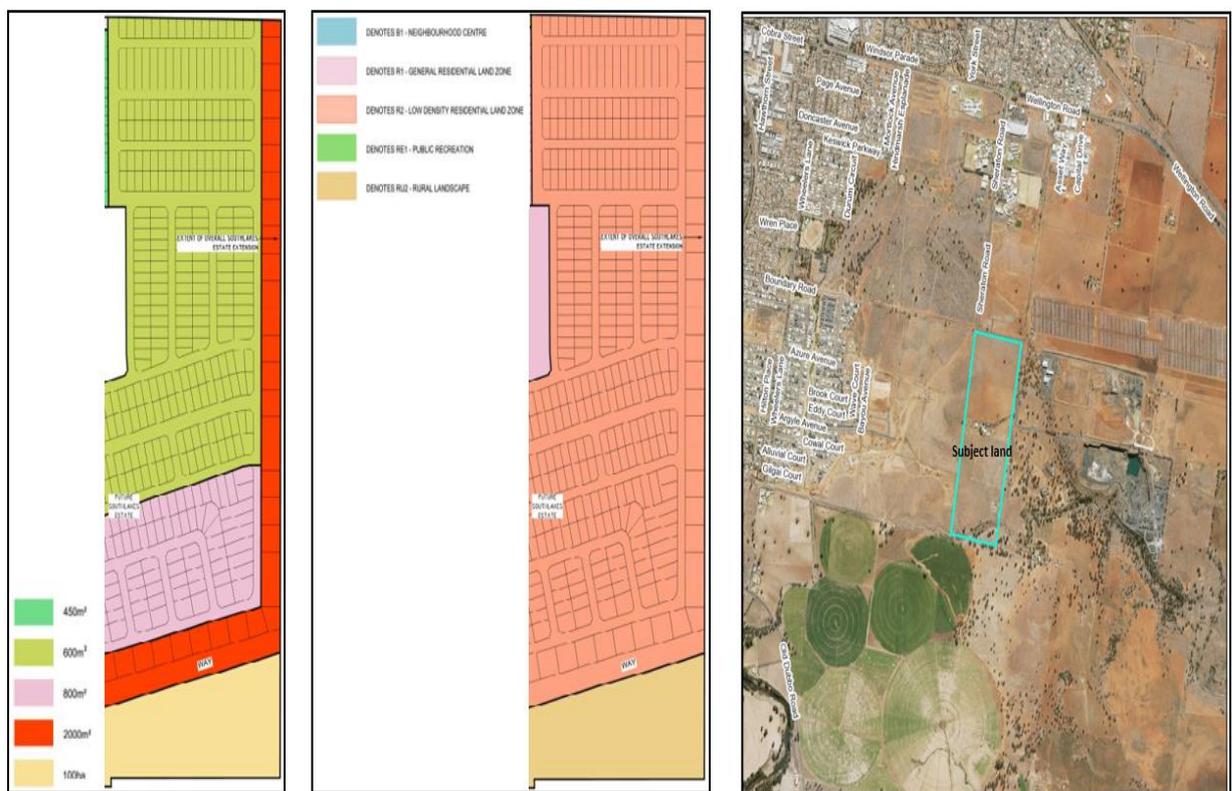


Figure 1. Proposed land zoning and minimum lot size regime.

Council at its meeting on 29 October 2018 considered a report in respect of the Planning Proposal and resolved as follows:

- “1. That Council endorse the Planning Proposal as provided by the Proponent and included as Appendix 1 to the report of the Senior Strategic Planner dated 16 October 2018.*
- 2. That Council support a minimum 28 days 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 the public exhibition and for further consideration of the Planning Proposal.”*

Council at its meeting on 13 July 2020 considered a further report in respect of the Planning Proposal which included the following recommendation:

- “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.”*

In consideration of the report, Council resolved as follows:

- “1. That this matter be deferred and considered at a Councillor Workshop.”*

This matter was discussed at a Councillor Workshop on 3 August 2020. The purpose of the Workshop was to clarify and understand the minimum lot size regime as intended by the Planning Proposal.

It is recommended that Council supports the Planning Proposal to amend the Dubbo Local Environmental Plan 2011 and a request be made to the Department of Planning, Industry and Environment for the draft amendment of the Plan to be made.

REPORT

1. Gateway Determination

The Department of Planning, Industry and Environment issued a Gateway Determination for the Planning Proposal on 23 January 2020. The Gateway Determination included the following conditions:

- “1. Prior to consultation with public authorities, a revised, consolidated planning proposal is to be produced and submitted to the Department of Planning, Industry and Environment Planning – Western Region (DPIE-WR) Office which addresses the following:*
 - a. Prepare maps to clearly identify the subject site. In this regard, ensure all maps that form part of the planning proposal must clearly identify the subject land;*
 - b. Include all appendices and reports relevant to the planning proposal and reflect in the table of contents. Furthermore, include the following as part of the planning proposal:*
 - Updated 9.1 Direction Assessment;*
 - Noise and Vibration Impact Assessment and Staging Plan for Keswick Quarry Project;*
 - Noise Monitoring Assessment;*
 - Road Traffic Noise Assessment; and*
 - Any other Document or map that is relevant to this planning proposal.*
- 2. Prior to public exhibition, consultation is required with the following public authorities/organisations under section 3.34(2)(d) and Section 9.1 Ministerial Direction 1.3 – Mining, Petroleum Production and Extractive Industries of the Act to address any inconsistencies:*
 - Department of Planning, Industry and Environment – Environmental Protection Authority;*
 - Department of Planning, Industry and Environment – Regions, Industry, Agriculture and Resources;*
 - Department of Planning, Industry and Environment – Biodiversity Conservation Division (Floodplain Management);*
 - Transport for NSW – Roads and Maritime Services, and*
 - Department of Planning, Industry and Environment – Resources and Geoscience.*

A revised planning proposal incorporating amendments sought (if required) by public authorities/organisations mentioned above along with the responses provided by public authorities/organisations must be provided to the DPIE-WR Office prior to proceeding with public exhibition.

3. *Public exhibition is required under Section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:*
 - (a) *the planning proposal must be made publicly available for a minimum of 28 days; and*
 - (b) *the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of A guide to preparing local environmental plans (Department of Planning, Industry and Environment, 2018).*
4. *A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*
5. *Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps, must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.*
6. *The time frame for completing the LEP is to be 12 months following the date of the Gateway determination."*

Council on 7 February 2020 provided the DPIE with an amended Planning Proposal in accordance with condition 1 of the Gateway Determination. The requirements of condition 2 of the Gateway Determination were considered excessive and an amendment to the condition was requested by Council. Council on 14 February 2020 received an Alteration of Gateway Determination. Condition 2 of the original Gateway Determination was replaced with the following condition:

"During public consultation, consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act:

- *Department of Planning, Industry and Environment – Environmental Protection Authority;*
- *Department of Planning, Industry and Environment – Regions, Industry, Agriculture and Resources;*
- *Department of Planning, Industry and Environment – Biodiversity Conservation Division (Floodplain Management);*
- *Transport for NSW – Roads and Maritime Services; and*
- *Department of Planning, Industry and Environment – Resources and Geoscience."*

Additionally, correspondence from the DPIE acknowledged satisfactory completion of condition 1 of the Gateway Determination and approval for the Planning Proposal to be placed on public exhibition.

2. Public Exhibition

In accordance with the conditions of the Gateway Determination, the Planning Proposal and supporting documentation, were placed on public display from 19 February 2020 to 20 March 2020.

The Planning Proposal was displayed at Dubbo Regional Council's Civic Administration Building, Dubbo, the Dubbo Branch of the Macquarie Regional Library and on Council's website. An advertisement was also placed in local print media on 19 February 2020 and letters were sent to the adjoining owners of the subject land.

No submissions were received from the public and four (4) submissions were received from State Government Agencies in respect of the Planning Proposal.

3. State Agency Consultation

The Gateway Determination as provided by the DPIE required Council to undertake consultation with the following State Government Agencies:

- Department of Planning, Industry and Environment – Environmental Protection Authority (EPA);
- Department of Planning, Industry and Environment – Regions, Industry, Agriculture and Resources,
- Department of Planning, Industry and Environment – Biodiversity Conservation Division (Floodplain Management),
- Transport for NSW – Roads and Maritime Services, and
- Department of Planning, Industry and Environment – Resources and Geoscience.

The following information details the issues raised in the submissions, including a relevant comment. A copy of the State Agencies submissions are provided as **Appendix 2**.

Submission 1 – Department of Planning, Industry and Environment – Environmental Protection Authority.

A summary of the submission provided by the Department of Planning, Industry and Environment – Environmental Protection Authority is as follows:

“...The EPA recommends that the proposal does not progress without an additional cumulative noise assessment, supported by modelling, that demonstrates the compatibility of existing and proposed land uses...”

...The EPA also encourages Dubbo Regional Council to consider the potential environmental and human health impacts that may result from the proposal, including cumulative impacts to:

- *Air quality (dust and fine particulate matter) due to the construction and operation of existing industries and other approved development.*
- *Noise amenity due to existing and proposed industry and road traffic, which should be assessed and comply with the relevant NSW government guidelines.*
- *Water quality, including sediment and erosion controls designed and maintained to minimise potential impacts to surface water and groundwater. This will ensure that water quality is maintained or improved for drinking water and agricultural purposes downstream..."*

Comment:

Council provided additional information on 23 April 2020 to the EPA which addressed the abovementioned concerns. A copy of Council's correspondence is provided attached as **Appendix 3**.

Following consideration of Council's correspondence, the EPA provided the following comments:

"...acoustic treatment of future buildings should be extended to include dwellings along the eastern boundary of the proposal, near Sheraton Road.

Council should audit both the South Keswick Quarry and Holcim's Dubbo Quarry to ensure that actual noise emissions are consistent with respective noise impact assessments and that all required noise mitigation measures are installed and maintained.

The EPA would like to reiterate the importance of appropriate and sustainable developments that allow the cohabitation of complimentary land use and avoid land use conflicts...

...forward any resulting applications to the EPA for comment, to ensure that the potential land use conflicts and impacts to the environment and human health are avoided or mitigated to an acceptable level..."

Comment:

Council notes the comments provided by the EPA and the potential for land use conflict between the proposed residential development, future Southern Distributor Road and neighbouring extractive industries. Council also acknowledges that it is difficult to determine the future impacts on the proposed development at this present time, due to the uncertain timing of development within the locality and on land adjoining the subject site.

It is anticipated that the proposed residential development on the subject site will commence in the year 2026. The South Keswick Quarry will begin moving its operation eastward around the year 2025 and the Holcim Quarry could potentially move operations to the south and the south-east.

Council notes the recommendations provided by the EPA and suggest that further mitigation of acoustic impacts through building treatments is an issue to be addressed as part of the Development Approvals process. Similarly, the need for a noise audit of both quarries would be addressed prior to the issue of a future development consent on the land for residential subdivision and development.

Council acknowledges the EPA's interest in the proposal and notes their request to be consulted during the Development Approvals stage in respect of the subject land.

Submission 2 – Department of Planning, Industry and Environment – Biodiversity Conservation Division (Floodplain Management).

A summary of the submission from the Department of Planning, Industry and Environment – Biodiversity Conservation Division (Floodplain Management) is as follows:

“...Based on the information provided, BCD has no specific comments to make on the proposal at this stage noting that development that requires clearing of native vegetation (including any planned sub-division) will need to be assessed in accordance with the Biodiversity Conservation Act 2016. This may require the development application to be accompanied by a biodiversity development assessment report prepared by an accredited person. Biodiversity impacts that cannot be avoided may need to be offset...”

Comment:

Council acknowledges the comments provided by the Biodiversity Conservation Division and the requirement to address any potential impacts to Biodiversity Conservation as part of the Development Approvals process.

Submission 3 – Transport for NSW – Roads and Maritime Services.

A summary of the submission from Transport for NSW – Roads and Maritime Services is as follows:

“TfNSW does not object to the proposed amendment subject to further consideration of the following:

- *Urban expansion areas should have vehicle connectivity to Dubbo CBD through local roads rather than new connections to classified roads.*
- *Sheraton Road and the Mitchell Highway intersection will, in our opinion, experience delays beyond those noted in the Traffic Study.*

- *Noting the study calculated the impacts based on vehicle usage and has not identified potential benefit through the provision for linkages and facilities that can reduce vehicle usage.*
- *Further investigation for the staging, funding and signalisation by the developer is required.*
- *Undertake any road infrastructure upgrades in accordance with Council's Section 94 Contributions Plan.*
- *All connections with State classified roads should include duplication and flood proofing to the satisfaction of the consent authority.*
- *An additional Traffic Study may be required to assist in the planning approval process to better determine a schedule of required works.*
- *Active transport modes, walking and cycling and appropriate timely provision of public transport for travel between a neighbourhood precinct and residential areas is crucial.*
- *Neighbourhood precincts will reduce the use of classified roads, as more local traffic occurs.*
- *Further investigations is warranted to determine safe use of Sheraton Road between the existing Heavy and Light traffic resulting from the adjacent extractive industries.*
- *Consideration is needed for appropriate connection between the development and the closest catchment of public schools as well as the potential traffic impacts on the schools located along Sheraton Road.*
- *The provisions of walking and cycling connections undertaken by the developer should be prioritised and supported by safe facilities aligned with Safe System principles as per the Liveable and Safe Urban Communities initiative of NSW Road Safety Plan 2021.*
- *A final assessment should be undertaken once the final position and elevation of the Southern Distributor is determined along with contemporary traffic flows available in order to appropriately ascertain the impacts and subsequent required level of mitigation measures.*
- *Appropriate arrangements between the developer(s) and Council should be further considered in relation to mitigating against noise and air emissions, as well as vibrations resulting from the location of any residential lots in the vicinity of the Proposed Southern Distributor Road.*
- *All works are to be undertaken at no cost to TfNSW."*

Comment:

Council acknowledges that TfNSW commented on a number of issues including connection of Sheraton Road to the Mitchell Highway, consideration of the Urban Roads Section 94 Plan, connections to schools, staging of development and potential impacts from the adjacent extractive industries and proposed Southern Distributor Road.

Council also notes that TfNSW does not object to the proposed amendment to the Dubbo Local Environmental Plan 2011 and is therefore of the opinion that the concerns mentioned will be addressed in more detail as part of the Development Approval's process.

Submission 4 - Department of Planning, Industry and Environment – Resources and Geoscience.

A summary of the submission from Department of Planning, Industry and Environment – Resources and Geoscience is as follows:

- *“On page 23, it is stated that State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 does not apply as “The site is not located within any identified resource areas”. However, there are two hard rock quarries to the east of the site within approximately 50m of the eastern boundary.*
- *On page 23, the Ministerial Direction 1.3 – Mining, Petroleum Production and Extractive Industries is addressed. It is quoted “This direction is not applicable as the Planning Proposal affected land does not prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials or restricting the potential development of such by permitting a land use that is likely to be incompatible with such development”. The Planning Proposal is however within approximately 50m of two operating quarries and therefore may be impacted by potential activities associated with quarrying operations such as noise, vibration, dust, traffic etc. Furthermore, the hard rock resource is likely to extend west to within the subject land.*

NSW Resources and Geoscience also noted that the subject land was located within the 1 kilometre buffer as identified in the Mineral Resource Audit of the Holcim Quarry.

...Consequently, Council should consider any impacts that quarry operations may have on future development...The Proponent would also need to demonstrate that the presence of the subdivision and any associated development would not restrict extraction operations of the quarries...”

Comment:

Council notes the comments provided by the DPIE - Resources and Geoscience and the adjoining extractive industries, South Keswick Quarry and Holcim Quarry. Technical studies were prepared and submitted with the Planning Proposal to assess any potential impacts from the adjoining extractive industries. The studies conclude that residential development of the subject land is achievable without any significant impacts resulting from the adjoining industries.

Council would also like to acknowledge and consider that the subject land is currently zoned as R5 Large Lot Residential and hosts an existing residential dwelling. The subject site is also contained within an existing urban release area as mapped under the provisions of the Dubbo Local Environmental Plan 2011.

The staging of the South Keswick Quarry is anticipated to commence extraction eastward by the time development of the subject land begins.

Further assessment will need to be undertaken by Council in relation to land use compatibility as part of the Development Approvals Process.

4. Legal Drafting of Local Environmental Plan

Subject to endorsement of the Planning Proposal by Council, a request will be provided to the Department of Planning, Industry and Environment to prepare the draft Dubbo Local Environmental Plan 2011 under Section 3.36 of the Environmental Planning and Assessment Act, 1979.

The Department will liaise with Parliamentary Counsel about the content of the draft Amendment. Once the content has been finalised, an Opinion stating that the Plan can be made will be provided to Council.

Following consideration of the Opinion, Council will be required to make request to the Department to arrange for Plan to be made. Once the Plan is made, the Department will request Parliamentary Counsel to notify the Plan on the NSW legislation website.

SUMMARY

A Planning Proposal was lodged with Council on 25 June 2018 by MAAS Group Family Properties. The Planning Proposal seeks to rezone Lot 2 DP 880413, 24R Sheraton Road, Dubbo, located east of the existing Southlake's Estate.

The subject land is currently zoned R5 Large Lot Residential with a subsequent minimum lot size of 1.5 hectares. The Planning Proposal seeks to rezone the R5 Large Lot Residential zone to a mixture of R1 General Residential, R2 Low Density Residential and RU2 Rural Landscape.

In addition, the Planning Proposal seeks to amend the minimum lot size of 1.5 hectares to a range of no minimum lot size, 600m², 800m², 2000m², and 100 hectares.

It is recommended that Council supports the Planning Proposal to amend the Dubbo Local Environmental Plan 2011 and a request be made to the Department of Planning, Industry and Environment for the draft amendment for the Plan to be made.

It is also recommended that Council prepare a policy to guide the sustainable management of dual occupancy development across the Dubbo Regional Local Government Area.

Appendices:

- | | | |
|----|---|-------------------------------|
| 1⇒ | Planning Proposal - R18-3 Southlakes Estate 2 | Provided under separate cover |
| 2⇒ | Submissions | Provided under separate cover |
| 3⇒ | Council's Correspondence dated 23/04/2020 | Provided under separate cover |



DUBBO REGIONAL
COUNCIL

REPORT: Planning Proposal - (R20-1) - Southlakes Estate, Dubbo

AUTHOR: Manager Growth Planning
REPORT DATE: 21 September 2020
TRIM REFERENCE: ID20/1192

EXECUTIVE SUMMARY

A Planning Proposal was lodged on 20 March 2020 by Maas Group Properties. The Planning Proposal has sought to amend Schedule 1(5) of the Dubbo Local Environmental Plan 2011 to allow an additional permitted use for the purposes of a pub at Lot 407 DP 1248682, Boundary Road, Dubbo.

The subject land was recently zoned B1 Neighbourhood Centre under Amendment 12 of the Dubbo Local Environmental Plan 2011 (notified on 15 June 2018), which included the rezoning of land at Lot 399 DP 1199356, Lot 12 DP 1207280 and Lot 503 DP 1152321 to facilitate the extension of the Southlakes Estate.

The pub is intended to be in the format of a gastropub with the focus on offering both quality food and drinks as opposed to the standard expectation of a regular pub setting. The Proponent has provided information that the proposed gastropub will be situated in the future neighbourhood shopping centre, which is yet to be the subject of a formal Development Application. It is considered that the proposal will provide appropriate synergies alongside future development of the surrounding neighbourhood centre.

The report was considered by Council's Development and Environment Committee at its Meeting on 13 July 2020. Council in consideration of the report resolved as follows:

- "1. That further consideration of the Planning Proposal be deferred to allow the Chief Executive Officer time to undertake consultation with the Proponent in respect of negotiating a suitable contribution towards the construction of a roundabout in Boundary Road, which will provide access to the development.*
- 2. That a further report including the results of this consultation, be provided to Council."*

The Chief Executive Officer and relevant Senior Council Staff met with the Proponent to discuss Council's resolution in respect of the Planning Proposal. A suitable contribution could not be negotiated at this time.

It is recommended that the Planning Proposal be submitted to the Department of Planning, Industry and Environment to seek a Gateway Determination. In addition, it should also be considered that Council is the owner and developer of an adjacent residential development (Keswick Estate) and that Council should not request to use its Delegations under Section 59 of the Environmental Planning and Assessment Act, 1979 in this matter.

Following receipt of a Gateway Determination, Council will place the draft amendment on public exhibition. The Planning Proposal will be placed on public exhibition for a period of no less than 28 days.

FINANCIAL IMPLICATIONS

The Applicant provided, on lodgement of the Planning Proposal, payment of fees to Council in the amount of \$35,000. These fees are to cover the ad hoc processing and assessment costs of the Planning Proposal application in accordance with Council's adopted Revenue Policy.

POLICY IMPLICATIONS

The Planning Proposal is provided for consideration and endorsement to seek a Gateway Determination. Receipt of a Gateway Determination from the DPIE will allow Council to, conditionally, undertake an amendment to the Dubbo LEP 2011. The Proposal is generally consistent with the Dubbo Employment Lands Strategy which underpins commercial land use decisions in the LEP.

RECOMMENDATION

- 1. That Council endorse 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.**
- 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.**

Steven Jennings
Manager Growth Planning

BACKGROUND

A Planning Proposal was lodged on 20 March 2020 by Maas Group Properties. The Planning Proposal seeks to amend Schedule 1(5) under the provisions of the Dubbo Local Environmental Plan 2011 to allow an additional permitted use for the purposes of a pub at Lot 407 DP 1248682, Boundary Road, Dubbo.

The subject land was recently zoned B1 Neighbourhood Centre under Amendment 12 of the Dubbo Local Environmental Plan 2011 (notified on 15 June 2018), which included the rezoning of land at Lot 399 DP 1199356, Lot 12 DP 1207280 and Lot 503 DP 1152321 to facilitate the extension of the Southlakes Estate.

The proposed development is intended to be in the format of a gastropub with the focus on offering both quality food and drinks as opposed to the standard expectation of a regular pub setting. The proposed gastropub will be situated within the existing B1 zone and provide appropriate synergies alongside future commercial development of the surrounding neighbourhood centre.

REPORT

1. Particulars of the Planning Proposal Application

Owner/Applicant:	Maas Group Properties
Subject site:	Lot 407 DP 1248682, Boundary Road, Dubbo
Land area:	2 hectares
Current Zoning:	B1 Neighbourhood Centre
Proposed LEP Amendment:	Amend Schedule 1(5) to allow an additional permitted use for the purposes of a pub
Lodgement date:	20 March 2020

2. Amendments to Local Environmental Plans

The Department of Planning, Industry and Environment (DPIE) introduced a process for the consideration of amendments to Local Environmental Plans in 2009. The process for the consideration of an amendment to a Local Environmental Plan commences with Council's consideration of a Planning Proposal. The Planning Proposal process is shown here in Figure 1.

PLANNING PROPOSAL PROCESS

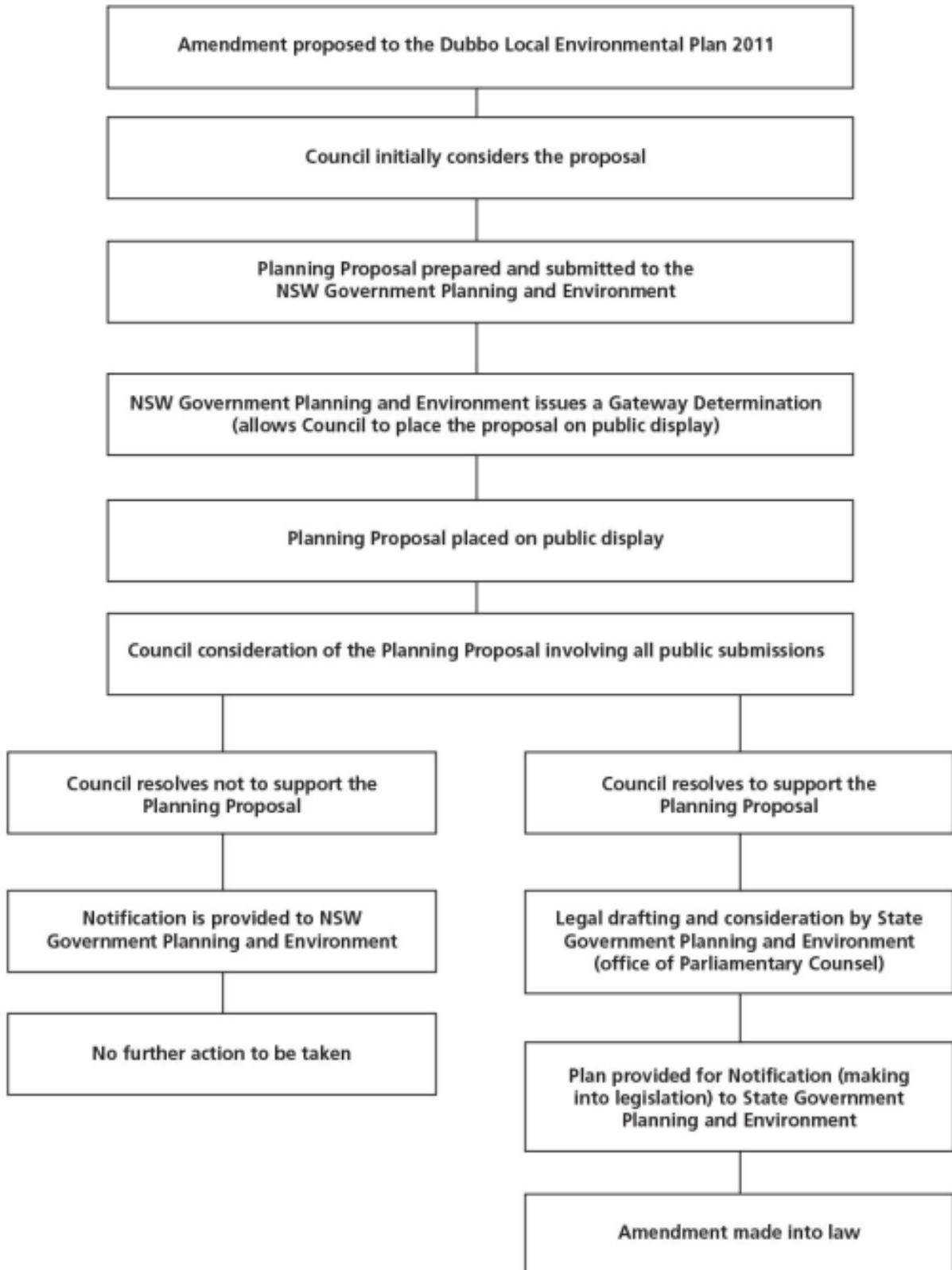


Figure 1. Planning Proposal Process

The role of a Planning Proposal is to explain the intended effects of a proposed Local Environmental Plan amendment and the justification for undertaking the amendment. Council has a role of considering the Planning Proposal. If Council resolves to continue with the Planning Proposal, the amendment is provided to the Department of Planning and Environment to seek a Gateway Determination.

The Gateway Determination reviews and considers planning proposals in their initial stages prior to further consideration by Council. After consideration by the Department, Council is provided with a Gateway Determination for the LEP Amendment.

The Gateway Determination specifies that the Department will allow the proposed amendment to proceed, any matters that require additional information, the level of public consultation required and State Government Agencies to be consulted. After all the additional matters have been addressed and the required consultation has been carried out, a report is provided to Council for further consideration.

It is noted that the Planning Proposal would be considered by the Department for delegation of powers to make the amendment back to Council following receipt of the Gateway Determination. This could allow the Planning Proposal to be finalised by Council without further consideration by the Department following public exhibition. In this circumstance, Council is required to liaise with Parliamentary Counsel for legal drafting and finalisation of the Plan. In this case however due to the nature of the Proposal and its relevance to Amendment 12, it is considered that it would not be appropriate for Council to be delegated this authority.

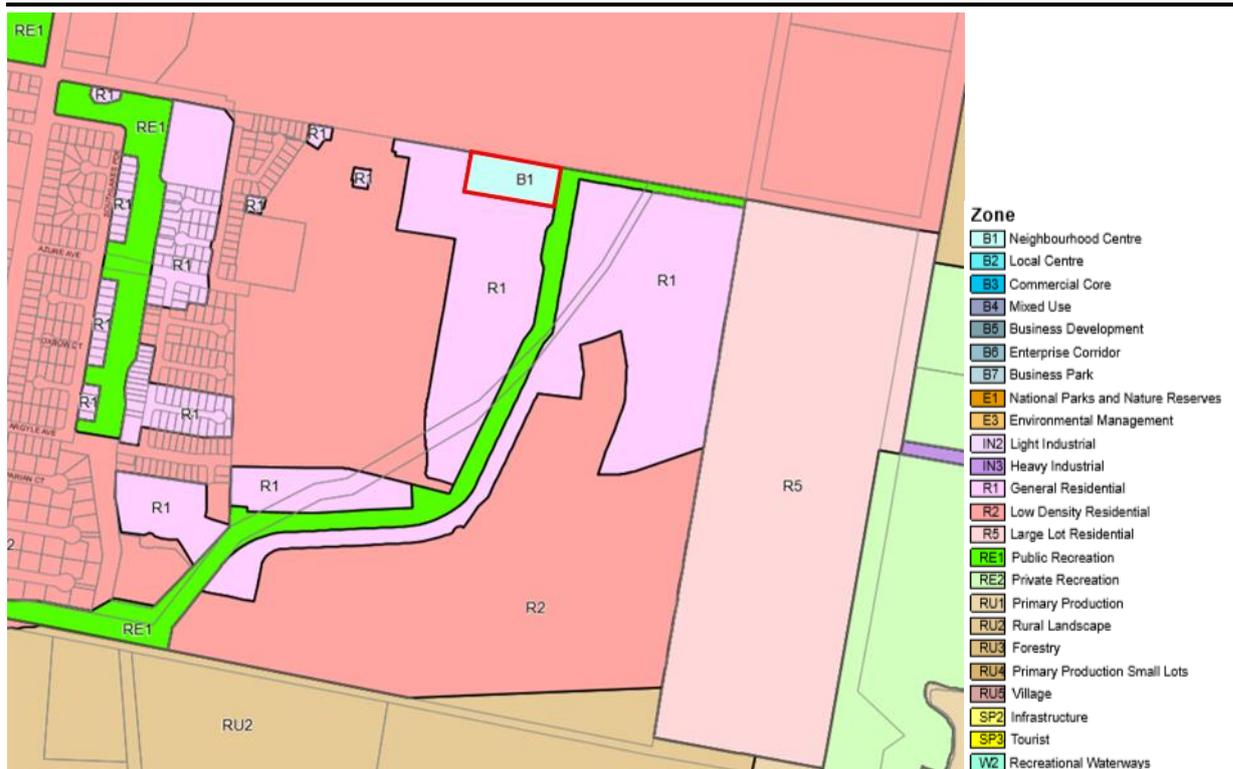
3. Planning Proposal

The Planning Proposal from Maas Group Properties seeks to amend Schedule 1(5) under the Dubbo Local Environmental Plan 2011 to allow an additional permitted use for the purposes of a pub relating to land zoned B1 Neighbourhood Centre at Lot 407 DP 1248682, Boundary Road, Dubbo.

The Planning Proposal was lodged with Council on 20 March 2020 and is attached as **Appendix 1**.

The current land use zoning regime and the location of the subject land is shown in Figure 2.

The location of the subject land in relation to the subject allotment is shown in Figure 3.



Subject Land

Figure 2. Current Land Use Zoning Regime, Dubbo Local Environmental Plan 2011.



Subject Land Subject Allotment (Lot 407 DP 1248682)

Figure 3. Location of the subject land.

The Applicant has provided the following information explaining the anticipated development typologies on the land:

“It is anticipated that a varied mix of small-scale retail, business and community uses would continue to be provided within the proposed shopping centre site.

It is proposed the site would facilitate a neighbourhood supermarket as well as specialty & general merchandise store such as a pub, newspaper, post office, dry cleaning facility, etc.

A copy of the Planning Proposal, including the indicative site plan and design details, is provided as **Appendix 1**.

4. Site Characteristics

The subject land is located at Lot 407 DP 1248682, Boundary Road, Dubbo. The subject site refers to the portion of the allotment which is zoned B1 Neighbourhood Centre and has an overall area of approximately two (2) hectares. The gross floor area (GFA) of the proposed gastropub will be approximately 580m². The subject land forms part of the South-East Residential Urban Release Area under the provisions of the Dubbo Local Environmental Plan 2011.

The subject site is contained by the future extension of Boundary Road to the north which separates the site from Keswick Estate. The western and southern boundaries of the site adjoin R1 General Residential zoned land and the eastern boundary abuts the Southlakes drainage reserve.

5. Planning Considerations

This section of the report provides an assessment against the planning considerations Council is required to consider in the Planning Proposal process. It should be noted that the information below does not provide an analysis of all planning considerations associated with the Planning Proposal.

The purposes of this section is to explain any significant matters for consideration in the Planning Proposal process.

(i) Central West and Orana Regional Plan 2036

The Central West and Orana Regional Plan was released by the Minister for Planning on 14 June 2017. The Plan has the following vision for the Central West and Orana Region:

“The most diverse regional economy in NSW with a vibrant network of centres leveraging the opportunities of being at the heart of NSW.”

The Plan has the following goals:

- Goal 1 – The most diverse regional economy in NSW
- Goal 2 – A stronger, healthier environment and diverse heritage
- Goal 3 – Quality freight, transport and infrastructure networks
- Goal 4 – Dynamic, vibrant and healthy communities

In particular, the Planning Proposal is considered to be consistent with the following:

Direction 10: Promote business and industrial activities in employment lands:

Action 10.6 Accommodate future commercial and retail activity in existing commercial centres, unless there is a demonstrated need or social and economic benefits to locating this activity elsewhere:

The proposed gastropub will be located within the existing B1 Neighbourhood Centre zone within the South East Urban Release Area identified under the Dubbo Local Environmental Plan 2011.

An Economic Impact Analysis was prepared by PPM Consulting and submitted as part of the Planning Proposal. The anticipated economic benefits outlined in the Analysis are as follows:

- *“Increased choice and amenity for the population of the area.*
- *Increased competition, potentially resulting in an improvement in offerings from all venues in the area.*
- *Increased competition, potentially leading to innovations in service delivery.*
- *More convenient access to a restaurant, gaming and packaged alcohol for those living in the Southlakes Estate.*
- *Reduced travel time for those living in the Southlakes Estate, and the potential increase in walking. This may have the benefit of reducing fuel expenses as well as helping to combat health issues through increased walking (although this could be negated by consuming the offerings of the gastro pub).*
- *An opportunity for creation of a new local business, which will likely reinvest in the local area.*
- *Providing jobs within the Southlakes Estate, which may be taken up by local residents, potentially reducing fuel use and traffic in Dubbo.”*

A Social Impact Assessment was prepared by Umwelt and submitted as part of the Planning Proposal. The anticipated social benefits outlined in the Assessment are as follows:

- *“Is consistent with the regulatory and business development framework, including state government legislation and the Dubbo Regional Council’s strategic plans;*
- *Is an appropriate development in relation to the projected changes to population, largely due to the continuing development of Southlakes Estate, and the demographics in the region;*

- *Is unlikely to have an impact on the social amenity of the community in the construction or operational phase;*
- *Is unlikely to have an impact on the cultural heritage or community significance in the area;*
- *Will create access to dining facilities and encourage community networking through acting as a centre for community interaction;*
- *Would be a benefit contributing to the overall sense of place and community sustainability of the Dubbo South community; and*
- *Will have a positive impact on the economy and employment opportunities in the region.”*

The Planning Proposal is considered to be consistent with the Central West and Orana Regional Plan 2036.

(ii) 2040 Community Strategic Plan

The 2040 Community Strategic Plan (CSP) is Council’s highest level strategy that guides and influences the actions and initiatives of the Dubbo Regional Council, the community, all tiers of government and community stakeholders over the 22 year period through to 2040.

The 2040 CSP was adopted in June 2018 and sets out the following community visions:

- *“Provide for housing choice and housing affordability to meet the needs of our community;*
- *Achieve ongoing economic prosperity through a diverse employment base and a visitor economy that makes use of our tourism assets;*
- *Key infrastructure and services are provided to further enhance the quality of life of our community and to maintain economic growth;*
- *A united and cohesive Council that provides leadership to our community; and*
- *We have access to a range of community, cultural and open space facilities and areas.”*

In particular, the Planning Proposal is considered to be consistent with the following strategic objectives of the Plan:

1.5 Neighbourhoods are designed and enhanced to ensure social cohesion and connectivity

The proposed gastropub will provide for a localised social meeting place that is walkable for those residents living within the Southlakes Estate.

3.2 Employment opportunities are available in all sectors of our economy

It is anticipated that the gastropub will result in a net increase of 26 full time ongoing jobs and additional 8 short-term construction jobs.

The Planning Proposal is considered to be broadly consistent with the 2040 Community Strategic Plan.

(iii) Local Strategic Planning Statement

The Local Strategic Planning Statement was adopted by Council in June 2020. The LSPS states the land use planning priorities for the Dubbo Regional Council LGA.

The Planning Proposal is considered to be broadly consistent with the LSPS.

In particular, the Planning Proposal is considered to be consistent with the following Action:

“8.1 Implement and progress the recommendations as contained within the Employment Lands Strategy 2019”.

(iv) Dubbo Employment Lands Strategy 2019

The Dubbo Employment Lands Strategy (ELS) was adopted by Council and endorsed by the Department of Planning, Industry and Environment in 2019. The Dubbo ELS aims to ensure the City of Dubbo has an appropriate level of commercial, industrial, institutional and tourist zoned land in the future.

There is a current undersupply of 3,991m² of floorspace for restaurants, liquor, take aways, hotels and clubs across the Dubbo LGA. It is projected that this undersupply will increase to 7,185m² by 2031. The proposed gastropub will provide an estimated 580m² of additional floorspace which will decrease the existing undersupply down to 3,411m².

The subject land is located within the Southlakes Neighbourhood Centre Precinct under the ELS. The proposed centre has been identified to have an estimated trade area of 10,000 residents by 2031 and has a GFA requirement of up to 5,000m².

The precinct’s planning principle is to:

“Maintain and support the CBD as Dubbo’s primary service and retail centre.”

The proposed gastropub will have an estimated GFA of 580m² which is not anticipated to have any significant impact on the Dubbo CBD.

The Planning Proposal is considered to be broadly consistent with the Dubbo Employment Lands Strategy.

(v) South-East Dubbo Residential Urban Release Area Stage 1 Structure Plan

The Planning Proposal is considered to be broadly consistent with the South-East Dubbo Residential Urban Release Area Stage 1 Structure Plan.

In particular, the Planning Proposal is considered to be consistent with the following Strategic Residential Growth Principles of the Plan:

- “9. Any future amendment to the Dubbo Local Environmental Plan 2011 to introduce a commercial zoning to facilitate a neighbourhood centre be required to include a maximum floorspace limitation to limit the size and configuration of any commercial development to a neighbourhood scale.
10. Any Planning Proposal to introduce a commercial zone to allow for neighbourhood centre development will be required to provide an economic impact assessment which provides an assessment of such a proposal on the Dubbo Central Business District, the Orana Mall Marketplace and neighbourhood centres.
11. A variety of access provisions are to be provided to any neighbourhood centre development including facilities for walking, cycling, onsite public transport provision and suitable parking for private cars.
12. Any neighbourhood centre development will be of a local scale which will not impact the residential amenity of development.”

An economic impact assessment, prepared by PPM consulting, was submitted as part of the Planning Proposal. The Assessment concluded that the proposed gastropub would assist in addressing a current undersupply for restaurants, liquor, take aways, hotels and clubs in Dubbo. In addition, it is anticipated that the small scale of the proposed development would be unlikely to result in any detrimental impacts on existing venues.

(vi) Section 9.1 Directions

Direction	Requirement	Consistency
1.1 Business and Industrial Zones	<p>This Direction applies when a planning proposal is prepared that will affect land within an existing or proposed business or industrial zone.</p> <p>The location of the proposed gastropub will be within an existing B1 Neighbourhood Centre zone.</p>	<p>The Planning Proposal seeks to facilitate development of a gastropub on the subject land. The development is anticipated to generate an additional 26 ongoing full time jobs and provide an additional 580m² gross floor area for restaurants, liquor, take away, hotels and clubs.</p> <p>The scale and location of the proposed venue will provide a convenient destination for the local residents of the Southlakes Estate.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>

2.1 Environment Protection Zone	This Direction applies when a planning proposal is prepared.	<p>The Planning Proposal is unlikely to result in any significant environmental impacts.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
2.3 Heritage Conservation	This Direction applies when a planning proposal is prepared.	<p>The Aboriginal Archaeological Assessment submitted with the Planning Proposal did not identify any sites of indigenous heritage significance on the subject land.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
2.6 Remediation of Contaminated Land	This Direction applies as the land subject of the Planning Proposal was historically used for agriculture grazing.	<p>The contamination report submitted with the Planning Proposal stated that the site is suitable for residential and recreational land-use.</p> <p>The proposed use of the land, as described by the Planning Proposal, is for a gastropub which is considered to be a commercial land use.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
3.2 Caravan Parks and Manufactured Home Estates	This Direction applies when a planning proposal is prepared.	<p>The Planning Proposal does not intend to rezone the subject land from its existing B1 Neighbourhood Centre zone.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
3.3 Home Occupations	This Direction applies when a planning proposal is prepared.	<p>The Planning Proposal seeks to facilitate development of the land for the purposes of a gastropub.</p> <p>The proposed development does not relate to dwelling houses and is considered to be consistent with this Direction.</p>

<p>3.4 Integrated Land Use and Transport</p>	<p>This Direction applies as the Planning Proposal will create a provision relating to land zoned for business purposes.</p>	<p>The subject land is located within an existing B1 Neighbourhood Centre zone.</p> <p>The proposed gastropub development is anticipated to service the local residents of the Southlakes Estate.</p> <p>The development is intended to be provided with direct access via Boundary Road with on-site car parking. The subject site is within a walkable distance for many of the residents in the Southlakes Estate.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
<p>5.10 Implementation of Regional Plans</p>	<p>This Direction applies when a planning proposal is prepared.</p>	<p>The Planning Proposal is considered to be consistent with the Central West and Orana Regional Plan 2036 in particular:</p> <p><i>“Action 10.6 Accommodate future commercial and retail activity in existing commercial centres, unless there is a demonstrated need or social and economic benefit to locating this activity elsewhere.”</i></p>
<p>6.1 Approval and Referral Requirements</p>	<p>This Direction applies when a planning proposal is prepared.</p>	<p>The Planning Proposal is not anticipated to result in the requirement for further concurrence, consultation or referral of a future development application to a Minister or public authority.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
<p>6.2 Reserving Land for Public Purposes</p>	<p>This Direction applies when a planning proposal is prepared.</p>	<p>The subject land is privately owned by the Applicant and is not intended to be reserved for a public purpose.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>

6.3 Site Specific Provisions	This Direction applies as the Planning Proposal seeks to allow an additional permitted use for the purposes of a gastropub on the subject land.	The Planning Proposal will allow the land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the Dubbo LEP 2011. The Planning Proposal is considered to be consistent with this Direction.
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(vii) State Environmental Planning Policies

A number of State Environmental Planning Policies (SEPPs) apply to the Planning Proposal. It is considered that the Planning Proposal is consistent with the following State Environmental Planning Policies:

- SEPP No. 21 – Caravan Parks
- SEPP No. 55 – Remediation of Land
- SEPP No. 64 – Advertising and Signage
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Infrastructure) 2007

(viii) Dubbo Local Environmental Plan 2011

The subject land is located within an existing B1 Neighbourhood Centre zone which contains the following objectives:

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To ensure the growth of each neighbourhood centre is consistent with the commercial hierarchy of the City of Dubbo.

Development for the purposes of a pub is prohibited within the B1 zone under the provisions of the DLEP 2011 and is defined as follows:

*“**pub** means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises includes hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.”*

The Planning Proposal intends to allow an additional permitted use to facilitate development for the purposes of a gastropub. The key difference between a regular pub and a gastropub is that the gastropub prides itself on the service of quality food. The Proposal also seeks to permit the installation and operation of 12 electronic gaming machines and additionally offer the sale of packaged alcohol.

The Planning Proposal is also considered to be consistent with the provisions of clause 7.12 under the Dubbo LEP 2011. The Applicant, as a component of the Planning Proposal, has provided an economic impact assessment to determine the potential impacts of the development. The Assessment concludes that the proposed gastropub, including the retail component, will have an overall GFA of approximately 580m² and is of an appropriate scale to not result in any significant impact on Dubbo's economic hierarchy.

The Planning Proposal is considered to be broadly consistent with the provisions of the Dubbo Local Environmental Plan 2011 however will be assessed in more detail as part of the Development Approvals process.

(ix) Infrastructure

The Applicant, as a component of the Planning Proposal, provided a Servicing Strategy which included the subject land as well as the 'Hillview' and 'Ringlands' land which comprises of Stage 2 and Stage 3 of the Southlakes Estate extension. Given the site specific nature and the scale of this Proposal, servicing of the site will be considered in more detail at the Development Application stage.

A Traffic Study has also been provided in support of the Planning Proposal which assesses the potential traffic impacts in respect to the overall extension of the Southlakes Estate development. Assessment of the traffic generated by the proposed gastropub development is not specifically discussed in the study, however, traffic will be assessed in more detail as part of the development approvals process.

(x) Biodiversity

The subject site is predominantly cleared and generally disturbed as a result of agricultural practices including grazing and cultivation.

An Ecological Assessment has been prepared by OzArk Environmental and Heritage Management which concludes that there is unlikely to be any significant impacts on any of the listed threatened species, fauna populations or communities.

(xi) Contamination

The subject land has historically been used for the purposes of agricultural grazing.

An inspection of the subject site was undertaken on 14 May 2019 and a contamination report was prepared as a component of the Planning Proposal. The report concluded that the subject site was deemed suitable for residential and recreational land uses. Similarly, it is reasonable to assume that the proposed gastropub development would also be consistent with the Report's conclusions.

(xii) Aboriginal Archaeological

An Aboriginal Archaeological Assessment was provided as part of the Planning Proposal. The study identified one previously recorded open artefact scatter site (K-OS-4) located in the southern portion of the allotment which was outside of the extent of the subject land.

Although no artefacts were identified within the area of the subject land, further assessment of Aboriginal archaeology will be undertaken at the Development Application stage.

(xiii) Groundwater Vulnerability/Salinity

The subject site is mapped as containing moderately high levels of groundwater vulnerability pursuant to the provisions of the Dubbo Local Environmental Plan 2011. A Groundwater and Salinity Study was submitted, as a component of the Planning Proposal, to determine the proposed development's impact on the site's salinity and groundwater levels.

The report concludes that the Planning Proposal will not significantly impact on groundwater quality or quantity noting that further investigations will be required at the Development Application stage.

SUMMARY

A Planning Proposal was lodged on 20 March 2020 by Maas Group Properties. The Planning Proposal seeks to amend Schedule 1(5) under the provisions of the Dubbo Local Environmental Plan 2011 to allow an additional permitted use for the purposes of a pub at Lot 407 DP 1248682, Boundary Road, Dubbo.

The subject land was recently zoned B1 Neighbourhood Centre under Amendment 12 of the Dubbo Local Environmental Plan 2011 (notified on 15 June 2018), which included the rezoning of land at Lot 399 DP 1199356, Lot 12 DP 1207280 and Lot 503 DP 1152321 to facilitate the extension of the Southlakes Estate.

The pub is intended to be in the format of a gastropub with the focus on offering both quality food and drinks as opposed to the standard expectation of a regular pub setting. The proposed gastropub will be situated within the existing B1 zone and provide appropriate synergies alongside future commercial development of the surrounding neighbourhood centre.

The Planning Proposal is considered to be broadly consistent with the objectives of Dubbo Employment Lands Strategy 2019.

It is recommended that the Planning Proposal be submitted to the Department of Planning, Industry and Environment to seek a Gateway Determination. It should also be considered that Council is the owner and developer of an adjacent residential development (Keswick Estate) and that Council should not request to use its Delegations under Section 59 of the Environmental Planning and Assessment Act, 1979.

Following receipt of a Gateway Determination, Council will place the draft amendment on public exhibition. The Planning Proposal will be placed on public exhibition for a period of no less than 28 days.

Appendices:

1⇒ Planning Proposal Provided under separate cover



DUBBO REGIONAL
COUNCIL

REPORT: Legionella Management Policy

AUTHOR: Compliance Officer Environment and Health

REPORT DATE: 11 September 2020

TRIM REFERENCE: ID20/1154

EXECUTIVE SUMMARY

In August 2018, NSW Health adopted the Public Health Amendment (Legionella Control) Regulation 2018.

The purpose of the Amendment is to facilitate a revised approach to regulating water cooling systems and manage the potential associated risks of Legionella contamination.

Dubbo Regional Council is responsible for the regulation and inspection of water cooling systems and maintaining a register of warm water systems across the Local Government Area.

There are currently 191 warm water systems registered across (3) properties and a total of 15 water cooling systems that contain a total of 21 water cooling towers across (9) properties within the Dubbo Region.

FINANCIAL IMPLICATIONS

Inspections of the water cooling systems will be charged as per the current fees and charges stated in the Council's Revenue Policy.

POLICY IMPLICATIONS

The draft Legionella Management Policy, subject to adoption by Council, will assist in the interpretation and application of the Public Health Amendment (Legionella Control) Regulation 2018 and inform Council's processes.

RECOMMENDATION

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

Helen Eyre

Compliance Officer Environment and Health

BACKGROUND

In August 2018, NSW Health adopted the Public Health Amendment (Legionella Control) Regulation 2018.

The purpose of the Amendment is to facilitate a revised approach to regulating water cooling systems and manage the potential associated risks of Legionella contamination.

The Amendment facilitates the provision of a performance based method that assesses the individual characteristics of each water cooling system to ensure adequate risk management is achieved. The new approach introduces six (6) safeguards to minimise Legionella transmission, provide multiple levels of oversight and ensure that problems are anticipated, escalated and responded to in a timely manner. In addition, the Amendment requires that all water cooling systems must comply with the Australian/New Zealand Standard 3666 parts 1, 2 and 3.

Dubbo Regional Council is responsible for the regulation and inspection of water cooling systems and the maintenance of a register of warm water systems across the Local Government Area.

REPORT

The draft Legionella Policy has been prepared to guide Council officers on the requirements under the Public Health Act 2010, Public Health Regulation 2012 and the Public Health Amendment (Legionella Control) Regulation 2018 in relation to the management of risk associated with cooling tower systems.

The draft Legionella Policy comprises of the following components:

- Registration and regulation of warm water and water cooling systems
- Council's responsibilities and requirements
- Responsibilities and requirements for building occupiers and duly qualified person's
- Disease management and outbreak responses
- Fees and charges
- Training, appointment and competency of authorised officers.

Council's responsibility

In relation to warm water systems, Dubbo Regional Council is only required to maintain a register of the systems, as NSW Public Health Units are responsible for the regulation, inspection, and testing of warm water systems.

In relation to water cooling systems, Dubbo Regional Council is responsible for both the regulation and inspection. Under the Public Health Amendment (Legionella Control) Regulation 2018, all cooling systems must have an up to date Risk Management Plan completed and supplied to Council as well as an annual independent audit report.

Although Council also receives the reports of high Legionella and heterotrophic colony counts from the water cooling systems, NSW Public Health Units are the lead organisation for managing Legionella outbreaks in liaison with Council.

Due to the new legislation, Dubbo Regional Council is now required to issue Unique Identification Numbers as per the requirements set out in the Legionella Control in Water Cooling Systems NSW Health Guidelines using our designated Council acronym (DRC) for all new and existing water cooling towers that make up a water cooling system. The Legionella Register has been updated with the unique identifying numbers that were allocated to each cooling tower.

Risk Management Plans have been received by all properties and are trimmed to each file. The date of submission and date of expiration of each of the Risk Management Plans is recorded on the register.

The *NSW Health Guideline* advises that the local government authorities can choose to carry out an onsite inspection program of water cooling systems. The frequency is at the discretion of Council. The Environment and Health Team decided that inspections would be conducted when an update of the Risk Management Plan was received.

Future inspections will depend on how often the Risk Management Plan needs to be renewed. This varies as some building's water cooling systems are classified as high risk and need to have a new Risk Management Plan completed every year. If a water cooling system is rated as medium or low risk the Risk Management Plan only needs to be renewed after two (2), three (3), four (4) or five (5) years. Risk Management Plans must be renewed after a maximum of five (5) years.

All building occupiers must arrange for an annual independent auditor that is approved by NSW Health to conduct an audit to assess the management of the cooling water system.

The purpose of the audit is to ensure that the occupier and duly qualified person manage the cooling water system in accordance with the Regulation, and that any actions, control strategies and monitoring required by the Risk Management Plan are implemented within the required timeframe.

The audit report must be forwarded to Council. The audit will be recorded on the register and any non-compliance issues will be followed up by Council and if required an additional Council inspection will occur.

SUMMARY

Dubbo Regional Council is responsible for the regulation and inspection of water cooling systems as well as maintaining a register of warm water systems across the Local Government Area.

There are currently 191 warm water systems registered across three (3) properties and a total of 15 water cooling systems that contain a total of 21 water cooling towers across nine (9) properties within the Dubbo Region.

Council has prepared the draft Legionella Management Policy to ensure a consistent regulatory approach to Legionella mitigation and control is maintained.

It is recommended that Council adopt the draft Legionella Management Policy, provided as **Appendix 1**.

Appendices:

1 ➡ Draft Legionella Management Policy Provided under separate cover



DUBBO REGIONAL
COUNCIL

REPORT: Economic Recovery Taskforce Outcomes and Strategy

AUTHOR: Manager Economic Development and
Marketing
REPORT DATE: 3 September 2020
TRIM REFERENCE: ID20/1137

EXECUTIVE SUMMARY

In response to the 2020 COVID-19 Pandemic and subsequent local economic disruption, a Mayoral Minute was proposed for the formation of an Economic Recovery Taskforce, inviting industry representatives of sectors of the economy most impacted by COVID-19 related restrictions be assembled to provide assistance and consultation on the development of a 12 month recovery Strategy for the Dubbo Region.

Through a series on consultative and interactive workshops and one on one meetings, the Dubbo Regional Economic Recovery Strategy (**Appendix 1**), was developed for the consideration of Council. Please note, the developed strategy aims to assist the fiscal recovery of the Region and does not address any COVID-19 related social or systematic impacts that may be a result of the COVID-19 pandemic.

Attached as **Appendix 1**, the Strategy focuses on the recovery of the Dubbo Region economy by targeting regional jobs, regional investment and industry recovery. Taking into consideration partnerships, restrictions, opportunities and challenges to deliver a recovery plan for the Region as a collective.

This report outlines the prioritisation of the assembled Recovery Taskforce and how economic recovery and ongoing sustainability will be achieved through the Strategy's delivery.

The delivery of the Strategy will be over the 2020/2021 period, with Council remaining informed on its delivery outcomes through the Council Informal Report. The existing service delivery of Council's Economic Development team will be prioritised to the adopted Strategy, which will mean some functions delivered by the staff will need to be altered, changed or postponed in order to provide budget and staff resourcing to these Strategy outcomes.

FINANCIAL IMPLICATIONS

Activities within the Economic Recovery Strategy will be met through prioritisation of existing operational budgets.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. That the draft Regional Economic Recovery Strategy 2020/2021, attached as Appendix 1 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.**

Joanna Howard

Manager Economic Development and Marketing

BACKGROUND

The Dubbo Region's Economy has been affected by many different factors arising from the COVID-19 Pandemic. Compulsory Industry closures, reduced discretionary spending, changing consumer habits including increased online purchasing and bulk have all affected the dynamics of the local business environment. Different industries have been impacted in different ways; some have had to deal with supply chain restraints due to restrictions on borders, while others have had to deal with issues such as a shortage in the supply of skills and labour due to increased Government financial assistance. The real short term and long term impacts on the local economy are yet to be formally realised and understood, however, it is clear parts of the local economy are being majorly affected and any assistance that Council could provide to the local community to get through what was shaping up to be the first Australian recession in 30 years, would be very welcomed by industry.

In response the Dubbo Regional Economic Recovery Taskforce was assembled through invitation from the Mayor, to advise and consult on the development of a 12 month strategy to escalate the economic recovery of the Dubbo Region. The Economic Recovery Taskforce consisted of the below representatives:

Economic Recovery Taskforce Representation

Position	Organisation
Mayor Dubbo Region (Chairperson)	Dubbo Regional Council
Chief Executive Officer	Dubbo Regional Council
Director Culture and Economy	Dubbo Regional Council
Manager Economic Development And Marketing	Dubbo Regional Council
Economic Development Officer	Dubbo Regional Council
President Dubbo Chamber of Commerce	Dubbo Chamber of Commerce
Retail Representative	Dubbo Chamber of Commerce
Hospitality Representative	Dubbo Chamber of Commerce
President Wellington Business Chamber	Wellington Business Chamber
Tertiary Education and Training	Charles Sturt University
President NSW Real Estate Institute (Orana)	NSW Real Estate Institute (Orana)
Local Tourism Representative	Taronga Western Plains Zoo
Director RDA Orana; Service Area Representative	Regional Development Australia (Orana)
Regional Tourism Authority	Destination Outback and Country

A Terms of Reference Strategy document was developed, along with a regular meeting schedule and a range of topics to be discussed. A COVID-19 Safe meeting plan was devised and the Taskforce members met in person over a period of 6 weeks, through a series of workshops and one on one targeted meeting with staff to define the strategy objectives and outcomes.

The final draft for consideration of Council has been attached to this report, with the prioritisation of activities being finalised by the industry representatives in the Economic Recovery Taskforce.

REPORT

The Recovery Taskforce focused on three areas to fast-track economic recovery for the Dubbo Region, these include Regional Jobs, Regional Investment and Industry Recovery. The content for the workshops were based around these key themes and included;

Regional Jobs – discussions and concepts involving:

- Delivery and implementation of work programs that support sustainable regional jobs for regional people.
- Supporting the attraction of skilled people into the Dubbo Region to sustain local workforce development and capital projects, minimising escaped wages through Drive in Drive Out and Fly in Fly Out employees.
- Providing opportunities for impacted Dubbo Region businesses to recover and grow through partnered programs and pathways that support workforce recovery and employment.

Regional Investment – ideas and issues such as:

- Helping to resolve regional skills shortages and gaps through targeted skills development and attraction.
- Supporting economic recovery and advancement of the Dubbo Region through investment attraction programs supporting attraction of new business and industry.
- Supporting economic recovery of regional businesses through investment of household incomes and commercial budgets in local businesses.
- Monitoring and supporting the commercial and residential real estate zoning, availability, development and investment of the Dubbo Region appropriate to each industry market.

Industry Recovery – initiatives such as;

- Leveraging the recovery of the Dubbo Region as a service centre and support businesses attracting new markets outside of the Dubbo Region LGA boundaries supporting regional exports.
- Leveraging traditional peak spending and visitation periods to focus consumer and commercial spending in local industry through collaborative programs between Government and industry bodies.

- Helping boost and improve regional travel through the collaborative and targeted implementation of attraction campaigns for visiting friends and relatives, family and retiree markets.

Five workshops were held over six weeks and covered the abovementioned overarching focus areas. Taskforce members were encouraged to engage in meaningful discussion and debate, in particular when the topic involved their area of expertise. Theme champions were engaged and consulted for presentations to add their insights to the COVID-19 impacts on different areas of the local economy and engaged pre and post the full Taskforce Workshops to make sure that the full understanding was sought from industry representatives. The five workshops were delivered as below;

Workshop 1

Destination marketing and visitation attraction: Target markets and Geo-Markets, type of messaging and targeting high yield markets.

Business development and attraction: Key post COVID industries to prepare for, what opportunities can Dubbo Region focus on delivering.

Local purchasing and procurement - Consumer and Business to Business, importance of Council support and how to deliver that support.

Workshop 2

Business support: Businesses that need support and how can that be delivered by Council and partnerships in the most effective way. How will retail recover and what does a COVID-19 Christmas look like?

Workshop 3

Job recovery: Aiding the development of new jobs in the Region.

Workforce development: training programs for the upskilling of existing workforce.

New Resident and skills attraction: the attraction of new people with skills to the Region.

Industry engagement: business assistance and co-operation in developing trainees and apprenticeships for the Region.

Workshop 4

Regional investment – Investment for creating jobs in infrastructure, with high importance relating to developments on the horizon and making sure to capture opportunity whilst presented.

CBD overview – the current situation for the CBDs in Dubbo and Wellington, including the vacant shop fronts, activation requirements, change in retail and activation opportunities.

Workshop 5

Draft strategy and prioritisation - review, prioritise and finalisation of strategy actions, outcomes and key focuses of delivery over the twelve month delivery period.

Through the series of workshops the Recovery Taskforce developed a comprehensive list of prioritised projects and objectives. After finalisation of priorities for industry, the attached strategy was developed, focusing on:

1. Destination Marketing and Visitor Attraction

Vision for Success: Offset the challenges and embrace the opportunities presented to the domestic travel market from COVID-19.

2. Dubbo Region Business, Industry Development and Attraction

Vision for Success: Offset the challenges and embrace the opportunities of COVID-19 to position the Dubbo Region as a centre for job enabling infrastructure and proactive business development.

3. Dubbo Region Purchasing Behaviour from Consumers and from Business to Business

Vision for Success: Offset the challenges and embrace the opportunities of the COVID-19 retail landscape, to secure local purchasing practices within the business to business supply chains of the Dubbo Region and enhance the buy local behaviours of Dubbo Region's residential and service area communities.

4. Job Recovery and Workforce Development

Vision for success: Offset predicted recessionary economic impact of COVID-19 on Dubbo Region's economy, through continued low levels of unemployment and strong skills development that supports future identified industry growth and focus on labour.

5. Industry Engagement

Vision for success: Strong and capable businesses and industry which maximise and embrace the opportunities presented from COVID-19 and infrastructure investment now and in the future.

6. CBD Ignition and Reactivation

Vision for success: The Dubbo Region CBDs react to impacts, opportunities and restrictions of COVID-19 to create a safe, full and viable mix of business and commercial entities that employ people and attract spending.

OVERALL OBJECTIVE

The Dubbo Region responds to economic challenges and opportunities as a result of COVID-19 and rebounds quickly as a strong, resilient economy.

How this will be achieved...

DESTINATION MARKETING AND VISITOR ATTRACTION

Vision for success: Offset the challenges and embrace the opportunities presented to the domestic travel market from COVID-19

1.1	Increase the total visitor spend in the Dubbo Region, measured off an average of the previous two year spend for the FY 20/21
1.2	Increase visitor attraction in the Visiting Friends and Relatives (VFR) market, empowering locals to be part of the attraction campaigns, lifting Regional pride in the destination's offering and celebrating 'some town heroes'
1.3	Support Tourism attraction visitation, accommodation and hospitality industry in delivery of PR activity and marketing campaigns to both locals and targeted visitor markets
1.4	Build brand recognition and visitation consideration in targeted markets through targeted PR activities

DUBBO REGION BUSINESS AND INDUSTRY DEVELOPMENT AND ATTRACTION

Vision for success: Offset the challenges and embrace the opportunities of COVID-19 to position the Dubbo Region as a centre for job enabling infrastructure and proactive business development

2.1	Position the Dubbo Region as a preferred destination for identified industries that grow regional capacity and employment
2.2	Attract and develop industry enabling infrastructure through strategic plans and policy that are aligned to best support provision of grant related funding and partnerships
2.3	Industry value add opportunities are explored and acted upon for major projects to maximise local procurement and employment

DUBBO REGION PURCHASING BEHAVIOUR FROM CONSUMERS AND FROM BUSINESS TO BUSINESS

Vision for success: Offset the challenges and embrace the opportunities of COVID-19 retail landscapes to secure local purchasing practises within the business to business supply chains of the Dubbo Region and enhance the buy local behaviours of Dubbo Region's residential and service area communities

3.1	Secure commitment from Council and large scale private business to support local supply chains through local procurement
3.2	Engage and educate business on the ways that they can attain work from Council and large government packages available within the region
3.3	Engage local community and regional service community of the Dubbo Region to commit to buying locally

JOB RECOVERY AND WORKFORCE DEVELOPMENT

Vision for success: Offset predicted recessionary impact economic impact of COVID-19 on Dubbo Region's economy, through continued low levels of unemployment and strong skills development that supports future identified industry growth and focus on labour force impacted by COVID-19

4.1	Support affected industries with low recruitment engagement, high recruitment fatigue to attract people back into the job market
4.2	Review training and workforce upskill opportunities for local business and labour force to diversify
4.3	Leverage opportunities presented by COVID relating to space and infection rates to attract skilled workers to relocate themselves and their families to our region to minimise/avoid FIFO

INDUSTRY ENGAGEMENT

Vision for success: Strong and capable businesses and industry which maximise and embrace the opportunities presented from COVID-19 and infrastructure investment now and in the future

5.1	Increase local industries capability and capacity to maximise local participation in major infrastructure projects
5.2	Support industry alliances to facilitate industry collaboration and cooperation between businesses in the region to create a competitive advantage
5.3	Secure commitment from Council to support capacity building and skill development through procurement policies focused on cultivating Dubbo first
5.4	Address skills gaps through the attraction of in demand skills from outside the LGA as new residents to the Dubbo Region

CBD ACTIVATION AND RE-IGNITION

Vision for success: The Dubbo Region CBDs react to impacts, opportunities and restrictions of COVID-19 to create a safe, full and viable mix of business and commercial entities that employ people and attract spending

6.1	Offset the decrease in foot traffic and restrictions on indoor crowds as an impact of COVID-19 by responsibly encouraging local spend within the CBD's through innovative programs and communication
6.2	Develop infrastructure to support existing CBD businesses and attract new operators in new COVID-Safe regulations
6.3	Maintain commercial viability of the Dubbo and Wellington CBD's through the attraction and retention of major national stores that employ local people

Once adopted, reporting on the implementation of the Strategy will be done by Council's Manager Economic Development and Marketing, via the monthly Council Informal Report, under its own sectioned heading.

SUMMARY

Over six weeks representatives from identified COVID-19 impacted industries were engaged through targeted, interactive workshops and through specific one on one sessions to advise and consult on the development of the Dubbo Region Economic Recovery Strategy.

The Economic Recovery Taskforce focused on the fiscal recovery of the Dubbo Region and the challenges and opportunities as they have been presented during the COVID-19 pandemic.

The final outcomes of the workshops were prioritised at a final meeting and these priority projects have been collated into the attached Dubbo Region Economic Recovery Strategy, to be implemented through Council and Council partnerships for the ensuing twelve months if adopted by Council.

Reporting on the Strategy will occur through Council's Informal Report. It should be noted that in order to deliver the Strategy, the Economic Development Services delivery functions will focus on the outcomes of this Strategy. Meaning that some of the usual delivery projects of the function will need to be deprioritised or changed to allow for budget considerations and staff resourcing.

Appendices:

1⇒ Regional Recovery Strategy 2020 - final Provided under separate cover



REPORT: Native Species Art Wall at Dubbo Region Visitor Information Centre (Dubbo Site)

AUTHOR: Manager Economic Development and
Marketing
REPORT DATE: 14 September 2020
TRIM REFERENCE: ID20/1163

EXECUTIVE SUMMARY

Dubbo Regional Council has been approached by the NSW Government, Department of Planning, Industry and Environment (DPIE), Biodiversity and Conversation Division to support threatened species month through the provision of space on the western wall of the Dubbo Visitor Information Centre building for an artwork depicting localised endangered species.

A local artist has been sourced through an Expression of Interest process managed by DPIE, with the successful artist Gill Pedrana supported by the NSW Government appointed panel, which included a representative from Council's Cultural Development Branch as requested by DPIE.

The project would be fully funded by DPIE, with no costs to Council. Should the artwork reach end of life, Council would be required to either maintain or paint over the mural. The artwork would be launched at a joint media event between the Mayor of the Dubbo Region and the NSW Local Member.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. That Council make a determination on the approval for 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.**
- 2. That if the Dubbo Region, Visitor Information Centre, Dubbo site is not deemed appropriate, Council work with Department of Planning, Industry and Environment (DPIE), Biodiversity and Conversation Division to identify other locations for consideration.**

Joanna Howard

Manager Economic Development and Marketing

BACKGROUND

NSW Government DPIE approached Council staff to partner on the delivery of an art wall to build awareness of local endangered species. The timing of the painting of the wall is requested in line with 'Biodiversity Month' (September) and the Save our Species Program. The attached design has been developed in consultation with the NSW Government Bio Diversity Team, designed by a local artist and representing local endangered species.

The purpose of the artwork is to engage the community in the awareness of local endangered species, and encourage further actions of conservation and support of threatened species locally.

This site was not previously identified by for public art however the opportunity has been presented to Council for consideration.

REPORT

The Dubbo Region Visitor Information Centre, Dubbo Site, was chosen by DPIE to partner in this project due to its prominence in the community and tourists, its connection to the Macquarie River, exposure during major events held in Macquarie Lions Park and the aesthetics of the building, lending itself to mural work, being its long and flat brick building, already painted and without heritage considerations etc.

The objectives of the mural art project are below:

Create a vibrant mural in Dubbo that engages with the community to:

- Deepen the communities 'sense of place' (To Dubbo, the local environment and Goonoo Forrest)
- Create a sense of connection to and stewardship for the landscape and the threatened species featured within the mural

Designer interpretation of Mural Wall at the Dubbo Region Visitor Information Centre:



The mural will feature the local landscape (so the viewer can clearly identify the landscape as being local to Dubbo and the nearby Goonoo Forrest) and include native and localised threatened species. The mural will also include a call to action to the Save our Species Program to engage the community in the purpose of the program.

Should Council vote that this mural is not appropriate for the future development of the Visitor Information Centre in Dubbo, Council staff will work with DPIE to find another site within Dubbo for this project.

SUMMARY

NSW DPIE approached Dubbo Regional Council to partner in support of Biodiversity Month (September) through the provision of art space on the western wall of the Dubbo Region Visitor Information Centre, Dubbo site.

The project, should it be supported by Council, would be fully funded by the NSW DPIE and be delivered by local artist Gill Pedrana to feature native endangered animals to engage the community in the Save our Species Program, and promote local endangered plant and animal species in the Region and direct surrounds. The featured species include; black cockatoo, eucalypt trees, she oaks kernels and malleefowl. The artist has also included native gliders and parrots.

The final process in the mural includes a graffiti coating, but should maintenance be required that would be at the expense of Council, and should the painting reach end of life, Council would be responsible for painting over the artwork.



DUBBO REGIONAL
COUNCIL

REPORT: Lease of Land - Airport Hangar Site 4 - W & E Maas Holdings Pty Ltd

AUTHOR: Manager Dubbo City Regional Airport
REPORT DATE: 14 September 2020
TRIM REFERENCE: ID20/1175

EXECUTIVE SUMMARY

Following the completion of the General Aviation Expansion area of Dubbo City Regional Airport there has been continued interest in upgrades and expansion of hangar sites from new and existing licensees. Current and future investors have requested a long term tenure on the land be offered so that they are able to achieve security and banking approvals commensurate with their investment.

Council was approached on 7 July 2020 by W & E Maas Holdings Pty Ltd to extend their current lease which is due to expire on 30 June 2023 at Hangar Site 4, and be offered four (4) consecutive five (5) year leases for the same Hangar Site 4, Lot 14 DP 1191075 Dubbo NSW 2830, the first of which is to commence upon the termination date of the current lease.

It is proposed that 2.5 % is to be applied annually to the lease fee with a market rate review being conducted every 5 years.

FINANCIAL IMPLICATIONS

The annual lease income will be allocated to the Dubbo City Regional Airport budgets.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

1. That the information contained in the report from 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. The first lease will commence upon the termination of the current lease, with the second, third and fourth lease commencing upon the expiry of the previous lease. All four (4) leases 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.

Jacki Parish

Manager Dubbo City Regional Airport

BACKGROUND

Following on from the recent capital expansion works to the Dubbo City Regional Airport General Aviation offering many, existing hangar licensees are looking at improving, expanding and/or rebuilding their current hangar sites. Existing lease holder W & E Maas Holdings Pty Ltd approached Council to consider extending their current lease, so that much needed investment in the condition and presentation of the Hangar Site could be undertaken with a reciprocated level of security with an appropriate tenure for the investment they were about to undertake.

Council suggested that the current lease term reach expiry and that a new consecutive five (5) year lease be entered into to gain the extended tenure commensurate with their investment.

REPORT

A request has been received from the current owner of Hangar 4 at the Dubbo City Regional Airport to have the current lease on the land terminated early and new leases be offered for four (4) consecutive five (5) year terms for the same at Hangar Site 4, Lot 14 DP 1191075 Dubbo, NSW 2830. The first lease to commence upon the termination of the current lease.

The termination of the current lease is required before a new lease can be issued for the five (5), plus five (5), plus five (5), plus five (5) year period. It is proposed that 2.5 % be applied annually to the lease fee with a market rate review being conducted every 5 years.

An assessment and analysis of the hangar sites has been completed by Property Assets branch within Council and this assessment has resulted in the agreed rate of \$4.00 per square meter for larger lots in the new General Aviation (GA) area, \$6.00 per square meter for the smaller lots in the new GA and \$4.50 per square meter in the older GA area. On the expiry of existing leases Council is adopting the above rates, to ensure a clear and consistent approach to the hangar rates at Dubbo City Regional Airport.

These rate are consistent with other hangar sites within Regional Australia.

The terms of the new leases are in line with other leases that have been entered into recently with other lessees. It is proposed that all leases would be required to be signed prior to the commencement of the first new lease.

Appendices:

1⇒ Dubbo City Regional Airport Precinct Plan - Hangar Site 4	Provided under separate cover
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