

# **AGENDA**

## **ORDINARY COUNCIL MEETING**

### **27 JULY 2016**

**MEMBERSHIP:**  
Mr M Kneipp (Administrator).

The meeting is scheduled to commence at 5.30pm.

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**LOCAL GOVERNMENT PRAYER:**

May the words of our mouths and the meditation of our hearts be acceptable in thy sight, O 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 people who are present".

**CCL16/98 APOLOGIES**

**CCL16/99 DECLARATION OF INTERESTS**

**CCL16/100 CONFIRMATION OF ORDER OF BUSINESS**

**CCL16/101 CONFIRMATION OF MINUTES (ID16/1310)**

Confirmation of the minutes of the proceedings of the Western Plains Regional Council Ordinary Council meeting held on 22 June 2016 and the Extraordinary Council Meeting held on 29 June 2016.

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**CCL16/102 PUBLIC ACCESS SESSION**

**ORGANISATIONAL / CORPORATE SERVICES REPORTS:**

- CCL16/103 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT (ID16/1311)** 48  
The Council had before it the report dated 11 July 2016 from the Director Organisational Services regarding Investments Under Section 625 of the Local Government Act.
- CCL16/104 INVESTMENT POLICY AND STRATEGY REVIEW (ID16/1326)** 52  
The Council had before it the report dated 14 July 2016 from the Manager Financial Accounting Services regarding Investment Policy and Strategy Review.
- CCL16/105 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE ADMINISTRATOR (ID16/1214)** 88  
The Council had before it the report dated 13 July 2016 from the Manager Governance and Risk Services regarding Payment of Expenses and Provision of Facilities for the Administrator.
- CCL16/106 CODE OF MEETING PRACTICE (ID16/1215)** 115  
The Council had before it the report dated 18 July 2016 from the Manager Governance and Risk Services regarding Code of Meeting Practice.
- CCL16/107 ANNUAL RISK MANAGEMENT PROGRAM AND INSURANCE MATTERS (ID16/1324)** 164  
The Council had before it the report dated 14 July 2016 from the Manager Governance and Risk Services regarding Annual Risk Management Program and Insurance Matters.
- CCL16/108 DRAFT PRIVACY MANAGEMENT PLAN (ID16/1306)** 172  
The Council had before it the report dated 11 July 2016 from the Manager Customer Services regarding Draft Privacy Management Plan.

**TECHNICAL SERVICES REPORTS:**

- CCL16/109 CREATION OF EASEMENT FOR WATER SUPPLY PIPELINE AT EUMUNGERIE (ID16/1302)** 238  
The Council had before it the report dated 11 July 2016 from the Director Technical Services regarding Creation of Easement for Water Supply Pipeline at Eumungerie.
- CCL16/110 ADOPTION OF TECHNICAL CONSTRUCTION SCHEDULES (ID16/1304)** 241  
The Council had before it the report dated 11 July 2016 from the Director Technical Services regarding Adoption of Technical Construction Schedules.  
**Please note, the schedules has been provided under separate cover.**
- CCL16/111 PROPOSED TRANSFER OF CROWN ROAD KNOWN AS MOUNTAIN CREEK ROAD (ID16/1312)** 245  
The Council had before it the report dated 13 July 2016 from the Manager Civil Infrastructure and Solid Waste regarding Proposed Transfer of Crown Road known as Mountain Creek Road.

**ENVIRONMENTAL SERVICES REPORTS:**

- CCL16/112 BUILDING SUMMARY - JUNE 2016 (ID16/1323)** 250  
The Council had before it the report dated 14 July 2016 from the Director Environmental Services regarding Building Summary - June 2016.
- CCL16/113 RELEASE OF POSITIVE COVENANTS AND DEDICATION OF ROAD - SOUTHLAKES ESTATE (ID16/1315)** 262  
The Council had before it the report dated 14 July 2016 from the Director Environmental Services regarding Release of Positive Covenants and Dedication of Road - Southlakes Estate.
- CCL16/114 SOUTHLAKES DEVELOPMENT CONTROL PLAN 1 - RESULTS OF PUBLIC EXHIBITION (ID16/1284)** 288  
The Council had before it the report dated 11 July 2016 from the Manager City Strategy Services regarding Southlakes Development Control Plan 1 - Results of Public Exhibition.



- CCL16/118 POLICY FOR THE DEFERRED PAYMENT OF DEVELOPER CONTRIBUTIONS FOR RESIDENTIAL SUBDIVISION (ID16/1300)** 410  
The Council had before it the report dated 11 July 2016 from the Manager City Strategy Services regarding Policy for the Deferred Payment of Developer Contributions for Residential Subdivision.
- CCL16/119 ASBESTOS POLICY REVIEW (ID16/1316)** 418  
The Council had before it the report dated 14 July 2016 from the Manager Environmental Control regarding Asbestos Policy Review.
- CORPORATE DEVELOPMENT REPORTS:**
- CCL16/120 QUARTERLY ECONOMIC DEVELOPMENT ACTION PLAN REPORT (ID16/1327)** 511  
The Council had before it the report dated 14 July 2016 from the Director Corporate Development regarding Quarterly Economic Development Action Plan Report.
- CCL16/121 PURCHASE BY COUNCIL OF LOT 8 SECTION 76 DP 759073, 1A WARNE STREET WELLINGTON (ID16/1314)** 551  
The Council had before it the report dated 12 July 2016 from the Manager Commercial Facilities regarding Purchase by Council of Lot 8 Section 76 DP 759073, 1A Warne Street Wellington.
- CCL16/122 LEASE OF LAND BY ROYAL FLYING DOCTOR SERVICE FOR MULTI-PURPOSE AEROMEDICAL, AVIATION AND TOURISM FACILITY (ID16/1292)** 554  
The Council had before it the report dated 6 July 2016 from the Airport Operations Manager regarding Lease of Land by Royal Flying Doctor Service for Multi-purpose Aeromedical, Aviation and Tourism Facility.
- CCL16/123 REVIEW AND STREAMLINING OF COUNCIL'S FINANCIAL AND IN-KIND FUNDING ASSISTANCE PROGRAM (ID16/1329)** 559  
The Council had before it the report dated 15 July 2016 from the City Promotions and Events Supervisor regarding Review and streamlining of Council's Financial and In-kind Funding Assistance Program.

**ADMINISTRATOR MINUTES:**

**CCL16/124 ADMINISTRATOR APPOINTMENTS (ID16/1135)** 577  
The Council had before it the report dated 18 July 2016 from the Administrator regarding Administrator Appointments.

**CCL16/125 PROPOSED ORGANICS PROCESSING PLANT AND FOOD AND GARDEN ORGANICS COLLECTION SERVICE (ID16/1340)** 581  
The Council had before it the report dated 20 July 2016 from the Administrator regarding Proposed Organics Processing Plant and Food and Garden Organics Collection Service.

**CCL16/126 QUESTIONS WITHOUT NOTICE**

**CONFIDENTIAL MATTERS:**

**CCL16/127 ELECTRICITY CONTRACT FOR MASS MARKET SITES (ID16/1320)**  
The Council had before it the report dated 13 July 2016 from the Director Organisational Services regarding Electricity Contract for Mass Market Sites.

*In accordance with the provisions of Section 9 (2A) of the Local Government Act 1993 the General Manager is of the opinion that consideration of this item is likely to take place when the meeting is closed to the public for the following reason: information that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)).*

**CCL16/128 ACCEPTANCE OF VARIATION TO EXTEND INTEGRATED WATER CYCLE MANAGEMENT TO ALL OF WESTERN PLAINS REGIONAL COUNCIL (ID16/1113)**  
The Council had before it the report dated 17 June 2016 from the Director Technical Services regarding Acceptance of Variation to Extend Integrated Water Cycle Management to all of Western Plains Regional Council.

*In accordance with the provisions of Section 9 (2A) of the Local Government Act 1993 the General Manager is of the opinion that consideration of this item is likely to take place when the meeting is closed to the public for the following reason: commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council (Section 10A(2)(d)(ii)).*

**CCL16/129 TENDER FOR THE DOCUMENTATION AND CONSTRUCTION OF THE WEIGHBRIDGE AT THE DUBBO REGIONAL LIVESTOCK MARKETS (ID16/1293)**

The Council had before it the report dated 6 July 2016 from the Director Corporate Development regarding Tender for the Documentation and Construction of the Weighbridge at the Dubbo Regional Livestock Markets.

*In accordance with the provisions of Section 9 (2A) of the Local Government Act 1993 the General Manager is of the opinion that consideration of this item is likely to take place when the meeting is closed to the public for the following reason: information that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)).*

**CCL16/130 DOCUMENTATION AND CONSTRUCTION OF ELECTRICAL WORK FOR THE SALE PENS,DRAFT AREA AND STACK PENS AT THE DUBBO REGIONAL LIVESTOCK MARKETS (ID16/1294)**

The Council had before it the report dated 6 July 2016 from the Director Corporate Development regarding Documentation and Construction of Electrical work for the Sale Pens,Draft Area and Stack Pens at the Dubbo Regional Livestock Markets.

*In accordance with the provisions of Section 9 (2A) of the Local Government Act 1993 the General Manager is of the opinion that consideration of this item is likely to take place when the meeting is closed to the public for the following reason: information that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)).*

**CCL16/131 SALE OF LOT 29 DP 1131385 MCGUINN CRESCENT, MOFFATT ESTATE (ID16/1322)**

The Council had before it the report dated 13 July 2016 from the Manager Commercial Facilities regarding Sale of Lot 29 DP 1131385 McGuinn Crescent, Moffatt Estate.

*In accordance with the provisions of Section 9 (2A) of the Local Government Act 1993 the General Manager is of the opinion that consideration of this item is likely to take place when the meeting is closed to the public for the following reason: information that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)).*

**CCL16/132 REPORT AND ADOPTION OF CONFIDENTIAL COMMITTEE**

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## Confirmation of Minutes

WESTERN  
PLAINS  
REGIONAL  
COUNCIL

Incorporating the former  
Dubbo City & Wellington councils

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Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 22 June 2016 and the Extraordinary Council meeting held on 29 June 2016.

### RECOMMENDATION

**That the minutes of the proceedings of the Western Plains Regional Council at the Ordinary Council meeting held on 22 June 2016 comprising pages 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 and the Extraordinary Council meeting held on 29 June 2016 comprising pages 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46 and 47 of the series be taken as read, confirmed as correct minutes and signed by the Administrator and the Interim General Manager.**

Appendices:

- 1 Ordinary Council Meeting - 22 June 2016 - Minutes
- 2 Confidential Ordinary Council Meeting - 22 June 2016 - Minutes
- 3 Extraordinary Council Meeting - 29 June 2016 - Minutes
- 4 Confidential Extraordinary Council Meeting - 29 June 2016 - Minutes



**WESTERN  
PLAINS  
REGIONAL  
COUNCIL**

Incorporating the former  
Dubbo City & Wellington councils

# **REPORT ORDINARY COUNCIL MEETING 22 JUNE 2016**

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## **PRESENT:**

Administrator (Mr Michael Kneipp)

## **ALSO IN ATTENDANCE:**

The Interim General Manager, the Director Wellington Branch, the Executive Assistant - Director Corporate Services, the Director Organisational Services – Dubbo Branch, the Manager Governance and Risk, the Director Corporate Development – Dubbo Branch, the Media and Public Relations Coordinator, the Director Technical Services – Dubbo Branch, the Manager Technical Support, the Manager Civil Infrastructure and Solid Waste, the Director Environmental Services – Dubbo Branch, the Director Community Services – Dubbo Branch and the Director Parks and Landcare Services – Dubbo Branch.

Mr M Kneipp assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.34pm with a prayer for Divine Guidance to the Council in its deliberations and activities. The acknowledgement of country was also read by the Administrator, Mr Kneipp.

## **CCL16/52 APOLOGIES**

There were no requests for leave of absence recorded.

## **CCL16/53 DECLARATION OF INTERESTS**

There were no declaration of interests recorded.

## **CCL16/54 CONFIRMATION OF ORDER OF BUSINESS**

Moved by Mr M Kneipp

## **MOTION**

**That the confirmation of order of business for the Ordinary Council meeting held 22 June 2016 be adopted.**

**CARRIED**

**CCL16/55 CONFIRMATION OF MINUTES (ID16/850)**

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 25 May 2016 and the Extraordinary Council meeting held on 8 June 2016.

Moved by Mr M Kneipp

**MOTION**

**That the minutes of the proceedings of the Western Plains Regional Council at the Ordinary Council meeting held on 25 May 2016 comprising pages 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 and the Extraordinary Council meeting held on 8 June 2016 comprising pages 34 and 35 of the series be taken as read, confirmed as correct minutes and signed by the Administrator and the Interim General Manager.**

**CARRIED**

**CCL16/56 PUBLIC ACCESS SESSION**

The Council reports having met with the following persons during Public Access Session:

- Mrs C Klein regarding CCL16/84 - Application for closure of part of Tarwong Lane, Maryvale.
- Mr B Conn regarding CCL16/84 - Application for Closure of Part of Tarwong Lane, Maryvale.
- Ms B Sutherland regarding CCL16/72 - Development Application for Additions and Alterations to a Child Care Centre at 8 Goode Street, Dubbo.

**GENERAL MANAGER'S REPORTS:****CCL16/57 STREET SEALING PROGRAMME - WONGARBON / BROCKLEHURST / EUMUNGERIE AND BALLIMORE (ID16/1095)**

The Council had before it the report dated 14 June 2016 from the Interim General Manager regarding Street Sealing Programme - Wongarboon / Brocklehurst / Eumungerie and Ballimore.

Moved by Mr M Kneipp

## MOTION

1. That the final draft of the ten (10) year program of street sealing in the villages of Wongarbone / Brocklehurst / Eumungerie / and Ballimore, as identified in the report of the Manager Civil Infrastructure and Solid Waste and as amended having regard to community consultation, be conceptually endorsed for the purpose of the preparation of the newly formed Council's initial Community Strategic Plan effective 1 July 2018.
2. That in the intervening period the street sealing projects for 2016/2017 and 2017/2018 be as per the Managers report as follows:
 

2016/2017	Brocklehurst	Barbijal Street
	Wongarbone	Railway Street (Berida to Beni)
	Wongarbone	Derribong Street (Gundong to Barbical)
2017/2018	Wongarbone	Bundemar Street (Gundong to Barbical)
	Eumungerie	Balladoran Street (Emu to Cobboco)
	Eumungerie	Emu Street (Railway to Balladoran)
3. That those persons who made a submission in respect of this matter be thanked for their input and advised of Council's decision.

**CARRIED**

## ORGANISATIONAL / CORPORATE SERVICES REPORTS:

### **CCL16/58 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT (ID16/1071)**

The Council had before it the report dated 8 June 2016 from the Director Organisational Services regarding Investments Under Section 625 of the Local Government Act.

Moved by Mr M Kneipp

## MOTION

**That the information contained within the report of the Director Organisational Services dated 8 June 2016 be noted.**

**CARRIED**

### **CCL16/59 DISCLOSURE OF INTEREST RETURNS (ID16/1117)**

The Council had before it the report dated 16 June 2016 from the Manager Governance and Risk Services regarding Disclosure of Interest Returns.

Moved by Mr M Kneipp

## MOTION

**That the tabling of the Disclosure of Interest Returns as detailed in the report of the Manager Governance and Risk Services dated 16 June 2016 be noted.**

**CARRIED**

**CCL16/60 DRAFT COUNCIL POLICY - USE OF COUNCIL COMMON SEAL (ID16/1073)**

The Council had before it the report dated 8 June 2016 from the Manager Governance and Risk Services regarding Draft Council Policy - Use of Council Common Seal.

Moved by Mr M Kneipp

**MOTION**

**That the draft Council Policy titled "Use of Council Common Seal" be adopted.**

**CARRIED**

**CCL16/61 DRAFT COUNCIL POLICY - LOCAL PURCHASING POLICY (ID16/1074)**

The Council had before it the report dated 8 June 2016 from the Manager Governance and Risk Services regarding Draft Council Policy - Local Purchasing Policy.

Moved by Mr M Kneipp

**MOTION**

- 1. That the draft Council Policy titled "Local Purchasing Policy" be placed on public exhibition for a period of 28 days.**
- 2. That a further report be considered by Council addressing any submissions made by the public during the public exhibition period.**

**CARRIED**

**CCL16/62 FORMATION OF OTHER COUNCIL COMMITTEES (ID16/1076)**

The Council had before it the report dated 9 June 2016 from the Manager Governance and Risk Services regarding Formation of Other Council Committees.

Moved by Mr M Kneipp

**MOTION**

- 1. That the report of the Manager Governance and Risk Services be noted.**
- 2. That the following other Committees/Working Parties be formed by Council until the next Local Government election to be held September 2017:**
  - (a) Saleyards Advisory Committee**
  - (b) Geographical Names Ad Hoc Committee**
  - (c) Western Plains Regional Council Code of Conduct Committee**
  - (d) Dubbo Day Awards Committee**
  - (e) Rainbow Cottage Child Care Centre Committee**
  - (f) Sister Cities Advisory Committee**
  - (g) Dubbo Multi Cultural Festival Advisory Committee**
  - (h) Rural Consultative Working Party**
  - (i) Wellington Bicentenary Committee**

3. That the Companion Animals Advisory Committee be formed by Council until the next Local Government election to be held September 2017 with a composition as follows:  
Comprising the Administrator, one (1) representative each from RSPCA Branch, RSPCA Foster Carers, a Veterinary Practice from the LGA, District Kennel Club, Department of Education, WIRES, one (1) citizen representative from each of the urban areas of Dubbo and Wellington, the Manager Environmental Control, Ranger Services Supervisor and the Supervisor Dubbo City Animal Shelter.
4. That the Audit and Risk Management Committee be formed by Council until the next Local Government election to be held September 2017 with membership as described in the report of the Manager Governance and Risk Services dated 9 June 2016 to be amended to include a non-voting Community Representative.
4. That the Floodplain Management Committee, Australia Day Working Party and Wellington Caves Advisory Group be formed by Council until the next Local Government election to be held September 2017 with membership as described in the report of the Manager Governance and Risk Services dated 9 June 2016 to be amended to include one (1) Community Representative.
5. That, where applicable, Council call public expressions of interest for members to these other committees/working parties for determination by the Administrator.
6. That the Administrator appoint representatives to represent Council on each of the External Committees as detailed in the body of this report as appropriate.

**CARRIED**

#### **TECHNICAL SERVICES REPORTS:**

#### **CCL16/63 PUBLIC EXHIBITION OF DRAFT ROUTE PLANS OF PROPOSED PIPELINE FROM BURRENDONG DAM TO DUBBO (ID16/962)**

The Council had before it the report dated 27 May 2016 from the Director Technical Services regarding Public Exhibition of Draft Route Plans of Proposed Pipeline from Burrendong Dam to Dubbo.

Moved by Mr M Kneipp

#### **MOTION**

1. That the attached draft route plans of a proposed future pipeline from Burrendong Dam to the John Gilbert Water Treatment Plant at Dubbo, via the Wellington Water Treatment Plant and Geurie, along the Macquarie River Valley, be adopted for public exhibition purposes.
2. That, following consideration of submissions received during the Public Exhibition period, a further report be prepared for Council.

**CARRIED**

**CCL16/64 PROPOSED BOUNDARY ROAD EXTENSION AND ROUNDABOUTS AT THE INTERSECTIONS OF BOUNDARY ROAD WITH WHEELERS LANE AND ALEXANDRINA AVENUE, DUBBO (ID16/1110)**

The Council had before it the report dated 15 June 2016 from the Manager Technical Support regarding Proposed Boundary Road Extension and Roundabouts at the Intersections of Boundary Road with Wheelers Lane and Alexandrina Avenue, Dubbo.

Moved by Mr M Kneipp

**MOTION**

**That approval be granted for the implementation of two, new four way, multi lane roundabouts at the intersection of Boundary Road with Wheelers Lane and Alexandrina Avenue and the extension of Boundary Road as detailed on Council's Plan RC 6924 and RCD 6966 attached as Appendix 1 to the report of the Manager Technical Support dated 15 June 2016.**

**CARRIED**

**CCL16/65 PROPOSED MEDIAN SEPARATION ISLAND - INTERSECTION BOUNDARY ROAD AND MACQUARIE STREET DUBBO (ID16/1111)**

The Council had before it the report dated 15 June 2016 from the Manager Technical Support regarding Proposed Median Separation Island - Intersection Boundary Road and Macquarie Street Dubbo.

Moved by Mr M Kneipp

**MOTION**

**That a median separation island with associated pedestrian gap and access ramps be installed in Boundary Road at the intersection with Macquarie Street in accordance with Council's Plan TM 7019.**

**CARRIED**

**CCL16/66 PROPOSED GIVE WAY REGULATION - INTERSECTION OF BEDFORD AVENUE WITH MOUNTBATTEN DRIVE AND JENMARK ROAD, DUBBO (ID16/1112)**

The Council had before it the report dated 15 June 2016 from the Manager Technical Support regarding Proposed Give Way Regulation - Intersection of Bedford Avenue with Mountbatten Drive and Jenmark Road, Dubbo.

Moved by Mr M Kneipp

#### **MOTION**

**That a Give Way regulation be implemented in Bedford Avenue at the intersection with Mountbatten Drive and Jenmark Road and associated line marking in accordance with Council's Plan TM 7027 and that Council correspond with all the businesses in the locality advising of the proposed Traffic and Parking Management, and of the need to comply with the parallel parking regulation in the head of the Jenmark Road cul-de-sac.**

**CARRIED**

#### **ENVIRONMENTAL SERVICES REPORTS:**

##### **CCL16/67 BUILDING SUMMARY - MAY 2016 (ID16/1118)**

The Council had before it the report dated 16 June 2016 from the Director Environmental Services regarding Building Summary - May 2016.

Moved by Mr M Kneipp

#### **MOTION**

**That the information contained in the report of the Director Environmental Services dated 16 June 2016 be noted.**

**CARRIED**

##### **CCL16/68 DEVELOPMENT APPLICATION D14-043 FOR EARTHWORKS, HORSE STABLES AND ONSITE ACCOMMODATION PROPERTY: LOT 8 SECTION 76 DP 759073, 1A WARNE STREET, WELLINGTON OWNER/APPLICANT: MR A VAN TONDER (ID16/1096)**

The Council had before it the report dated 15 June 2016 from the Director Environmental Services regarding Development Application D14-043 for Earthworks, Horse Stables and Onsite Accommodation.

Moved by Mr M Kneipp

## MOTION

1. That based on the additional information and plans provided by the applicant, Council reaffirm the refusal by the former Wellington Council of Development Application D14-043 for earthworks, horse stables and onsite accommodation at Lot 8 Section 76 DP 759073, 1A Warne Street, Wellington for the following reasons:
  - (a) The information provided is insufficient to enable detailed assessment of the impacts of the development, particularly in respect of (but not limited to) the following:
    - Flood risk and flood management;
    - Whether consent has been obtained from the NSW Department of Primary Industries – Lands for the lodgement of the subject development application for works proposed to be undertaken on Crown Land;
    - Whether a Flood Control Approval is required and/or obtained under Section 90 and 91 of the Water Management Act, 2000 from the Department of Primary Industries – Office of Water for proposed works to be undertaken within the floodway of the Bell River;
    - Whether consent has been or is required to be obtained from NSW Fisheries pursuant to the Fisheries Management Act, 1994;
    - Potential contamination of the site and any required remediation pursuant to State Environmental Planning Policy 55 based on the presence of unauthorised fill onsite;
    - Stormwater management;
    - The likely risk of pollution entering the river via run-off from the site;
    - Compliance with the NSW Department of Primary Industries; and Guidelines for the Minimum Standards for Keeping Horses in Urban Areas; and
    - Impacts on groundwater and riparian land and watercourse.
  - (b) The proposed accommodation area is sited within high risk flood liable land and approximately two metres below the 1% AEP. The risk to life and property of allowing such use is unacceptable.
  - (c) Based on the information provided by the applicant, the stabling component of the proposed use requires onsite management and given that any form of residential accommodation on the subject land would be unacceptable, onsite management would not be achievable.
  - (d) The proximity of the stable building to residences and the proposed continuous hours of operation are likely to generate unavoidable and unacceptable noise impacts on neighbours.
  - (e) The additional burden on emergency services and potential risks and of approving an avoidable additional flood risk development is unacceptable.
  - (f) The likely adverse impacts of the use of the site on adjoining residents and the very high levels of ongoing maintenance that would be required to ensure odour, visual pollution and run-off did not become unacceptable and the likely ongoing monitoring and compliance issues.



- (g) Given the number of objections received in respect of the subject application, the development is considered not to be in the public's interest.
  - (h) The application fails to provide adequate information to enable a complete assessment of the development application in accordance with Section 79C of the Environmental Planning and Assessment Act, 1979.
2. That the people who made submissions in respect of this matter be advised accordingly of Council's decision.

**CARRIED**

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

<b>FOR</b>	<b>AGAINST</b>
Mr M Kneipp (Administrator)	
<b>Total (1)</b>	<b>Total (0)</b>

**CCL16/69      CONTAMINATED LAND POLICY (ID16/1089)**

The Council had before it the report dated 10 June 2016 from the Manager Environmental Control regarding Contaminated Land Policy.

Moved by Mr M Kneipp

**MOTION**

- 1. That the draft Contaminated Land Policy (Appendix 1 of the report of the Manager Environmental Control dated 10 June 2016) be adopted for the purpose of public consultation.
- 2. That the draft Contaminated Land Policy be placed on public exhibition for a period of not less than 28 days.

**CARRIED**

**CCL16/70      DUBBO CBD PRECINCTS PLAN - STATUS REPORT (ID16/1055)**

The Council had before it the report dated 10 June 2016 from the Manager City Strategy Services regarding Dubbo CBD Precincts Plan - Status Report.

Moved by Mr M Kneipp

**MOTION**

- 1. That the first progress report on the 50 Bright Ideas included in the CBD Precincts Plan be noted.
- 2. That future progress reports in respect of the Fast Track Approvals Program, the CBD Infrastructure Improvements Program and the Development Incentivisation Program be provided to Council for consideration in April and October annually.

**CARRIED**

**CCL16/71 NEW DRAFT SECTION 94 CONTRIBUTIONS PLAN FOR DUBBO OPEN SPACE AND RECREATION FACILITIES - PUBLIC EXHIBITION RESULTS (ID16/1053)**

The Council had before it the report dated 7 June 2016 from the Manager City Strategy Services regarding New Draft Section 94 Contributions Plan for Dubbo Open Space and Recreation Facilities - Public Exhibition Results.

Moved by Mr M Kneipp

**MOTION**

1. That the new draft Section 94 Developer Contributions Plan for Dubbo Open Space and Recreation Facilities as provided here in Appendix 1 of the report of the Manager City Strategy Services dated 7 June 2016 be adopted.
2. That the current Section 94 Developer Contributions Plan for Open Space and Recreation Facilities cease operation on 30 June 2016.
3. That the new draft Section 94 Developer Contributions Plan for Dubbo Open Space and Recreation Facilities commence operation on 1 July 2016.
4. That the person who made a submission be thanked for their submission and advised of Council's determination in this matter.

**CARRIED**

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

FOR	AGAINST
Mr M Kneipp (Administrator)	
<b>Total (1)</b>	<b>Total (0)</b>

**CCL16/72 DEVELOPMENT APPLICATION D16-17 - CHILD CARE CENTRE (ADDITIONS AND ALTERATIONS) - LOT 5 DP 15672, 8 GOODE STREET, DUBBO  
APPLICANT: OXANDA CAPITAL MANAGEMENT  
OWNER: OXANDA MANAGEMENT DANKE PTY LTD  
LODGED: 18 JANUARY 2016 (ID16/1062)**

The Council had before it the Administrator Minute dated 21 June 2016 regarding Development Application D16-17 - Child Care Centre (Additions and Alterations) - Lot 5 DP 15672, 8 Goode Street, Dubbo.

Moved by Mr M Kneipp

## MOTION

1. That the report of the Senior Planner 2 dated 10 June 2016 be noted.
2. That the additional information as provided by the applicant's consultant dated 17 June 2016 does not satisfy the reasons for refusal as recommended by the Senior Planner in his report dated 10 June 2016.
3. That Development Application D2016-17 for the proposed alterations and additions to an existing child care centre at Lot 5 DP 15672, 8 Goode Street, Dubbo be refused for the following reasons:
  - a. The likely traffic and parking issues associated with the proposed development is not consistent with point 4 of the objectives of the R1 General Residential zone being "to ensure development is consistent with the character of the immediate locality" (S79C(1)(a)(i) Environmental Planning and Assessment Act 1979).
  - b. The proposed development has insufficient off-street car parking and does not comply with the minimum parking requirements in accordance with the Dubbo Development Control Plan 2013 (S79C(1)(a)(iii) Environmental Planning and Assessment Act 1979);
  - c. The front façade (southern elevation) is not consistent with that of the established residential area being a commercial design (S79C(1)(b) and S79C(1)(a)(iii) Environmental Planning and Assessment Act 1979).
  - d. The site is not suitable for the proposed development (over-development of the site) as the off-street car park is unable to contain a sufficient number of onsite car spaces (S79C(1)(c) Environmental Planning and Assessment Act 1979) to service the development.
  - e. The proposed development is considered not to be in the public's interest given the traffic and parking issues will be detrimental to adjoining property owners in the vicinity as well as occupants, staff and children accessing the centre (S79C(1)(e) Environmental Planning and Assessment Act 1979 from increased traffic and onsite parking).
  - f. Insufficient landscaping has been provided to the front boundary to provide an appropriate visual buffer from the street to the commercial premises (S79C(1)(a)(i) Environmental Planning and Assessment Act 1979).
  - g. Five (5) submissions were received objecting to the proposed development citing traffic, parking concerns and non-compliance with the DCP (S79C(1)(d) Environmental Planning and Assessment Act 1979).
4. That people who made submissions be advised of Council's decision in this matter.

**CARRIED**

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

FOR	AGAINST
Mr M Kneipp (Administrator)	
<b>Total (1)</b>	<b>Total (0)</b>

**CCL16/73 DEVELOPMENT APPLICATION D16-146: HEALTH CONSULTING ROOM - LOT 831 DP 1065207, 33 CYPRESS POINT DRIVE, DUBBO**  
**APPLICANT: MR C DE BEER**  
**OWNER: MRS L THORNTON**  
**LODGED: 5 APRIL 2016 (ID16/1065)**

The Council had before it the report dated 10 June 2016 from the Planner regarding Development Application D16-146: Health Consulting Room - Lot 831 DP 1065207, 33 Cypress Point Drive, Dubbo.

Moved by Mr M Kneipp

#### MOTION

1. That Development Application D16-146 for additions to a dwelling for the purpose of a Health Consulting Room at Lot 831 DP 1065207, 33 Cypress Point Drive, Dubbo be approved subject to the conditions and notations as included in Appendix 1 of the report of the Planner dated 22 June 2016.
2. That Council not accede to the request to waive developer contributions associated with the subject development as the development is specifically defined in the Dubbo LEP 2011 as a 'Health Consulting Room' for which a development consent is required and for which no exemptions exist under the relevant developer contributions plan.
3. That persons who made submissions be advised of Council's determination in this matter.

**CARRIED**

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

FOR	AGAINST
Mr M Kneipp (Administrator)	
<b>Total (1)</b>	<b>Total (0)</b>

**CCL16/74 PROPOSED ROAD NAMING - 54 GRANGEWOOD DRIVE, DUBBO - DEVELOPMENT APPLICATION D14-395 (ID16/848)**

The Council had before it the report dated 9 June 2016 from the Land Information Services Supervisor regarding Proposed Road Naming - 54 Grangewood Drive, Dubbo - Development Application D14-395.

Moved by Mr M Kneipp

**MOTION**

1. That the proposed road names be approved for the 84 lot residential subdivision of Lot 100 in DP814787 at 54 Grangewood Drive, Dubbo (as shown in Appendix 1 of the report of the Land Information Services Supervisor dated 9 June 2016) as per the developers' request:
  - a) Boyd Avenue;
  - b) Nolan Esplanade;
  - c) Drysdale Close; and
  - d) Preston Court.
2. That the cost of the provision and installation of road name signs be met by the developer.
3. That the developer be advised accordingly.

**CARRIED**

**CCL16/75 PROPOSED ROAD NAMING - 559 WHEELERS LANE, DUBBO - DEVELOPMENT APPLICATION D15-541 (ID16/851)**

The Council had before it the report dated 9 June 2016 from the Land Information Services Supervisor regarding Proposed Road Naming - 559 Wheelers Lane, Dubbo - Development Application D15-541.

Moved by Mr M Kneipp

**MOTION**

1. That the proposed road names 'Violet Circuit' and 'Ivy Court' be approved for the 76 lot residential subdivision of Lot 10 in DP 1185855 at 559 Wheelers Lane, Dubbo (Appendix 1 of the report of the Land Information Services Supervisor dated 9 June 2016) as per the developer's request.
2. That the cost of provision and installation of the street name signs be met by the developer.
3. That the developer be advised accordingly.

**CARRIED**

**CCL16/76 PROPOSED ROAD NAMING OF NEW ROAD CREATED IN LOT 573 DP 615396  
SPEARS DRIVE, DUBBO - DEVELOPMENT APPLICATION D13-409 (ID16/961)**

The Council had before it the report dated 9 June 2016 from the Land Information Services Supervisor regarding Proposed Road Naming of New Road Created in Lot 573 DP 615396 Spears Drive, Dubbo - Development Application D13-409.

Moved by Mr M Kneipp

**MOTION**

1. That the newly constructed road on Lot 573 DP 615396, Spears Drive, Dubbo be named Yarra Place, Dubbo.
2. That the cost of the provision and installation of the road name sign be met by the developer.
3. That the developer be advised accordingly.

**CARRIED**

**PARKS AND LANDCARE SERVICES REPORTS:****CCL16/77 PARKS AND LEISURE AUSTRALIA (NSW/ACT) PUBLIC OPEN SPACE  
DEVELOPMENT 2016 WINNER - DRIFTWELLS PARK (ID16/1064)**

The Council had before it the report dated 6 June 2016 from the Manager Horticulture Services regarding Parks and Leisure Australia (NSW/ACT) Public Open Space Development 2016 Winner - Driftwells Park.

Moved by Mr M Kneipp

**MOTION**

**That the information contained within the report of the Manager Horticulture Services dated 6 June 2016 be noted.**

**CARRIED**

**CCL16/78 FALCONRY TRIAL FOR STARLING MANAGEMENT IN MACQUARIE STREET,  
DUBBO (ID16/1077)**

The Council had before it the report dated 9 June 2016 from the Manager Landcare Services regarding Falconry Trial for Starling Management in Macquarie Street, Dubbo.

Moved by Mr M Kneipp

#### **MOTION**

1. That falconry be extended for an additional two year period.
2. That the duration of each annual falconry visit be extended, and lethal falconry be attempted to allow for greater impact on the resident starling populations.
3. That Local Land Services be consulted in relation to controlling Indian Myna incursions across Western Plains Regional Council area where applicable.
4. That Council investigate the use of a bird control drone to supplement live falconry control activities.

**CARRIED**

#### **COMMUNITY SERVICES REPORTS:**

##### **CCL16/79 MACQUARIE REGIONAL LIBRARY AGREEMENT (ID16/1041)**

The Council had before it the report dated 2 June 2016 from the Director Community Services regarding Macquarie Regional Library Agreement.

Moved by Mr M Kneipp

#### **MOTION**

1. That the proposed amendments to the Macquarie Regional Library Agreement as detailed in the body of the report of the Director Community Services be approved by Council.
2. That formal consent be sought from Narromine and Warrambungle Shire Councils to the amended Macquarie Regional Library Agreement.

**CARRIED**

##### **CCL16/80 QUARTERLY REVIEW OF THE 2015/2016 DUBBO SOCIAL PLAN (ID16/832)**

The Council had before it the report dated 23 May 2016 from the Manager Social Services regarding Quarterly Review of the 2015/2016 Dubbo Social Plan.

Moved by Mr M Kneipp

#### **MOTION**

**That the information contained in the report of the Manager Social Services dated 23 May 2016 be noted.**

**CARRIED**

**CCL16/81 SIX MONTHLY REVIEW OF THE DUBBO AGEING STRATEGY (ID16/833)**

The Council had before it the report dated 23 May 2016 from the Manager Social Services regarding Six monthly Review of the Dubbo Ageing Strategy.

Moved by Mr M Kneipp

**MOTION**

**That the information contained in the report of the Manager Social Services dated 23 May 2016 be noted.**

**CARRIED**

**CORPORATE DEVELOPMENT REPORTS:****CCL16/82 DEVELOPMENT OF A NEW ECONOMIC DEVELOPMENT STRATEGY AND ACTION PLAN (ID16/1080)**

The Council had before it the report dated 10 June 2016 from the Director Corporate Development regarding Development of a new Economic Development Strategy and Action Plan.

Moved by Mr M Kneipp

**MOTION**

- 1. That the Western Plains Regional Council Economic Development Strategy be developed with the community and stakeholders in alignment with the new Community Strategic Plan.**
- 2. That a draft Economic Development Strategy be submitted to Council at the same time it considers the draft Community Strategic Plan.**
- 3. That a 'bridging' Western Plains Regional Council Economic Development Action Plan be developed for an initial 12 month period, based on the 10 step framework of former Dubbo City Council Economic Development Strategy and Action Plan.**
- 4. That a Western Plains Regional Council Economic Development Action Plan be provided to the September 2016 meeting.**
- 5. That delivery of economic development activities, and economic related outcomes from across the Organisation be reported on a quarterly basis to Executive Staff Committee and Council through the Economic Development Action Plan.**

**CARRIED**



**CCL16/83 IGNITE PROGRAM STRATEGY DOCUMENT (ID16/1079)**

The Council had before it the report dated 10 June 2016 from the Ignite Program Co-Ordinator regarding Ignite Program Strategy Document.

Moved by Mr M Kneipp

**MOTION**

1. That the information contained within the report of the Ignite Program Co-Ordinator dated 10 June 2016 be noted.
2. That the activities contained in the Ignite Program for 2016 – 2018 be endorsed with the result to date being noted.
3. That future reports on implementation progress be provided through Economic Development Action Plan.

**CARRIED**

**WELLINGTON BRANCH REPORTS:****CCL16/84 APPLICATION FOR CLOSURE OF PART OF TARWONG LANE, MARYVALE (ID16/1087)**

The Council had before it the report dated 10 June 2016 from the Director Wellington Branch regarding Application for closure of part of Tarwong Lane, Maryvale.

Moved by Mr M Kneipp

**MOTION**

**That Council not support a request for the closure of part of Tarwong Lane.**

**CARRIED**

**ADMINISTRATOR MINUTES:****CCL16/85 ADMINISTRATORS APPOINTMENTS (ID16/1109)**

The Council had before it the Administrator Minute dated 15 June 2016 regarding Administrators Appointments.

Moved by Mr M Kneipp

**MOTION**

**The information contained in the Administrator Minute be noted.**

**CARRIED**

**CCL16/86 QUESTIONS WITHOUT NOTICE**

There were no matters recorded under this clause.

**CONFIDENTIAL MATTERS:**

At this juncture the meeting adjourned, the time being 6.34pm.

The meeting recommenced at 6.37pm.

**CCL16/89 REPORT AND ADOPTION OF CONFIDENTIAL COMMITTEE**

The Director Organisational Services – Dubbo Branch read to the meeting the Report of Closed Council held on 22 June 2016.

Moved by Mr M Kneipp

**MOTION**

**That the report of the meeting of Closed Council held on 22 June 2016 be adopted.**

**CARRIED**

The meeting closed at 6.41pm.

.....  
CHAIRMAN

**REPORT  
CONFIDENTIAL ORDINARY COUNCIL  
MEETING  
22 JUNE 2016**

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**PRESENT:**

Administrator (Mr Michael Kneipp)

**ALSO IN ATTENDANCE:**

The Interim General Manager, the Director Wellington Branch, the Executive Assistant - Director Corporate Services, the Director Organisational Services – Dubbo Branch, the Manager Governance and Risk, the Director Corporate Development – Dubbo Branch, the Media and Public Relations Coordinator, the Director Technical Services – Dubbo Branch, the Manager Technical Support, the Manager Civil Infrastructure and Solid Waste, the Director Environmental Services – Dubbo Branch, the Director Community Services – Dubbo Branch and the Director Parks and Landcare Services – Dubbo Branch.

Mr M Kneipp assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 6.34pm.

**CCL16/87 ACCEPTANCE OF VARIATION IN SUPERVISION OF CONSTRUCTION OF SOUTH  
DUBBO WEIR ROCK RAMP AND FISHWAY (ID16/963)**

The Committee had before it the report dated 27 May 2016 from the Director Technical Services regarding Acceptance of Variation in Supervision of Construction of South Dubbo Weir Rock Ramp and Fishway.

Moved by Mr M Kneipp

**MOTION**

**That members of the press and public be excluded from the meeting during consideration of this item, the reason being that information that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)).**

**CARRIED**

Moved by Mr M Kneipp

**MOTION**

The Committee recommends:

1. That Council accept the variation of \$40,232 (ex GST) from NSW Public Works to extend their supervision of the South Dubbo Weir Rock Ramp and Fishway project to the expected end of construction.
2. That any necessary documents be executed under the Common Seal of the Council.
3. That the documents and considerations in regard to this matter remain confidential to Council.

**CARRIED**

**CCL16/88 CONSTRUCTION OF DUBBO RURAL FIRE SERVICE HARDSTAND AREA (ID16/1075)**

The Committee had before it the report dated 10 June 2016 from the Director Technical Services regarding Construction of Dubbo Rural Fire Service Hardstand Area.

Moved by Mr M Kneipp

**MOTION**

That members of the press and public be excluded from the meeting during consideration of this item, the reason being that information that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)).

**CARRIED**

Moved by Mr M Kneipp

**MOTION**

The Committee recommends:

1. That in accordance with Clause 178 (1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any tenders received for the Dubbo Airport Rural Fire Service Hardstand as the tenders received exceed the funds allocation in the project budget.
2. That in accordance with Clause 178(3)(e) Council enter into negotiations with the most favourable tenderer being Maas Civil Pty Ltd.
3. That Council not invite fresh tenders for the Dubbo Airport Rural Fire Service Hardstand as a fresh tender process is unlikely to provide a better result for Council.
4. That following negotiations with Maas Civil Pty Ltd, a further report be presented to Council for consideration.
5. That the documents and considerations in regard to this matter remain confidential to Council.

**CARRIED**

The meeting closed at 6.37pm.

.....  
CHAIRMAN

# **REPORT EXTRAORDINARY COUNCIL MEETING 29 JUNE 2016**

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**PRESENT:**

Mr M Kneipp (Administrator).

**ALSO IN ATTENDANCE:**

The General Manager, the Director Wellington Branch, the IT Manager (Wellington Branch), the Manager Governance and Risk, the Revenue Accountant, the Director Corporate Development, the Corporate Communications Supervisor, the Director Technical Services, the Director Environmental Services, the Director Community Services and the Director Parks and Landcare Services (I McAlister).

Mr M Kneipp assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 12 noon with a prayer for Divine Guidance to the Council in its deliberations and activities. The acknowledgement of country was also read by the Administrator, Mr Kneipp.

**CCL16/90 APOLOGIES**

There were no requests for leave of absence recorded.

**CCL16/91 DECLARATION OF INTERESTS**

There were no declaration of interests recorded.

**CCL16/92 CONFIRMATION OF ORDER OF BUSINESS**

Moved by Mr M Kneipp

**MOTION**

**That the confirmation of order of business for the Extraordinary Council meeting be adopted.**

**CARRIED**

**CCL16/93 PUBLIC ACCESS SESSION**

The Council reports having met with the following person during Public Access Session:

- Rowena Marchant regarding street trees in Wellington.

**GENERAL MANAGERS REPORTS:**

**CCL16/94 2016/2017 DRAFT OPERATIONAL PLAN AND BUDGET (INCLUDING DRAFT REVENUE POLICY) - FINAL DETERMINATION (ID16/1088)**

The Council had before it the Administrator Minute dated 27 June 2016 regarding 2016/2017 Draft Operational Plan and Budget (Including Draft Revenue Policy) - Final Determination.

Moved by Mr M Kneipp

**MOTION**

1. That the report of the Interim General Manager be noted.
2. That it be again noted that the 2016/2017 draft Operational Plan and Budget (including Revenue Policy and forward budgets for 2017/2018, 2018/2019 and 2019/2020) of the Western Plains Regional Council have been prepared on the basis of a consolidation of the previous Dubbo City and Wellington Council’s draft Operational Plans and Budgets.
3. That the 2016/2017 draft Operational Plan and Budget (Dubbo City and Wellington components) be adopted, as exhibited.
4. That the 2016/2017 draft Statement of Revenue Policy (Wellington component) be adopted, as exhibited except in respect of:  
Function – Aerodrome (Bodangora) with the Revenue Policy of this function being amended such that:
  - a. The proposed fee of \$50 (per pilot) for non-exclusive use of the Aerodrome facility (including flying events) not be further pursued and be deleted from the revenue policy.
  - b. The proposed fee of \$500 (per Day) for non-exclusive use of the facility (non-flying events) be amended such that the fee be as negotiated with the General Manager.
5. That the 2016/2017 draft Statement of Revenue Policy (Dubbo City component) be adopted, as exhibited except in respect of:
  - a. Function 5.7 Dubbo City Regional Airport, with the Revenue Policy for this function being amended such that Airport passenger fees be increased by the CPI of 1.8% not the 2.8% as originally proposed as follows:

	2015/ 2016 Fee (GST Inc)	Year 2016/2017			Pricing Policy	GST Status
		Fee (GST ex)	GST	Fee (GST Inc)		
<b>Jetgo</b>						
Per passenger (Dubbo/Brisbane)	\$0.00	\$13.24	\$1.32	\$14.56	IS	10%
Landing Fee Holiday expires and changes apply from 20/07/2016						
Per passenger (Dubbo/Melbourne)	\$0.00	\$13.24	\$1.32	\$14.56	IS	10%
Landing Fee Holiday expires and charges apply from 29/10/2016						
<b>Qantaslink</b>						
per passenger (Dubbo/Sydney)	\$14.30	\$13.24	\$1.32	\$14.56	IS	10%
Per passenger (Dubbo/Sydney) > 75,000 pax	\$7.15	\$6.62	\$0.66	\$7.28	IS	10%
<b>REX/Airlink</b>						
per passenger (Dubbo/Sydney)	\$14.30	\$13.24	\$1.32	\$14.56	IS	10%
Per passenger (Dubbo/Sydney) > 75,000 pax	\$7.15	\$6.62	\$0.66	\$7.28	IS	10%

- b. **Function 2.6 Domestic Waste and Function 2.7 Other Waste Management Services, with the Revenue Policy for the following items in these functions being amended to be now GST exempt as follows:**

Function	Description of Charge	2016/2017 Revenue Policy Base Amount	GST	Fee (incl GST)
2.06 - Domestic Waste Management	Non Rateable Properties Waste Management Charge	\$300.00	\$0.00	\$300.00
2.07 – Other Waste Management Services	Non Domestic Waste Management Service Charge, Weekly Waste Fortnightly Recycling	\$300.00	\$0.00	\$300.00
2.07 – Other Waste Management Services	Non Domestic Waste Collection – Weekly Collection	\$188.00	\$0.00	\$188.00
2.07 – Other Waste Management Services	Non Domestic Recycling – Fortnightly Collection	\$112.00	\$0.00	\$112.00

6. That where a service is requested of Council and a fee for such service is not detailed in the relevant branch component of the Revenue Policy, but is included in the other branch's Revenue Policy, such fee as included in the other branch's Revenue Policy will apply.
7. That Council liaise with Dubbo Buslines with a view to establishing the likelihood of bus services being introduced to The Outlook estate for further consideration of a bus shelter being installed at the entrance to this estate.
8. That staff continue to examine alternative pricing structures for Airport Passenger Fees at the Dubbo City Regional Airport with a further report to be provided to Council in due course.
9. That the necessary adjustments to Airport Passenger Fee Income as a result of the amended fee structure herewith, be made at the September 2016 Quarterly Review.
10. That should savings be identified at the completion of the 2015/2016 financial year, an amount of \$60,000 be allocated to Council's Recreation Planning and Program function for the purposes of undertaking recreation planning and business case development for an indoor multi-sport facility in Dubbo .
11. That Council not accede to the request for continued funding of \$40,000 in 2016/2017 to Wellington Arts as was the intention of the former Wellington Council.
12. That an audit be undertaken of indoor sporting facilities in the urban area of Wellington and findings be incorporated into subsequent recreation planning reports to Council.
13. That a report be provided to Council regarding the findings of the recreation planning and business case development for an indoor multi-sport facility.
14. That the forward forecast budgets of 2017/2018, 2018/2019 and 2019/2020 be adopted for the purpose of guiding future funding decisions of Council in respect of this three year period.
15. That the 2016/2017 draft Macquarie Regional Library Operational Plan and Budget, as displayed, be adopted.



16. That the various submissions received in respect of Council’s Operational Plan and Budget be noted and that submitters be thanked for their input and responded to in line with the various comments contained within this and the various Directors’ reports.

CARRIED

**ORGANISATIONAL / CORPORATE SERVICES REPORTS:**

**CCL16/95 THE MAKING OF THE RATES AND CHARGES FOR 2016/2017 (ID16/1050)**

The Council had before it the report dated 23 June 2016 from the Revenue Accountant regarding The Making of the Rates and Charges for 2016/2017.

Moved by Mr M Kneipp

**MOTION**

**Resolution 1:**

That WHEREAS the 2016/2017 Draft Operational Plan was adopted by the Council on 25 May 2016, and WHEREAS public notice of the 2016/2017 Draft Operational Plan was given as per Section 405 of the Local Government Act 1993 in the form of a proactive media plan supported by an advertising campaign and online communications and WHEREAS a period of twenty eight (28) days has lapsed since the commencement of advertising on 26 May 2016 and Council has taken into consideration submissions made concerning the Draft Operational Plan and Budget, IT IS HEREBY RESOLVED that Council make the following Rates and Annual Charges for the year 2016/2017, and that such Rates and Annual Charges be the amount specified hereunder subject to the minimum and base amount per assessment specified in each Ordinary Rates table Dubbo component and Wellington component:

**RATES**

**Dubbo Component**

ORDINARY RATES (Sec 494)	AD VALOREM CENTS IN \$ ON L.V.	MIN RATE PER SEPARATE PARCEL OF LAND
<u>Residential - Ordinary</u>		
Applicable to all residential properties not within the areas defined in parts (a) to (d) of Schedule “A” hereunder.	.6986	\$487.60
<u>Residential – Dubbo Urban</u>		
Applicable to land described in part (a) of Schedule “A” hereunder.	.879	\$641.50

<b><u>Residential - Firgrove</u></b>		
Applicable to land described in part (b) of Schedule "A" hereunder.	.8108	\$627.00
<b><u>Residential - Richmond</u></b>		
Applicable to land described in part (c) of Schedule "A" hereunder.	.8108	\$627.00
<b><u>Residential - Village</u></b>		
Applicable to land described in part (d) of the Schedule "A" hereunder.	.7635	\$505.60
<b><u>Business - Ordinary</u></b>		
Applicable to all "business" properties not within the area defined in parts (e), (f), (g) or (h) of Schedule "A" hereunder.	1.2702	\$641.50
<b>ORDINARY RATES (Sec 494)</b>	<b>CENTS IN \$ ON L.V.</b>	<b>MIN RATE PER SEPARATE PARCEL OF LAND</b>
<b><u>Business - Central Business District</u></b>		
Applicable to land described in part (e) of Schedule "A" hereunder.	3.5454	\$641.50
<b><u>Business - East Dubbo Area</u></b>		
Applicable to land described in part (f) of Schedule "A" hereunder.	3.8066	\$641.50
<b><u>Business - Cobra Street Area</u></b>		
Applicable to land described in part (g) of Schedule "A" hereunder.	3.8066	\$641.50
<b><u>Business - Wellington Road Area</u></b>		
Applicable to land described in part (h) of Schedule "A" hereunder.	3.8066	\$641.50
<b><u>Farmland - Ordinary</u></b>		
Applicable to land described in part (i) of Schedule "A" hereunder.	.6937	\$341.00
<b><u>Mining</u></b>		
Applicable to land described in part (j) of Schedule "A" hereunder.	6.0	\$505.60

## Schedule A

### Ordinary Rates Land to which rate applies

a. **Residential – Dubbo Urban**

All residential properties declared “Residential Dubbo Urban” being in the area generally described as that part of the City of Dubbo which lies within an area bounded by Talbragar River, Old Gilgandra Road, Boothenba Road, Yarrandale Road, Cobbora Road, Bushland Drive, Buninyong Road, South Buninyong Road, Wellington Road, the western boundary of Lot 51 DP 612578, the eastern and southern boundary of Lot 2508 DP 1093568, eastern and southern boundary of Lot 2492 DP 623366, Sheraton Road, eastern & southern boundary of Lot 1295 DP 1070275, Hennessy Drive inclusive of parcels south of Hennessy Drive described as Lots 7000, 7001 and 7002 DP 1139564, Old Dubbo Road, area on southern side of Macquarie Street zoned R2 to the Water Treatment Plant boundary, Macquarie River, southern boundary of Lot 16 DP 753233, Newell Highway, Blackbutt Road, Joira Road, Minore Road, Western Railway Line, area zoned IN2 on the western side of railway line bounded by Lot 7 DP 223428 Lot 52 DP 1028071 Lot 2 DP 1183095, Narromine Road, Dubbo Aerodrome, Blizzardfield Road, Bunglegumbie Road, northern and eastern boundary Lot 7 DP 250606, eastern boundary Lot 6 DP 250606, northern boundary Lot 5 DP 250606, Macquarie River, southern boundary Lot 261 DP 575016, Brisbane Street North Dubbo and Newell Highway.

b. **Residential - Firgrove**

All residential properties within the “Firgrove” development.

c. **Residential - Richmond**

All residential properties within the “Richmond Estate” development.

d. **Residential – Village**

All residential properties within the villages of Ballimore, Eumungerie and Wongarbon zoned RU5 (Village) under the Dubbo Local Environmental Plan 2011 and all residential properties declared Residential Village being in the area generally described as that part of Brocklehurst which lies within an area bounded by Wambianna Street, western boundary of Lots 147 & 148 DP 754328, northern boundary of Lot 1 DP 1001551 and the Newell Highway.

e. **Business - Central Business District**

All “business” properties within the area described as that part of the City of Dubbo which lies within the area bounded by Erskine Street, Darling Street, Cobra Street and the Macquarie River.

f. **Business - East Dubbo Area**

All “business” properties within the area bounded by Wheelers Lane, Birch Avenue, Windsor Parade and the Mitchell Highway.

- g. **Business - Cobra Street Area**  
All "business" properties zoned Business Development B5 fronting Cobra Street within the area bounded by the Molong Railway line to the west and the eastern boundary of Lot 121 DP1074142 and the eastern boundaries of Lot 21 DP 238576 and Lot 304 DP 754308 fronting Hawthorn Street.
- h. **Business - Wellington Road Area**  
All "business" properties zoned Business Development B5 in the area fronting Wellington Road known as "Blue Ridge Estate" within the area bounded by Sheraton Road to the west, Wellington Road (Mitchell Highway) to the north, the eastern boundary of Lot 4 DP 1144575 and Capital Drive to the east and Blueridge Drive and the Northern Boundary of Lot 2506 DP 1082413 as the southern boundary. Those properties to the south of Blueridge Drive will be re-categorised as Business Ordinary.
- i. **Farmland - Ordinary**  
All land which has been declared "farmland".
- j. **Mining**  
All land which has been declared "mining".

## **ANNUAL CHARGES**

### **Dubbo Component**

#### **ANNUAL CHARGES FOR DOMESTIC WASTE MANAGEMENT SERVICES (Sec 496)**

##### **DOMESTIC WASTE MANAGEMENT SERVICE CHARGE – Rateable properties Section 496(1)**

The annual Domestic Waste Management Service Charge for 2016/2017 is \$290.60 which is to apply to all residential properties in the area defined as all land within the Residential Dubbo Urban sub category for rating purposes and the villages of Brocklehurst, Ballimore, Eumungerie, Wongarbron and those areas adjoining the Residential Dubbo Urban rating category boundary which have been defined on the map marked for this purpose. The Domestic Waste Management Service Charge provides for a once weekly kerbside collection service of one 240 litre bin of waste and a fortnightly kerbside collection and processing service for one 240 litre bin of mixed recycling. The charge also covers the cost of the provision and servicing of recycling facilities (in the form of a drop-off centre) at the JR Richards location within the City and specific waste and green waste bulk clean-up services.

Multiple unit dwellings situated on a single title property will be levied a Domestic Waste Management Service Charge for each unit for dwellings comprising up to and including eight (8) units. Multiple unit dwellings comprising more than eight (8) units will be levied (8) times the Domestic Waste Management Service Charge (\$2,324.80) plus one (1) Domestic Waste Management Service Charge for every two (2) unit dwellings in excess of eight (8) rounded up to the next whole number in the case of an odd number of units.

## **DOMESTIC WASTE MANAGEMENT SERVICE CHARGE – Non Rateable properties Section 496(2)**

Under Section 496(2) of the Local Government Act 1993 Council may make an annual charge for the provision of a domestic waste management service for a parcel of land that is exempt from rating if the service is available for that land and the owner of that land requests or agrees to the provision of the service to that land. The Domestic Waste Management Service Charge – Non-Rateable, is only applicable where the service is provided to domestic premises.

The annual charge for 2016/2017 is \$300.00 (GST Exempt) and this charge provides for a once weekly kerbside collection service of one 240 litre bin and a fortnightly kerbside collection and processing service for one 240 litre bin of mixed recycling.

### **ANNUAL CHARGES (Sec 501)**

#### **WASTE MANAGEMENT SERVICE CHARGE**

The annual charge for 2016/2017 is \$300.00 (GST Exempt) which is applicable to all non residential properties to which the kerbside garbage collection service is provided. The Waste Management Service Charge provides for a once weekly kerbside collection service of one 240 litre bin of waste and a fortnightly kerbside collection and processing service for one 240 litre bin of mixed recycling.

#### **NON DOMESTIC WASTE COLLECTION SERVICE CHARGE**

The annual charge for 2016/2017 is \$188.00 (GST Exempt) which is applicable to all non residential properties to which the Waste Management Service Charge is levied and which wish to receive an additional Non Domestic Waste Collection service. The Non-Domestic Waste Collection service provides for a once weekly kerbside collection service of one 240 litre bin of waste.

#### **NON DOMESTIC RECYCLING SERVICE CHARGE**

The annual charge for 2016/2017 is \$112.00 (GST Exempt) which is applicable to all non residential properties to which the Waste Management Service Charge is levied and which wish to receive an additional Non Domestic Recycling service. The Non Domestic Recycling Service Charge provides for a once fortnightly kerbside collection service of one 240 litre bin of mixed recycling.

#### **WASTE MANAGEMENT SERVICE (RURAL) CHARGE**

The annual Waste Management Service Charge for 2016/2017 is \$127.60 (including GST) which is to apply to all rural parcels of rateable land with households located thereon for the purpose of the disposal of household waste at Council's household waste transfer and disposal facilities. Rural parcels of land are all those parcels outside the area identified as the Dubbo City Garbage Collection Area and to which the Domestic Waste Management Service Charge is applied.

### **DRAINAGE SERVICE CHARGE**

An annual Drainage Service Charge will apply to all parcels of rateable land in the defined "Urban" area. The defined "Urban" area is the same area to which the Residential Dubbo Urban Ordinary Rate is applied. The amount of the Annual Charge for 2016/2017 will be \$90.27 per rateable parcel.

### **WATER SUPPLY SERVICE ACCESS CHARGE**

An annual Water Supply Service Access Charge will apply to all parcels of land where a water supply is available. The amount of the access charge applicable to each property will be in accordance with the size of the water service provided to that property as follows:

<b>METER SIZE</b>	<b>ANNUAL CHARGE</b>
20mm	\$254.50
25mm	\$397.02
30/32mm	\$651.52
40mm	\$1,018.00
50mm	\$1,590.63
65mm	\$2,687.52
80mm	\$4,072.00
100mm	\$6,362.50
150mm	\$14,323.26

A minimum charge being the amount equivalent to a 20mm water service charge will apply to each rateable parcel of land which has been created under a Strata Title Subdivision, Community or Neighbourhood plan where the parcel is not individually metered by a Council water meter.

A minimum charge being the amount equivalent to a 20mm water service charge will apply to each parcel of rateable land which does not have a water service connected but to which a water service is available in accordance with the provision of Section 552 (1) (b) of the Local Government Act 1993.

### **SEWERAGE SERVICE CHARGE - RESIDENTIAL**

An annual Sewerage Service Charge will apply to all residential properties.

The annual Sewerage Service Charge to apply to all single dwellings, and each rateable parcel of land which has been created under a Strata Title subdivision, Community or Neighbourhood Plan and vacant land where a sewerage service is available will be \$725.00.

The annual Sewerage Service Charge to apply to all residential multiple residence properties where individual separate occupancies are situated on a single parcel of land (includes non strata flats, units, villas and dwellings within retirement villages) will be the number of occupancies multiplied by the residential single dwelling annual charge multiplied by 0.5.

**RATES**

**Wellington Component**

ORDINARY RATES (Sec 494)	AD VALOREM CENTS IN \$ ON L.V.	BASE AMOUNT	MIN RATE PER SEPARATE PARCEL OF LAND
<u>Residential</u>			
	0.74625	\$295.00 (40%)	
<u>Residential – Geurie</u>			
	0.73715	\$195.00 (29%)	
<u>Residential - Wellington</u>			
	1.10010	\$298.00 (44%)	
<u>Business</u>			
	0.88488	\$335.00 (50%)	
<u>Business - Wellington</u>			
	2.15818	\$190.00 (15%)	
<u>Business – Other Areas</u>			
	2.15818		\$588.40
<u>Farmland</u>			
	0.77183	\$173.00 (5%)	
<u>Mining</u>			
	22.1076		\$588.40

**Emergency Services Special Rate**

ORDINARY RATES (Sec 494)	AD VALOREM CENTS IN \$ ON L.V.	BASE AMOUNT
<u>Emergency Services Levy</u>		
	0.01199	\$15.10 (48%)

**ANNUAL CHARGES**  
**Wellington Component**

Waste Management Charges

It is proposed to make and levy the following Waste Management Charges for 2016/2017:

<b>Domestic:</b>	<b>Amount:</b>
<b>Occupied Land Per MBG Service (Per Annum)</b>	<b>\$342.00</b>
<b>Unoccupied Land (Per Annum)</b>	<b>\$138.00</b>
<b>Non Domestic Waste:</b>	
<b>Occupied Land per MBG Service (Per Annum)</b>	<b>\$342.00</b>
<b>Unoccupied Land (Per Annum)</b>	<b>\$138.00</b>
<b>Rural Waste Management:</b>	
<b>Waste Management Fee (Minimum Charge Per Annum)</b>	<b>\$86.00</b>

Stormwater Management Services Charge

It is proposed to make and levy a Stormwater Management Services Charge for 2016/2017 of \$15.00.

Water Access Charges

<b>Tariff Description</b>	<b>Annual Availability Charge</b>
<b>Domestic</b>	<b>\$390.60</b>
<b>Commercial 20MM</b>	<b>\$473.13</b>
<b>Commercial 25MM</b>	<b>\$732.03</b>
<b>Commercial 31MM</b>	<b>\$1,130.52</b>
<b>Commercial 32MM</b>	<b>\$1,205.04</b>
<b>Commercial 38MM</b>	<b>\$1,707.66</b>
<b>Commercial 40MM</b>	<b>\$1,882.44</b>
<b>Commercial 50MM</b>	<b>\$2,938.14</b>
<b>Commercial 80MM</b>	<b>\$7,529.40</b>
<b>Commercial 100MM</b>	<b>\$11,767.11</b>
<b>Commercial 150MM</b>	<b>\$26,467.23</b>
<b>Unconnected Services</b>	<b>\$390.60</b>
<b>Connected Service No Meter</b>	<b>\$473.34</b>
<b>Dedicated Fire Service</b>	<b>\$473.34</b>
<b>Commercial (Non Profit Commercial 50MM)</b>	<b>\$732.03</b>



Church's:	
Connected Wellington – Non Residential	<b>\$378.48</b>
Connected Wellington - Domestic	<b>\$312.48</b>
Connected Village – Non Residential	<b>\$0.00</b>
Connected Village - Domestic	<b>\$0.00</b>
Unconnected Service	<b>\$0.00</b>

**Residential Sewerage Charges**

It is proposed to make and levy the following Residential Sewerage Charges for 2016/2017:

Location	Annual Charge Occupied	Annual Charge Unoccupied
Wellington	<b>\$635.00</b>	<b>\$562.00</b>
Mumbil	<b>\$595.00</b>	<b>\$562.00</b>
Geurie	<b>\$635.00</b>	<b>\$562.00</b>
Wellington Churches – Church	<b>\$437.70</b>	
Wellington Churches - Res	<b>\$508.98</b>	

**Interest of Overdue Rates and Charges**

Council has adopted an interest rate of 8.00% per annum on overdue rates and charges. This is the maximum amount permissible under the Local Government Act 1993 for 2016/2017, as determined by the Division of Local Government.

**CARRIED**

**Resolution 2:**

That WHEREAS the 2016/2017 Draft Operational Plan was adopted by the Council on 25 May 2016, and WHEREAS public notice of the 2016/2017 Draft Operational Plan was given as per Section 405 of the Local Government Act 1993 in the form of a proactive media plan supported by an advertising campaign and online communications and WHEREAS a period of twenty eight (28) days has lapsed since the commencement of advertising on 26 May 2016 and Council has taken into consideration submissions made concerning the Draft Operational Plan and Budget, IT IS HEREBY RESOLVED that Council make the following User Charges Dubbo component and Wellington component for the year 2016/2017.

**USER PAY CHARGES**

**Dubbo Component**

**CHARGES FOR ACTUAL USE OF SERVICES (Sec 502)**

The following charges for the actual use of services will apply for 2016/2017 as follows:

**WATER SUPPLY SERVICE USAGE CHARGE**

A charge will be raised for the use of the Water Supply Service on a quarterly basis based on the consumption recorded by the meter or meters servicing each property.

The charge will apply on an annual basis as follows:

**RESIDENTIAL PROPERTIES**

All Consumption - per KI **\$1.94 per KI**

**NON RESIDENTIAL PROPERTIES**

All Consumption - per KI **\$1.94 per KI**

**SEWERAGE SERVICE CHARGE - NON RESIDENTIAL**

The use of the Sewerage Service by all non residential properties will be charged on a quarterly basis in accordance with the following pricing structure:

$$\begin{aligned}
 B &= SDF \times (AC + C \times UC) \\
 B &= \text{Quarterly Sewerage Charge - Non Residential} \\
 SDF &= \text{Sewerage Discharge Factor} \\
 AC &= \frac{(AC20 \times D2)}{400}
 \end{aligned}$$

This equates to the following Access Charge (AC) for the various water connection sizes:

	Quarterly Amount	Annual Equivalent
20mm	\$95.55	\$382.20
25mm	\$149.30	\$597.19
32mm	\$244.61	\$978.43
40mm	\$382.20	\$1,528.80
50mm	\$597.19	\$2,388.75
65mm	\$1,009.25	\$4,036.99
80mm	\$1,528.80	\$6,115.20
100mm	\$2,388.75	\$9,555.00
150mm	\$5,374.69	\$21,498.75

The Access Charge (AC) is applicable to each water service connected to a property in accordance with the size of the meter fitted to the service.

D	=	Water Supply Service Connection Size	
C	=	Annual Water Consumption	
UC	=	Usage Charge	<b>\$2.08/KI</b>
Minimum Quarterly Sewerage Charge - Non Residential			<b>\$181.25</b>

**USER PAY CHARGES**  
**Wellington Component**

Water User Pay Charges

Tariff Description	Consumption Charge	Consumption Charge	Consumption Charge	Consumption Charge
From KL	0	301	501	10,001
To KL	300	500	10,000	-
Domestic	\$2.10	\$2.14	\$2.32	\$2.47
Commercial 20mm	\$1.46	\$1.57	\$1.91	\$2.37
Commercial 25mm	\$1.46	\$1.57	\$1.91	\$2.37
Commercial 31mm	\$1.46	\$1.57	\$1.91	\$2.37
Commercial 32mm	\$1.46	\$1.57	\$1.91	\$2.37
Commercial 38mm	\$1.46	\$1.57	\$1.91	\$2.37
Commercial 40mm	\$1.46	\$1.57	\$1.91	\$2.37
Commercial 50mm	\$1.46	\$1.57	\$1.91	\$2.37
Commercial 80mm	\$1.46	\$1.57	\$1.91	\$2.37
Commercial 100mm	\$1.46	\$1.57	\$1.91	\$2.37
Commercial 150mm	\$1.46	\$1.57	\$1.91	\$2.37
Unconnected Services				
Connected Service No Meter				
Dedicated Fire Service	\$1.46	\$1.57	\$1.91	\$2.37
Commercial (Non Profit) Commercial 50mm	\$1.46	\$1.57	\$1.91	\$2.37
Churches:				
Connected Wellington - Non Residential	\$1.46	\$1.57	\$1.91	\$2.37
Connected Wellington - Domestic	\$2.10	\$2.14	\$2.32	\$2.47
Connected Village - Non Residential	\$1.46	\$1.57	\$1.91	\$2.37
Connected Village - Domestic	\$2.10	\$2.14	\$2.32	\$2.47
Unconnected Service				

**Non Residential Sewerage Charges**

It is proposed to make and levy the following Non Residential Sewer Charges for 2016/2017:

Meter Size	Annual Availability Charge	Consumption Per KL
Commercial 20mm	\$348.96	\$0.90
Commercial 25mm	\$545.25	\$0.90
Commercial 31mm	\$838.38	\$0.90
Commercial 32mm	\$893.34	\$0.90
Commercial 38mm	\$1,259.75	\$0.90
Commercial 40mm	\$1,395.84	\$0.90
Commercial 50mm	\$2,181.00	\$0.90
Commercial 80mm	\$5,583.36	\$0.90
Commercial 100mm	\$8,724.00	\$0.90
Commercial 150mm	\$19,629.00	\$0.90
Unconnected Service	\$541.08	
Connected Service – No Meter	\$614.22	
Commercial (Non-Profit)		
Commercial 50mm	\$544.77	\$0.90
*Churches		
Connected - Villages	N/A	
Connected - Wellington	\$437.70	\$0.90
Unconnected Service	N/A	

**Non Residential Trade Waste Charges**

It is proposed to make and levy the following Non Residential Trade Waste Charges for 2016/2017:

Trade Waste Annual Charge	\$85.32
Cost Per Kilolitre for Trade Waste Discharge	\$1.63
Application Fee (Initial Fee)	\$268.00
Inspection Fee (Per Hour or Part Thereof)	\$180.00
Re-Inspection Fee for Non Compliance (Per Hour or Part Thereof)	\$180.00

CARRIED

**Resolution 3:**

That WHEREAS the 2016/2017 Draft Operational Plan was adopted by the Council on 25 May 2016, and WHEREAS Council has complied with the provisions of Section 610F of the Local Government Act, 1993 and given public notice (in accordance with Section 405) of its 2016/2017 draft Operational Plan and has considered submissions duly made to it concerning the draft Operational Plan and Budget, IT IS HEREBY RESOLVED that the fees, contributions and user charges detailed in the Statement of Revenue Policy Documents of both the Dubbo and Wellington components of the 2016/2017 Draft Operational Plan and Budget be applied for the year 2016/2017.

CARRIED

**CONFIDENTIAL MATTERS:**

At this juncture the meeting adjourned, the time being 12.17pm.

The meeting recommenced at 12.22pm.

**CCL16/97 REPORT AND ADOPTION OF CONFIDENTIAL COMMITTEE**

The Manager Governance and Risk Services read to the meeting the Report of Closed Committee held on 29 June 2016.

Moved by Mr M Kneipp

**MOTION**

**That the report of the meeting of Closed Committee held on 29 June 2016 be adopted.**

**CARRIED**

The meeting closed at 12.25pm.

.....  
CHAIRMAN

**REPORT  
CONFIDENTIAL EXTRAORDINARY COUNCIL  
MEETING  
29 JUNE 2016**

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**PRESENT:**

Councillors Mr M Kneipp (Administrator).

**ALSO IN ATTENDANCE:**

The General Manager, the Director Wellington Branch, the IT Manager (Wellington Branch), the Manager Governance and Risk, the Revenue Accountant, the Director Corporate Development, the Corporate Communications Supervisor, the Director Technical Services, the Director Environmental Services, the Director Community Services and the Director Parks and Landcare Services (I McAlister).

Mr M Kneipp assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 12.17pm

**CCL16/96 TENDER FOR DATA COMMUNICATIONS BETWEEN COUNCIL'S DUBBO AND  
WELLINGTON ADMINISTRATION BUILDINGS (ID16/1121)**

The Committee had before it the report dated 16 June 2016 from the Manager Information Management regarding Tender for Data Communications Between Council's Dubbo and Wellington Administration Buildings.

Moved by Mr M Kneipp

**MOTION**

**The Committee recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that information that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)).**

**CARRIED**

Moved by Mr M Kneipp

**MOTION**

The Committee recommends:

1. That the tender of ATI Australia Pty Ltd in the amount of \$236,977.00 (GST ex) for the design, supply, build and installation of a data communications link between the Dubbo Branch Civic Administration Building and Wellington Branch Administration Building be accepted.
2. That any necessary documents be executed under the Common Seal of the Council.
3. That the documents and considerations in regard to this matter remain confidential to Council.

**CARRIED**

The meeting closed at 12.21pm.

.....  
CHAIRMAN

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## **REPORT: Investments Under Section 625 of the Local Government Act**

**AUTHOR: Director Organisational Services**

**REPORT DATE: 11 July 2016**

**TRIM REFERENCE: ID16/1311**

### **EXECUTIVE SUMMARY**

As required by Clause 212 of the Local Government (General) Regulation 2005, set out below are the details of all monies that Council has invested under Section 625 of the Local Government Act as at 30 June 2016.

This report is now presented in a format which consolidates the previous Dubbo City and Wellington Council investment portfolios.

Investments have been placed in accordance with the Local Government Act, Local Government Regulations and Council's Investment Policy and Strategy. All assets comply with the current Minister's Order, with the exception of one "grandfathered" Lehman Brothers Collateralised Debt Obligation (CDO) taken out as at 16 September 2006, with a current face value of \$115,915, that is gradually being wound up via capital disbursements.

This report details investments and annualised returns for the month of June 2016.

### **FINANCIAL IMPLICATIONS**

Interest earned is allocated to the respective Branches of Council's Operational Plan.

### **POLICY IMPLICATIONS**

There are no policy implications arising from this report.

### **RECOMMENDATION**

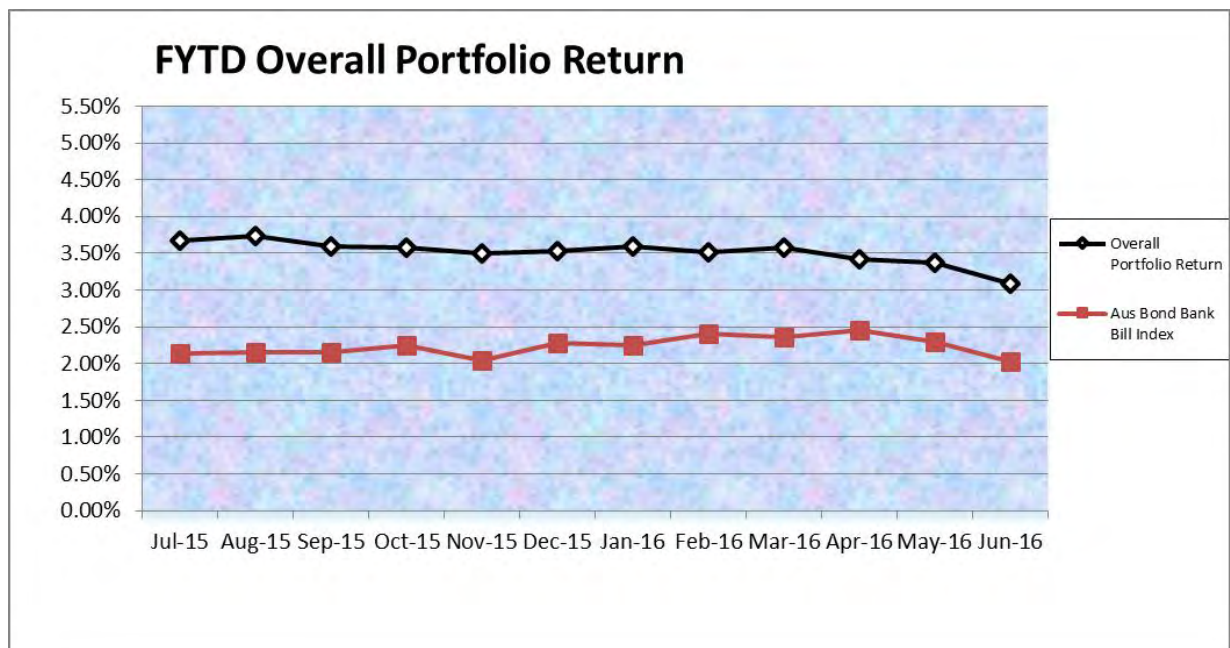
**That the information contained within this report be noted.**

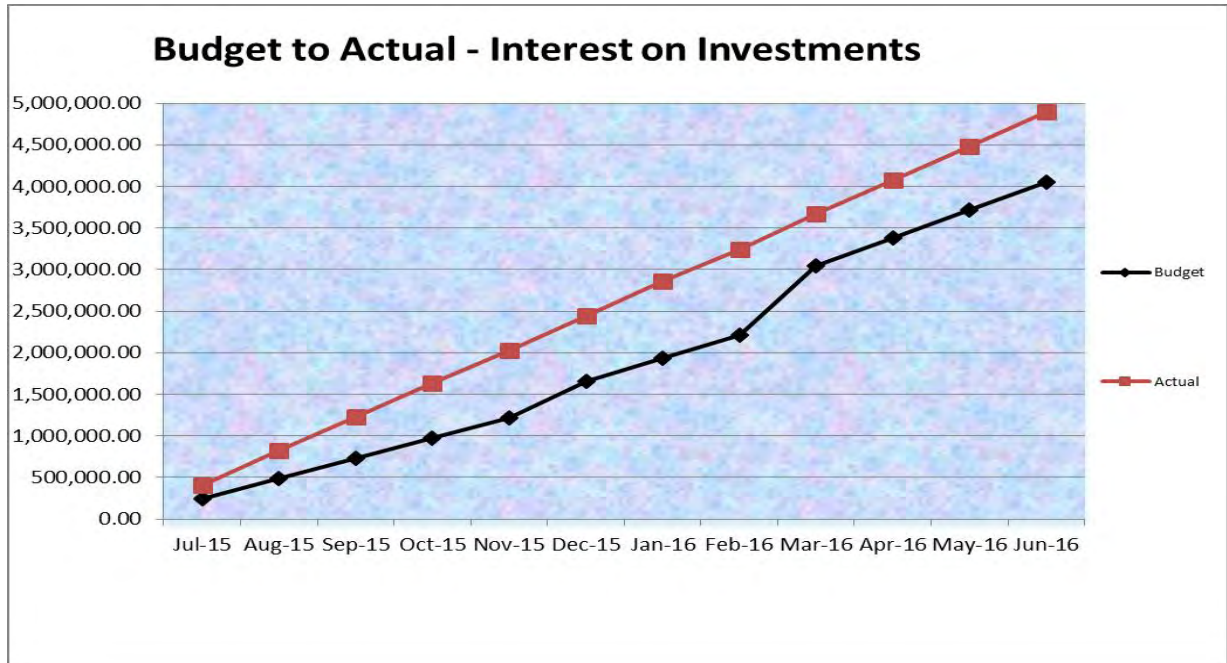
*Craig Giffin*  
Director Organisational Services



REPORT

JUNE 2016 REPORT					
	Notes	2016 Current Maturity By 30/06/2017	2016 Non-Current Maturity After 30/06/2017	2016 Total As at 30/06/2016	2016 Total As at 31/05/2016
<b>Investments</b>					
<b>Cash &amp; Cash Equivalents (Note 6a)</b>					
Cash on Hand and at Bank		\$464,762.00	\$0.00	\$464,762.00	\$889,036.00
Cash-Equivalent Assets (1)					
- Deposits At Call		\$20,441,163.90	\$0.00	\$20,441,163.90	\$35,652,049.00
<b>Total Cash &amp; Cash Equivalents</b>	6(a)	<b>\$20,905,925.90</b>	<b>\$0.00</b>	<b>\$20,905,925.90</b>	<b>\$36,541,085.00</b>
<b>Investments (Note 6b)</b>					
- Long Term Deposits > 3 Months		\$86,089,604.11	\$53,653,864.85	\$139,743,468.96	\$98,947,407.11
- NCD's and FRN's > 3 Months		\$6,499,598.10	\$3,501,971.77	\$10,001,569.87	\$23,751,242.20
- CDO's		\$115,915.00	\$0.00	\$115,915.00	\$115,915.00
<b>Total Investments</b>	6(b)	<b>\$92,705,117.21</b>	<b>\$57,155,836.62</b>	<b>\$149,860,953.83</b>	<b>\$122,814,564.31</b>
<b>TOTAL CASH ASSETS, CASH EQUIVALENTS &amp; INVESTMENTS</b>					
		<b>\$113,611,043.11</b>	<b>\$57,155,836.62</b>	<b>\$170,766,879.73</b>	<b>\$159,355,649.31</b>
(1) Those Investments where time to maturity (from date of purchase) is < 3 months					





Performance Benchmark as per Council Policy	Investment % Held as per Council Policy				
	<u>Institution</u>	<u>Amount Invested</u>	<u>% Invested</u>	<u>% Allowable as per Policy</u>	<u>\$ Allowable as per Policy</u>
<p>June 2016 Interest Rate</p> <p>Aus Bond Bank Bill Index, 2.02%</p> <p>Council's Weighted Average Rate, 3.09%</p>	<u>Cash on Hand and at Bank</u>				
	CASH ON HAND AND AT BANK		464,762.00	0.27%	
	<u>Direct / Other Investments</u>				
	AMP BANK	11,485,547.98	6.73%	15%	25,615,032
	ANZ BANK	12,423,529.98	7.28%	30%	51,230,064
	BANK OF QUEENSLAND	22,993,468.96	13.46%	15%	25,615,032
	BANKWEST	4,700,000.00	2.75%	30%	51,230,064
	BENDIGO ADELAIDE BANK LIMITED	6,000,000.00	3.51%	15%	25,615,032
	COMMONWEALTH BANK	18,249,598.10	10.69%	30%	51,230,064
	GREATER BANK	1,000,000.00	0.59%	15%	25,615,032
	HERITAGE BANK	2,000,000.00	1.17%	15%	25,615,032
	IMB LIMITED	2,500,000.00	1.46%	15%	25,615,032
	MACQUARIE BANK	1,000,000.00	0.59%	15%	25,615,032
	MAQUARIE CREDIT UNION	1,000,000.00	0.59%	5%	8,538,344
	MEMBERS EQUITY BANK	1,000,000.00	0.59%	15%	25,615,032
	NATIONAL AUSTRALIA BANK	46,081,922.50	26.99%	30%	51,230,064
	NEWCASTLE PERMANENT BUILDING SOCIETY	2,000,000.00	1.17%	15%	25,615,032
	QLD TEACHERS MUTUAL BANK LTD	500,000.00	0.29%	15%	25,615,032
	ST GEORGE BANK	11,500,000.00	6.73%	30%	51,230,064
	SUNCORP METWAY	22,501,971.77	13.18%	15%	25,615,032
	TEACHERS MUTUAL BANK LTD	500,000.00	0.29%	5%	8,538,344
	UBS CASH MANAGEMENT TRUST	163.44	0.00%	15%	25,615,032
	WAW CREDIT UNION	250,000.00	0.15%	5%	8,538,344
	WESTPAC BANK	2,500,000.00	1.46%	30%	51,230,064
	<b>TOTAL AT CALL, TERM DEPOSITS AND FRN'S</b>	<b>170,186,202.73</b>	<b>99.66%</b>		
	<u>Lehman Brothers CDO's</u>				
	Lehman Brothers CDO	115,915.00	0.07%		
	<b>TOTAL CDO's</b>	<b>115,915.00</b>	<b>0.07%</b>		
	<b>TOTAL CASH ASSETS, CASH EQUIVALENTS &amp; INVESTMENTS</b>	<b>170,766,879.73</b>	<b>100.00%</b>		

**SUMMARY**

Council outperformed the 11am Official Cash Rate market benchmark of 1.75%, with an average annualised return of 2.14% for its At Call investments for the month of June 2016. Council also outperformed the Bloomberg AusBond Bank Bill Index of 2.02%, with an average annualised return of 3.09% for its overall portfolio return for the month of June 2016.

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## **REPORT: Investment Policy and Strategy Review**

**AUTHOR: Manager Financial Accounting Services**

**REPORT DATE: 14 July 2016**

**TRIM REFERENCE: ID16/1326**

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### **EXECUTIVE SUMMARY**

This report covers the review and update of Council's Investment Policy and Investment Strategy, and recommends the adoption of the draft Policy and Strategy as attached to this report for the Western Plains Regional Council. The New South Wales Treasury Corporation (TCorp) have also undertaken a review of the draft Investment Policy and Investment Strategy, with a copy of TCorp's report also attached to this report.

### **FINANCIAL IMPLICATIONS**

Interest on investment income has already been incorporated into the 2016/2017 Operational Plan. It is not anticipated that the changes proposed in the attached draft Investment Policy and Investment Strategy will change the amount of forecast income from investments.

### **POLICY IMPLICATIONS**

The review of the Investment Policy has resulted in slight changes to the Policy in line with recommendations provided by the New South Wales Treasury Corporation.

### **RECOMMENDATION**

- 1. That the draft Investment Policy July 2016 and the draft Investment Strategy July 2016 be adopted.**
- 2. That Council's Investment Policy and Investment Strategy be again reviewed and submitted to Council for determination via Councils Finance and Policy Committee in December, 2016.**

*Wayne Sonneman*  
Manager Financial Accounting Services

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**BACKGROUND**

The former Dubbo City Council, at its December 2015 meeting resolved as follows:

*“That Council’s Policy in respect of the review of its Investment Policy and Strategy be amended such that effective 2016, the Investment Policy and Strategy be reviewed and submitted to Council for determination, via Council’s Finance and Policy Committee, in July and December annually.”* Given the amalgamation of Dubbo and Wellington councils it is appropriate that a new Policy and Strategy be developed.

**REPORT**

Given the amalgamation of Dubbo and Wellington Council, a new Investment Policy (**Appendix 1**) and Investment Strategy (**Appendix 2**) have been developed for the Western Plains Regional Council and are presented for consideration and adoption.

As part of the process TCorp have also reviewed the Investment Policy and Investment Strategy documents. Attached for information as (**Appendix 3**) is the feedback provided by TCorp on these documents, which has now been incorporated into the preparation of the documents and changes made where considered appropriate.

The comments below relate to recommendations made by TCorp that have either been partially incorporated, or not included at all in the draft Investment Policy and Strategy.

**TCorp Recommendations on the Investment Policy**

Maturity Risk ( Noted – draft Policy deemed still appropriate)

In relation to Maturity Risk referred to in the Investment Policy, TCorp made the comment that “the longer the term, the greater the length of exposure and risk to market volatilities” and that capital preservation objectives do not necessarily preclude Council from considering longer term investments. TCorp’s comments are correct, however the draft Policy is referring to the greater risk of change in interest rates for longer terms rather than shorter terms, and it is not intended to infer that Council should not or would not invest in longer term investments. The current portfolio mix in relation to duration is more heavily influenced by cash flow requirements than an aversion to investing long term (greater than 5 years).

Credit Quality (Noted – draft Policy deemed still appropriate)

TCorp's recommendations on Credit Quality have been reviewed and some changes have been made to the percentages allocated within each investment category rating. TCorp recommended a reduction from 45% to 40% in the A Category. It is recommend that the limit be retained at 45%, as to reduce it further would restrict Council’s options in relation to available investments, without a significant increase in risk. TCorp also recommended an adjustment downwards from 20% to 10% for BBB rated maximum holdings. The combined effect of the TCorp recommendation is to force a higher percentage of investments into the AA category, which would reduce interest income without significantly reducing risk.

An amendment has been made to the previous BBB category to now read BBB+, which significantly upgrades the rating of investments. Under the previous policy, Council could have invested in institutions with a rating as low as BBB-, whereas the new policy will only permit investment in BBB+ and above.

The TCorp recommendations more closely reflected the Wellington branch investment Policy however the actual investments held were very close to the prescribed limits making the selection of appropriate new investments difficult.

Unrated Approved Deposit Institutions ( Changes made to draft Policy)

Unrated Approved Deposit Institutions (ADI's) are included in the Policy, and reference is made to Unrated ADI's in the TCorp recommendations. The draft Policy has been changed to permit investment in unrated ADI's, but only to the extent of 2.5% of the portfolio and a maximum of 1% per institution, on the basis that they must be community based institutions within the Western Plains Regional Council area, and stipulates that the interest offered must be competitive with rates offered by other institutions for similar terms.

The remainder of the commentary on the Investment Policy by TCorp is noted and the paragraphs that are referred to have been amended and are included in the draft Policy attached to this report.

**TCorp Recommendations on the Investment Strategy**

Removal of Complex Analysis ( draft amended accordingly)

The remainder of the commentary on the Investment Strategy by TCorp is noted and the paragraphs that are referred to have been amended as applicable and included in the draft Investment Strategy document as attached to this report.

**SUMMARY**

The review of the Investment Policy and Strategy has been completed and is now submitted for review and adoption.

Appendices:

- 1 Draft Investment Policy July 2016
- 2 Draft Investment Strategy July 2016
- 3 TCorp Policy and Strategy Review 14 July 2016

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Draft  
Investment  
Policy

July

**2016**

**Western Plains Regional Council – Investment Policy**

July 2016

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**Western Plains Regional Council – Investment Policy**

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## General

### PURPOSE OF DOCUMENT

The purpose of this document is to establish the framework within which investment principles are to apply to the investment of Council funds. It details:

- Council Funds covered by this Investment Policy;
- Council's objectives for its investment portfolio;
- how investments are to be undertaken;
- the applicable risks to be managed;
- any constraints and other prudential requirements to apply to the investment of Funds having regard to the applicable legislation and regulations governing Council investment;
- the manner in which compliance with the Policy & Strategy will be monitored and reported; and
- appropriate benchmarks for each category of investments.

### RELATED DOCUMENTS

This policy statement has been prepared to recognise the legislative requirements and obligations for the investment of Council's funds. The legislative requirements are detailed within this Investment Policy.

Council will comply with investment regulations and directions of the Office of Local Government – which will prevail in the event of inconsistencies with the adopted Policy and Strategy.

### EFFECTIVE DATE

This document replaces any previous Investment Policy document approved by Council.

The effective date of this Investment Policy is 25 July 2016 and will be reviewed in July and December each year, or when a change in either regulation or market conditions necessitate a review.

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**DEFINITIONS**

<b>Act</b>	<i>Local Government Act, 1993.</i>
<b>ADI</b>	Authorised Deposit-Taking Institutions (ADIs) are corporations that are authorised under the <i>Banking Act 1959 (Commonwealth)</i> to take deposits from customers.
<b>Bill of Exchange</b>	A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person, or to bearer.
<b>BBSW</b>	The Bank Bill Swap reference rate (BBSW) is the midpoint of the nationally observed best bid and offer for AFMA Prime Bank eligible securities. The BBSW is calculated daily. Floating rate securities are most commonly reset quarterly to the 90-day BBSW.
<b>Council Funds</b>	Surplus monies that are invested by Council in accordance with section 625 of the Act
<b>Debenture</b>	A debenture is a document evidencing an acknowledgement of a debt, which a company has created for the purposes of raising capital. Debentures are issued by companies in return for medium and long-term investment of funds by lenders.
<b>OLG</b>	NSW Office of Local Government.
<b>FRN</b>	A Floating Rate Note (FRN) is a medium to long term fixed interest investment where the coupon is a fixed margin ("coupon margin") over a benchmark, also described as a "floating rate". The benchmark is usually the BBSW and is reset at regular intervals – most commonly quarterly.
<b>LGGR</b>	<i>Local Government (General) Regulation 2005 (NSW).</i>
<b>NCD / TCD</b>	Is an investment in an underlying security, being a negotiable certificate of deposit (NCD) where the term of the security is often for a period of 185 days or less (but occasionally longer terms). Short NCDs are generally discount securities, meaning they are issued and on-sold to investors at a discount to their face value. Sometimes also "transferable certificate of deposit" (TCD).

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<b>RAO</b>	Responsible Accounting Officer of a council means a member of the staff of the council designated by the General Manager. (LGGR, clause 196)
<b>T-Corp</b>	New South Wales Treasury Corporation.
<b>AusBond BBI</b>	Formerly the UBS BBI. The UBS Australia index family was acquired by Bloomberg from Q3 2014, and while branding changed the benchmark is unaltered. The Bank Bill Index represents the performance of a notional rolling parcel of bills averaging 45 days and is the widely used benchmark for local councils and other institutional cash investments.

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July 2016

# Investment Policy

## INVESTMENT OBJECTIVES

The purpose of this **Policy** is to provide a framework for the optimum investment of Western Plains Regional Council's funds.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity and the return of investment. Council therefore has several primary objectives for its investment portfolio:

- Compliance with legislation, regulations, the prudent person tests of the *Trustee Act* and best practice guidelines;
- The preservation of the amount invested;
- To ensure there are sufficient liquid funds to meet all reasonably anticipated cash flow requirements; and
- To generate income from the investment that exceeds the performance benchmarks mentioned later in this document.

Council's Investment **Strategy** will run in conjunction with this Investment **Policy** and will outline:

- Council's current cash flow expectations and the implications for deviations from a long-term liquidity profile;
- Diversification: the allocation of investment type, credit quality, counterparty exposure and term to maturity profile;
- Market conditions and the appropriate responses – particularly relative positioning within the limits outlined in this Policy;
- Relative return outlook, risk-reward considerations, assessment of the market cycle and hence constraints on risk; and
- Appropriateness of overall investment types for Council's portfolio.

## LEGISLATIVE AND REGULATORY REFERENCES

All investments are to comply with the following:

- *Local Government Act (1993)*;
- *Local Government (General) Regulation (2005)*;
- Ministerial Investment Order;
- *The Trustee Amendment (Discretionary Investments) Act (1997)* – Section 14;
- Local Government Code of Accounting Practice and Financial Reporting;
- Australian Accounting Standards;
- Office of Local Government *Investment Policy Guidelines*; and
- Office of Local Government *Circulars*

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**DELEGATION OF AUTHORITY**

Authority for implementation of the Investment Policy is delegated by Council to the Interim General Manager in accordance with the *Local Government Act (1993)*.

The Interim General Manager has in turn delegated the day-to-day management of Council's investments to the Director of Organisational Services (RAO), the Manager Financial Accounting Services Dubbo Branch, and the Finance Manager Wellington Branch who must ensure adequate skill, support and oversight is exercised in the investment of Council funds.

Officers' delegated authority to manage Council's investments shall be recorded and they are required to acknowledge they have received a copy of this policy and understand their obligations in this role.

**PRUDENT PERSON STANDARD**

The investments will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy and not for speculative purposes.

**ETHICS AND CONFLICTS OF INTEREST**

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This Policy requires officers to disclose any conflict of interest to the Interim General Manager.

Independent advisors are also to declare that they have no actual or perceived conflicts of interest and receive no inducements in relation to Council's investments.

**AUTHORISED INVESTMENTS**

All investments must be denominated in Australian Dollars. Authorised Investments are limited to those allowed by the Ministerial Investment Order issued in January 2011, currently:

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- Commonwealth / State / Territory Government securities e.g. bonds;
- Interest bearing deposits / senior securities issued by an eligible ADI;
- Bills of Exchange (< 200 days duration) guaranteed by an ADI;
- Debentures issued by a NSW Council under *Local Government Act (1993)*;
- Deposits with T-Corp &/or Investments in T-Corp Hour-Glass Facility; and
- Existing investments grandfathered under the Ministerial Investment Order.

### **PROHIBITED INVESTMENTS**

This Investment Policy prohibits the following types of investment:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Standalone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This Policy also prohibits any investment with speculative purposes, including the use of leveraging (borrowing to invest) for an investment. However, nothing in the policy shall prohibit the short-term investment of loan proceeds where the loan is raised for non-investment purposes and there is a delay prior to the expenditure of loan funds.

### **RISK MANAGEMENT GUIDELINES**

Investments obtained are to be considered in light of the following key criteria:

- **Preservation of Capital** – the requirement for preventing losses in an investment portfolio's total value.
- **Credit Risk** – The risk that a party or guarantor to a transaction will fail to fulfil its obligations. In the context of this document it relates to the risk of loss due to the failure of an institution/entity with which an investment is held to pay the interest and/or repay the principal of an investment;
- **Diversification** – the requirement to place investments in a broad range of products so as not to be over exposed to a particular sector of the investment market;
- **Liquidity Risk** – the risk an institution runs out of cash, is unable to redeem investments at a fair price within a timely period, and thereby Council incurs additional costs (or in the worst case is unable to execute its spending plans);
- **Market Risk** – the risk that fair value or future cash flows will fluctuate due to changes in market prices, or benchmark returns will unexpectedly overtake the investment's return;

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- **Maturity Risk** – the risk relating to the length of term to maturity of the investment. The longer the term, the greater the length of exposure and risk to market volatilities; and
- **Rollover Risk** – the risk that income will not meet expectations or budgeted requirement because interest rates are lower than expected in future.

### **INVESTMENT ADVISOR**

The Council's investment advisor is appointed by the Interim General Manager and must be licensed by the Australian Securities and Investment Commission. The advisor must be independent and must confirm in writing that they have no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy. Independence includes receiving no commissions or other benefits in relation to the investments being recommended or reviewed, except as fully rebated to Council, promptly. Council will continue to make all decisions in relation to the placement of investments.

### **ACCOUNTING**

Council will comply with appropriate accounting standards in valuing its investments and quantifying its investment returns.

In addition to recording investment income according to accounting standards, published reports may show a break-down of its duly calculated investment returns into realised and unrealised capital gains and losses, and interest.

Other relevant issues will be considered in line with relevant Australian Accounting Standards, such as discount or premium, designation as held-to-maturity or on a fair value basis and impairment.

### **SAFE CUSTODY ARRANGEMENTS**

Where necessary, investments may be held in safe custody on Council's behalf, as long as the following criteria are met:

- Council must retain beneficial ownership of all investments;
- Adequate documentation is provided, verifying the existence of the investments at inception, in regular statements and for audit;
- The Custodian conducts regular reconciliation of records with relevant registries and/or clearing systems; and
- The Institution or Custodian recording and holding the assets will be:
  - » The Custodian nominated by TCorp for Hour-Glass facilities;
  - » Austraclear;

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- » An institution with an investment grade Standard and Poor's, Moody's or Fitch rating; or
- » An institution with adequate insurance, including professional indemnity insurance and other insurances considered prudent and appropriate to cover its liabilities under any agreement.

**CREDIT QUALITY TARGET & LIMITS**

The portfolio credit guidelines to be adopted will reference the Standard & Poor's (S&P) ratings system criteria and format - however, references in the previous Minister's Orders also recognised Moody's and Fitch Ratings and any of the three ratings may be used where available.

However, the primary control of credit quality is the prudential supervision and government support and explicit guarantees of the Approved Deposit Institution (ADI) sector, not ratings.

The maximum holding limit in each rating category and the target credit quality weighting for Council's portfolio shall be:

<b>Long Term Rating Range (or Moody's equivalent)</b>	<b>Maximum Holding</b>
AAA Category	100%
AA Category or Major Bank*	100%
A Category	45%
BBB+	20%
Unrated	2.5%

\*For the purpose of this Policy, "Major Banks" are currently defined as:

*The ADI deposits or senior guaranteed principal and interest ADI securities issued by the major Australian banking groups:*

- *Australia and New Zealand Banking Group Limited*
- *Commonwealth Bank of Australia*
- *National Australia Bank Limited*
- *Westpac Banking Corporation*

*including ADI subsidiaries whether or not explicitly guaranteed, and brands (such as St George).*

Council may ratify an alternative definition from time to time.

Standard & Poor's ratings attributed to each individual institution will be used to determine maximum holdings.

In the event of disagreement between agencies as to the rating band ("split ratings") Council shall use the higher in assessing compliance with portfolio



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Policy limits, but for conservatism shall apply the lower in assessing new purchases.

Grandfathering provisions apply to those investments currently held that complied with the investment policies of the former Council's but do not comply with the newly adopted Western Plains Regional Council Policy.

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**COUNTERPARTY LIMITS**

Exposure to individual counterparties/financial institutions will be restricted by their rating so that single entity exposure is limited, as detailed in the table below.

Limits do not apply to Federal or NSW-guaranteed investments, which are uncapped. It should be noted that the NSW government does not guarantee the capital value or unit price of the TCorp Hour-Glass Facilities. Operational cash in or linked to Council's operating cheque account are also excluded from the counterparty limits.

<b>Individual Institution or Counterparty Limits</b>	
<b>Long Term Rating Range (or Moody's equivalent)</b>	<b>Limit</b>
AAA Category <sup>1</sup>	40%
AA Category or Major Bank* <sup>2</sup>	30%
A Category	20%
BBB+ Category	10%
Unrated Category	1.0%

\*For the purposes of this Policy, "Major Banks" are currently defined as:

*The ADI deposit or senior guaranteed principal and interest ADI securities issued by the major Australian Banking Groups:*

- *Australia and New Zealand Banking Group Limited*
- *Commonwealth Bank of Australia*
- *National Australia Bank Limited*
- *Westpac Banking Corporation*

*including ADI subsidiaries whether or not explicitly guaranteed, and brands (such as St George).*

The Unrated Category is for investment in Financial Institutions that are community based within the Western Plains Regional Council area, and the interest rates offered must be competitive with rates offered by other institutions for the same investment amount and term.

<sup>1</sup> AAA Category includes TCorp Hour-Glass Cash Facility, which typically maintains a credit score consistent with a AAA<sup>f</sup> rating.

<sup>2</sup> AA Category also includes TCorp Hour-Glass Strategic Cash Facility, which typically maintains a credit score consistent with a AA<sup>f</sup> rating.

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Grandfathering provisions apply to those investments currently held that complied with the investment policies of the former Council's but do not comply with the newly adopted Western Plains Regional Council Policy.

Council may ratify an alternative definition from time to time.

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**Investment Horizon Limits**

Council's investment portfolio shall be structured around the time horizon of investment to ensure that liquidity and income requirements are met.

"Horizon" represents the intended minimum term of the investment; it is open for the Investment Strategy to define a target date for sale of a liquid investment.

Once the primary aim of liquidity is met, Council will ordinarily diversify its maturity profile as this will ordinarily be a low-risk method of obtaining additional return as well as reducing the risks to Council's income. However, Council always retains the flexibility to invest as short as required by cashflow requirements or the economic outlook.

The factors and/or information used by Council to determine minimum allocations to the shorter durations include:

- » Council's liquidity requirements to cover both regular payments as well as sufficient buffer to cover reasonably foreseeable contingencies;
- » Medium term financial plans and major capital expenditure forecasts;
- » Known grants, asset sales or similar one-off inflows;
- » Seasonal patterns to Council's surplus funds.

Investment Horizon Description	Investment Horizon - Maturity Date	Minimum Allocation	Maximum Allocation
Working capital funds	0-3 months	10%	100%
Short term funds	3-12 months	20%	100%
Short-Medium term funds	1-2 years	0%	70%
Medium term funds	2-5 years	0%	50%
Long term funds	5-10 years	0%	25%

Within these broad ranges, Council relies upon assumptions of expected investment returns and market conditions that have been examined with its investment advisor.

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**PERFORMANCE BENCHMARKS**

The performance of each investment will be assessed against the benchmarks listed in the table below.

It is Council's expectation that the performance of each investment will be greater than or equal to the applicable benchmark whilst taking into account its risks, liquidity and other benefits.

It is also expected that Council will take due steps to ensure that any investment is executed at the best pricing reasonably possible.

Investment	Performance Benchmark	Time Horizon
Funds held in overnight accounts - 11 am Account, Cash Management Accounts, Professional Funds Accounts	11am Official Cash Rate	3 months or less
Short dated bills, deposits issued by financial institutions of appropriate term, Term Deposits of appropriate remaining term, FRN's nearing maturity.	AusBond Bank Bill Index (BBI)	3 months to 12 months
Term Deposits with a maturity date between 1 and 2 Years, FRN's.	AusBond Bank Bill Index (BBI)	1 to 2 years
FRN's, Bonds, Term deposits with a maturity date between 2 and 5 Years (except as otherwise designated on a shorter horizon)	AusBond Composite 2-5 Year Bank Bill Index (BBI)	2 to 5 Years

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**REPORTING**

Documentary evidence must be held for each investment and details thereof maintained in an investment register. The documentary evidence must provide Council legal title to the investment.

For audit purposes, certificates must be obtained from the banks/fund managers/custodian confirming the amounts of investment held on Council's behalf as at the end of the Financial Year.

All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council. The report will detail the investment portfolio in terms of holdings by maturity, reconciliation of movements by *Financial Statements Note 6* category returns generated for the portfolio compared to the AusBond Bank Bill Index, and comparison with the budget. The monthly report will also confirm compliance of Council's investments within legislative and policy limits. Council may nominate additional content for reporting.

**REVIEW OF POLICY**

The Investment Policy will be reviewed by Council in July and December each year and as required in the event of legislative change or as a result of significantly changed economic/market conditions. As mandated by the *Minister's Order*, an amended Policy does not take effect until ratified by a resolution of Council.

To the extent that the Policy becomes inconsistent with the regulatory framework, the regulations will prevail.

**WESTERN  
PLAINS  
REGIONAL  
COUNCIL**

Incorporating the former  
Dubbo City & Wellington councils

**Draft  
Investment  
Strategy**

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**2016**

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# General

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## PURPOSE OF DOCUMENT

Having outlined the framework for investing in the Investment Policy, this document sets out:

- current market conditions;
- how Council is responding to structure its investment portfolio;
- realistic objectives for the investment portfolio;
- risk management

## RELATED DOCUMENTS

This Strategy relates to implementation of the portfolio within the constraints set out in the Investment Policy. It has been prepared to recognise the legislative requirements and obligations for the investment of Council's funds. The legislative requirements are listed in the Investment Policy.

Council will comply with investment regulations and directions of the Office of Local Government, which will prevail in the event of any inconsistencies with published Policy and Strategy.

## EFFECTIVE DATE

This document replaces any previous Strategy document approved by Council.

The effective date of this Strategy is 25 July 2016 and will be reviewed in February and July each year or when change in either regulation or market conditions necessitates a review.

# Investment Strategy

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Council's Investment Strategy is set in relation to the following parameters:

## Cash flow expectations

Council anticipates the following major capital expenditure in 2016-17:

- Water augmentation - \$9.3m
- Sewerage augmentation - \$12.3m
- Rural Roads construction and reconstruction \$6.7m
- Urban Roads construction and reconstruction \$8.9m
- Stormwater Drainage - \$4.5m
- Dubbo Livestock Markets – Draft and Sale Pens - \$4.6m
- Dubbo Other Waste Services – Organics Processing Facility - \$6.5m

These projects are being funded from either loan funds, grants or restricted assets, and will have minimal impact on the overall cash available for investment.

As at 31<sup>st</sup> May 2016, Council held \$21.25m of liquid Senior Floating Rate Notes (FRN's) including near-term maturities. Sufficient liquid cash or near-cash (around \$35.67m) is available to meet short term cash flow requirements in addition to near-term deposit maturities for these projects should this be required.

## Diversification

Council's investments are diversified by investing in Cash/At Call Accounts, Term Deposits and Senior Floating Rate Notes/Deposits, and is currently dominated by Term Deposits. It is not Council's current intention to diversify further across other asset classes through TCorp Growth facilities.

## Economic Background

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Global growth continued to be challenged as the US and Chinese economy slow, with central banks concerned about ultra-low inflation, and with disappointing data across Australia, the US and Europe.

US Fed Chair Yellen suggested the Fed would proceed “cautiously” in hiking interest rates due to the global outlook for economic growth, and skipped a previously-flagged March rate increase. She indicated “*given the risks to the outlook, I consider it appropriate for the Committee to proceed cautiously in adjusting policy.*” Indeed, consecutive GDP readings of +1% and +0.5% may have rates on hold after just one increase.

Europe continued to show signs of modest and improving growth. The Eurozone gross domestic product (GDP) grew +0.6% in Q1 2016, improving from 0.3% in Q4 2015. However, deflation continued, at -0.2% for the year to April 2016, with core inflation at 0.8% (year-on-year) down from 1.0% (year-on-year) in March despite better growth, and the central bank’s endeavours.

China claimed 6.7% in the year to March, down from 6.8% from the previous quarter. Manufacturing data improved, and the government announced further stimulus measures including a resolution scheme for bad debts.

Australia's unemployment rate dropped to 5.7% in March (from 5.8% in February), its lowest mark since September 2013. There was a net 26,100 jobs added during the month, but all growth in part-time positions with almost 9,000 full-time jobs lost. The participation rate remained steady at 64.9%.

After the CPI result (-0.2% for Q1 - negative for the first time in 7 years and with core inflation at 1½%), the RBA cut the official cash rate to a record low of 1.75% in May, bringing an uncomfortably high \$A down.

The RBA’s Statement of Monetary Policy indicated they lowered their forecasts for underlying inflation to between 1-2% for the year to December, from 2-3%, noting “*broad based weakness in domestic cost pressures*” and expect this to be persistent.

### *Return Outlook*

Growth and unemployment forecasts were “*little changed*” from the February statement, which predicted GDP growth of around 2.5% through to June 2016, consistent with the government's budget numbers. While the RBA does not explicitly offer a forecast for the unemployment rate, a chart included in the statement implies it expects a decline to about 5.25%, from the current level of 5.75%.

Bond yields adjusted slowly to interest rates following the May cut. 10-year Australian government bond yields were retesting their all-time lows, hovering around 2.3% at the time of writing. 3-year yields were just above 1½%, pricing in one more rate cut and ongoing low interest rate environment. The risk for rates remains to the downside.

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Money markets continue to price in another rate cut by the end of 2016, although this should be dependent upon confirmation of further economic weakness and should probably not be considered a base case:

Council's return outlook is considerably better. Deposits have an average term of 2 years and 8 months, and currently average over 3.03%. Previous strategy has made a dramatic difference to Council's income – inevitably as the current deposits mature, this will tend to adjust lower.

### ***Term Deposit Market***

Deposit margins widened over the past 6 months. This likely reflected distress in the wholesale credit markets, and greater competition for deposits as a result of these difficulties. Lower bond yields also tend to see deposit rates lag.

The steep curve in the long-end looks attractive amongst the highest payers. At close to +150bp for a 3 to 5-year fixed deposit, it has been several years since levels were this wide.

At the shorter-end, margins are again rewarded for 9-12 month terms (over +100bp). Terms less than 9 months remain under +100bp, although slightly wider than recent cyclical tights at around +70bp. Very short term deposits were not competitive with "notice accounts" and those rates have also realigned.

A greater role has been flagged for FRNs for 2016. These opened the year with some price weakness as spreads widened to mid-February; that has since largely reversed as data and sentiment improved. While some issues initially traded at a small discount, others have performed well.

Currently there is value in both long deposits and FRNs. The deposit curve is steeper as banks competed more strongly at the longer end. FRNs also offer excellent initial yields with the prospect of additional gains.

### ***Senior FRNs & Bonds***

The credit curve, and therefore forwards, are showing a "classic" shape in which:

- New Issues represent strongest value as the curve is quite steep
- Issuers have tended to pay a premium to get new issues placed in volume (around 5-7bp for majors, more for regionals)
- Medium term securities are efficiently priced, with no obvious spikes
- At the short and middle end, they trade as enhanced cash and CPG advise that they are sub economic shorter than 2 years when considering the gain or loss implicit in the security price. Council will concentrate on the FRN margin of a "Held to Maturity" asset in evaluating new investments.

Primary issues continue to be favoured over secondary market offers in the wholesale market. As an example, ANZ (+118bp) and Credit Suisse (+195bp) both priced new 5-year issues substantially wider than the existing curve. In

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early May, NAB (+117bp) was the most recent 5-year issue being offered more than +5bp above secondary market equivalents.

For new issues, the regional ADIs (rated A or BBB+) naturally offer a higher spread compared to the major banks due to their lower credit rating. Our FRN analytics suggest that the respective curves are relatively fair, with higher spread but greater difficulty extracting capital gains from regional bank FRNs. However, again the new issue discount provides additional value to investors.

Where secondary FRN's can be sourced at a discount, they will be evaluated as a "Held to Maturity" investment. Council reserves the right to sell existing FRNs prior to maturity; if securities are purchased with the intent to sell them, this will be designated in the accounting treatment.

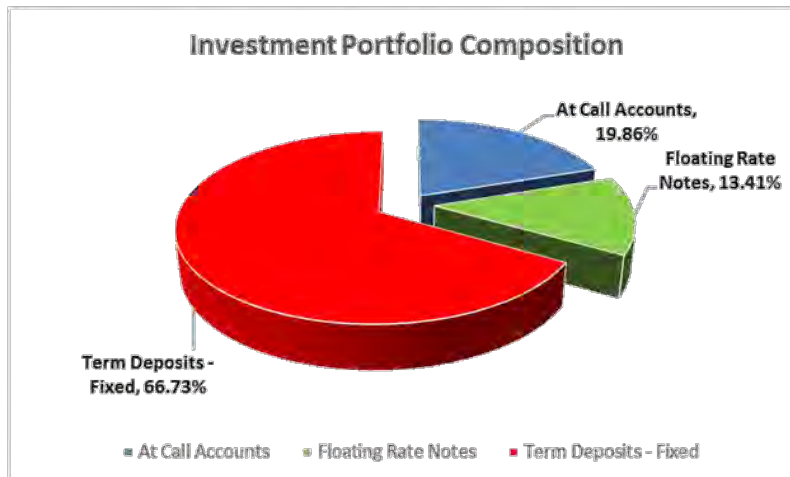
## EXISTING PORTFOLIO STATUS

The Strategy throughout the past few years has been to prioritise long-dated deposits ahead of significant cuts to interest rates. Returns in the future will be significantly lower, given record low rates and the RBA recommencing their easing cycle.

Historically, the significant portfolio lengthening has reduced income risk, with the higher yields available from long-dated deposits an added benefit.

As at the end of Q1 2016, the previous Dubbo City Council's deposits yielded 3.70% p.a., an outstanding result – this remains close to the highest rate available for a 5 year deposit in the market, from any ADI.

Returns have also been enhanced by other Medium Term investments – the recent purchases of FRNs were secured at wider levels compared to recent years. As such, the \$21.25m of FRNs continue to be quoted at a premium to cost.



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All assets comply with the current *Minister's Order*, with the exception of one "grandfathered" Lehman Brothers Collateralised Debt Obligation (CDO) taken out as at 16/09/2006, with a current face value of \$115,915.00, that is gradually being wound up via capital disbursements.

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## PROPOSED ACTIONS

Returns above 3¾% are not currently achievable in complying products at a guaranteed yield or volume (HBSHB being an occasional exception). Only the higher-risk Growth Facilities at TCorp have the potential to offer high returns, and risks remain elevated.

Council's total investment income will continue to fall heading into FY2017, barring an interest rate shock. Maturing assets are being reinvested well below current returns. This reduction in interest income has been incorporated into the forward budgets for 2016/2017 onwards.

To maximise performance, the intention is to pursue the following actions during this strategy period.

### *New Investments*

- *Cash*: The use of higher yielding at-call accounts or cash notice accounts will be considered, particularly those which can gross up Council's investment returns while maintaining liquidity. For example, a 10bp rebate can be accessed utilising Council's investment advisor, CPG, on the AMP Business Saver (grossed up return of +65bp above cash), with other rebates from deposits also available. The AMP 31-Day Notice Account (grossed up return of +80bp above cash) is evaluated at each investment maturity for competitiveness of rates. Council is currently at the AMP's imposed limit for these investments, and cannot invest further in them. Most banks have largely discontinued premium at-call accounts.
- *Deposits*: At the time of writing, 3-5 year fixed deposits from Newcastle Permanent Building Society (BBB+) were offered at a range between 150-160bp above bank bills. It has been years since margins were this wide. The 3 year margin was around 30bp above any other ADI. Such spikes in rates are very attractive relative to the interest rate outlook.
- *FRNs*: Council holds these investments to maturity rather than actively trading, and acquires opportunistically when margins are attractive.
- Newly issued securities will be evaluated for pricing opportunities relative to deposit margins.

The ability to transact quickly is critical for new issues. To support this, Council has the ability to utilise existing at-call reserves (to be replenished from subsequent deposit maturities), or sell shorter-dated securities.

There is no intention at this time to invest in the long term (greater than 5 years) investments, being TCorp Hour-Glass Growth funds.

### *Disposals*

No disposals are being considered at this stage, although the respective costs and benefits are evaluated at least quarterly.

## RISK MANAGEMENT GUIDELINES

The strategy addresses risk management as outlined below:

### *Preservation of Capital*

Council has already enacted major strategies to manage capital risk, by redeeming from the various credit managed funds and the balanced growth fund through NSW Treasury Corporation in previous years. There is one “grandfathered” managed fund in the portfolio, a Lehman Brothers Collateralised Debt Obligation (CDO) taken out as at 16/09/2006, with a current face value of \$115,915.00, that is gradually being wound up via capital disbursements. With the current remaining composition of the investment portfolio being consistent with the Minister’s Order, there will be minimal capital risk going forward.

### *Credit Risk*

Credit rating profile is currently extremely strong. The majority of investments are now rated “A-” or higher. Previously, A or AA rated banks tended to overpay relative to peers, providing higher yields and credit quality. However where higher deposit rates are concerned, lower and unrated ADIs have tended to show a premium more recently.

A more diversified portfolio with BBB+ may be considered for 15% of the portfolio if the returns are sufficiently attractive relative to higher rated investments. Examples were provided in previous sections.

### *Diversification*

Investments are currently diversified within the fixed interest sector – fixed and floating, at-call and senior FRNs; liquid and non-tradeable, and by term and issuer.

There is no current intention to diversify outside the fixed interest sector.

### *Liquidity Risk*

Council’s portfolio is highly liquid, from at-call accounts, near-term maturities and tradeable FRNs. Approximately 75% matures within 12 months, and so around three-quarters of the investment portfolio is accessible at short notice when the FRNs are included.

Council has been in a position to extend the duration of some investments during recent years – sacrificing some liquidity in the portfolio in exchange for income protection and budgeting certainty.

### *Market Risk*

Along with credit risk, market risk has now been substantially reduced by the exit from managed credit. The tradeable instruments (being short-dated major bank FRNs) have extremely low price volatility.



*Western Plains Regional Council – Investment Strategy*  
July 2016

### ***Maturity Risk***

Council's long-term investments are primarily in a mix of term deposits and floating rate investments, minimising the effect of maturity risk as there is a regular maturity pattern and spread of maturity dates.

### ***Rollover Risk***

Council has reduced this risk through a deposit portfolio duration of 10 months. It includes deposits maturing as late as 2021.

This is considered a very strong level of protection against rollover risk, and will continue to help anchor the upcoming FY17 income budget despite interest rates being cut to a record low.

Economic weakness can see official cash rates remain low for a period significantly longer than the term of the investments. However, the current duration provides Council with time to plan for lower income.

Council is well within its required limits for working capital and short-term funds, which together account for around 75% of the portfolio at time of writing.

Longer term holdings are conservative relative to portfolio limits, and there is high capacity for further investments as opportunities and available cash permits.

## **PERFORMANCE BENCHMARKS**

Council's overall portfolio (including cash) is currently yielding approximately 1¼ % above the benchmark return. Deposits are higher still, at close to 1½% above benchmark - supported by extremely high yields on deposits from prior years ahead of the current interest rate cycle.

This yield is very strong given the high credit ratings targeted. It is almost certain to continue falling over time, as official interest rates are expected to remain low over the long term which will mean lower rates on reinvestments.

## **DELEGATIONS/RESPONSIBILITIES**

Within the constraints of the Policy, strategic or execution decisions are delegated to the Director Organisational Services and the Manager Financial Accounting Services Dubbo Branch and Finance Manager Wellington Branch.

## **REVIEW OF STRATEGY**

The Strategy will be reviewed at in July and December each year, or as required in the event of legislative change or as a result of significantly changed economic/market conditions. Council is in regular contact with its advisors and is able to adjust strategy as market conditions dictate.



13 July 2016

Ms Carolyn Bussey  
Assets and Investment Accountant  
Western Plains Regional Council  
PO Box 81  
DUBBO NSW 2830

Dear Carolyn

### Investment Policy Review

Following your recent request to TCorp for review of Council's draft investment policy and investment strategy, we provide comments below.

#### Investment Policy Document

- Definitions. 'BBSW'. The common definition we see for BBSW is (in substitution for the first sentence):  
'The Bank Bill Swap Reference Rate (BBSW) is the midpoint of the nationally observed best bid and offer for AFMA Prime Bank eligible securities. The BBSW is calculated .....

We also suggest you delete the reference to 'DLG' where it appears in the terms defined.
- First paragraph under 'Investment Policy' on page six. To avoid repetition we suggest this introductory paragraph be halted after the word 'funds' in the second line. The remainder of the section outlines the objectives and aligns with the Risk Management Guidelines on Page eight.
- Delegation of Authority. Many similar organisations have a Finance Committee, or similar governing body, to oversee the investment policy, portfolio and to make strategic decisions. It is not clear if Council has such a body and it appears that responsibility is delegated from Council to the General Manager. In turn, the General Manager has delegated the day-to-day management of Council's investments, to the Interim Director of Organisational Services and the Manager Financial Accounting Services.
- Authorised Investments. The 2011 Investment Order states that councils may invest in Bills of Exchange which confers on the holder a right of recourse to an authorised deposit-taking institution (ADI). This means the bill must either be issued by an ADI or issued by another party and accepted by an ADI. An ADI issuer would not need to guarantee its own paper (bills) and the practice for ADI's who add their name to bills of exchange, is known as 'acceptance'.  
As the Investment Order is subject only to occasional review we believe the reference to the Ministerial Order should include the date of the latest order i.e. January 2011.
- Maturity Risk. We question the statement 'the longer the term, the greater the length of exposure and risk to market volatilities'. The capital preservation objective does not necessarily preclude Council from considering longer term investments for funds not earmarked for liquidity. As you know options under the 2011 Investment Order include TCorp's Hour-Glass Medium and Long Term Growth Funds. When investments in diversified funds such as these are considered in the context of the investment time frame, the risk of a negative return (i.e. capital degradation) actually falls over time. The attached slide (which we have extracted from a presentation TCorp made to Hour-Glass investors in May) shows how the risk of a negative return falls the longer the investment is held.



These Funds provide the potential for Council to generate a higher return without breaching the capital preservation objective (when capital preservation is measured over the appropriate time frame). For example the Medium Term Growth Fund has a three to seven year time horizon and has returned 6.23%pa over the past five years. The Medium Term Growth Fund has a very small (1%) probability of a negative return over a five year period (again, see slide attached).

- Investment Advisor. Other policies we have reviewed indicate clearly that Council will continue to execute all investment transactions and rely on investment advisers for advice only. For the sake of good order the word 'the' should be inserted before 'investment policy' on line six and a comma after 'Council' in line eight.
- Continuing with the theme of capital preservation and having regard to the size of Council's (combined) portfolio, we would suggest some fine tuning of the limits tabled on page 10.

Limits by ratings:

AAA Category	100%
AA	100% (incorporating the four major banking groups)
A Category	40%
BBB Category	10%

Limits by counterparty:

AAA Category	30%
AA Category	25%
A Category	20%
BBB Category	5%

Although investment in unrated ADIs is permitted under the Investment Order, in the absence of community considerations, we would suggest investment in unrated entities (excluding TCorp's Hour-Glass Funds) be avoided or managed within the limits of the Commonwealth Guarantee (Financial Claims Scheme).

- Investment Horizon Limits. We would enquire as to the basis for the allocations outlined in the table on page 12. In any event we suggest the term to maturity allocations be reviewed periodically to confirm alignment with the forecast cash flows identified in Council's Long Term Financial Plan.
- The benchmark for the Hour-Glass Cash Fund (same day liquidity) is the Bloomberg Ausbond Bank Bill Index which we believe is appropriate for all investments out to two years. For investments beyond two years we believe the Bloomberg Ausbond Composite 2-5 year index is an appropriate benchmark. You can view this index on the Bloomberg website at <http://www.bloombergindices.com/ausbond>.
- Finally, returning to the section under 'General' on page three please substitute 'Office' for 'Division' at the commencement of line two in the second paragraph under 'Related Documents'. Further down the page under 'Effective Date' there is an unnecessary 'at' in line two of paragraph two and we suggest 'necessitates' be substituted for 'necessitate' on the line below.
- Policy Review frequency. To date, Western Plains is the only council that reviews its investment policy twice during each calendar year.



#### Investment Strategy Document

- The apparent strategy for dealing with short term liquidity requirements is to hold cash and liquid securities although the major 2016-2017 capital expenditure items are anticipated to 'have minimal impact on the overall cash for investment'.

We suggest the allocation of funds to meet Council's working capital requirements be expressed as a liquidity provision, stating both a percentage of investments and a minimum of three months' forecast cash flow. This would more closely align the investment policy with Council's normal operating liquidity requirements, allowing Council to pursue more competitive rate terms without the imposition of liquidity driven maturity dates. TCorp's Hour-Glass Cash Fund, which Council is permitted to invest in under the Investment Order, is an option for the liquidity provision given the same day access feature and consistent above-cash rates of return since the Fund was established in 1989 (see attached Flash Report for June 2016).

- Paragraph 'Term Deposit Market' (page six). Readers may have difficulty in understanding the references to margins (paragraphs two and three) and be left wondering over what base the margins are measured.
- We would normally expect the purpose behind illustrating the Futures Cash Rate and the Deposit Curve (Figures one and two on pages six and seven) is to separate interest rate risk and credit risk to identify investment opportunities. This motive is not clear from the commentary relating to the graphs.
- As we understand, a large part of the content of this document is provided by external advisers and we believe the source should be clearly identified. We note that the commentary contains several specialised terms e.g. 'traded out', 'wides' and 'TAPS' which may or may not be easily understood by all readers of the document.
- Return Outlook – page six. The reader may be confused by the statement 'Deposits have an average term of 2 years and 8 months' (see paragraph immediately below Figure 1) after they read later in the document (page 11 'Liquidity Risk') that 75% of the portfolio matures within 12 months.
- Senior FRN's and Bonds - penultimate paragraph. We agree that liquidity around private placements can be a matter for concern. We would, however, rate the liquidity of TAPS well above that of private placements.
- New Investments (page 10). Paragraph 'Deposits'. The paragraph is worded such that the reader is likely to enquire what level of risk the market may be pricing in to reflect the wider margins offered by Newcastle Permanent Building Society (offering a margin of 30bps over the margins offered by 'any other ADI' for 3 year deposits).
- Risk Management Guidelines – paragraph 'Credit Risk' (page 11). For ongoing reference it might be helpful to refer to the attached table which attempts to rank the probability of default risk by rating. This Standard and Poors' table may be useful in rebalancing the portfolio from time to time.

#### General comments.

Given the sizeable quantity of funds under Council's care and the availability of funds for longer term investments, we are surprised to note from the strategy document ('New Investments' on page 10) of Council's current intention to restrict new investments to the fixed interest/income asset class. Under 'Risk Management Guidelines' it is apparent that Council is aware of the threat to income



from falling interest rates and yet the planned action to protect future earnings is to remain in a single asset class.

However, in acknowledgment of Council's apparent level of comfort with the fixed interest/income asset class we attach two slides (follow immediately after this letter) to demonstrate how a modest degree of diversification can substantially improve returns. The Hour-Glass Medium Term Growth Fund has a high exposure to defensive assets (65% cash and Australian bonds) but still provides potential for capital growth. As a result we would suggest that only diversification beyond the chosen asset class is likely to deliver Council with greater protection against a cyclically driven fall in income.

We attach the NSW Treasury policy paper relating to Treasury Management Policy which should provide some useful information for review of the policy.

We trust these observations and suggestions are helpful in reviewing the policy and procedures and will go on to strengthen the management of Council's investment funds. We recommend you seek appropriate advice from professionals before making investment decisions.

If we can be of further assistance please don't hesitate to contact me (Stephen Hart, phone 93259251) or any member of the Local Government Services Team.

Yours sincerely  
**New South Wales Treasury Corporation**

A handwritten signature in black ink, appearing to read 'Stephen Hart', written over a light blue horizontal line.

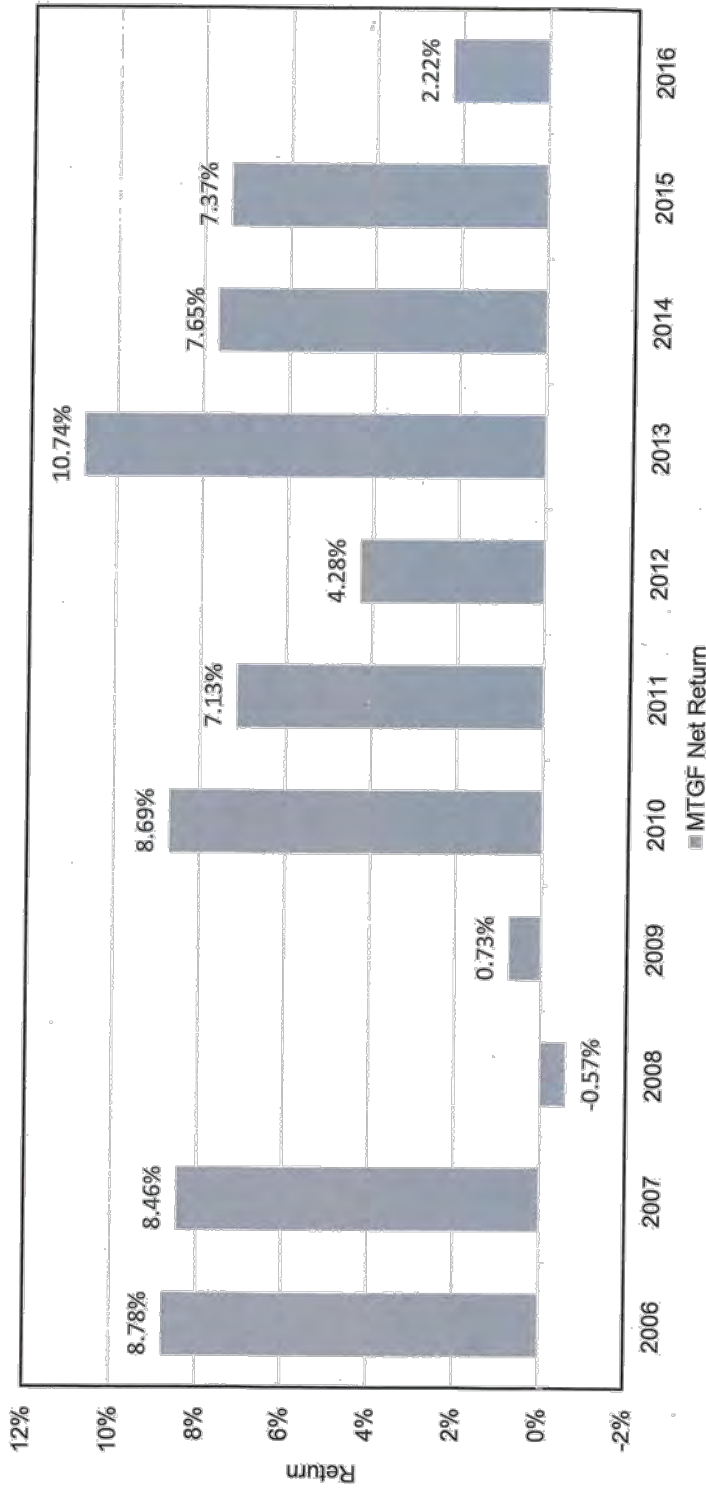
**Stephen Hart**  
Senior Manager  
Local Government Services

A handwritten signature in black ink, appearing to read 'Kylie Willment', written over a light blue horizontal line.

**Kylie Willment**  
Senior Manager  
Hour-Glass Funds and Policy Development

# Hour-Glass Medium Term Growth Fund

## Financial Year Returns

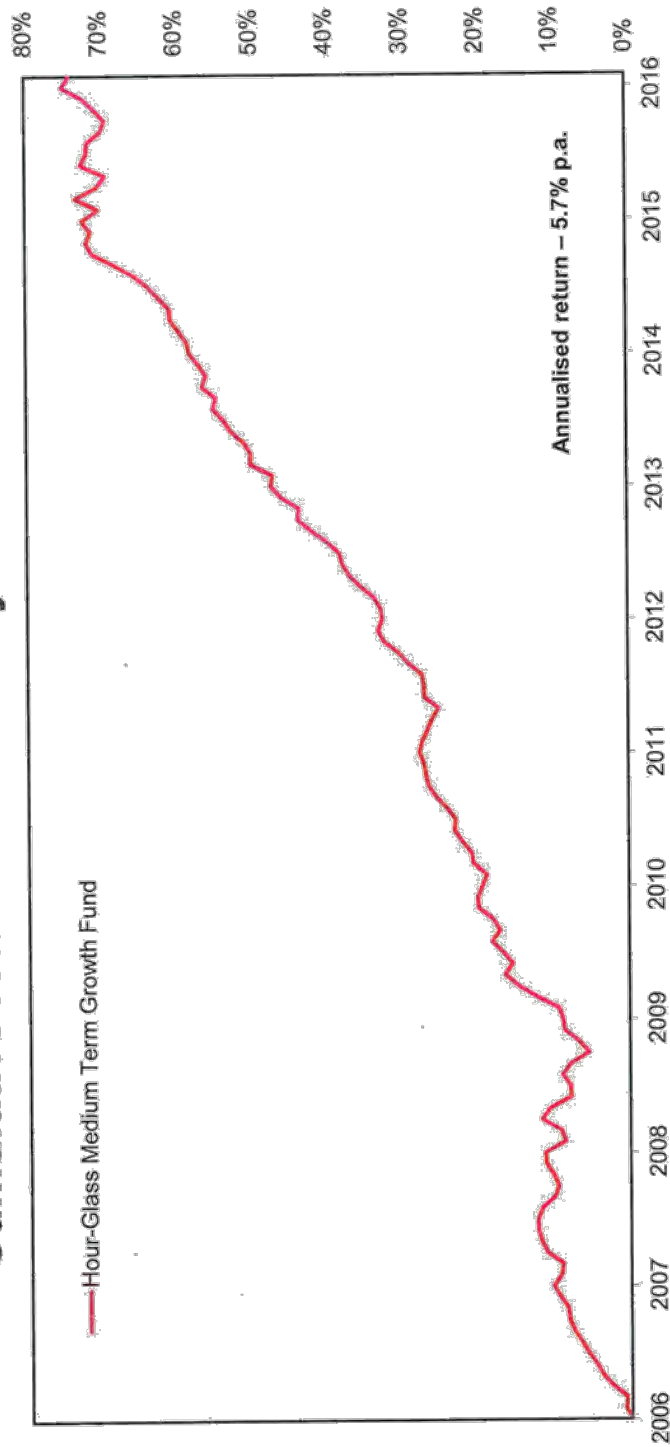


- MTGF: Hour-Glass Medium Term Growth Fund



# Over time, higher risk is generally rewarded with higher returns

## Cumulative returns from 1 July 2006



## REPORT: Payment of Expenses and Provision of Facilities for the Administrator

**AUTHOR:** Manager Governance and Risk Services  
**REPORT DATE:** 13 July 2016  
**TRIM REFERENCE:** ID16/1214

### EXECUTIVE SUMMARY

Section 252 of the Local Government Act requires Council to adopt a policy concerning the payment of expenses and provision of facilities for the Mayor and Councillors in relation to discharging the functions of civic office. The former Dubbo City and Wellington councils both had adopted policies for this purpose. Following the merger of these councils into the Western Plains Regional Council, these policies are no longer valid as an Administrator has been appointed and it is appropriate to adopt a policy for the payment of expenses and provision of facilities for the Administrator following public exhibition. At its Ordinary meeting held 25 May 2016, Council resolved (CCL16/11):

*"That the policy "Payment of Expenses and Provision of Facilities for the Administrator" as appended to this report, be placed on Public Exhibition for a period of twenty eight (28) days inviting the public to make submissions."*

The policy was placed on exhibition seeking submissions from the public. During the exhibition period nil submissions were received.

Accordingly, the policy (attached as **Appendix 1**) is submitted with a recommendation for adoption.

### FINANCIAL IMPLICATIONS

The financial implications arising from this report relate to the expenses and provision of facilities detailed in Council's policy.

### POLICY IMPLICATIONS

The amended policy (**Appendix 1**), if adopted, will become Council's Policy.



**RECOMMENDATION**

**That the policy for the Payment of Expenses and Provision of Facilities to the Administrator attached to this report as Appendix 1 be adopted.**

*Michael Ferguson*  
Manager Governance and Risk Services

**REPORT**

Section 252 of the Local Government Act requires Council to adopt a policy concerning the payment of expenses and provision of facilities for the Mayor and Councillors in relation to discharging the functions of civic office. The former Dubbo City and Wellington councils both had adopted policies for this purpose. Following the merger of these councils into the Western Plains Regional Council, these policies are no longer valid as an Administrator has been appointed and it is appropriate to adopt a policy for the payment of expenses and provision of facilities for the Administrator following public exhibition. At its Ordinary meeting held 25 May 2016, Council resolved (CCL16/11):

*"That the policy "Payment of Expenses and Provision of Facilities for the Administrator" as appended to this report, be placed on Public Exhibition for a period of twenty eight (28) days inviting the public to make submissions."*

The policy was placed on exhibition seeking submissions from the public. During the exhibition period nil submissions were received.

It is now recommended that the policy be adopted.

Appendices:

- 1 Council Policy - Payment of Expenses and Provision of Facilities for the Administrator - July 2016

# WESTERN PLAINS REGIONAL COUNCIL

Incorporating the former  
Dubbo City & Wellington councils

## WESTERN PLAINS REGIONAL COUNCIL

### DRAFT PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE ADMINISTRATOR

July 2016

<b>Document Revision History</b>	
<b>Description</b>	<b>Date</b>
Adopted by Council	August 2007
Amended and Adopted by Council	November 2008
Amended and Adopted by Council	November 2009
Amended and Adopted by Council	December 2010
Amended and Adopted by Council	November 2011
Amended and Adopted by Council	July 2012
Amended and Adopted by Council	February 2013
Amended and Adopted by Council	February 2014
Amended and Adopted by Council	February 2015
Amended and Adopted by Council	February 2016
Amended as a result of merger of Dubbo City and Wellington councils	May 2016
<b>Notes</b>	

## WESTERN PLAINS REGIONAL COUNCIL

### POLICY

#### PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE ADMINISTRATOR

##### TABLE OF PROVISIONS

###### **PART 1 – INTRODUCTION**

- 1.1 Introduction
- 1.2 Purpose of this Policy
- 1.3 Legislative Provision
- 1.4 Relationship to Annual Fees
- 1.5 Code of Conduct

###### **PART 2 – FACILITIES FOR THE ADMINISTRATOR**

- 2.1 Administrator
- 2.2 General Provisions
- 2.3 Monetary Limits

###### **PART 3 – TRAVELLING ON COUNCIL BUSINESS**

- 3.1 Definition of conference
- 3.2 Who may attend conferences
- 3.3 Development Programs
- 3.4 Conference Costs
- 3.5 Out-of-Pocket Expenses
- 3.6 Conference Costs – Payment in Advance
- 3.7 Conference Costs – Delegates' Accompanying Persons
- 3.8 Local Functions
- 3.9 Overseas Travel
- 3.10 Care
- 3.11 Expenses Claims Approval
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###### **PART 4 – LEGAL ASSISTANCE**

- 4.1 Legal and Representation Costs – Enquiries, Investigations, Hearings etc.
- 4.2 Legal Advice

###### **PART 5 – INSURANCES**

- 5.1 Personal Accident Insurance
- 5.2 Professional Indemnity/Public Liability Insurance
- 5.3 Councillors and Officers Liability Insurance

###### **PART 6 – ANNUAL FEES**

- 6.1 Fees Payable to the Administrator

## **PART 1 – INTRODUCTION**

### **1.1 Introduction**

In accordance with the provisions of the Local Government Act 1993 Council is required to adopt a Policy concerning the payment of fees and expenses and the provision of facilities to the Administrator in relation to their role and discharging the functions of Civic Office.

### **1.2 Purpose of this Policy**

The purpose of this Policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by the Administrator. This Policy also ensures that the facilities provided to assist the Administrator carry out the functions of Civic Office are reasonable.

### **1.3 Legislative Provision**

The Local Government Act 1993 makes provision (Division 5 of Chapter 9) for payment of fees (s. 248 & s. 249); Payment of Expenses (s.252) and Provision of Facilities (s.252).

### **1.4 Relationship to Annual Fees**

The payment of expenses and the facilities which may be provided to the Administrator under this Policy shall be provided in addition to the annual fees payable to the Administrator.

### **1.5 Code of Conduct**

Council's Code of Conduct sets the minimum requirements of behaviour for Council officials. The Code of Conduct refers, in part, to the use of Council Resources as follows:

- \* You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.
- \* You must be scrupulous in your use of council property including intellectual property, official services and facilities and must not permit their misuse by any other person or body.
- \* You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

- \* You must not convert any property of the council to your own use unless properly authorised.
- \* You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

These sections of the Code are relevant to this Policy in that they provide for an overarching standard of behaviour that the Administrator would be expected to display when using Council's resources.

## **PART 2 – FACILITIES FOR THE ADMINISTRATOR**

### **2.1 Administrator**

The Administrator, in carrying out the duties of office, be entitled to receive the following:

- 2.1.1 Suitable office accommodation in the Western Plains Regional Council – Dubbo Branch, Civic Administration Building and the Western Plains Regional Council – Wellington Branch, Administration Building including the provision of a computer and software packages that enable email and internet services.
- 2.1.2 A range of secretarial services including telephone and reception duties, typing, organisation of Receptions including catering, preparation of speeches, press releases and correspondence and other reasonable requests by the Administrator.
- 2.1.3 A motor vehicle for official (civic duties) and private use as follows:
  - The provision to the Administrator of a suitable and appropriate official vehicle, to the value of up to \$55,000 (excl GST), fully serviced and maintained, for both civic and private use, with such vehicle type to be at the discretion of the Administrator-at the time of changeover, with changeover to occur at not less than 15,000km or 12 months, whichever occurs first – (WSC12/40)
  - the motor vehicle provided for use by the Administrator may be used by the Administrator for private purposes
  - the annual fee payable to the Administrator will be reduced by the value of the private use benefit taken up
  - the value of the private use benefit will be determined by applying the rate per kilometre published by Local Government NSW from time to time which is recommended for use by councils when costing motor vehicle benefits in remuneration packages to the number of private use kilometres travelled.
  - the Administrator will keep a log of all private use kilometres travelled and submit such log at the end of each month

For the purpose of this clause, travel between Dubbo and Wellington shall be classed as non-private travel purposes.

- 2.1.4 A mobile telephone and Apple iPad for which all expenses are paid but which is to be used exclusively for Council and Civic duties.
- 2.1.5 Reasonable expenses for the Administrator and partner/accompanying person to attend on behalf of Council on official or legal occasions including travel, accommodation subsistence and the like. Attendance at local functions (excluding conferences as defined in Clause 3.1) by the Administrator and partner/accompanying person shall be paid by Council.'
- 2.1.6 If the Administrator so chooses, a credit card facility and a cabcharge facility to be used for expenses incurred in the pursuit of official Council business. The credit card facility is to be used in situations where it is not possible to go through Council's normal procedure for the ordering and/or payment of goods and services.
- 2.1.7 An allocated carparking space on the western side of the Civic Administration Building and secure parking at the Dubbo City Regional Airport (where necessary).
- 2.1.8 Secretarial service including typing, photocopying, printing and postage for the following purposes:
- a) Initiating correspondence to, and answering correspondence received from, residents / ratepayers, Members of Parliament, Government Departments, statutory authorities / bodies, other local authorities, local government related bodies and organisations or the general public in relation to the business of the Council or local government subject to a response to petitions received by Council will only be made to the principal person who lodges the petition and not all signatories.
  - b) Replying to invitations to attend functions/gatherings.
  - c) Communications to Council's staff on official business;
- 2.1.9 Suitable meals associated with Council and Council Committee meetings, and meetings with Parliamentary representatives, visiting dignitaries and other delegations. These meals are normally organised as part of the meeting process.
- 2.1.10 Suitable stationery supplies.
- Business cards and name badges
  - Postage - official correspondence - to be directed through the Council's own mail system.
- 2.1.11 Access to Information – the Administrator can obtain copies of Council information, if the information is required to enable the Administrator to undertake their role as defined under S232 of the Local Government Act 1993.

When seeking information on policy issues and day to day matters, in the exercise of their role of the Council, the Administrator is to direct their enquiries to the General



Manager, the relevant Director, or an officer nominated by the Director.

2.1.12 Preparation of media material in respect of Council activities and for Council's Planning and Development, Works and Services and Finance and Policy Committees in respect of Committee issues.

### **2.3 General Provisions**

Additional to the facilities provided by Council to the Administrator under this Policy, it is expected that further expenses may be incurred in the performance of civic duties. Accordingly, Council will provide reimbursement of approved expenses only incurred in the performance of the Administrator's role.

No allowances or expenses other than those expressly contained in this policy are payable to the Administrator.

### **2.4 Monetary Limits**

Expenses under this policy, in most instances, will be reimbursed based on actual expenditure. However, monetary limits have been applied which set a maximum level of expenditure which Council will reimburse for each type of expense. These limits are listed below in the table.

The monetary limits contained within this policy have been set based on information available on reasonable market rates for the provision of the relevant services. Regional considerations have also been addressed with respect to accommodation costs.

These limits may be amended with any amendment to this policy and will be assessed for relevance and reasonableness on an annual basis in line with the annual policy review.

Expense Type	Refund Basis	Limit Amount	Comment
Registration costs	Actual	None	Includes costs relating to official luncheons, dinners and tours/inspections which are relevant to the interests of the Council
Accommodation	Actual up to daily limit	Zone 1: \$300 per day Zone 2: \$250 per day Zone 3: \$200 per day	Limits are dependent on the location of accommodation, providing for regional differences in costs  Zone1: State Capital Cities and Canberra Zone 2: Regional Capital Cities (Newcastle, Wollongong) Zone 3: Country  Where evidence is provided that accommodation within the above cost range cannot be provided or is not available then the General Manager has the discretion to approve the increase in costs  As the Administrator resides in Wellington, motel accommodation may be sourced on an ad hoc basis to coincide with evening functions that the Administrator is required to attend.
Out of pocket expenses	Actual up to daily limit	\$100 per day	Expenses in this category may include: <ul style="list-style-type: none"> <li>• Reasonable telephone, facsimile or internet usage</li> <li>• Reasonable refreshments</li> <li>• Meals not included in registration fees, etc</li> </ul> The following expenses will not be reimbursed and are the responsibility of the Administrator: <ul style="list-style-type: none"> <li>• Alcohol (not consumed as part of meal)</li> <li>• Cigarettes</li> <li>• Mini-bar items</li> </ul>
Cost of service provided	Actual	None	No payment shall be reimbursed for any component of a ticket which is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit  An additional payment to a registered charity may be acceptable as part of the cost of the function
Enrolment fees	Actual	None	In most cases, Council will arrange and fund attendance of the Administrator at training courses
Air Travel	Actual	None	In most cases, Council will arrange and fund the Administrator's Air Travel when required
Rail Travel	Actual	None	In most cases, Council will only arrange and fund the Administrator's rail travel when requested
Taxi	Actual	None	

Bus	Actual	None	
Parking	Actual	\$50 per day	
Use of private motor vehicle	Actual	Per km allowance as defined in the Local Government (State) Award 2014	As defined in the Local Government (State) Award 2014: "Refer Part 15(x) – Vehicle Allowances"
Incidental expenses associated with attendance at seminars, training courses or official functions	Actual up to daily limit	\$100 per day	Expenses in this category may include: <ul style="list-style-type: none"> <li>• Parking fees</li> <li>• Tolls</li> </ul> <p>The following expenses will not be reimbursed and are the responsibility of the Administrator:</p> <ul style="list-style-type: none"> <li>• Alcohol (not consumed as part of a meal)</li> <li>• Cigarettes</li> <li>• Mini-bar</li> </ul>
Personal care or child care expenses: up to four (4) hours	Actual up to daily limit	\$80 per day	Council will reimburse costs to a maximum of \$80 to cover a four (4) hour engagement of a babysitter or carer where required to allow the Administrator to attend any Council, Standing Committee, Meetings, Committee Meetings, Working Party or Council workshops. The four (4) hour period shall include the period of 30 minutes prior to and after the conclusion of the meeting or workshop
Personal care or child care: more than four (4) hours	Actual up to hourly limit	\$15 per hour	An additional hourly rate of up to \$15 per hour will be paid for meetings and workshops etc that go beyond the four (4) hours engagement period referred to above

## PART 3 - TRAVELLING ON COUNCIL BUSINESS

### 3.1 Definition of Conference

In this part **conference** means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions, events etc related to the industry of local government and held within Australia.

### 3.2 Who may attend conferences:

Council will continue to be represented at the Annual Conference or Convention of the Associations as detailed hereunder, subject to appropriate funding provision being provided in the Council's Annual Budget and subject to the usual conditions. Attendance at conferences are to be approved by the Council with the General Manager to approve attendances at seminars and conferences by staff.

ORGANISATION	DELEGATES	OBSERVERS
Local Government NSW	The Administrator	Interim General Manager or Nominee
Saleyards Operators' Association of NSW	The Administrator	Interim General Manager or nominee and the Supervisor Saleyards Operations
Australian Airport Association	The Administrator	Interim General Manager and Director Corporate Development or their nominees
Local Government Women's Conference	The Administrator	
Local Government Aboriginal Network Conference	The Administrator	
Australian Local Government Association Conference	The Administrator	Interim General Manager or Nominee

### **3.3 Development Programs**

The Local Government NSW Councillor Professional Development Programs and other Local Government Conference and Seminar Programs are designed to improve knowledge on specific aspects which will assist them to fulfil their role. Attendance at any of these courses shall be arranged by the Governance and Risk Branch at the request of the General Manager.

### **3.4 Conference Costs**

The following shall apply for the Administrator authorised and/or appointed as delegates under this policy to attend conferences (as defined above):

#### **3.4.1 Registration**

The Council in accordance with 2.4 above, will pay all normal registration costs for delegates which are charged by organisers, including those relating to official luncheons, dinners and tours/inspections which are relevant to the interests of the Council.

#### **3.4.2 Accommodation**

In accordance with 2.4 above, Council will pay reasonable double room or twin share accommodation costs including the night before and/or after the conference where this is necessary because of travel and/or conference timetables.

#### **3.4.3 Travel**

**In accordance with 2.4 above, the following travel provisions will apply:**

- (a) All reasonable travel costs for delegates to and from the conference location and venue will be met by the Council. Where appropriate, travel will be provided by air (economy class). Depending upon the location or circumstances, it may be more appropriate for travel to be undertaken by car or train.
- (b) Where trains are used the Council will provide first class travel, including sleeping berths where available.
- (c) Where travel by motor vehicle is used it should be undertaken by Council vehicle where available, or by private vehicle subject to prior approval of the General Manager.
- (d) The Administrator using private vehicles in accordance with this policy may claim the kilometre rates for the necessary travel at the rate set by the Local Government State Award 2014 as at the date of travel with such rate deemed to cover and include any claims for accidental damage or repairs to the private vehicle and any loss of no claim bonus and any excess not covered by an insurance. This claim for kilometre allowance is subject to such claim not exceeding economy class air fares to and from the particular destination.

- (e) Costs of vehicle hire, tolls, taxi and bus fares and parking fees which are reasonably required and incurred in attending conferences, will be reimbursed by the Council (on production of the appropriate documentation).

### 3.5 Out-of-Pocket Expenses

In accordance with 2.4 above, the following out of pocket expenses will apply:

- 3.5.1 So that the Administrator, as a delegate of the Council attending conferences are not financially disadvantaged, the Administrator shall be entitled to claim "out-of-pocket" expenses.
- 3.5.2 The amount of the payment under Clause 3.5.1 shall be equal to reasonable costs substantiated by a tax invoice receipt or statutory declaration to the effect that the expenditure was incurred.
- 3.5.3 Such payment shall be made to cover all incidental expenses associated with the conference attendance such as:
- (i) all telephone or facsimile calls. Council will meet the cost of telephone calls from the delegate to his/her family and to Council during the period of the conference. Other telephone expenses are to be paid for by the delegate;
  - (ii) breakfasts, lunches, dinners and other meals not included in the registration fee;
  - (iii) laundry - Council will meet the cost of reasonable laundry or dry cleaning services whilst at the conference, if necessary;
  - (iv) any optional activity in a conference program;
  - (v) bar fridge - Council will not meet the cost of any expenses incurred from the use of the bar fridge provided in the hotel room.
  - (vi) bar service - Council will not meet the cost of any expenses incurred at the bar located within the hotel other than where special guests have been invited for drinks at the request of the Administrator or leader of the Council's delegation or meals as provided for in 2.4.
  - (vii) gifts taken - If it is appropriate that gifts be required for presentations, Council will provide items as determined by the General Manager.
  - (viii) gifts received - Council's Code of Conduct should be adhered to at all times. Any gifts received must be declared in Council's Gift Register.
- 3.5.4 An advance payment to the Administrator's bank account for "out-of-pocket" expenses under this clause may be paid, subject to any portion being refundable to the Council within seven (7) days of the conclusion of the conference if the actual period of attendance is less than that upon which the allowance was assessed. Any request for a cash advance must be completed on the attached form "Request for Cash Advance for the Purpose of Travelling on Council Business".

### **3.6 Conference Costs - Payment in Advance**

- 3.6.1 The Council will normally pay registration fees, accommodation costs and airline/train tickets direct to conference organisers/travel agent in advance. Where this is not appropriate or possible an advance payment or cheque equivalent thereto may be paid to the attendee for payment to the appropriate party.
- 3.6.2 Any advance payments must be properly accounted for on the prescribed form within one (1) month after such conference.

### **3.7 Conference Costs - Delegates' Accompanying Person**

- 3.7.1 Where the Administrator is accompanied at a conference all costs for, or incurred by, the accompanying person, including travel, breakfast, meals, registration and/or participation in any conference programs, are to be borne by the Administrator/accompanying person and not by the Council. Accompanying person's registration, or accompanying person's program fees, are to be paid to the conference organiser, etc. and paid at the time of registration. The Council is prepared to receive such registration and payments and to forward them on to the conference organiser, etc with any Council delegates' registration.
- 3.7.2 Where the Council meets, on account, any expenditure or cost on behalf of an accompanying person attending a conference, such expenditure must be repaid to the Council by the Administrator/accompanying person within seven (7) days of being invoiced for such expenditure following the conclusion of the conference.

### **3.8 Local Functions**

Where the Administrator attends local functions on behalf of Council, Council will be responsible for the payment of any fees for both the Administrator and their partner/accompanying person.

### **3.9 Overseas Travel**

Overseas Travel for any purpose which is considered to be relevant to Council business and /or of particular benefit to the local community must be approved by Council. Full details of the travel and the purpose for the travel must be approved on an individual basis. The use of an Administrator Minute (not included on the Council Agenda) to obtain Council approval for travel is not considered appropriate as it is not consistent with principles of openness and transparency.

Retrospective re-imburement for overseas travel is not permitted.

After returning from overseas the Administrator, or an accompanying member of Council staff, must provide a detailed written report to Council on the aspects of the trip relevant to Council business and/or the local community.

In regard to Sister City Relationships the establishment of a Sister City Relationship will be on the basis that Council bear no cost of staff members, the Administrator or members of the public visiting Sister Cities.

### **3.10 Care**

Council will reimburse reasonable costs of care arrangements including childcare expenses and the care of elderly, disabled and/or sick immediate family members of the Administrator to allow the Administrator to undertake their Council business obligations. Such costs will be certified by the Administrator to be necessarily incurred in the course of fulfilling their civic duties and/or conducting Council business.

### **3.11 Expenses Claim Approval**

Any claim submitted to Council for reimbursement of expenses must be approved by the Manager Governance and Risk Services having regard to appropriateness of the claim and regard to budget allocations. The General Manager will then authorise the claim approval form.

### **3.12 Disputes Resolution**

Any dispute relating to the administration of this Policy must be made in writing to the General Manager detailing the grounds for the dispute.

Any such disputes will be referred to the next scheduled Ordinary Meeting of the Council for determination and resolution.

## **PART 4 - LEGAL ASSISTANCE**

### **4.1 Legal and Representation Costs - Enquiries, Investigations, Hearings, etc**

In the event of:

- (a) any enquiry, investigation or hearing by any of:
  - the Independent Commission Against Corruption;
  - the Office of the Ombudsman;
  - the Office of Local Government;
  - the Police;
  - the Director of Public Prosecutions; or
  - the Local Government Pecuniary Interest Tribunal, into the conduct of an Administrator; or
- (b) Legal proceedings being taken against the Administrator, arising out of or in



connection with the Administrator's performance of his or her civic duties or exercise of his or her functions.

Council shall reimburse the Administrator, at the conclusion of such enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis, PROVIDED THAT:

- i. approval of the General Manager is sought and gained prior to any legal expense being incurred;
- ii. the amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Administrator on any basis;
- iii. the Administrator's performance or exercise of the civic duty or function was in the opinion of Council bona fide and/or proper, and the Administrator acted in good faith as required under Section 731 of the Local Government Act.
- iv. the amount of such reimbursement shall be limited to the extent that only fees charged at a rate equivalent to the hourly rate then being charged by Council's Solicitors will be paid, ie, any portion of the expenses representing any hourly charge rate higher than the hourly charge rate of Council's Solicitor will not be reimbursed; and
- v. the Council is not the plaintiff in the action.
- vi. the enquiry, investigation, hearing or proceeding results in a finding that is not substantially unfavourable to the Administrator

#### **4.2 Legal Advice**

Legal advice relating to a pecuniary interest, conflict of interest or matter governed by the code of conduct which in the opinion of the General Manager is necessary to clarify the Administrator's responsibilities in the performance of his/her duties will be provided and paid for by Council.

## PART 5 - INSURANCES

### 5.1 Personal Accident Insurance

Council carries a personal accident insurance policy on Councillors of Council as set out hereunder. Although the Administrator is not regarded as a Councillor, Statewide Mutual has advised that the same coverage applies to an Administrator as that offered under the policy to Councillors.

On the lives of eleven (11) Councillors whilst engaged on their duties as Councillors of the City of Dubbo, including whilst travelling.

<b>COVERED PERSON(S)/ CATEGORIES</b>	<ol style="list-style-type: none"> <li>1: The Mayor, Chairperson, Elected Members, Councillors, Commissioners</li> <li>2: All Employees of the Policyholder including their Accompanying Spouse/Partners and/or Dependent Child(ren) and including Accompanying Spouse/Partner and/or Dependent Child(ren) of Category 1 Covered Persons and including any persons engaged to undertake sister city visits on the Policyholder's behalf</li> <li>3: All voluntary workers of the Policyholder</li> <li>4: All members of any Committees and Trusts established by the Policyholder</li> <li>5: Work Experience Students and Other Persons where the Policyholder is required to provide coverage whilst such persons are engaged in any Government Labour Market, Training or Job Creation Projects</li> <li>6: All Employees of the Policyholder engaged in authorised amateur sporting competitions organised by the Policyholder</li> </ol>
<b>SCOPE OF COVER</b>	<ol style="list-style-type: none"> <li>1: In respect to this Category "Covered Persons" are covered while engaged on a Journey (as defined) undertaken on the Policyholder's business, including any Incidental Private Travel. Notwithstanding the above, cover under Section 1 &amp; 2 of this Policy shall be whilst engaged in or on any activity directly or indirectly connected with or on behalf of the Policyholder including whilst travelling directly to and/or from such activity.</li> <li>2: In respect to this Category "Covered Persons" are covered while engaged on a Journey (as defined) undertaken on the Policyholder's business, including any Incidental Private Travel. Notwithstanding the above, cover under Section 1 of this Policy shall be whilst engaged in or on any activity directly or indirectly connected with or on behalf of the</li> </ol>

Policyholder including whilst travelling directly to and/or from such activity.

3-4: In respect to this Category "Covered Persons" are covered while engaged on a Journey (as defined) undertaken on the Policyholder's business, including any Incidental Private Travel.

Notwithstanding the above, cover under Section 1 and 4(A) of this Policy shall be whilst engaged in or on any authorised voluntary work directly or indirectly connected with or on behalf of the Policyholder including whilst travelling directly to and/or from such activity.

5: Cover under the Policy applies to all those hazards to which a Covered Person is exposed whilst actually engaged in or on any Government Labour Market, Training or Job Creation Projects excluding necessary direct travel to and from such activities on behalf of the Policyholder. Provided always that the Policy shall only apply in respect of such work officially organised by and under the control of the Policyholder.

6: Cover under the Policy applies to all those hazards to which a Covered Person is exposed whilst actually engaged in any authorised amateur sporting event including necessary direct travel to and from such events. Provided always that the Policy shall only apply in respect of such events officially organised by and under the control of the Policyholder.

#### JOURNEY

1-4: Journey shall mean any trip involving an overseas destination and shall start from the time of leaving home or normal place of business (whichever is left last) and continue until arrival back at home or normal place of business (whichever is reached first). Every day commuting shall not be regarded as a Journey.

In respect of Section 7 - Baggage and Section 10 - Rental Vehicle Excess Waiver only, Journey means any trip involving travel exceeding fifty (50) km from the Covered Person's normal place of residence or business premises and shall start from the time of leaving home or normal place of business (whichever is left last) and continue until arrival back at home or normal place of business (whichever is reached first).

5-6: Not applicable

**SCHEDULE OF BENEFITS**

Sum Insured as per Table of Events – Each Covered Person	
<b>Section 1 Personal Accident and Sickness</b>	
<b>Part A – Lump Sum Benefits</b>	
Category 1 Events 1 - 30	5 times salary up to a maximum of \$1,000,000 and a minimum of \$500,000
Categories 2 to 6 Events 1 - 30	\$300,000
Categories 1 to 6 – Injury Resulting In Surgery	\$20,000
<b>Part B - Weekly Benefits Injury</b>	
Category 1 (156 weeks)	100% of Salary up to \$4,000
Categories 2 to 6 (156 weeks)	100% of Salary up to \$3,000
<b>Part C – Injury Resulting in Fractured Bones</b>	
Categories 1 to 6	\$5,000
<b>Part D – Injury Resulting in Dental Procedures</b>	
Categories 1 to 6	\$5,000
<b>Section 2 – Kidnap and Extortion</b>	
Category 1 to 4 (Maximum Per Event)	\$500,000
Category 5 to 6	Not Insured
<b>Section 3 - Hijack and Detention</b>	
Category 1 to 4	
Daily Benefit	\$1,000 (30 days maximum)
Legal Costs	\$50,000
Category 5 to 6	Not Insured
<b>Section 4 - Medical and Additional Expenses and Cancellation and Curtailment Expenses</b>	
Category 1 to 4	
Medical Expenses	Unlimited
Cancellation/ Curtailment expenses	Unlimited
Evacuation and Repatriation	Unlimited
Category 5 to 6	
Medical Expenses	Not Insured
Cancellation/ Curtailment expenses	Not Insured
Evacuation and Repatriation	Not Insured
<b>Section 4(A) – Non Medicare Medical Expenses and Out-of-Pocket Expenses</b>	
Category 1 to 2	Not Insured
Category 3 to 6	\$20,000
<b>Section 5 – ACE Assistance</b>	
Category 1 to 4	Included
Category 5 to 6	Not Included
<b>Section 6 – Loss of Deposits</b>	
Category 1 to 4	\$15,000
Category 5 to 6	Not Insured

**Section 7 - Baggage/Business Property, Electronic Equipment, Deprivation of Baggage and Money/Travel Documents**

Compensation for Overseas Travel

Category 1 to 4

Baggage/Business Property (\$5,000 limit any one item)	\$20,000
Electronic Equipment	\$10,000
Deprivation of Baggage	\$5,000
Money/Travel Documents	\$5,000

Category 5 to 6

Baggage/ Business Property	Not Insured
Electronic Equipment	Not Insured
Deprivation of Baggage	Not Insured
Money/Travel Documents	Not Insured

Compensation for Domestic Travel

Category 1 to 4

Baggage/Business Property (\$5,000 limit any one item)	\$10,000
Electronic Equipment	\$5,000
Deprivation of Baggage	\$3,000
Money/Travel Documents	\$5,000

Category 5 to 6

Baggage/Business Property	Not Insured
Electronic Equipment	Not Insured
Deprivation of Baggage	Not Insured
Money/Travel Documents	Not Insured

**Section 8 - Alternative Employee/Resumption of Assignment Expenses**

Category 1 to 4 \$20,000

Category 5 to 6 Not Insured

**Section 9 – Personal Liability**

Category 1 to 4 \$10,000,000

Category 5 to 6 Not Insured

**Section 10 - Rental Vehicle Excess Waiver**

Category 1 to 4 \$7,500

Category 5 to 6 Not Insured

**Section 11 - Extra Territorial Workers Compensation (any one accident)**

Category 1 to 4

Weekly Benefits \$1,000

Damages, Costs and Expenses \$1,000,000

Aggregate Limit of Liability \$5,000,000

Category 5 to 6

Weekly Benefits Not Insured

Damages, Costs and Expenses Not Insured

Aggregate Limit of Liability Not Insured

<b>Section 12 – Missed Transport Connection</b>	
Category 1 to 4	\$10,000
Category 5 to 6	Not Insured
<b>Section 13 – Overbooked Flight</b>	
Category 1 to 4	\$5,000
Category 5 to 6	Not Insured
<b>Section 14 – Political &amp; Natural Disaster Evacuation</b>	
Category 1 to 4 Annual Aggregate	\$500,000
Category 1 to 4 Maximum Per Person	\$25,000
Category 5 to 6 Annual Aggregate	Not Insured
Category 5 to 6 Maximum Per Person	Not Insured
<b>Section 15 – Search &amp; Rescue Expenses</b>	
Category 1 to 4 Annual Aggregate	\$100,000
Category 1 to 4 Maximum Per Person	\$20,000
Category 5 to 6 Annual Aggregate	Not Insured
Category 5 to 6 Maximum Per Person	Not Insured

<b>AGGREGATE LIMIT OF LIABILITY FOR ALL COUNCILS COMBINED</b>	Any One Period of Insurance	\$10,000,000
	Non-Scheduled Aircraft	\$1,000,000
<b>WEEKLY BENEFIT PERIOD</b>	156 Weeks from the date of Injury	
<b>AGE LIMITATION</b>	Compensation will not be payable for those under the minimum age of 10 years and over the maximum age of 90 years.	

**5.2 Professional Indemnity/Public Liability Insurance**

- (i) General Liability – indemnify each insured person(s) for all costs, charges, expenses and defence costs **but** excluding **fines** and **penalties** incurred in relation to any **prosecution** (criminal or otherwise) of any insured person(s), attendance by any insured person(s) at any official investigation, examination, inquiry or other proceedings ordered or commissioned during the period of insurance by any official body or institution that is empowered to investigate the affairs of the Council by reason of any **wrongful act** wherever or whenever committed or allegedly committed by the insured person(s) in their capacity as insured person(s), BUT subject to any limitations or conditions set out in the policy of insurance which is, at the direction of the Council.
- (ii) Professional Indemnity - for matters arising out of the Administrator’s performance of civic duties or exercise of the functions provided the performance or exercise of the relevant civic duty or function is in the opinion of Council bona fide and/or proper and is carried out in good faith, as required under 731 of the Local Government Act, BUT subject to any limitation or conditions set out in the policy of insurance, which is, at the direction of Council, taken out.

### **5.3 Councillors' and Officers' Liability Insurance**

Councillors' and Officers' Liability Insurance provides limited financial protection to Councillors and staff in circumstances where they may be named as an individual to a claim, and the normal protections under the Local Government Act or Council's General and Professional Liability insurance are not available. Again, although the Administrator is not regarded as a Councillor, Statewide Mutual has advised that the same coverage applies to an Administrator as that offered under the policy to Councillors.

The protection provided covers the liability to pay civil damages, the claimant's legal costs, and the Councillor's or staff member's costs incurred in the claim (policy limit \$10million). The protection extends to the estate and heirs of a deceased Councillor or staff member.

The policy specifically excludes protection for claims brought by a Councillor or staff members against another Councillor or staff member.

## **PART 6 - ANNUAL FEES**

### **6.1 Fees Payable to the Administrator**

The fees payable to the Administrator shall be as per determined and advised to Council by the Office of Local Government or the NSW Department of Premier and Cabinet.

**WESTERN PLAINS REGIONAL COUNCIL  
EXPENSES OF MEMBERS OF COUNCIL  
(Local Government Act, 1993)  
Section 252**

**NAME:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

1. Note: Claim to be submitted in accordance with Council's Policy – Payment of Expenses and Provision of Facilities for the Administrator.
2. Note: Expenses claimed must be substantiated by Tax Invoice/Receipts or Statutory Declaration (see over).

**TRAVELLING EXPENSES**

*	Date	Meeting/Function	Distance Travelled:
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
* Total distance travelled: _____ km @ _____ ¢ per km (office use)			
* Engine size _____ cc			\$ _____ (office use)

**OUT OF POCKET EXPENSES**

*	Function/Occasion: _____	
*	Date: _____	
*	Summary of Expenses claimed: _____	\$ _____
	_____	\$ _____
	_____	\$ _____

TOTAL PAYABLE \$ \_\_\_\_\_  
(office use)

Name of Claimant: \_\_\_\_\_

Signature of Claimant: \_\_\_\_\_ Date: \_\_\_\_\_

Payment Approved \_\_\_\_\_ MANAGER GOVERNANCE AND RISK SERVICES

Payment Authorised \_\_\_\_\_ GENERAL MANAGER



### STATUTORY DECLARATION

(1) Here insert name, address and occupation of person making the declaration

I, (1) (Name) .....

(Address) .....

.....

(Occupation) .....

(2) Here insert matter declared to. Where the matter is long, add the words "as follows:" and then set the matter out in numbered paragraphs.

do solemnly and sincerely declare (2)

I make this solemn declaration by virtue of the *Statutory Declarations Act 1959* as amended and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

(3) Signature of person making the declaration. (3).....

Declared at (place)

on (date)

before me (in the presence of),

(4) Signature of person before whom the declaration is made. (4) .....

(5) Here insert title of person before whom the declaration is made. (5) .....

**NOTE 1.**-A person who wilfully makes a false statement in a statutory declaration under the *Statutory Declarations Act 1959* as amended is guilty of an offence against that Act, the punishment for which is a fine not exceeding \$200 or imprisonment for a term not exceeding six months or both if the offence is prosecuted summarily, or imprisonment for a term not exceeding four years if the offence is prosecuted upon indictment.

**NOTE 2.**-A statutory declaration may be made before a Magistrate, a Justice of the Peace, a Commissioner for Affidavits, a Commissioner for Declarations, a Notary Public, a person before whom a statutory declaration may be made under the law of the State in which the declaration is made, an Australian Consular Officer or an Australian Diplomatic Officer as defined by section two of the Consular Fees Act 1995, a chiropractor, a dentist, a legal practitioner, a medical practitioner, a nurse, a patent attorney, a pharmacist, a veterinary surgeon, an agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public, a bailiff, a bank officer with five or more years of continuous service, a building society officer with five or more years of continuous service, the chief executive officer of a Commonwealth court, a civil marriage celebrant, the clerk of a court, a credit union officer with five or more years of continuous service, the holder of a statutory office, the Judge of a court, the Master of a court, a member of the Australian Defence Force who is an officer or a non-commissioned officer within the meaning of the Defence Force Discipline Act 1982 with five or more years continuous service or a warrant officer within the meaning of the Act, a member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants, a member of the Institute of Corporate Managers, Secretaries and Administrators, a member of the Institution of Engineers, Australia other than at the grade of student, a member of the Parliament of the Commonwealth, the Parliament of a State, a Territory legislature or a local government authority of a State or Territory, a minister of religion registered under Division 1 of Part IV of the Marriage Act 1961, a permanent employee of the Commonwealth or of a Commonwealth authority or a State or Territory or of a State or Territory authority or a local government authority with five or more years continuous service, a permanent employee of the Australian Postal Corporation with five or more years continuous service who is employed in an office supplying postal services to the public, a police officer, the Registrar or Deputy Registrar of a court, a Senior Executive Service officer of the Commonwealth or of a State or Territory or of a Commonwealth, State or Territory authority, a Sheriff, a Sheriff's officer, or a teacher employed on a full-time basis at a school or tertiary education institution.

### WESTERN PLAINS REGIONAL COUNCIL

**REQUEST FOR CASH ADVANCE FOR THE PURPOSE OF TRAVELLING ON COUNCIL BUSINESS**

(THIS FORM MUST BE SUBMITTED TO MANAGER FINANCIAL ACCOUNTING SERVICES A MINIMUM OF SEVEN (7) WORKING DAYS PRIOR TO REQUIRED DATE TO ENSURE PAYMENT OF ADVANCE IS RECEIVED BY REQUIRED TIME)

**NAME:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

PURPOSE OF TRAVEL:

\_\_\_\_\_

START DATE: \_\_\_\_\_ END DATE: \_\_\_\_\_

AMOUNT OF CASH ADVANCE REQUESTED: \$ \_\_\_\_\_  
(Maximum Cash Advance Request = \$100 per day)

**BANK ACCOUNT DETAILS FOR CASH ADVANCE**

Name of Account:

\_\_\_\_\_

Bank Name:

\_\_\_\_\_

BSB: \_\_\_\_\_ Account Number: \_\_\_\_\_

I understand that this is an application for a cash advance for the purpose of travelling on Council business. I agree to return any monies not spent from this cash advance and to provide tax invoices/receipts to justify any expenditure incurred from this advance.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Payment Authorised: \_\_\_\_\_

GENERAL MANAGER

\_\_\_\_\_

## REPORT: Code of Meeting Practice

**AUTHOR:** Manager Governance and Risk Services

**REPORT DATE:** 18 July 2016

**TRIM REFERENCE:** ID16/1215

### EXECUTIVE SUMMARY

Section 360 of the Local Government Act 1993 requires Council to adopt a code of meeting practice that incorporates the requirements of the Local Government (General) Regulation 2005 for the conduct of Council meetings. Both the former Dubbo City and Wellington councils had adopted a code of meeting practice and the merger proclamation instructed that the Code of Meeting Practice of the former Wellington Council is to be the code of meeting practice of the new Council until it is amended or replaced in accordance with the Act.

At its Ordinary meeting held 25 May 2016 , Council resolved:

*“That the draft Code of Meeting Practice and Meeting Procedures as appended to this report be placed on public exhibition for 28 days with a further report being presented to Council following the submission period of 42 days.”*

Public submissions were called and closed on 15 July 2016 at which point no submissions had been received.

It should be noted that the Act refers to Mayors and Councillors, however Western Plains Regional Council is currently governed by an Administrator and this Code has been amended to reflect this. Should the Code describe a Councillor/Mayor it should be read as referring to the Administrator, where applicable.

It is recommended that the Code of Meeting Practice as attached as **Appendix 1** and Meeting Procedures as attached as **Appendix 2** be adopted.

### FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

### POLICY IMPLICATIONS

Upon adoption, the Code of Meeting Practice and Meeting Procedures will be policies of Council.

**RECOMMENDATION**

**That the Code of Meeting Practice and Meeting Procedures as appended to this report be adopted.**

*Michael Ferguson*  
Manager Governance and Risk Services

## REPORT

Section 360 of the Local Government Act 1993 requires Council to adopt a code of meeting practice that incorporates the requirements of the Local Government (General) Regulation 2005 for the conduct of Council meetings. Both the former Dubbo City and Wellington councils had adopted a code of meeting practice and the merger proclamation instructed that the Code of Meeting Practice of the former Wellington Council is to be the code of meeting practice of the new Council until it is amended or replaced in accordance with the Act.

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Appendices:

- 1 Code of Meeting Practice - July 2016
- 2 Meeting Procedures - July 2016

# WESTERN PLAINS REGIONAL COUNCIL

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Incorporating the former  
Dubbo City & Wellington councils

## WESTERN PLAINS REGIONAL COUNCIL

### CODE OF MEETING PRACTICE

May 2016

<b>Document Revision History</b>	
<b>Description</b>	<b>Date</b>
Adopted by Council	August 2007
Amended and Adopted by Council	December 2010
Amended and Adopted by Council	July 2011
Amended and Adopted by Council	February 2012
Amended and Adopted by Council due to merger between Dubbo City and Wellington councils	May 2016
<b>Notes</b>	

**a) Introduction**

This Code of Meeting Practice is to be read in conjunction with the Local Government Act 1993 and the Local Government (General) Regulation 2005. This Code shall govern the proceedings of Council and Council Committee meetings.

It should be noted that the Act refers to Mayors and Councillors, however Western Plains Regional Council is currently governed by an Administrator and this Code has been amended to reflect this. Should the Code describe a Councillor/Mayor it should be read as referring to the Administrator, where applicable.

**(b) Regulations**

- (i) The General Manager will send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held and the business proposed to be transacted at the meeting.

Close off times for the inclusion of correspondence and notices of motion in Council and Committee Business Papers

The following close-off times for the inclusion of correspondence and notices of motion in Council and Committee Business Papers shall apply:

<b>Council/Committee</b>	<b>Meeting Date/Time</b>	<b>Close Off</b>
Ordinary Council	Generally, 4th Monday of each month at 5.30 pm	The Monday seven (7) days prior to the Council meeting at 5.00 pm
Dubbo Local Traffic Committee	2nd Friday preceding the meeting of the Works and Services Committee at 10.00 am	The Monday eleven (11) days prior to the Traffic Committee meeting at 5.00 pm
Community Services Committee	1st Wednesday of the months of December, March, June and September at 11.00 am	The Wednesday seven (7) days prior to the Community Services meeting at 5.00 pm.
Planning and Development Committee	The Monday preceding the day of the Ordinary Council meeting at 5:30 pm.	The Monday seven (7) days prior to the Planning and Development Committee meeting at 5:00 pm.
Works and Services Committee	The Monday preceding the day of the Ordinary Council meeting following the Planning and Development Committee meeting noting that if there is no requirement to conduct the Planning and Development Committee it will be scheduled for 5:30 pm on that day.	The Monday seven (7) days prior to the Works and Services Committee meeting at 5.00 pm



Finance and Policy Committee	The Monday preceding the day of the Ordinary Council meeting following the Works and Services Committee meeting	The Monday seven (7) days prior to the Finance and Policy Committee meeting at 5.00 pm
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(ii) **Audio Recording of Council and Committee Meetings**

- (a) Any person is allowed to audio record any of the proceedings of a meeting of Council or a Committee of Council subject to that person advising the meeting of his/her intent to do so, except for any part of a Council or a Committee meeting closed to the public. An official audio record of all Ordinary and Extraordinary meetings of the Council, except for any part of a Council or a Committee meeting closed to the public is undertaken and such audio recordings are held for a period of three months after the date of the meetings.
- (b) That copies of audio recordings of proceedings of any Ordinary or Extraordinary Council meeting, excluding any part of a Council meeting closed to the public, as requested by members of the public (including Councillors) be prepared at the delegated discretion of the General Manager and that such requests be reported to the next Ordinary Meeting of the Council. This release of recordings is subject to a seven day embargo from the time of the conclusion of the meeting in question.

(iii) **Motions and Amendments**

Motions and amendments moved at Council and Committee meetings may be done so verbally but should be accompanied by a written record of the motion or amendment by the mover.

(iv) **Recording of Motions and Amendments**

1. The following detail must be recorded in the reports of Committee meetings or the minutes of Council meetings:
  - (a) details of each motion moved at a council meeting and of any amendments moved to it;
  - (b) the names of the mover and seconder of the motion or amendment;
  - (c) whether the motion or amendment is carried or lost.
2. That in matters determined by Council, the vote of the individual Councillors be recorded in the minutes where there is one or more Councillors voting against the motion.
3. Despite 2 above, a division is to be called for each planning and each development matter determination of the Council.

**(v) Pecuniary Interest and Attendance at Meetings**

- (a) Councillors and staff who declare a pecuniary interest in an item at a Committee or Council meeting shall remove themselves from the meeting and be out of sight during discussion and voting on the item.
- (b) In the event that a Councillor is physically within the Council Chamber (or room where the meeting is being held) the Councillor is taken as being present at the meeting.

**(vi) Casting Vote for Chairperson of a Committee**

The Chairperson of a Council Committee shall have a casting vote only when the item being voted upon is one which the Committee has delegated authority from Council to determine.

**(vii) Order of Business to be Transacted at Ordinary Council Meetings**

The following shall be the order of business to be transacted at Ordinary Council meetings subject to any resolution to vary such order of business.

- (a) Confirmation of Minutes of previous meetings
- (b) Apologies
- (c) Public Forum Time
- (d) Administrator Minutes
- (e) Correspondence
- (f) Matters Considered by Committees
- (g) Notices of Motion
- (h) Notices of Motion of Rescission
- (i) Delegates' Reports
- (j) Reports from Staff
- (k) Questions on Notice as follows:
  - (i) Questions on Notice must be lodged in writing with the General Manager no later than 5pm on the Monday of the week prior to the scheduled Ordinary Meeting of the Council.
  - (ii) Questions on Notice must directly relate to the business of the Council and must comply with the Local Government (General) Regulation 2005 which provides in Clause 249 that a "Councillor must put every such question directly, succinctly and without argument."
- (l) Comments and Matters of Urgency
- (m) Committee of the Whole

**(viii) Notice of Motion of Rescission**

- (a) A notice of motion to rescind a resolution which is given at the meeting at which the resolution is carried must be signed by three (3) Councillors who are present at the meeting. Should any Councillor wish to submit such a motion, then a five (5) minute recess is to be allowed.

- (b) That where a Councillor formally advises the General Manager during a Council meeting of their intention to lodge a Notice of Motion of Rescission, such notice be required to be lodged by the close of business (5.00pm) two (2) working days after the Council meeting where the resolution was carried. It should be noted that nothing in this clause affects the right of a Councillor(s) under s372 of the Act.

That where a Councillor formally advises the General Manager outside of the completion of a Council meeting of their intention to lodge a Notice of Motion of Rescission, with respect to a resolution carried out at the meeting and on the basis of the General Manager not having commenced implementation of such resolution, such a Notice of Motion of Rescission shall be lodged by the close of business (5.00pm) two (2) working days after the advice of such intention having been received by the General Manager, for consideration by Council in due course. It should be noted that nothing in this clause affects the right of a Councillor(s) under s372 of the Act.

(ix) **Call of the Council**

Section 234(d) of the Local Government Act 1993 shall not apply to any absence caused by illness or other sufficient cause if such illness or sufficient cause is duly set out in leave of absence received at the meetings from which he/she was absent, and if such leave of absences are accepted by resolution of the Council.

(x) **Extraordinary meetings**

If the Mayor receives a request in writing signed by at least two (2) Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event within fourteen (14) days after receipt of the request.

(xi) **Motions of adjournment**

- (a) Debate shall not be permitted on any motion for adjournment of a meeting of the Council.
- (b) If a motion for adjournment is negatived, the business of the meeting shall proceed and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negatived.
- (c) A motion for adjournment may specify the time, date and place of the adjourned meeting; however, if a motion for adjournment is carried but does not specify the time, date and place of the adjourned meeting, the chairperson shall make a determination with respect to whichever of these has not been specified.

(xii) **Certain circumstances do not invalidate Council decisions**

Where at a Council meeting, meeting practice matters arise which are in all cases not provided for in this Code, resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales in force for the time being, so far as the same are applicable to proceedings of the Council.

(xiii) **Confirmation of Minutes**

(a) A motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

(b) Minutes may be confirmed at an extraordinary meeting of the Council.

(xiv) **How subsequent amendments may be moved**

It is permissible during the debate on an amendment for a further amendment to be foreshadowed. The foreshadowed amendment may be indicated, however any such foreshadowed amendment shall not be moved or debated until the amendment is dealt with.

(xv) **Correspondence**

(a) Correspondence with the Council shall be addressed to the Mayor or General Manager.

(b) Letters shall not be presented or read by members at meetings of the Council.

(c) Outward correspondence shall be signed by:

(i) the Mayor;

(ii) the General Manager; or

(iii) any employee of the Council authorised by the General Manager.

(xvi) **Mode of Address at a Council Meeting**

Councillors shall at all times address other Councillors by their official designation, as Mayor or Councillor, as the case may be and that all Councillor with the exception of the chairman, or any Councillor prevented by physical infirmity, shall stand when speaking.

(xvii) **Committee of the Whole Council**

The Council may resolve itself into a Committee of the Whole Council to consider any matter before the Council.

(xviii) The public may address Council or a Committee of Council on whether part of a meeting should be closed.

\* After a motion to close part of a meeting to the public has been moved and seconded, the Chairperson may ask the General Manager if there are any written representations from the public on the proposed closure;

- \* The General Manager would read out any written representations;
- \* The Chairperson will then ask if any persons wish to make verbal representations;
- \* The opportunity to speak would be given to each person who wishes to comment;
- \* Each person addressing the Council or Committee will be allowed to speak for the maximum period of two (2) minutes;
- \* The Council or Committee could then close the meeting to consider whether part of the meeting should be closed to the public to consider the subject item.

# WESTERN PLAINS REGIONAL COUNCIL

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Incorporating the former  
Dubbo City & Wellington councils

## WESTERN PLAINS REGIONAL COUNCIL

### MEETING PROCEDURES

July 2016

Document Revision History
<b>Notes</b>
<p>(Incorporating the Local Government Act 1993; the Local Government (General) Regulation 2005; the Council's Code of Meeting Practice and Council's Code of Conduct</p> <p><b>All Council appointed committees, working parties, sub-committees and other groups are to be conducted within the parameters of Council's Meeting Procedures .</b></p>

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Abbreviations

LGA	Local Government Act 1993
LGGR	Local Government (General) Regulation 2005
CMP	Western Plains Regional Council Code of Meeting Practice
CofC	Model Code of Conduct

## INTRODUCTION

These Meeting Procedures are to be read in conjunction with the Local Government Act 1993 and the Local Government (General) Regulation 2005. These Procedures shall govern the proceedings of Council and Council Committee meetings.

It should be noted that the Act refers to Mayors and Councillors, however Western Plains Regional Council is currently governed by an Administrator and this Procedure has been amended to reflect this. Should the Procedure describe a Councillor/Mayor it should be read as referring to the Administrator, where applicable.

### 1. REQUIREMENT TO MEET

#### *(Sections 365 and 366 LGA and Clause (b)(x) CMP)*

- 1.1 The Council is required to meet at least ten (10) times each year, each time in a different month.
- 1.2 If the Mayor receives a request in writing signed by at least two (2) Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event within fourteen (14) days after receipt of the request.

*(NOTE: The Mayor may be one of the Councillors who signs the request).*

### 2. NOTICE OF MEETINGS

#### *(Section 9 and 367 LGA, Clause (b)(i) CMP & Clause 232 LGGR)*

- 2.1 A Council must give notice to the public of the times and places of its meetings.
- 2.2
  - (a) A notice of a meeting of a council must be published in a newspaper circulating in the area before the meeting takes place.
  - (b) The notice must specify the time and place of the meeting.
  - (c) Notice of more than one meeting may be given in the same notice.
  - (d) This does not apply to an extraordinary meeting of a council or committee.
- 2.3 The General Manager of a Council must send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time and place at which and date on which the meeting is to be held and the business proposed to be transacted at the meeting.
- 2.4 Notice of less than three (3) days may be given of an extraordinary meeting called in an emergency. In regard to Council's meetings, the following applies:
  - (a) That Ordinary meetings of the Council be held on the fourth Monday of each month commencing at 5.30pm except where the Monday is a public holiday, where the Monday clashes with the Annual Conference of the Local

Government Association of New South Wales and in December due to Christmas.

- (b) That at least seventy two (72) hours prior notice being given of the holding of all Ordinary and Extraordinary meetings of Council.
- (c) That the meeting of the Planning and Development Committee be held on the Monday preceding the day of Ordinary Council meeting commencing at 5.30pm noting that inspections of any kind be held prior to the meeting.
- (d) That the meetings of the Works and Services Committee be held on the Monday preceding the day of the Ordinary Council meeting commencing immediately following the Planning and Development Committee meeting noting that if there is no requirement to conduct a Planning and Development Committee it will be scheduled for 5.30pm on that day.
- (e) That the meetings of the Finance and Policy Committee be held on the Monday preceding the day of the Ordinary Council meeting following the completion of the Works and Services Committee meeting.
- (f) The Business Papers for the Planning and Development, Works and Services and Finance and Policy Committee meetings be delivered on the Thursday prior to such meetings.
- (g) That business papers for the Ordinary Council meetings be delivered on the Thursday prior to such meetings.
- (h) That in the month of January each year, no Committee meetings or Ordinary meeting of Council be held on the days set out above. However, an Extraordinary meeting may be held for any urgent matters for 5.30pm on the fourth Monday of January and if necessary, a Planning and Development Committee, Works and Services Committee and/or a Finance and Policy Committee meeting be held from 4.00pm on that day.
- (i) That all reports by members of staff be submitted in time to enable full and proper consideration by the Director Organisational Services and the General Manager before being presented to any meeting of a Committee of the Council.
- (j) That Ordinary meetings of Council be held as required between the Wellington Branch Council Chamber and Dubbo Branch Council Chamber as specified annually when consideration of meeting dates are determined.

- 2.5 The notice and the agenda for and the business paper relating to the meeting may be given to a Councillor in electronic form but only if all Councillors have facilities to access the notice, agenda and business paper in that form.

### 3. QUORUM

#### *(Section 368 LGA and Clauses 233, 235 and 260 LGGR, CofC Part 4.25 to 4.29 and Clause b (v)(b) of CMP)*

- 3.1 The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office.
- 3.2 A meeting of a Council must be adjourned if a quorum is not present:
- (a) within half an hour after the time designated for the holding of the meeting;  
or
  - (b) at any time during the meeting.
- 3.3 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson; or
  - (b) in his or her absence - by the majority of the Councillors present; or
  - (c) failing that, by the General Manager.
- 3.4 The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.
- 3.5 A Councillor cannot participate in a meeting of a Council unless personally present at the meeting.
- 3.6 Loss of a Quorum as a result of compliance of Council's Code of Conduct is as follows:
- Where a majority of councillors are precluded under Part 4 of Council's Code of Conduct from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.
  - Where a majority of councillors are precluded under Part 4 of Council's Code of Conduct from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.
  - The Chief Executive will only exempt a councillor from complying with a requirement under Part 4 of Council's Code of Conduct where:
    - a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
    - b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.
  - Where the Chief Executive exempts a councillor from complying with a requirement under Part 4 of Council's Code of Conduct, the councillor must

still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.

- A councillor, who would otherwise be precluded from participating in the consideration of a matter under Part 4 of Council's Code of Conduct because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:
  - a) the matter is a proposal relating to
    - i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
    - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
  - b) the councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under Part 4 of Council's Code of Conduct.

(NOTE: Council may determine from time to time the quorum for Committees of Council. See 23.3. The quorum for the Finance and Policy, Works and Services and Planning and Development Committees is four (4)).

- 3.7 In the event that a Councillor is physically within the Council Chamber (or room where the meeting is being conducted) the Councillor is taken to be present at the meeting.

#### **4. MEETING CHAIRPERSON** ***(Section 369 LGA and Clause 236 LGGR)***

- 4.1 The Mayor or at the request of or in the absence of the Mayor, the Deputy Mayor, presides at meetings of the Council.
- 4.2 If the Mayor and the Deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.
- 4.3 If no chairperson is present at a meeting of a Council or Committee of Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 4.4 The election must be conducted:
- (a) by the General Manager or in his or her absence, an employee of the Council designated by the General Manager to conduct the election; or
  - (b) if neither of them is present at the meeting or there is no General Manager or designated employee, by the person who called the meeting or a person acting on his or her behalf.
- 4.5 If, at an election of a chairperson, two or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

- 4.6 For the purposes of 4.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 4.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

*NOTE: By resolution dated 28 November 2005 (Clause 05/145) in relation to the term of a Chairperson for Committees and Working Parties the following applies:*

1. *That the Chairperson for Council Committees (other than the Works and Services, Planning and Development and Finance and Policy Committees) and Working Parties be appointed for the first mayoral term of any Council term with further elections to be held at the end of that period at the first meeting of the respective Committee or Working Party held following the Mayoral election with these Chairpersons being elected for the remainder of the term of Council except where chairpersons are no longer a member of the Committee or Working Party or where the chairperson no longer wishes to undertake that role on the Committee or Working Party.*
2. *That at the first meeting of a newly elected Council, Councillors be advised of the above Policy.*

*NOTE: By resolution dated 23 September 2013 (Clause 13/113) in relation to the election of Chairman for Planning and Development, Works and Services and Finance and Policy Committees the following applies:*

*"That effective September 2014 and onwards, it be Council's practice that the election of Chairman for the Finance and Policy Committee and the Works and Services and Planning and Development Committees for the Mayoral Term, be conducted at the initial meeting of such Committees held following the Extraordinary Meeting of Council to elect the Mayor and Deputy Mayor."*

## **5. CHAIRPERSON'S DUTIES - PRECEDENCE AND MOTIONS** **(Clauses 237 and 238 LGGR)**

- 5.1 When the chairperson rises during a meeting of a Council:
- (a) any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat; and
  - (b) every Councillor present must be silent to enable the chairperson to be heard without interruption.
- 5.2 It is the duty of the chairperson at a meeting of a Council to receive and put to the meeting any lawful motion that is brought before the meeting.

5.3 The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.

5.4 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

## **6. MOTIONS OF DISSENT** ***(Clause 248 LGGR)***

6.1 (a) A Councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

(b) If a motion of dissent is carried, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.

(c) Despite Clause 250 LGGR only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

## **7. VOTING AND VOTING ENTITLEMENTS** ***(Sections 370 and 371 LGA and Clause 251 LGGR and Clause b (v) (b) CMP)***

7.1 Each Councillor is entitled to one vote.

7.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

7.3 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

7.4 The Chairperson of a Council Committee shall have a casting vote only when the item being voted upon is one which the Committee has delegated authority from Council to determine.

7.5 A Councillor who is present at a meeting of Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion. This does not apply to a Councillor who does not vote because he or she has a pecuniary interest in the subject-matter of the motion. In the event that a Councillor is physically within the Council Chamber (or room where the meeting is being conducted) the Councillor is taken to be present at the meeting.

- 7.6 If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's Minutes.
- 7.7 The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two Councillors rise and demand a division.
- 7.8 When a division on a motion is demanded, the Chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Council's Minutes.
- 7.9 Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

Note: Part 11 of the Local Government (General) Regulation 2005 provides that a council is to resolve whether an election by the councillors for mayor or deputy mayor is to be by preferential ballot, ordinary ballot or open voting (clause 394 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that "ballot" has its normal meaning of secret ballot.

## **8. AGENDA** ***(Clauses 240 and 242 LGGR)***

- 8.1 The General Manager must ensure that the agenda for a meeting of Council states:
- (a) all matters to be dealt with arising out of the proceedings of former meetings of the Council; and
  - (b) if the Mayor is the Chairperson, any matter or topic that the chairperson proposes at the time when the agenda is prepared, to put to the meeting; and
  - (c) any business of which due notice has been given.
- 8.2 The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.
- 8.3 The General Manager must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting.



- 8.4 The General Manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in an agenda for the meeting concerned.
- 8.5 Nothing in this Section 8 limits the powers of the chairperson under Clause 243 LGGR.
- 8.6 The General Manager must ensure that the agenda for an extraordinary meeting of Council deals only with the matters stated in the Notice of Meeting.
- 8.7 Despite 8.6, business may be transacted at an extraordinary meeting of a Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
  - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.
- Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.
- 8.8 Despite clause 250 LGGR, only the mover of a motion referred to in 8.7 can speak to the motion before it is put.

## 9. OPEN MEETINGS

### *(Sections 9 and 10 - 10D LGA and 252 and 253 LGGR)*

- 9.1 A Council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are Councillors.
- 9.2 (a) A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.
- (b) In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public:
- (i) the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and
  - (ii) the requirements of subsection (a) with respect to the availability of business papers do not apply to the business papers for that item of business.
- 9.3 The copies are to be available to the public as nearly as possible to the time they are available to Councillors.

- 9.4 The copies are to be available free of charge.
- 9.5 A notice given or a copy of an agenda or of a business paper made available may be given or made available in electronic form.
- 9.6 (a) Everyone is entitled to attend a meeting of the council and those of its committees of which all the members are councillors; and
- (b) A council must ensure that all meetings of the council and of such committees are open to the public.
- 9.7 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or of such a committee if expelled from the meeting:
- (a) by a resolution of the meeting; or
- (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.
- 9.8 A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises the receipt or discussion of information of the following:
- (a) personnel matters concerning particular individuals (other than Councillors);
- (b) the personal hardship of any resident or ratepayer;
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
- (d) commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it; or
- (ii) confer a commercial advantage on a competitor of the council; or
- (iii) reveal a trade secret;
- (e) information that would, if disclosed, prejudice the maintenance of law;
- (f) matters affecting the security of the council, councillors, council staff or council property;
- (g) advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- (h) information concerning the nature and location of a place or an item of aboriginal significance on community land.

9.9 A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

9.10 A council or a committee of a council may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

The following is the procedure in which this may be done:

- \* After a motion to close part of a meeting to the public has been moved and seconded, the Chairperson may ask the General Manager if there are any written representations from the public on the proposed closure;
- \* The General Manager would read out any written representations;
- \* The Chairperson will then ask if any persons wish to make verbal representations;
- \* The opportunity to speak would be given to each person who wishes to comment;
- \* Each person addressing the Council or Committee will be allowed to speak for the maximum period of two (2) minutes;
- \* The Council or Committee could then close the meeting to consider whether part of the meeting should be closed to the public to consider the subject item.

9.11 A meeting is not to remain closed during the discussion of anything referred to in section 9.8:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

9.12 A meeting is not to be closed during the receipt and consideration of information or advice referred to in 9.8(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the council or committee is involved; and
- (b) are clearly identified in the advice; and
- (c) are fully discussed in that advice.

- 9.13 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in 9.9), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in 9.8).
- 9.14 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion; or
  - (b) the discussion of the matter may:
    - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
    - (ii) cause a loss of confidence in the council or committee.
- 9.15 Part of a meeting of a council, or of a committee of the council of which all the members are councillors, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 9.8; and
  - (b) the council or committee, after considering any representations made under section 9.9 resolves that further discussion of the matter:
    - (i) should not be deferred (because of the urgency of the matter), and
    - (ii) should take place in a part of the meeting that is closed to the public.
- 9.16 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- The grounds must specify the following:
- (a) the relevant provision of section 9.8;
  - (b) the matter that is to be discussed during the closed part of the meeting;
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- 9.17 If a council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.

**10. ORDER OF BUSINESS*****(Clause 12 LGMR & Clause (b)(vii) CMP)***

- 10.1 At a meeting of a Council (other than an Extraordinary meeting), the general order of business is (except as provided by the LGMR) as fixed by the Council Code of Meeting Practice or as fixed by resolution of Council.
- 10.2 The order of business fixed under 10.1 may be altered if a motion to that effect is carried. Such a motion can be moved without notice.
- 10.3 Only the mover of a motion referred to in 10.2 may speak to the motion before it is put.
- 10.4 The following shall be the order of business to be transacted at Ordinary Council meetings subject to any resolution to vary such order of business.
- (a) Confirmation of Minutes of previous meetings.
  - (b) Apologies
  - (c) Public Forum Time *(refer below)*
  - (d) Administrator Minutes
  - (e) Correspondence
  - (f) Matters Considered by Committees
  - (g) Notices of Motion
  - (h) Notices of Motion of Rescission
  - (i) Delegate's Reports
  - (j) Reports from Staff
  - (k) Questions on Notice as follows:
    - (i) Questions on Notice must be lodged in writing with the General Manager no later than 5pm on the Monday of the week prior to the scheduled Ordinary Meeting of the Council.
    - (ii) Questions on Notice must directly relate to the business of the Council and must comply with the Local Government (General) Regulation 2005 which provides in Clause 249 that a "Councillor must put every such question directly, succinctly and without argument."
  - (l) Comments and Matters of Urgency
  - (m) Committee of the Whole Council

**PROCEDURE FOR ADDRESSING COUNCIL/COMMITTEES****Public Forum:**

- *Any person can apply to address either an Ordinary meeting or Extraordinary meeting of Council on any issue relevant to the responsibilities of Dubbo City Council (subject to the statement below regarding tenderers).*
- *Requests to address Council during Public Forum should be made to Council's Director Organisational Services (or nominee) at least two (2) hours prior to the meeting. Applicants shall advise the agenda item/topic to be addressed. Only two (2) speakers shall be able to address the same agenda item/topic.*
- *Requests will be advised to the Mayor prior to the commencement of the meeting.*
- *Each individual address is limited to a maximum of five (5) minutes.*
- *Public Forum is limited to a maximum period of thirty (30) minutes and shall be held following "Apologies" on the Council agenda. The Mayor will generally give first preference to those speakers who have an interest in a matter on the agenda for the meeting. Should there remain time following speakers who have previously nominated, the Mayor will enquire of the Public Gallery, if there are any other speakers.*
- *Should the number of nominated speakers exceed the thirty (30) minute time frame, a decision by Council may extend the time frame for Public Forum by a maximum of ten (10) minutes.*
- *If speakers wish to distribute material to Councillors and officers, twenty (20) copies shall be provided to the Director Organisational Services (or nominee) prior to the meeting.*
- *Where an address relates to an item on the agenda for the subject meeting, the issues raised by the speaker(s) shall be dealt with when Council considers that item as part of the agenda. If questions (maximum two (2)) are raised by the speaker as part of their address, the Mayor may either provide a response or request the General Manager to reply to the speaker at the conclusion of the address. Questions may come from the Councillors to the person addressing Council at the time or to the Mayor or General Manager at the conclusion of the speaker's address. If questions require investigation, they can be taken on notice with the Director Organisational Services to obtain the necessary information for response to the speaker and other Councillors.*
- *Where an address relates to an issue of general interest (ie a matter not listed on the agenda), it cannot be debated by Council except where in accordance with Clause 241 of the Local Government (General) Regulation 2005 and Clause b(i) of Council's Code of Meeting Practice (Clause 11 of Council's Meeting Procedure):*

- a. *motion is passed to have the business transacted at the meeting; and*
- b. *the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.*

*If a matter of general interest is raised, and is not a "Matter of Urgency" as above, and a Councillor wishes the matter to be considered by Council, a Councillor may, as per Council's Code of Meeting Practice, lodge a Notice of Motion for consideration at a future meeting of the Council.*

- *Speakers must conduct themselves with respect to Council and observe the rules of order and meeting procedure as contained in Council's Code of Meeting Practice. As part of Public Forum, the Mayor shall ensure the conduct of public forum is such that presenters:*
  - *confine their presentation to a statement of facts*
  - *not insult or make personal reflections or impute improper motives to any Councillor or member of staff*
  - *not say or do anything that is inconsistent with maintaining order at the meeting or is likely to bring Council into contempt*
  - *allow other speakers to put their views without interruption.*
- *Any potential tenderer (being a person or entity, including their agent, employee or representative, that has requested documents or information regarding a tender or quotation) must not be permitted to address a meeting of Council (including any Committee or Working Party of Council) regarding the relevant tender or quotation without the prior written consent of the General Manager.*

*In deciding whether to grant such consent, the General Manager may take into consideration: any relevant legislative requirements, tendering guidelines issued by the Division of Local Government from time to time, terms of the relevant tender or quotation documents, Council's Code of Conduct, and the rules of procedural fairness.*

*(It is noted that Council has a statutory obligation to ensure that any requests for tender or quotation documents, or information or clarification regarding the tender or quotation, from any potential tenderer must be directed to the responsible officer identified in the tender or quotation documents.)*

**Standing Committees:**

*It is Council's practice that members of the public who have an interest in matters before Council's standing committees (ie Works and Services, Finance and Policy and Planning and Development) are advised that they may attend and address those committees. This practice is more informal and there is often interaction/questions/discussions between those persons and the Councillors and staff. This informality has been at the discretion of the Chairperson, noting that only those matters listed on the Committee's agenda will be discussed, matters of "general interest" are not to be raised by the public.*

**Committees (other than standing committees), working parties, sub committees and other groups:**

*It is Council's practice that members of the public who have an interest in matters before the committee, working party, etc, at the discretion of the committee, working party, etc, may attend and address the committee, working party, etc but shall not be permitted to remain in the meeting while the item is considered/determined.*

- *Any person who wishes to address Council or its Committee/Working Parties etc under this procedure is to be provided with a copy of the procedure. Such persons are then required to formally advise Council that they have read the procedure and will abide by its contents.*

## **11. NOTICE OF BUSINESS** **(Clause 241 LGGR and Clause b(i) CMP)**

11.1 A Council must not transact business at a meeting of the Council:

- (a) unless a Councillor has given notice of the business in writing within such time before the meeting as is fixed by Council's code of meeting practice or as is fixed by resolution of the Council.
- (b) unless notice of the business has been sent to the Councillors in accordance with Section 367 of the Act (see 2.3)

11.2 11.1 does not apply to the consideration of business at a meeting if the business:

- (a) is already before, or directly relates to a matter that is already before, the Council; or
- (b) is the election of a chairperson to preside at the meeting as provided by clause 236(l) LGGR; or
- (c) is a matter or topic put to the meeting by the chairperson in accordance with clause 243 LGGR (see 12.1); or
- (d) is a motion for the adoption of recommendations of a committee of the Council.



11.3 Despite 11.1, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:

- (a) a motion is passed to have the business transacted at the meeting; and
- (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice.

11.4 Only the mover of a motion referred to in 11.3 can speak to the motion before it is put.

11.5 The following close-off times for the inclusion of correspondence and notices of motion in Council and Committee Business Papers shall apply:

<b>Council/Committee</b>	<b>Meeting Date/Time</b>	<b>Close Off</b>
Ordinary Council	4th Monday of each month at 5.30pm (see 2.3(a))	The Monday seven (7) days prior to the Council meeting at 5.00pm
Dubbo Local Traffic Committee	2nd Friday preceding the meeting of the Works and Services Committee at 10.00am	The Monday eleven (11) days prior to the Traffic Committee meeting at 5.00pm
Community Services Committee	1st Wednesday of the months of December, March, June and September at 11.00am.	The Wednesday seven (7) days prior to the Community Services meeting at 5.00pm.
Planning and Development Committee	The Monday preceding the day of the Ordinary Council meeting at 5.30pm (see 2.4(e)).	The Monday seven (7) days prior to the Planning and Development Committee meeting at 5.00pm.
Works and Services Committee	The Monday preceding the day of the Ordinary Council meeting following the Planning and Development Committee meeting noting that if there is no requirement to conduct the Planning and Development Committee, it will be rescheduled for 5.30pm on that day (see 2.4(d))	The Monday seven (7) days prior to the Works and Services meeting at 5.00pm
Finance and Policy Committee	The Monday preceding the day of the Ordinary Council meeting following the Works and Services Committee meeting (see 2.4(c))	The Monday seven (7) days prior to the Finance and Policy meeting at 5.00pm

## **12. MAYORAL / OFFICIAL MINUTES** ***(Clause 243 LGGR)***

- 12.1 If the Mayor is the Chairperson at a meeting of the Council, the Chairperson is, by minute signed by the Chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.
- 12.2 Such a minute, when put to the meeting, takes precedence over all business on the Council's Agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.
- 12.3 A recommendation made in a minute of the Chairperson (being the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.

## **13. MINUTES** ***(Section 375 LGA and Clause (b)(xiii) CMP)***

- 13.1 The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council.
- 13.2 The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting.
- 13.3 A motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.
- 13.4 Minutes may be confirmed at an extraordinary meeting of the Council.

## **14. MOTIONS AND AMENDMENTS** ***(Section 375A LGA Clauses 245, 246, 247 and 254 LGGR and Clauses (b)(iii), (b)(iv) and (xiv) CMP)***

- 14.1 In the absence of a Councillor who has placed a Notice of Motion on the Agenda for a meeting of the Council:
- (a) Any other Councillor may move the motion at the meeting; or
  - (b) The Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.
- 14.2 A motion or an amendment cannot be debated unless or until it has been seconded. *(Note: This does not apply to an official/Mayoral Minute or a motion that the question be now put. See Clause 243(2), Clause 250(5) LGGR and 12.2).*

- 14.3 If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.
- 14.4 Motions and amendments moved at Council and Committee meetings may be done so verbally but should be accompanied by a written record of the motion or amendment by the mover.
- 14.5 The following matters must be recorded in the Council's minutes:
- (a) details of each motion moved at a Council meeting and of any amendments moved to it;
  - (b) the names of the mover and seconder of the motion or amendment;
  - (c) whether the motion or amendment is passed or lost.
- Note: Section 375(1) of the Act requires a council to ensure that full and accurate minutes are kept of the proceedings of a meeting of the council (other provisions of this Regulation and of the Act require particular matters to be recorded in a council's minutes).*
- 14.6 That in matters determined by Council the vote of the individual Councillors be recorded in the minutes where there is one or more Councillors voting against the motion.
- 14.7 Despite 14.6 a division is to be called for each planning matter decision and each development matter determination of the Council.
- 14.8 It is permissible during the debate on an amendment for a further amendment to be foreshadowed.

The foreshadowed amendment may be indicated however any such foreshadowed amendment shall not be moved or debated until the amendment is dealt with.

## **15. RESCINDING OR ALTERING RESOLUTIONS** ***(Section 372 LGA and Clause (b)(viii) CMP)***

- 15.1 A resolution passed by Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with the Regulations under Section 360 and if applicable, Council's Code of Meeting Practice.
- 15.2 If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

- 15.3 If a motion has been negated by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the Council's Code of Meeting Practice.
- 15.4 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the Council, must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was negated, as the case may be.
- 15.5 If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within three (3) months. This provision may not be evaded by substituting a motion differently worded but in principle the same.
- 15.6 A motion to which this provision applies may be moved on the report of a committee of the Council and any such report must be recorded in the minutes of the meeting of Council.
- 15.7 The provisions of this section concerning negated motions do not apply to motions of adjournment.
- 15.8 (a) A notice of motion to rescind a resolution which is given at the meeting at which the resolution is carried must be signed by three (3) Councillors who are present at the meeting. Should any Councillor wish to submit such a motion, then a five (5) minute recess is to be allowed.
- (b) That where a Councillor formally advises the General Manager during a Council meeting of their intention to lodge a Notice of Motion of Rescission, such notice be required to be lodged by the close of business (5.00 pm) two (2) working days after the Council meeting where the resolution was carried. It should be noted that nothing in this clause affects the right of a Councillor(s) under s372 of the Act.

That where a Councillor formally advises the General Manager outside of the completion of a Council meeting of their intention to lodge a Notice of Motion of Rescission, with respect to a resolution carried at the meeting and on the basis of the General Manager not having commenced implementation of such resolution, such a Notice of Motion of Rescission shall be lodged by the close of business (5.00 pm) two (2) working days after the advice of such intention having been received by the General Manager, for consideration by Council in due course. It should be noted that nothing in this clause affects the right of a Councillor(s) under s372 of the Act.

**16. QUESTIONS MAY BE PUT TO COUNCILLORS AND COUNCIL EMPLOYEES**  
***(Clause 249 LGGR)***

16.1 A Councillor:

- (a) may, through the Chairperson, put a question to another Councillor; and
- (b) may, through the General Manager, put a question to a Council employee.

NOTE: In reference to 16.1(b), where a Councillor wishes to put a question through the General Manager to a Council employee, the question shall be directed through the Chairperson.

16.2 However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and in particular, sufficient notice to enable reference to be made to other persons or to documents.

16.3 The Councillor must put every such question directly, succinctly and without argument.

16.4 The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.

**17. LIMITATION AS TO NUMBER OF SPEECHES**  
***(Clause 250 LGGR)***

17.1 A Councillor who, during a debate at a meeting of a Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it as well as the right to speak on any such amendment.

17.2 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

17.3 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

17.4 Despite 17.1 and 17.2, a Councillor may move that a motion or an amendment be now put:

- (a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or

- (b) if at least two (2) Councillors have spoken in favour of a motion or amendment and at least two (2) Councillors have spoken against it.

- 17.5 The chairperson must immediately put to the vote, without debate, a motion moved under subclause 17.4. A seconder is not required for such a motion.
- 17.6 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause 17.1.
- 17.7 If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.

## **18. QUESTIONS OF ORDER** ***(Clause 255 LGGR)***

- 18.1 The Chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the Chairperson, it is necessary to do so.
- 18.2 A Councillor who claims that another Councillor has committed an act of disorder or is out of order may call the attention of the Chairperson to the matter.
- 18.3 The Chairperson must rule on a question of order immediately after it is raised but before doing so, may invite the opinion of the Council.
- 18.4 The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

## **19. ACTS OF DISORDER** ***(Clause 256 LGGR)***

- 19.1 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a Committee of the Council:
  - (a) contravenes the LGA or any regulation in force under the LGA; or
  - (b) assaults or threatens to assault another Councillor or person present at the meeting; or
  - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee, or addresses or attempts to address the Council or Committee on such a motion, amendment or matter; or
  - (d) insults or makes personal reflections on or imputes improper motives to any other Councillor or staff member; or

- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt.

19.2 The Chairperson may require a Councillor:

- (a) to apologise without reservation for an act of disorder referred to in 19.1 (a) or (b); or
- (b) to withdraw a motion or an amendment referred to in 19.1 (c) and, where appropriate, to apologise without reservation; or
- (c) to retract and apologise without reservation for an act of disorder referred to in 19.1 (d) or (e).

19.3 A Councillor may, as provided by Section 10 (2) (a) or (b) of the Local Government Act, be expelled from a meeting of a Council for having failed to comply with a requirement under 19.2. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

## **20. HOW DISORDER AT A MEETING MAY BE DEALT WITH** ***(Clause 257 LGGR)***

20.1 If disorder occurs at a meeting of the Council, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the Chair. The Council, on re-assembling, must, on a question put from the Chair, decide without debate whether the business is to be proceeded with or not. This section applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

20.2 A member of the public may, as provided by Section 10 (2) (a) or (b) of the Local Government Act, be expelled from a meeting of a Council for engaging in or having engaged in disorderly conduct at the meeting.

## **21. POWER TO REMOVE PERSONS FROM MEETING AFTER EXPULSION RESOLUTION** ***(Clause 258 LGGR)***

21.1 If a Councillor or a member of the public fails to leave the place where a meeting of a Council is being held:

- (a) immediately after the Council has passed a resolution expelling the Councillor or member from the meeting; or
- (b) where the Council has authorised the person presiding at the meeting to exercise the power of expulsion, immediately after being directed by the person presiding to leave the meeting, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using

only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place.

**22. COMMITTEE OF THE WHOLE**  
***(Section 373 LGA and Clause 259 LGGR)***

- 22.1 The Council may resolve itself into a Committee to consider any matter before the Council.
- 22.2 All the provisions of this LGGR relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in Committee of the Whole, except the provision limiting the number and duration of speeches.
- 22.3 The General Manager or in the absence of the General Manager, an employee of the Council designated by the General Manager, is responsible for reporting to the Council proceedings in Committee of the Whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported.
- 22.4 The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

**23. COUNCIL MAY APPOINT COMMITTEES**  
***(Clause 260 LGGR)***

- 23.1 A council may, by resolution, establish such committees as it considers necessary.
- 23.2 A committee is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 23.3 The quorum for a meeting of a committee is to be:
- (a) such number of members as the council decides; or
  - (b) if the council has not decided a number, a majority of the members of the committee.

**NOTE:**

All Council appointed committees, working parties, sub-committees and other groups are to be conducted within the parameters of Council's Meeting Procedures (CCL 07/098 – 13/09/2007).

**24. FUNCTIONS OF COMMITTEES**  
***(Clause 261 LGGR)***

- 24.1 Council will specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.



**25. NOTICE OF COMMITTEE MEETINGS TO BE GIVEN**  
***(Clause 232 and 262 LGGR)***

- 25.1 (a) A notice of a meeting of a council committee of which all members are councillors must be published in a newspaper circulating in the area before the meeting takes place;
- (b) The notice must specify the time and place of the meeting;
- (c) Notice of more than one meeting may be given in the same notice;
- (d) This does not apply to an Extraordinary meeting of a Committee.
- 25.2 The General Manager must send to each Councillor at least three (3) days before each meeting of the Committee, a notice specifying:
- (a) the time and place at which and the date on which the meeting is to be held; and
- (b) the business proposed to be transacted at the meeting.
- 25.3 However, notice of less than three (3) days may be given of a Committee meeting called in an emergency

**26. NON-MEMBERS ENTITLED TO ATTEND COMMITTEE MEETINGS**  
***(Clause 263 and 264 LGGR)***

- 26.1 A Councillor who is not a member of a committee of a council is entitled to attend, and to speak at, a meeting of the committee.
- 26.2 However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.
- 26.3 Non members of a Council Committee of which all members are Councillors may be allowed to make representations to or at a meeting before any part of the meeting is closed to the public as to whether that part of the meeting should be closed.

The following is the procedure in which this may be done:

- \* After a motion to close part of a meeting to the public has been moved and seconded, the Chairperson may ask the General Manager if there are any written representations from the public on the proposed closure;

- \* The General Manager would read out any written representations;
- \* The Chairperson will then ask if any persons wish to make verbal representations;
- \* The opportunity to speak would be given to each person who wishes to comment;
- \* Each person addressing the Committee will be allowed to speak for the maximum period of two (2) minutes;
- \* The Committee could then close the meeting to consider whether part of the meeting should be closed to the public to consider the subject item.

## **27. PROCEDURE IN COMMITTEES** ***(Clause 265 and 266 LGGR)***

- 27.1 Subject to 27.2, each committee of the council may regulate its own procedure.  
(Note:
- (i) In accordance with 7.4, the Chairperson of a Council Committee shall have a casting vote only when the item being voted upon is one which the Committee has delegated authority from Council to determine;
  - (ii) Council at its meeting held on 13 September 2007 (CCL 07/098) resolved that all Council appointed Committees, Working Parties, Subcommittees and other groups are to be conducted within the parameters of Council's Meeting Procedures).
- 27.2 Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).
- 27.3 (a) Each committee of a Council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, the committee must ensure that the following matters are recorded in the committee's minutes:
- (i) details of each motion moved at a meeting and of amendments moved to it;
  - (ii) the names of the mover and seconder of the motion or amendment;
  - (iii) whether the motion or amendment is passed or lost.
- (b) As soon as the minutes of an earlier meeting of a Committee of the Council have been confirmed at a later meeting of the Committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.

## **28. CHAIRPERSON AND DEPUTY CHAIRPERSON OF COMMITTEES** ***(Clause 267 LGGR)***

- 28.1 The Chairperson of each Committee of the Council must be:
- (a) the Mayor; or
  - (b) if the Mayor does not wish to be the Chairperson of a Committee, a member of the Committee elected by the Council; or
  - (c) if the Council does not elect such a member, a member of the Committee elected by the Committee.
- 28.2 The Council may elect a member of a Committee of the Council as Deputy Chairperson of the Committee. If the Council does not elect a Deputy Chairperson of such a Committee, the Committee may elect a Deputy Chairperson.
- 28.3 If neither the Chairperson nor the Deputy Chairperson of a Committee of the Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be Acting Chairperson of the Committee.
- 28.4 The Chairperson is to preside at a meeting of a Committee of a Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the Acting Chairperson is to preside at the meeting.

## **29. ABSENCE FROM COMMITTEE MEETINGS** ***(Clause 268 LGGR)***

- 29.1 A member ceases to be a member of a Committee if the member (other than the Mayor):
- (a) has been absent from three consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences; or
  - (b) has been absent from at least half of the meetings of the Committee held during the immediately preceding year\* without having given to the Committee acceptable reasons for the member's absences.
- 29.2 29.1 does not apply if all of the members of the Council are members of the Committee.
- \* The expression "year" means the period beginning 1 July and ending the following 30 June.

**30. REPORTS OF COMMITTEES*****(Clause 269 LGGR)***

- 30.1 If in a report of a Committee of the Council, distinct recommendations are made, the decision of the Council may be made separately on each recommendation. It is Council's practice to adopt all recommendations from the Committee by a single motion in adopting the report of the Committee. However, should items within the report be deleted for separate consideration, then the recommendations from the Committee in relation to those items are to be considered in the first instance as the motion.
- 30.2 The recommendations of a Committee of the Council are, so far as adopted by the Council, resolutions of the Council.
- 30.3 If a Committee of a Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the chairperson must:
- (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
  - (b) report the resolution or recommendation to the next meeting of the Council.

**31. DISORDER IN COMMITTEE MEETINGS*****(Clause 270 LGGR)***

- 31.1 The provisions of the LGA and the LGMR relating to the maintenance of order in Council meetings apply to meetings of Committees of the Council in the same way as they apply to meetings of the Council.

**32. COMMITTEE MAY EXPEL CERTAIN PERSONS FROM ITS MEETING*****(Clause 271 LGGR)***

- 32.1 If a meeting or part of a meeting of a Committee of the Council is closed to the public in accordance with Section 10A of the LGA, any person who is not a Councillor may be expelled from the meeting as provided by Section 10 (2) (a) or (b) of the LGA.
- 32.2 If any such person, after being notified of such a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council, committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain the person from re-entering that place.

**33. DISCLOSE AND MISUSE OF INFORMATION - PRESCRIBED CIRCUMSTANCE**  
*(Clause 412 LGGR)*

- 33.1 For the purposes of Section 664 (1B) (c) of the LGA, any disclosure made with the intention of enabling the Minister or the Director-General to properly exercise the functions conferred or imposed on them by or under the LGA is a prescribed circumstance.

**34. INSPECTION OF THE MINUTES OF A COUNCIL OR COMMITTEE MEETING**  
*(Clause 272 LGGR)*

- 34.1 An inspection of the minutes\* of the Council or Committee of the Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes.
- 34.2 The General Manager must ensure that the minutes of the Council and any minutes of a Committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

\* Section 12 of the LGA confers a right to inspect the minutes of a Council or Committee of the Council.

**35. ACCESS TO RECORDS**  
*(Section 11 LGA)*

- 35.1 A Council and a Committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- 35.2 35.1 does not apply if the correspondence or reports:
- (a) relate to a matter that was received or discussed; or
  - (b) were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.

**36. AUDIO RECORDING OF MEETING OF COUNCIL OR COMMITTEE PROHIBITED WITHOUT PERMISSION  
(Clause 273 LGGR and Clause (b)(ii) CMP)**

- 36.1 A person may use a tape recorder to record the proceedings of a meeting of the Council or a Committee of the Council only with the authority of the Council or Committee. (Note: The authority referred to in this Clause is given under Clause 36.5).
- 36.2 A person may, as provided by Section 10 (2) (a) or (b) of the LGA, be expelled from a meeting of a Council or a Committee of a Council for using or having used a tape recorder in contravention of this clause.
- 36.3 If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.
- 36.4 In this section, "tape recorder" includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.
- 36.5 Council has resolved that:

*Any person is allowed to audio record any of the proceedings of a meeting of Council or a Committee of Council subject to that person advising the meeting of his/her intent to do so, except for any part of a Council or a Committee meeting closed to the public. An official audio record of all Ordinary and Extraordinary meetings of the Council, except for any part of a Council or a Committee meeting closed to the public is undertaken and such audio recordings are held for a period of three months after the date of the meetings.*

*That copies of audio recordings of proceedings of any Ordinary or Extraordinary Council meeting, excluding any part of a Council meeting closed to the public, as requested by members of the public (including Councillors) be prepared at the delegated discretion of the General Manager and that such requests be reported to the next Ordinary Meeting of the Council. This release of recordings is subject to a seven day embargo from the time of the conclusion of the meeting in question.*

**37. PECUNIARY INTERESTS  
(Sections 451, 453, 454, 456, 457, 458 LGA and Clause (b)(v) CMP)**

- 37.1 A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the interest to the meeting as soon as practicable.

- 37.2 The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
- (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
  - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.
- 37.3 Councillors and staff who declare a pecuniary interest in an item at a Committee or Council meeting shall remove themselves from the meeting during discussion and voting on the item.
- 37.4 A disclosure made at a meeting of a Council or Council Committee must be recorded in the minutes of the meeting.
- 37.5 A general notice given to the General Manager in writing by a Councillor or a member of a Council Committee to the effect that the Councillor or member, or the Councillor's or member's spouse, de facto partner or relative, is:
- (a) a member, or in the employment, of a specified company or other body; or
  - (b) a partner, or in the employment, of a specified person,
- is, unless and until the notice is withdrawn, sufficient disclosure of the Councillor's or member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council Committee after the date of the notice.
- 37.6 A person who, at the request or with the consent of the Council or a Council Committee, gives advice on any matter at any meeting of the Council or Committee must disclose any pecuniary interest the person has in the matter to the meeting at the time the advice is given.
- 37.7 The person in 37.6 is not required to disclose the person's interest as an adviser.
- 37.8 A person does not breach 37.1 or 37.6 if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.
- 37.9 The Minister may, conditionally or unconditionally, allow a Councillor or a member of a Council Committee who has a pecuniary interest in a matter with which the Council is concerned and who is present at a meeting of the Council or Committee to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business; or
  - (b) that it is in the interests of the electors for the area to do so.

## Notes:

- (1) Reference should be made to Sections 442 and 443 of the LGA and to Clause 7 of Council's adopted Code of Conduct for more details on what constitutes a pecuniary interest and who has a pecuniary interest.
- (2) Section 328B of the Local Government Act requires that where the General Manager reasonably suspects that a Councillor has failed to comply to his/her obligation to disclose a conflict of interest arising from a political donation, the General Manager must refer the matter to the Director-General. Further, Section 460 of the Act allows a person to make a complaint to the Director General of the Division of Local Government that a person has or may have contravened Part 2 of the Act (ie Duties of Disclosure).

**38. REPORT OF A DEPARTMENTAL REPRESENTATIVE TO BE TABLED AT COUNCIL MEETING**  
***(Clause 244 LGGR)***

- 38.1 When a report of a Departmental representative has been presented to a meeting of a Council in accordance with Section 433 of the LGA, the Council must ensure that the report:
- (a) is laid on the table at that meeting; and
  - (b) is subsequently available for the information of Councillors and members of the public at all reasonable times.

**39. CERTAIN CIRCUMSTANCES DO NOT INVALIDATE COUNCIL DECISIONS**  
***(Section 374 LGA and Clause (b)(xii) CMP)***

- 39.1 Proceedings at a meeting of the Council or a Council Committee are not invalidated because of:
- (a) a vacancy in a civic office; or
  - (b) a failure to give notice of the meeting to any Councillor or Committee member; or
  - (c) any defect in the election or appointment of a Councillor or Committee member; or
  - (d) a failure of a Councillor or a Committee member to disclose a pecuniary interest at a Council or Committee meeting in accordance with Section 451 of the LGA; or
  - (e) a failure to comply with the Code of Meeting Practice.



- 39.2 Where at a Council meeting, meeting practice matters arise which are in all cases not provided for in Council's Code and Meeting Practice, resort shall be had to the rules, forms and usages of the Legislative Assembly of New South Wales in force for the time being, so far as the same are applicable to proceedings of the Council.

#### **40. ATTENDANCE OF GENERAL MANAGER AT MEETINGS** ***(Section 376 LGA)***

- 40.1 The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a Committee of the Council of which all the members are Councillors.
- 40.2 The General Manager is entitled to attend a meeting of any other Committee of the Council and may, if a member of the Committee, exercise a vote.
- 40.3 However, the General Manager may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager.

#### **41. MOTIONS OF ADJOURNMENT** ***(Clause (b)(xi) CMP)***

- 41.1 Debate shall not be permitted on any motion for adjournment of a meeting of the Council.
- 41.2 If a motion for adjournment is negatived, the business of the meeting shall proceed and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negatived.
- 41.3 A motion for adjournment may specify the time, date and place of the adjourned meeting; however, if a motion for adjournment is carried but does not specify the time, date and place of the adjourned meeting, the chairperson shall make a determination with respect to whichever of these has not been specified.

#### **42. CORRESPONDENCE** ***(Clause (b)(xv) CMP)***

- 42.1 Correspondence with the Council shall be addressed to the Mayor or General Manager.
- 42.2 Letters shall not be presented or read by members at meetings of the Council.

42.3 Outward correspondence shall be signed by:

- (i) the Mayor;
- (ii) the General Manager; or
- (iii) any employee of the Council authorised by the General Manager.

**43. MODE OF ADDRESS AT A COUNCIL MEETING**  
***(Clause (b)(xvi) CMP)***

43.1 Councillors shall at all times address other Councillors by their official designation as Mayor or Councillor, as the case may be; and that all Councillors with the exception of the Chairman, or any Councillor prevented by physical infirmity, shall stand when speaking.

**44. ABSENCE FROM COUNCIL MEETINGS**  
***(Section 234 LGA and Clause (b)(ix) CMP 23A LGGR)***

44.1 A Councillor ceases to hold his/her office if absent without prior leave of the Council from three (3) consecutive ordinary meetings of the Council.

44.2 44.1 shall not apply to any absence caused by illness or other sufficient cause if such illness or sufficient cause is duly set out in apologies received at the meetings from which he/she was absent, and if such apologies are accepted by resolution of the Council.

44.3 A councillor applying for a leave of absence from a meeting of a council does not need to make the application in person and the council may grant such leave in the absence of that councillor.

44.4 If the holder of a civic office attends a council meeting (whether or not an ordinary meeting) despite having been granted leave of absence, the leave of absence is taken to have been rescinded as regards any future council meeting.

44.5 44.4 does not prevent the council from granting further leave of absence in respect of any future council meeting.

44.6 A councillor's application for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent.

44.7 A councillor who intends to attend a council meeting despite having been granted leave of absence should, if practicable, give the general manager at least 2 days' notice of his or her intention to attend.

**45. COUNCIL SEAL**  
***(Clause 400 LGGR)***

- 45.1 The seal of a Council must be kept by the Mayor or the General Manager, as the Council determines.
- 45.2 The seal of a Council may be affixed to a document only in the presence of:
- (a) the Mayor and the General Manager; or
  - (b) at least one Councillor (other than the Mayor) and the General Manager; or
  - (c) the Mayor and at least one other Councillor; or
  - (d) at least two Councillors other than the Mayor.
- 45.3 The affixing of a Council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in 45.2) attest by their signatures that the seal was affixed in their presence.
- 45.4 The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.
- 45.5 For the purposes of 45.4, a document in the nature of a reference or certificate of service for an employee of the Council does not relate to the business of the Council.

WESTERN  
PLAINS  
REGIONAL  
COUNCIL

Incorporating the former  
Dubbo City & Wellington councils

## **REPORT: Annual Risk Management Program and Insurance Matters**

**AUTHOR: Manager Governance and Risk Services**

**REPORT DATE: 14 July 2016**

**TRIM REFERENCE: ID16/1324**

### **EXECUTIVE SUMMARY**

Council's Annual Risk Management Program has been reviewed for the 2016/2017 financial year. Insurances acquired will provide a comprehensive level of cover in relation to Council's various activities. These policies now provide cover for the consolidated Western Plains Regional Council.

### **FINANCIAL IMPLICATIONS**

The cost of premiums associated with the insurance renewals for 2016/2017 amount to \$1,849,053 excluding Workers Compensation. This compares to \$1,888,333, in 2014/2015 in total for the former Dubbo City and Wellington councils. Workers Compensation premiums are dependent upon a combination of Council's previous claims history and actual claims submitted during each financial year. Current advice from Council's Workers' Compensation insurer StateCover Mutual is that the final Workers Compensation premium for 2015/2016 will be \$844,490 (\$617,600 for the former Dubbo City Council and \$226,890 for the former Wellington Council) and for 2016/2017 is estimated initially at \$1,134,702 for the new Western Plains Regional Council.

Estimates have been provided within the 2016/2017 Operational Plan to meet these costs. All costs included within this report are exclusive of GST.

### **POLICY IMPLICATIONS**

There are no policy implications arising from this report.

### **RECOMMENDATION**

**That the Risk Management Program review and the classes of insurance acquired for 2016/2017 be noted.**

*Michael Ferguson*

Manager Governance and Risk Services

## BACKGROUND

A review has been undertaken of Council's Risk Management Program in terms of identifying exposure to risk and the extent to which risks can be insured. This review was undertaken as a consolidated review by both the Dubbo and Wellington branches of Council.

All responsible officers have undertaken a review of their area's exposure to insurable risk, and the extent to which this risk is covered, or unable to be covered by insurance.

## REPORT

In regard to risks covered by insurance, the Insurance Renewal schedule for 2016/2017 includes details regarding the following classes of insurances (description of each attached as **Appendix 1**):

- Property
- Property (Artworks)
- Motor Vehicle
- Crime (New class of insurance by merging Fidelity Guarantee and Cyber Liability)
- Regular Hirers Liability (upgraded from Casual Hirers)
- Marine Hull
- Personal Accident
- Public Liability and Professional Indemnity
- Councillors and Officers Liability
- Councillors and Officers Companion Liability
- Swimming Pool Liability
- Airport Owners and Operators Liability
- Workers Compensation
- Journey
- Boiler Explosion
- Carriers Liability
- Contract Works
- Environmental Impairment Liability (Wellington sites only)

Previous insurance history and experience indicates that the above classes of insurance and the extent of cover acquired are considered appropriate and provide an extremely wide and effective level of cover.

In regard to the Public Liability Insurance, Council is a member of the Statewide Liability Mutual Scheme. Statewide Liability Mutual is an organisation set up to provide public liability insurance cover to Local Government through a "pooling" arrangement. Statewide is able to negotiate renewal terms for the "pool" through various London Underwriters. Premium increases have been kept below rate pegging wherever possible. Council's contribution for 2016/2017 is \$553,528 which is considered to be reasonable given the extent of cover (\$400M) and the deductible excess remaining at \$12,500 per claim. The level of contribution

reflects the value of risk management practices which are in place in regard to inspection, maintenance and operation of assets that minimise the risk of incidents occurring in regard to the community's use of Council's assets.

Council is also a member of the Statewide Property Mutual Scheme. This scheme provides Council with industrial special risk type cover for all its property. The majority of councils in NSW are members of the scheme and the scheme self-insures the first \$10M of all losses. Whilst the scheme is insulated from the market to a degree by virtue of the fact that itself insures the first \$10M of losses, the purchase of insurance protection for losses above this self-insured value will be subject to some variation depending upon general market conditions.

Council's premium for 2016/2017 (\$832,416) is 5.3% less than the premium paid in 2015/2016 (\$879,444) by the two former councils. This reduction has been achieved following a detailed review of the consolidated property schedules together with the introduction of a \$5,000 deductible rather than the previous \$2,000 deductible which helps to reduce the premium. Based on the claims history over recent years, Council may achieve further savings should claims continue on a similar pattern to what has been experienced. It should be noted that Council also receives rebates from the Statewide Property Mutual Scheme through its profit sharing arrangements that rewards councils based on claims experience. Council had suggested it would tender for insurance providers during this year but following preliminary investigations, it was decided that remaining a member of Statewide Mutual was the most advantageous course of action for Council.

Whilst the former Wellington Council had taken out Environmental Impairment insurance for its sites, the former Dubbo City Council investigated options for also placing this type of insurance for its sites. Following the assessment of quotations it was determined not to take out Environmental Impairment insurance for these sites and to manage the risk accordingly. It is noted that this level of insurance has been retained in 2016/2017 for Wellington sites pending a review at the next renewal process.

Workers Compensation insurance has been placed with StateCover Mutual Limited since 30 June 2001. This scheme has been developed through an initiative of Local Government New South Wales and is a specialised Workers Compensation insurer for Local Government only. It is anticipated that through membership of the scheme, councils who participate in continuous improvement programs will receive reduced premiums below WorkCover rates. Further reductions will flow from injury prevention strategies and effective management of injuries that do occur. Workers Compensation premiums will be dependent upon a combination of Council's previous claims history and actual claims submitted during each financial year. Current advice from Council's Workers' Compensation insurer StateCover Mutual is that the final Workers Compensation premium for 2015/2016 will be \$844,490 (\$617,600 for the former Dubbo City Council and \$226,890 for the former Wellington Council) and for 2016/2017 is estimated initially at \$1,134,702 for the new Western Plains Regional Council. The main reason for the variation was a change to offset payments during the 2015/2016 financial year reducing the claims performance adjustment. Council's insurer, State Cover Mutual, have advised that the estimated Workers Compensation premium for 2016/2017 is initially set at \$1,134,702 due to several long term, high cost claims during the

2015/2106 financial year. This estimate is subject to change based on future wage variations, claims and amendments to relevant legislation.

## RISK MANAGEMENT

Council has implemented an Enterprise Risk Management system over the past two years which has resulted in the development of a register of risks identified through Council's functions and at a strategic level. These risks have been evaluated at an Enterprise risk level to enable Council to identify its highest priority risks which have been adopted by the former Dubbo City Council. The former Wellington Council has also been developing risk registers for its functions and are nearing completion. The former Dubbo City Council further adopted an Enterprise Risk Management Policy, Plan, Charter and Framework at its Ordinary meeting held July 2015 and provided Enterprise Risk Management training to staff during February 2016.

Following the recent merger, it will now be necessary to review the adopted Risk Management policies of both former councils and adopt a consolidated policy for the new council. It will further be required to review the risk registers of all functions following the organisation structure review to ensure all risks are identified and control measures are in place.

The previous Dubbo City Council also had in place the "Defined Asset Management Program" (DAMP) as developed with the assistance of Logov Risk Management Services. This programme includes the adoption by the former Dubbo City Council of a Defined Asset Management Policy which defines the management standards for all assets under the management and control of the previous Dubbo City Council that, in practice, provides a protection against possible loss through the development of specific maintenance service levels for assets controlled by Council. Following the merger of the previous Dubbo City and Wellington councils to form the Western Plains Regional Council, the DAMP is now currently under review. Upon completion of this review the DAMP will also include the former Wellington Council assets.

In regard to the application of DAMP to the major asset classes, the policy has been adopted for various groups of assets as detailed in **Appendix 2**. The implementation of DAMP in these areas and inspection schedules have also been defined and implemented for some of these assets.

## SUMMARY

The review of the Risk Management Program has been undertaken. The Risk Management Program currently in place and the renewals of the various classes of insurance as identified are considered to adequately address the identified risks.

Appendices:

- 1 Insurance Cover Definitions 2016-2017
- 2 Asset Groups 2016-2017

**CLASSES OF INSURANCE 2016/2017**

1. **Property** - occurrences resulting in loss or damage to all property belonging to Council or for which Council is responsible or has assumed responsibility to protect prior to the occurrence of any damage.
2. **Property (Artwork)** – occurrences resulting in loss or damage to artworks belonging to Council or for which Council is responsible or has assumed responsibility to protect prior to the occurrence of any damage for the Western Plains Cultural Centre.
3. **Motor Vehicle** – loss or damage to all motor vehicles owned, on loan, leased, hired, rented or used by Council.
4. **Crime** – this is a new class of insurance after the merging of Fidelity Guarantee and Cyber Liability into the one policy. Crime now covers fraudulent embezzlement or fraudulent misappropriation of money and/or negotiable instruments or goods belonging to Council or for which Council is legally liable. With regard to cyber liability it is also designed to address liability and first party coverage's, including privacy breach costs and business interruption, which can help mitigate negative publicity and customer dissatisfaction. Third party coverage includes coverage for regulatory proceedings defence costs, civil fines and penalties coverage and internet media liability coverage.
5. **Regular Hirers Liability** – (upgraded from Casual Hirers) - Regular Hirers (other than Incorporated Bodies, Sporting Clubs or Associations of any kind) of facilities owned by Council.
6. **Marine Hull** – loss or damage to vessels owned or are the responsibility of Council.
7. **Personal Accident** – bodily injury which is caused by violent, accidental external and visible means which shall solely and independently of any other cause result in the Insured Person's death or disablement.

Insured persons include – the Mayor, Chairperson, Elected Members, Commissioners and their accompanying partners/spouses, whilst engaged on any activity directly or indirectly connected with or on behalf of the Insured Authority.

Employees and their accompanying partners/spouses whilst engaged on any activity directly or indirectly connected with or on behalf of the Insured Authority, but excluding claims where the Employee is entitled to benefits under any workers' compensation legislation.

Voluntary workers whilst engaged in any activity directly or indirectly connected with or on behalf of the Insured Authority.

Members of any Committees or Trusts established by Local Government Authorities under any State Local Government Acts.



Persons engaged under any Labour Market Programmes, Training Programmes or other Government Job Creation Projects where Local Government Authorities are required by Government Departments to provide Death and Capital Benefits and Non Medical Expenses to such persons.

- 8. Public Liability and Professional Indemnity** – all sums for which Council shall become legally liable to pay by way of compensation (excluding punitive and exemplary damages) in respect of:

*Public Liability* – Personal Injury; Damage to Property

*Professional Indemnity* – a claim or claims made against Council arising out of any negligent act, error or omission committed or alleged to have been committed by Council in the conduct of Council's business.

- 9. Councillors and Officers Liability** – liability (including legal costs) arising from management related negligence or breach of statute by a Councillor or Officer of the Council.
- 10. Councillors and Officers Companion Liability** – The Companion policy offers dedicated defence costs and expenses cover for councillors and officers, responding when the traditional Councillors & Officers policy is precluded from advancing or paying costs and expenses by reason of a statutory charge under the Australian or New Zealand legislation or any other substantially similar legislation.
- 11. Swimming Pool Liability** –

**Public Liability – Legal Liability to Third Parties for:**

- a) Death, illness or personal/bodily injury
- b) Loss or damage to property

As a result of an occurrence happening in connection with the operation of the leased facility by the Lessee

**Products Liability – Legal Liability to Third Parties for:**

- a) Death, illness or personal/bodily injury
- b) Loss or damage to property

As a result of an occurrence and caused by the nature, condition and quality of any of the products sold or supplied by the Lessee in connection with the use of the leased facility.

- 12. Airport Owners and Operators Liability** – liability for bodily injury, personal injury, sickness or disease, including death, and for loss of or damage to property of others caused by accident, in respect of the ownership and/or operation and/or management by Local Councils and/or Management Companies responsible to local Councils for operating various airports, airstrips and landing areas located throughout NSW.

- 13. Workers Compensation** – The insurer will indemnify the Employer against all of the following:
- (a) Compensation that the Employer becomes liable to pay under the Act to or in respect of any person who is a worker of the Employer (including any person to whom the Employer is liable under section 20 of the 1987 Act).
  - (b) Any other amount that the Employer becomes liable to pay independently of the Act (but not including a liability for compensation in the nature of workers compensation arising under the Act or other law of another State, a Territory or the Commonwealth or a liability arising under the law of another country) for any injury to any such person (not including liability in respect of an injury, suffered by a person other than such a worker, arising out of any rescue or attempted rescue).
  - (c) Costs and expenses incurred with the written consent of the Insurer in connection with the defence of any legal proceeding in which any such liability is alleged.
- 14. Journey** – this coverage provides for employees when travelling directly between the boundaries of their place of residence and place of business for the purpose of starting or ending their day's work and provided no cover is granted by Workers' Compensation or the Traffic Accidents Act.
- 15. Boiler Explosion** – this coverage provides for material damage and third party legal liability as a result of explosion of boilers or pipe systems associated with the 1912 Fowler Steam Traction Engine located at the Wellington branch.
- 16. Carriers Liability** – this coverage provides for loss or damage to goods in your Council care while they're in transit in Australia.
- 17. Contract Works** – this coverage provides extended coverage for contract works being performed by Council or a contractor on works exceeding \$1 million.
- 18. Environmental Impairment** – this coverage will generally provide cover for bodily injury, property damage and clean-up costs from claims made by third parties. It specifically provides cover under effluent reuse legal liability, third party claims from off-site clean up, third party claims for off-site bodily injury and property damage and first party recall, consultants and rehabilitation expenses. This policy is specific to Wellington branch assets.

E. Schedules

Schedule 1—Asset Groups attaching to the policy.

**Schedule 1—Asset Groups attaching to the policy.**

Community Services
Dubbo Aquatic Leisure Centre
Dubbo City Airport
Dubbo Regional Livestock Markets
Flood & Stormwater Drainage Systems
Natural Swimming Locations
Public Buildings, Facilities and Critical Infrastructure Assets
Public Car Parks
Public Footpaths, Walking Trails and Tracks
Public Parks, Reserves and Sporting and Recreational Facilities
Public Roads, Bridges and Cycleways
Waste Management Facilities
Water & Sewerage Treatment Facilities and Reticulation Networks

## REPORT: Draft Privacy Management Plan

**AUTHOR:** Manager Customer Services

**REPORT DATE:** 11 July 2016

**TRIM REFERENCE:** ID16/1306

### EXECUTIVE SUMMARY

Following the merger of the former Dubbo City and Wellington councils to form the Western Plains Regional Council, a review has been undertaken of the respective Privacy Management Plans. Both former councils had previously adopted the Model Privacy Management Plan for Local Government as their Privacy Management Plans.

Attached to this report as **Appendix 1** is a Draft Privacy Management Plan for the Western Plains Regional Council which is also based on the Model Privacy Management Plan for Local Government and is recommended for adoption.

### FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

### POLICY IMPLICATIONS

Once adopted the Draft Privacy Management Plan will become Western Plains Regional Council's policy document for privacy considerations.

### RECOMMENDATION

**That Council adopt the Draft Privacy Management Plan attached to this report as Appendix 1.**

*Michael Bridge*  
Manager Customer Services

**REPORT**

Following the merger of the former Dubbo City and Wellington councils to form the Western Plains Regional council, a review has been undertaken of the respective Privacy Management Plans. Both former Councils had previously adopted the Model Privacy Management Plan for Local Government as their Privacy Management Plan.

As the Model Privacy Management Plan is still relevant and accurate, subject to minor amendments, it is recommended that the document be utilised as the Privacy Management Plan for Western Plains Regional Council.

The draft Privacy Management Plan was submitted to the Executive Staff Committee meeting held 5 July 2016 at which it was endorsed for referral to Council for adoption.

Appendices:

- 1 Council Policy - Privacy Management Plan - June 2016



## WESTERN PLAINS REGIONAL COUNCIL

### PRIVACY MANAGEMENT PLAN

**JUNE 2016**

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**PREFACE**

The *Privacy and Personal Information Protection Act 1998* (the "PPIPA") requires all councils to prepare a Privacy Management Plan outlining their policies and practices to ensure compliance with the requirements of that Act and the *Health Records and Information Privacy Act 2002* (the HRIPA).

In particular, the object of this plan is to inform:

- The community about how their personal information will be used, stored and accessed after it is collected by the Council; and
- Council staff of their obligations in relation to handling personal information and when they can and cannot disclose, use or collect it.



**PART 1 – INTRODUCTION**

The Privacy and Personal Information Protection Act 1998 (“PPIPA”) provides for the protection of personal information and for the protection of the privacy of individuals.

Section 33 of the PPIPA requires all councils to prepare a Privacy Management Plan (the “Plan”) to deal with:

- the devising of policies and practices to ensure compliance by the Council with the requirements of the PPIPA and the Health Records and Information Privacy Act 2002 (“HRIPA”);
- the dissemination of those policies and practices to persons within the Council;
- the procedures that the Council proposes for internal review of privacy complaints;
- such other matters as are considered relevant by the Council in relation to privacy and the protection of personal information held by it.

This Plan has been prepared for the purpose of section 33 of the PPIPA.

PPIPA provides for the protection of personal information by means of 12 Information Protection Principles. Those principles are listed below:

- Principle 1 - Collection of personal information for lawful purposes
- Principle 2 - Collection of personal information directly from individual
- Principle 3 - Requirements when collecting personal information
- Principle 4 - Other requirements relating to collection of personal information
- Principle 5 - Retention and security of personal information
- Principle 6 - Information about personal information held by agencies
- Principle 7 - Access to personal information held by agencies
- Principle 8 - Alteration of personal information
- Principle 9 - Agency must check accuracy of personal information before use
- Principle 10 - Limits on use of personal information
- Principle 11 - Limits on disclosure of personal information
- Principle 12 - Special restrictions on disclosure of personal information

Those principles are *modified* by the Privacy Code of Practice for Local Government (“the Code”) made by the Attorney General. To date there has been no Health Records and Information Privacy Code of Practice made for Local Government.

The Privacy Code has been developed to enable Local Government to fulfil its statutory duties and functions under the *Local Government Act 1993* (the “LGA”) in a manner that seeks to comply with the PPIPA.

This Plan outlines how the Council will incorporate the 12 Information Protection Principles into its everyday functions.

This Plan should be read in conjunction with the Code of Practice for Local Government.

Nothing in this Plan is to:

- affect any matter of interpretation of the Codes or the Information Protection Principles and the Health Privacy Principles as they apply to the Council;
- affect any obligation at law cast upon the Council by way of representation or holding out in any manner whatsoever;
- create, extend or lessen any obligation at law which the Council may have.

This Plan is designed to introduce policies and procedures to maximise compliance with the PPIPA and the HRIPA.

Where the Council has the benefit of an exemption, it will nevertheless describe procedures for compliance in this Plan. By doing so, it is not to be bound in a manner other than that prescribed by the Codes.

Council collects, stores and uses a broad range of information. A significant part of that information is personal information. This Plan applies to that part of the Council's information that is personal information.

It may mean in practice that any information that is not personal information will receive treatment of a higher standard; namely treatment accorded to personal information where the information cannot be meaningfully or practicably separated.

#### **1.1 What is "personal information"?**

"Personal information" is defined in section 4 of the PPIPA as follows:

Personal information is defined to mean information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. This information can be on a database and does not necessarily have to be recorded in a material form.

#### **1.2 What is not "personal information"**

"Personal information" does not include "information about an individual that is contained in a publicly available publication". Personal information, once it is contained in a publicly available publication, ceases to be covered by the PPIPA.

Section 4A of the PPIPA also specifically excludes "health information", as defined by section 6 of the HRIPA, from the definition of "personal information", but includes "health information" in the PPIPA's consideration of public registers (discussed below). "Health information" is considered in Part 4 of this Plan.

Where the Council is requested to provide access or make a disclosure and that information has already been published, then the Council will rely on the provisions of the relevant Act that authorises Council to hold that information and not the PPIPA (for example, section 8 of the Government Information (Public Access) Act 2009 (GIPA Act)).

Council considers the following to be publicly available publications:

- An advertisement containing personal information in a local, city or national newspaper;
- Personal information on the Internet;
- Books or magazines that are printed and distributed broadly to the general public;
- Council Business papers or that part that is available to the general public;
- Personal information that may be a part of a public display on view to the general public.

Information published in this way ceases to be covered by the PPIPA.

Council's decision to publish in this way must be in accordance with PPIPA.

### **1.3 Application of this Plan**

The PPIPA, the HRIPA and this Plan apply, wherever practicable, to:

- Councillors;
- Council employees;
- Consultants and contractors of the Council;
- Council owned businesses; and
- Council committees (including community members of those committees which may be established under section 355 of the LGA).

Council will ensure that all such parties are made aware that they must comply with the PPIPA, the HRIPA, any other applicable Privacy Code of Practice and this Plan.

### **1.4 Personal Information held by Council**

The Council holds personal information concerning Councillors, such as:

- personal contact information;
- complaints and disciplinary matters;
- pecuniary interest returns; and
- entitlements to fees, expenses and facilities.

The Council holds personal information concerning its customers, ratepayers and residents, such as:

- rates records; and
- DA applications and objections; and
- various types of health information (see page 37 for detailed examples).

The Council holds personal information concerning its employees, such as:

- recruitment material;
- leave and payroll data;
- personal contact information;
- performance management plans;
- disciplinary matters;
- pecuniary interest returns;
- wage and salary entitlements; and
- health information (such medical certificates and workers compensation claims).

#### **1.5 Applications for suppression in relation to general information (not public registers).**

Under section 739 of the Local Government Act 1993 ("LGA") a person can make an application to suppress certain material that is available for public inspection in circumstances where the material discloses or would disclose the person's place of living if the person considers that the disclosure would place the personal safety of the person or their family at risk.

Section 739 of the LGA relates to publicly available material other than public registers. As such, it limits disclosure in those circumstances where an application for suppression is successful. An application for suppression must be verified by statutory declaration and otherwise meet the requirements of section 739. When in doubt, Council will err in favour of suppression.

For more information regarding disclosure of information (other than public registers) see the discussion of IPPs 11 and 12 in Part 3 of this Plan. For information regarding suppression of information on *public registers*, see Part 2 of this Plan.

#### **1.6 Caution as to unsolicited information**

Where an individual, a group or committee, not established by Council, gives Council unsolicited personal or health information, then that information should be still treated in accordance with this Plan, the Codes, the HRIPA and the PPIPA for the purposes of IPPs 5-12 and HPPs 5-15 which relate to storage, access, use and disclosure of information.

Note that for the purposes of section 10 of the HRIPA, the Council is not considered to have “collected” health information if the receipt of the information by the Council is unsolicited.

Section 4(5) of the PPIPA also provides that personal information is not “collected” by Council if it is unsolicited.

**PART 2 – PUBLIC REGISTERS**

A public register is defined in section 3 of the PPIPA:

*“...public register means a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee).”*

A distinction needs to be drawn between “public registers” within the meaning of Part 6 of the PPIPA and “non public registers”. A “non public register” is a register but it is not a “public register” for the purposes of the PPIPA. For example, the register might not be publicly available or it may not contain personal information.

Disclosure in relation to public registers must comply with Part 6 of the PPIPA and the Privacy Code. Personal information cannot be accessed by a person about another person unless the personal information is contained in a public register. Where personal information is contained in a public register, then Part 6 of the PPIPA applies to determine whether access to that information will be given to another person.

Disclosure in relation to all other personal information must comply with the Information Protection Principles as outlined in Part 2 of this Plan and the Privacy Code where it includes personal information that is not published.

The Council holds the following public registers under the LGA: \*\*\*

- Section 53 - Land Register
- Section 113 - Records of Approvals;
- Section 449 -450A - Register of Pecuniary Interests;
- Section 602 - Rates Record.

Council holds the following public registers under the Environmental Planning and Assessment Act:

- Section 100 – Register of consents and approvals
- Section 149G – Record of building certificates

Council holds the following public register under the Protection of the Environment (Operations) Act:

- Section 308 – Public register of licences held

Council holds the following public register under the Impounding Act 1993:

- Section 30 & 31 – Record of impounding

Members of the public may enquire only in accordance with the primary purpose of any of these registers. The primary purpose for each of these public registers is set out in the sections that follow.

### **2.1 Public registers, the PPIPA and the HRIPA**

A public register generally confers specific rights or privileges, a benefit, or status, which would not otherwise exist. It may be required by law to be made publicly available or open to public inspection, or it is simply made publicly available or open to public inspection (whether or not payment is required).

Despite the exclusion of "health information" from the definition of "personal information" under section 4A of the PPIPA, section 56A of the PPIPA *includes* as "personal information", "health information" on public registers.

Section 57 of the PPIPA requires very stringent controls over the disclosure of personal information contained in a public register. It provides broadly that where Council is responsible for keeping a public register, it will not disclose any personal information kept in that register unless it is satisfied that the information is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.

Section 57 (2) provides that in order to ensure compliance with section 57(1), a Council may require any person who applies to inspect personal information contained in the public register to give particulars in the form of a statutory declaration as to the proposed use of that information. (Form at Appendix 1 may be used as a guide)

Councils also need to consider the Privacy Code of Practice for Local Government which has the effect of modifying the application of Part 6 of the PPIPA (the "public register" provisions).

If the stated purpose of the applicant does not conform with the purpose for which the public register is kept, access to the information sought will not be given.

Where personal information is contained in a publicly available publication, that information will not be regarded as personal information covered by the PPIPA or as health information for the purposes of part 6 of the PPIPA.

### **2.2 Effect on section 6 of the GIPA Act**

Section 57 of the PPIPA prevails over clause 1(3) of Schedule 1 of the Government Information (Public Access) Regulation 2009 (GIPA Regulation) to the extent of any inconsistency. Therefore:

1. If a register is listed in Schedule 1 of the GIPA Regulation, access must not be given except in accordance with section 57(1) of the PPIPA.
2. If a register is not listed in Schedule 1 of the GIPA Regulation, access must not be given except:
  - (i) if it is allowed under section 57(1) of the PPIPA; **and**
  - (ii) there is no overriding public interest against disclosure of the information under section 6 of the GIPA Act.

*Note:* Both 1 and 2 are amended with regard to specific public registers in the Privacy Code of Practice for Local Government.

### **2.3 Where some information in the public register has been published**

That part of a public register that is not published in a publicly available publication will be treated as a “public register” and the following procedure for disclosure will apply.

For example, the Register of Consents and Approvals held by Council under section 100 of the Environmental Planning and Assessment Act requires Council to advertise or publish applications for development consent.

When Council publishes the address of the property, it may identify the owner. The personal information that has not been published and any applications not advertised or that have been rejected or withdrawn (and hence also not published) will be treated as a public register under PPIPA.

Council may hold a register under the Contaminated Land Management Act on behalf of the Environment Protection Authority. This is not to be considered a public register of the Council as the statute does not place any obligations on the Council to make this register publicly available as a register of contaminated land. Furthermore, the legislation foreshadows that the Environment Protection Authority may indeed post this list or register on the internet. This may constitute a publication of the information and therefore the PPIPA will not apply.

Registers should not be published on the internet.

### **2.4 Disclosure of personal information contained in the public registers**

A person seeking a disclosure concerning someone else’s personal information from a public register must satisfy Council that the intended use of the information is for a purpose relating to the purpose of the register or the Act under which the register is kept.

In the following section, by way of guidance only, what might be called the “primary” purpose (or “the purpose of the register”) has been specified for each identified register. In some cases a “secondary purpose” has also been specified, by way of guidance as to what might constitute “a purpose *relating to* the purpose of the register”.

### **2.5 Purposes of public registers**

#### **Purposes of public registers under the Local Government Act**

Section 53 - Land Register – The primary purpose is to identify all land vested in Council, or under its control. The secondary purpose includes a consideration of public accountability as to the land held by Council. Third party access is therefore a secondary purpose.

Section 113 - Records of Approvals – The primary purpose is to identify all approvals granted under the LGA.

Section 450A - Register of Pecuniary Interests – The primary purpose of this register is to determine whether or not a Councillor or a member of a council committee has a pecuniary



interest in any matter with which the council is likely to be concerned. There is a corresponding public accountability purpose and third party access is a secondary purpose.

Section 602 - Rates Record - The primary purpose is to record the value of a parcel of land and record rate liability in respect of that land. The secondary purpose includes recording the owner or lessee of each parcel of land. For example, that a disclosure on a section 603 (of the LGA) rating certificate that a previous owner was a pensioner is considered to be allowed, because the secondary purpose is "a purpose relating to the purpose of the register".

#### **Purposes of public registers under the Environmental Planning and Assessment Act**

Section 100 – Register of consents and approvals – The primary purpose is to identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates.

Section 149G – Record of building certificates – The primary purpose is to identify all building certificates.

#### **Purposes of public registers under the Protection of the Environment (Operations) Act**

Section 308 – Public register of licences held – The primary purpose is to identify all licences granted under the Act.

#### **Purposes of the public register under the Impounding Act**

Section 30 & 31 – Record of impounding – The primary purpose is to identify any impounding action by Council.

#### **Secondary purpose of all Public Registers**

Due to the general emphasis (to be found in the LGA and elsewhere) on local government processes and information being open and accountable, it is considered that a secondary purpose for which all public registers are held by Council includes the provision of access to members of the public. Therefore disclosure of specific records from public registers would normally be considered to be allowable under section 57 of the PPIPA.

However, requests for access, copying or the sale of the whole or a substantial part of a Public Register held by Council will not necessarily fit within this purpose. Council should be guided by the Privacy Code of Practice for Local Government in this respect. Where Council officers have doubt as to the intended use of the information, an applicant may be requested to provide a statutory declaration so that Council may satisfy itself as to the intended use of the information. Council will make its assessment as to the **minimum** amount of personal information that is required to be disclosed with regard to any request.

### **Other Purposes**

Persons or organisations who apply to Council to have access to the information contained in any public register for a purpose not related to the purpose of the register, may be given access at the discretion of Council but only in accordance with the Privacy Code of Practice for Local Government concerning Public Registers.

#### **2.6 Applications for access to own records on a public register**

A person wishing to have access to a public register to confirm their own details needs only to prove their identity to Council before having access to their own personal information.

#### **2.7 Applications for suppression in relation to a public register**

An application for suppression in relation to a public register will be dealt with under PPIPA, rather than section 739 of the LGA.

A person about whom personal information is contained (or proposed to be contained) in a public register, may request Council under section 58 of the PPIPA to have the information removed from, or not placed on the register.

If Council is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information, in accordance with section 58(2) of the PPIPA. ("Well-being" is defined in the Macquarie Dictionary as "the good or satisfactory condition of existence; welfare".)

When in doubt, Council will err in favour of suppression.

Any information that is removed from, or not placed on, that aspect of a public register to be made public may be kept on the register for other purposes. That is, the information may still be used for council functions, but it cannot be disclosed to other parties.

An application for suppression should be made in writing addressed to the General Manager and must outline the reasons for the request. The Council may require supporting documentation where appropriate.

#### **2.8 Other registers**

Council may have other registers that are not public registers. The Information Protection Principles, this Plan, any applicable Codes and the PPIPA apply to those registers or databases.

**PART 3 – THE INFORMATION PROTECTION PRINCIPLES****3.1 Information Protection Principle 1 – Section 8****Section 8 Collection of personal information for lawful purposes**

- (1) *A public sector agency must not collect personal information unless:*
- (a) *the information is collected for a lawful purpose that is directly related to a function or activity of the agency, and*
  - (b) *the collection of the information is reasonably necessary for that purpose.*
- (2) *A public sector agency must not collect personal information by any unlawful means.*

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from the requirements of this principle.

Council Policy

Council will only collect personal information for a lawful purpose as part of its proper functions. The LGA governs Council's major obligations and functions.

Section 22 of the LGA provides other functions under other Acts. Some of those Acts are as follows:

- Community Land Development Act 1989
- Companion Animals Act 1998\*\*
- Conveyancing Act 1919
- Environmental Planning and Assessment Act 1979
- Fire Brigades Act 1989
- Fluoridation of Public Water Supplies Act 1957
- Food Act 1989
- Impounding Act 1993
- Library Act 1939
- Protection of the Environment Operations Act 1997
- Public Health Act 1991
- Recreation Vehicles Act 1983
- Roads Act 1993
- Rural Fires Act 1997
- State Emergency Service Act 1989
- Strata Schemes (Freehold Development ) Act 1973
- Strata Schemes (Leasehold Development ) Act 1986;
- Swimming Pools Act 1992

- Public Health Act 1991

This list is not exhaustive.

Additionally, the exercise by Council of its functions under the LGA may also be modified by the provisions of other Acts. Some of those Acts follow:

- Government Information (Public Access) Act 2009;
- Heritage Act 1977;
- State Emergency and Rescue Management Act 1989;
- Unclaimed Money Act 1995;

The circumstances under which Council may collect information, including personal information, are varied and numerous.

Council will not collect any more personal information than is reasonably necessary for it to fulfil its proper functions.

Anyone engaged by Council as a private contractor or consultant that involves the collection of personal information must agree to be bound not to collect personal information by any unlawful means. This will include debt recovery actions by or undertaken on behalf of Council by commercial agents.

#### \*\*Companion Animals Act

Collection of information under the Companion Animals Act and Council's use of the Companion Animals Register should be guided by the Director General's guidelines, which have been developed with the PPIPA in mind.

#### Role of the Privacy Contact Officer

In order to ensure compliance with Information Protection Principle 1, internet contact forms, rates notices, application forms of whatsoever nature, or written requests by which personal information is collected by Council; will be referred to the Privacy Contact Officer prior to adoption or use.

The Privacy Contact Officer will also provide advice as to:

1. Whether the personal information is collected for a lawful purpose;
2. If that lawful purpose is directly related to a function of Council; and
3. Whether or not the collection of that personal information is reasonably necessary for the specified purpose.

Any further concerns of a legal nature will be referred to Council's solicitor.

### **3.2 Information Protection Principle 2 – Direct Collection**

#### ***Section 9 Collection of personal information directly from individual***

*A public sector agency must, in collecting personal information, collect the information directly from the individual to whom the information relates unless:*

- (a) the individual has authorised collection of the information from someone else, or*
- (b) in the case of information relating to a person who is under the age of 16 years— the information has been provided by a parent or guardian of the person.*

#### **The Privacy Code of Practice for Local Government**

The Code makes provision for Council to depart from this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred upon the person to whom the information relates.

#### **Council Policy**

The compilation or referral of registers and rolls are the major means by which the Council collects personal information. For example, the information the Council receives from the Land Titles Office would fit within section 9(a) above.

Other means include forms that customers may complete and lodge with Council for development consent, companion animal registration, applications for specific inspections or certifications or applications in respect of tree preservation orders.

In relation to petitions, the Council will treat the personal information contained in petitions in accordance with PPIPA.

Where Council or a Councillor requests or requires information from individuals or groups, that information will be treated in accordance with PPIPA.

Council regards all information concerning its customers as information protected by PPIPA. Council will therefore collect all personal information directly from its customers except as provided in section 9 or under other statutory exemptions or Codes of Practice. Council may collect personal information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so.

Where Council anticipates that it may otherwise need to collect personal information indirectly it will first obtain the authorisation of each individual under section 9 (a) of the PPIPA.

### External and related bodies

Each of the following will be required to comply with this Plan, any applicable Privacy Code of Practice, and the PPIPA:

- Council owned businesses
- Council consultants
- Private contractors
- Council committees

Council will seek to contractually bind each of these bodies or persons to comply with the PPIPA.

Where any of the above collect personal information on behalf of Council or in relation to the performance of their activities, that body or person will be required to:

- obtain a written authorisation and consent to that collection; and
- notify those persons in accordance with Information Protection Principle 3 as to the intended recipients and other matters required by that principle.

Council owned businesses, committees and private contractors or consultants must abide by this Plan, the Code and the PPIPA under the terms of their incorporation by Council or by contract.

### Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 2.

### Existing statutory exemptions under the Act

Compliance with Information Protection Principle 2 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in very obvious and limited circumstances and legal advice should normally be obtained.

The relevant statutory exemptions follow:

Section 23(2) of the PPIPA permits non-compliance with Information Protection Principle 2 if the information concerned is collected in connection with proceedings (whether or not actually commenced) before any court or tribunal.

Section 24(4) of the PPIPA extends the operation of section 24(1) to councils and permits non-compliance with Information Protection Principle 2 if a council is:

- (i) investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
- (ii) if compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 2 where the agency is lawfully authorised or required not to comply with the principle.

- (iii) Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 2 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26(1) of the PPIPA permits non-compliance with Information Protection Principle 2 if compliance would prejudice the interests of the individual concerned.

Further Explanation regarding IPP 2

Where Council cannot collect personal information directly from the person, it will ensure one of the following:

1. Council has obtained authority from the person under section 9(a) of the PPIPA.
2. The collection of personal information from a third party is permitted under an Act or law. (For example, the indirect collection from the Land Titles Office.)
3. The collection of personal information from a parent or guardian is permitted provided the person is less than 16 years of age.
4. The collection of personal information indirectly where one of the above exemptions applies.
5. The collection of personal information indirectly is permitted under the Privacy Code of Practice for Local Government or the Investigative Code of Practice.

The only other exception to the above is in the case where Council is given unsolicited information.

### **3.3 Information Protection Principle 3 - Requirements when collecting personal information**

#### ***Section 10 Requirements when collecting personal information***

*If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances to ensure that, before the information is collected or as soon as practicable after collection, the individual to whom the information relates is made aware of the following:*

- (a) the fact that the information is being collected,*
- (b) the purposes for which the information is being collected,*
- (c) the intended recipients of the information,*
- (d) whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided,*
- (e) the existence of any right of access to, and correction of, the information,*
- (f) the name and address of the agency that is collecting the information and the agency that is to hold the information.*

#### **The Privacy Code of Practice for Local Government**

The Code makes provision for Council to depart from this principle where personal information is collected about an individual for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition without prior or subsequent notification.

#### **Council Policy**

Where Council proposes to collect personal information directly from the person, it will inform that person that the personal information is being collected, what is done with that information and who the intended recipients will be.

Council will inform persons if the information is required by law or voluntarily given. Council will also inform individuals which department or section within Council holds their personal information, and of the right to access and correct that information. Council will adapt the general section 10 pre-collection Privacy Notification form as appropriate (See Appendix 2).

The following are examples of application procedures that will require a Privacy Notification Form in accordance with section 10:

- Lodging Development Applications;
- Lodging objections to Development Applications;
- Lodging applications for approval under the LGA;
- Any stamps or printed slips that contain the appropriate wording for notification under section 10 (see Appendix 2); and
- When collecting an impounded item.



In relation to the Privacy Notification Form that may be attached to a Development Application provided to objectors, it could be stated that objectors have a right to remain anonymous if they so choose. However, should they need to substantiate their objections, anonymous objections may be given less weight (or no weight) in the overall consideration of the Application.

#### Post - Collection

Where Council collects personal information indirectly from another public sector agency in respect of any one of its statutory functions, it will advise those individuals that it has collected their personal information by including a privacy notification form in the next issue of their rates notice, or otherwise by letter. A common example of the collection of information from another public sector agency is the Land Titles Office. Council receives information as to new ownership changes when property is transferred from one owner to the next. Appendix 3 contains a sample Privacy Notification Form that could be used for post-collection.

#### External and related bodies

Each of the following will be required to comply with Information Protection Principle 3:

- Council owned businesses
- Council consultants
- Private contractors
- Council committees

Council will seek to contractually bind each of these bodies or persons to comply with the Information Protection Principle 3.

Where any of the above collect personal information on behalf of Council or in relation to the performance of their activities, that body or person will be required to notify those persons in accordance with Information Protection Principle 3 as to the intended recipients and other matters required by that principle.

#### Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 3.

#### Existing statutory exemptions under the Act

Compliance with Information Protection Principle 3 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

The relevant statutory exemptions follow:

Section 23(3) permits non-compliance with Information Protection Principle 3 where information is collected for law enforcement purposes. Law enforcement means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of an accused person.

Section 24(4) of the PPIPA extends the operation of section 24(1) to councils and permits non-compliance with Information Protection Principle 3 if a council is:

- (i) investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
- (ii) if compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 3 where the agency is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 3 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26(1) of the PPIPA permits non-compliance with Information Protection Principle 3 if compliance would prejudice the interests of the individual concerned.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

#### Disclosure of information of research purposes

The disclosure of personal information for research purposes will be allowed only in accordance with any applicable Direction made by the Privacy Commissioner under section 41 of PPIPA or any Research Code of Practice made by the Attorney General as may be in force for the time being.

### **3.4 Information Protection Principle 4 - Other requirements relating to collection of personal information**

#### **Section 11 Other requirements relating to collection of personal information**

*If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:*

- (a) the information collected is relevant to that purpose, is not excessive, and is accurate, up to date and complete, and*
- (b) the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.*

#### **The Privacy Code of Practice for Local Government**

The Code makes no provision to depart from this principle.

#### **Council Policy**

Council will seek to ensure that no personal information is collected which is not directly relevant to its proper functions.

Council collects personal information through the various forms that customers may complete and lodge with Council. Before adoption of a new form, a draft form will be reviewed for compliance with Information Protection Principle 4 by the EEO Officer, Council's solicitor, Public Officer or other suitable person. Should Council have any residual doubts, the opinion of the Office of the Privacy Commissioner NSW will be sought.

### **3.5 Information Protection Principle 5 - Retention and security of personal information**

#### **Section 12 Retention and security of personal information**

*A public sector agency that holds personal information must ensure:*

- (a) that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and*
- (b) that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and*
- (c) that the information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and*
- (d) that, if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information.*

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Council may comply with this principle by using any or all of the following or similar documents:

- Records and Archives Services Manual;
- The Council's Policy on Security of and Access to Misconduct Files;
- Council's Internet Security Policy;
- Information Technology Security Policy; and
- General Records Disposal Schedule for Local Government.

Disclosure of information of research purposes

The disclosure of personal information for research purposes will be allowed only in accordance with any applicable Direction made by the Privacy Commissioner under section 41 of PPIPA or any Research Code of Practice made by the Attorney General as may be in force for the time being.

**3.6 Information Protection Principle 6 - Information held by agencies*****Section 13 Information about personal information held by agencies***

*A public sector agency that holds personal information must take such steps as are, in the circumstances, reasonable to enable any person to ascertain:*

- (a) whether the agency holds personal information, and*
- (b) whether the agency holds personal information relating to that person, and*
- (c) if the agency holds personal information relating to that person:*
  - (i) the nature of that information, and*
  - (ii) the main purposes for which the information is used, and*
  - (iii) that person's entitlement to gain access to the information.*

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Section 13 of the PPIPA requires a council to take reasonable steps to enable a person to determine whether the council holds personal information about them. If Council holds any information about a person, upon request it will advise them the nature of that information, the main purposes for which it is held, and that person's entitlement to access. As a matter of practicality, not every item of personal information, however insignificant, will be capable of ascertainment.

Under section 20(5) of the PPIPA, Information Protection Principle 6 is subject to any applicable conditions or limitations contained in the *Government Information (Public Access) Act 2009* ("GIPA Act"). Council must consider the relevant provisions of the GIPA Act.

Any person can make application to Council by completing the appropriate form and submitting it to Council. An example is at Appendix 4.

Where council receives an application or request by a person as to whether council holds information about them, council will undertake a search of its records to answer the enquiry. Council may ask the applicant to describe what dealings the applicant has had with council in order to assist council to conduct the search.

Council will ordinarily provide a response to applications of this kind within 28 days of the application being made. The fee structure is commensurate to that of the Council's GIPA Act rates structure.

#### Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 6.

#### Existing exemptions under the Act

Compliance with Information Protection Principle 6 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 6 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 6 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

#### Reporting matters

The Council will issue a statement to be included on its Web page (if it has one) and in its Annual Report concerning the nature of personal information it regularly collects, the purpose for which the personal information is used and an individual's right to access their own personal information.

### **3.7 Information Protection Principle 7 - Access to personal information held by agencies**

#### ***Section 14 Access to personal information held by agencies***

*A public sector agency that holds personal information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.*

#### **The Privacy Code of Practice for Local Government**

The Code makes no provision to depart from this principle.

#### **Council Policy**

Section 14 of the PPIPA requires a council, at the request of any person, to give access to that person to personal information held about them.

Compliance with Information Protection Principle 7 does not allow disclosure of information about other people. If access to information that relates to someone else is sought, the application must be made under the GIPA Act, unless Information Protection Principles 11 and 12 or the Public Register provisions apply.

Where a person makes an application for access under the PPIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the GIPA Act. However use of the GIPA Act is to be a last resort. The applicant has the right to insist on being dealt with under PPIPA.

Under section 20(5) of the PPIPA, Information Protection Principle 7 is subject to any applicable conditions or limitations contained in the *Government Information (Public Access) Act 2009* ("GIPA Act"). Council must consider the relevant provisions of the GIPA Act.

Customers wishing to exercise their right of access to their own personal information should apply in writing or direct their inquiries to the General Manager, who will make a determination. A sample form is provided at Appendix 5.

Members of staff wishing to exercise their right of access to their personal information should apply in writing on the attached form or direct their inquiries to the Manager of Personnel, who will deal with the application.

In order to comply with the requirement to provide the requested information "without excessive delay or expense", Council will ordinarily provide a response to applications of this kind within 28 days of the application being made.

#### **Investigative Functions**

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 7.

Existing exemptions under the Act

Compliance with Information Protection Principle 7 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 7 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA non-compliance with Information Protection Principle 7 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

**3.8 Information Protection Principle 8 - Alteration of personal information*****Section 15 Alteration of personal information***

- (1) *A public sector agency that holds personal information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information:*
  - (a) *is accurate, and*
  - (b) *having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.*
- (2) *If a public sector agency is not prepared to amend personal information in accordance with a request by the individual to whom the information relates, the agency must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.*
- (3) *If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the public sector agency.*
- (4) *This section, and any provision of privacy code of practice that relates to the requirements set out in this section, apply to public sector agencies despite section 25 of this Act and section 21 of the State Records Act 1998.*
- (5) *The Privacy Commissioner’s guidelines under section 36 may make provision for or with respect to requests under this section, including the way in which such a request should be made and the time within which such a request should be dealt with.*
- (6) *In this section (and in any other provision of this Act in connection with the operation of this section), **public sector agency** includes a Minister and a Minister’s personal staff.*

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

### Council Policy

Section 15 of the PPIPA allows a person to make an application to council to amend (*this includes by way of corrections, deletions or additions*) personal information held about them so as to ensure the information is accurate, and, having regard to the purpose for which the information is collected, relevant to that purpose, up to date and not misleading.

Council wishes to have its information current, accurate and complete. Proposed amendments or changes to the personal information held by the Council are welcomed.

If Council declines to amend personal information as requested, it will on request of the individual concerned, place an addendum on the information in accordance with section 15(2) of the PPIPA.

Where there are complaints that are or could be the subject of a staff complaint or grievance, they will be referred to the Manager Personnel in the first instance and treated in accordance with the "Grievance and Complaint Handling Procedures".

Any alterations that are or could be the subject of a customer complaint or grievance will be referred to the General Manager, who will make a determination in relation to the matter.

### Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 8.

### Existing exemptions under the Act

Compliance with Information Protection Principle 8 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 8 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with section Information Protection Principle 8 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.



Procedure

Where information is requested to be amended (either by way of correction, deletion or addition), the individual to whom the information relates, must make a request. That request should be accompanied by appropriate evidence as to the cogency of the making of the amendment, sufficient to satisfy the Council that the proposed amendment is factually correct and appropriate. The Council may require further documentary evidence to support certain amendments. Council will not charge to process an application to amend a record under s.15.

The Council's application form for alteration under IPP 8 is at Appendix 6 at the end of this Plan.

Where Council is not prepared to amend

If the Council is not prepared to amend the personal information in accordance with a request by the individual the Council may attach to the information in such a manner as is capable of being read with the information, any statement provided by that individual.

Where an amendment is made

If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have the recipients of that information notified of the amendments made by the Council.

The Council will seek to notify recipients of information as soon as possible, of the making of any amendment, where it is reasonably practicable.

State Records Act

The State Records Act does not allow for the deletion of records. However, as a result of section 20(4) of the PPIPA, some deletions may be allowed in accordance with Information Protection Principle 8.

**3.9 Information Protection Principle 9 - Agency must check accuracy of personal information before use*****Section 16 Agency must check accuracy of personal information before use***

*A public sector agency that holds personal information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up to date, complete and not misleading.*

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

The steps taken to comply with section 16 will depend on the age of the information, its likelihood of change and the particular function for which the information was collected.

The more significant the information, the greater the necessity that checks to ensure its accuracy and currency be undertaken prior to its use.

For example, each employee's record should be updated when there is any change of circumstances or when the employee's contact details change.

**3.10 Information Protection Principle 10 - Limits on use of personal information*****Section 17 Limits on use of personal information***

*A public sector agency that holds personal information must not use the information for a purpose other than that for which it was collected unless:*

- (a) the individual to whom the information relates has consented to the use of the information for that other purpose, or*
- (b) the other purpose for which the information is used is directly related to the purpose for which the information was collected, or*
- (c) the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom the information relates or of another person.*

The Privacy Code of Practice for Local Government

The Code makes provision that Council may use personal information for a purpose other than the purpose for which it was created in the following circumstances:

- (i) where the use is in pursuance of Council's lawful and proper function/s and Council is satisfied that the personal information is reasonably necessary for the exercise of such function/s; or
- (ii) where personal information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of personal recognition.

Explanatory Note

Council may use personal information obtained for one purpose for another purpose in pursuance of its lawful and proper functions. For example, the Rates Record that Council holds under section 602 of the LGA may also be used to:

- notify neighbours of a proposed development;
- evaluate a road opening; or
- evaluate a tree preservation order.



### Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 10.

### Existing exemptions under the Act

Compliance with Information Protection Principle 10 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(4) of the PPIPA permits Council not to comply with Information Protection Principle 10 where the use of the information for another purpose is reasonably necessary for law enforcement purposes or for the protection of the public revenue. *Law enforcement purposes* means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of an accused person. *Protection of the public revenue* means a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty.

Section 24(4) of the PPIPA extends the operation of section 24(2) to councils and permits non-compliance with Information Protection Principle 10 if a council is:

- (i) investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
- (ii) the use of the information concerned for a purpose other than the purpose for which it was collected is reasonably necessary in order to enable the council to exercise its complaint handling functions or any of its investigative functions.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 10 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 10 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g., the Department of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.

### **3.11 Information Protection Principle 11 - Limits on disclosure of personal information**

#### ***Section 18 Limits on disclosure of personal information***

- (1) *A public sector agency that holds personal information must not disclose the information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:*
- (a) *the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure, or*
  - (b) *the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body, or*
  - (c) *the agency believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.*
- (2) *If personal information is disclosed in accordance with subsection (1) to a person or body that is a public sector agency, that agency must not use or disclose the information for a purpose other than the purpose for which the information was given to it.*

#### **The Privacy Code of Practice for Local Government**

The Code makes provision for council to depart from this principle in the circumstances described below:

1. Council may disclose personal information to public sector agencies or public utilities on condition that:
  - (i) the agency has approached Council in writing;
  - (ii) Council is satisfied that the information is to be used by that agency for the proper and lawful function/s of that agency, and
  - (iii) Council is satisfied that the personal information is reasonably necessary for the exercise of that agency's function/s.
2. Where personal information which has been collected about an individual is to be disclosed for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition.
3. Where Council is requested by a potential employer, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

### Council Policy

Council will not disclose the information to another person or other body, unless the disclosure is directly related to the purpose for which the information was collected or where the Council has no reason to believe that the individual concerned would object to the disclosure.

Council may disclose personal information to another person or other body where this disclosure is directly related to the purpose for which the personal information was collected and the individual concerned is reasonably likely to have been aware, (or has been made aware in accordance with section 10), of the intended recipients of that information. "Directly related" can mean the disclosure to another person or agency to deliver a service which supplements that of Council or disclosure to a consultant for the purpose of assessing or reviewing the delivery of a program to which the original collection relates.

The council may disclose personal information to another person or other body where this disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.

### Public Registers

Sections 18 and 57 of the PPIPA should be read in conjunction in regard to Public Registers. Public Registers are discussed further in Part 2 of this Plan.

### Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 11.

### Existing exemptions under the Act

Compliance with Information Protection Principle 11 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(5)(a) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is made to a law enforcement agency in connection with proceedings for an offence or for law enforcement purposes. *Law enforcement purposes* means a breach of the criminal law and criminal law enforcement. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(b) of the PPIPA permits non-compliance with Information Protection Principle 11 where the disclosure is made to a law enforcement agency for the purpose of ascertaining the whereabouts of a person reported to be missing. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(c) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is authorised by subpoena, search warrant or other statutory instrument. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(d)(i) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary for the protection of the public revenue. *Protection of the public revenue* could mean a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(d)(ii) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary to investigate an offence where there are reasonable grounds to believe an offence has been committed.

Section 24(4) of the PPIPA permits non-compliance with Information Protection Principle 11 if:

- (i) investigating a complaint that could be referred or made to, or has been referred from or made by, an investigative agency, and
- (ii) if the disclosure is to an investigative agency.

(Note: "investigative agency" is defined at s.3 of PPIPA.)

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 11 where Council is lawfully authorised or required not to comply with the principle. Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 11 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Division of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.

It is anticipated that a disclosure of personal information for research purposes will be allowed under a s.41 Direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

#### Suppression

Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.

### **3.12 Information Protection Principle 12 - Special restrictions on disclosure of personal information**

#### ***Section 19 Special restrictions on disclosure of personal information***

- (1) *A public sector agency must not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.*
- (2) *A public sector agency that holds personal information must not disclose the information to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless:*
  - (a) *a relevant privacy law that applies to the personal information concerned is in force in the that jurisdiction or applies to that Commonwealth agency, or*
  - (b) *the disclosure is permitted under a privacy code of practice.*
- (3) *For the purposes of subsection (2), a **relevant privacy law** means a law that is determined by the Privacy Commissioner, by notice published in the Gazette, to be a privacy law for the jurisdiction concerned.*
- (4) *The Privacy Commissioner is to prepare a code relating to the disclosure of personal information by public sector agencies to persons or bodies outside New South Wales and to Commonwealth agencies.*
- (5) *Subsection (2) does not apply:*
  - (a) *until after the first anniversary of the commencement of this section, or*
  - (b) *until a code referred to in subsection (4) is made,**whichever is the later.*

#### **The Privacy Code of Practice for Local Government**

The Code makes provision for Council to depart from this principle in the circumstances described below:

1. For the purposes of s.19(2) only, where Council is requested by a potential employer outside New South Wales, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

#### **Council Policy**

Council will not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.



### Public Registers

Sections 19 and 57 of the PPIPA should be read in conjunction in regard to Public Registers. Public Registers are discussed further in Part 2 of this Plan.

### Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 12.

### Existing exemptions under the Act

Compliance with Information Protection Principle 12 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(7) of the PPIPA permits non-compliance with Information Protection Principle 12 where the disclosure is necessary to investigate an offence or where there are reasonable grounds to believe an offence has been or may be committed.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 12 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 12 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

Section 28(2) permits non-compliance with Information Protection Principle 12 where, in the case of health information, the consent of the person cannot reasonably be obtained and the disclosure is made by an authorised person to another authorised person. "Authorised person" means a medical practitioner, health worker, or other official or employee providing health or community services who is employed or engaged by a public sector agency.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Division of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.

It is anticipated that a disclosure of personal information for research purposes will be allowed under a s.41 Direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

Suppression

Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.

#### PART 4 – HEALTH PRIVACY PRINCIPLES

In 2002, most references to ‘health information’ were taken out of the PPIPA and separate legislation was enacted. The HRIPA was enacted to deal with this specific type of personal information. On and from September 2004, various agencies and organisations, including local councils were expected to comply with the HRIPA in their collection and management of health information.

Health information includes personal information that is information or an opinion about the physical or mental health or a disability of an individual. Health information *also* includes personal information that is information or an opinion about:

- a health service provided, or to be provided, to an individual;
- an individual’s express wishes about the future provision of health services to him or her;
- other personal information collected in connection with the donation of human tissue; or
- genetic information that is or could be predictive of the health of an individual or their relatives or descendants.

Health information is defined in section 6 of the HRIPA. Local councils will often hold health information by reason of their role in elder care, child care and various types of community health support services. It is therefore very important for councils to be familiar with the 15 Health Protection Principles (“HPP”) set down in Schedule 1 to the HRIPA. Each of these HPPs are considered below.

The following is a non-exhaustive list of examples of the types of health information and circumstances in which councils may collect health information in exercising their functions:

- Tree pruning/removal or weed spraying activities where residents approach council for a reconsideration or reassessment of a tree pruning/removal or weed spraying activities on medical grounds;
- Issuing of clean up orders which may include recording information about a residents health, GP professional contact details or involvement with mental health services;
- Volunteer programs where volunteers are asked to disclose health conditions which may preclude them from some types of volunteer work;
- Information on families for the purposes of children’s services. e.g. history of illness, allergies, asthma, diabetes, epilepsy etc;
- Children’s immunization records; and
- Family counsellor/youth support workers records.

HPPs 1-4 concern the collection of health information, HPP 5 concerns the storage of health information, HPPs 6-9 concern the access and accuracy of health information, HPP 10 concerns the use of health information, HPP 11 concerns the disclosure of health information, HPPs 12-13 concern the identifiers and anonymity of the persons to which health information relate, HPPs 14-15 concern the transferral of health information and the linkage to health records across more than one organisation.

**Health Privacy Principle 1****Purposes of collection of health information**

- (1) *An organisation must not collect health information unless:*
- (a) *the information is collected for a lawful purpose that is directly related to a function or activity of the organisation, and*
  - (b) *the collection of the information is reasonably necessary for that purpose.*
- (2) *An organisation must not collect health information by any unlawful means.*

**Health Privacy Principle 2*****Information must be relevant, not excessive, accurate and not intrusive***

*An organisation that collects health information from an individual must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:*

- (a) *the information is collected is relevant to that purpose, is not excessive and is accurate, up to date and complete, and*
- (b) *the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.*

**Health Privacy Principle 3*****Collection to be from the individual concerned***

- (1) *An organisation must collect health information about an individual only from that individual, unless it is unreasonable or impracticable to do so.*
- (2) *Health information is to be collected in accordance with any guidelines issued by the Privacy Commissioner for the purposes of this clause.*

#### **Health Privacy Principle 4**

##### ***Individual to be made aware of certain matters***

- (1) *An organisation that collects health information about an individual from the individual must, at or before the time it collects the information (or if that is not practicable, as soon as practicable after that time), take steps that are reasonable in the circumstances to ensure that the individual is aware of the following:*
- (a) the identity of the organisation and how to contact it,*
  - (b) the fact that the individual is able to request access to the information,*
  - (c) the purposes for which the information is collected,*
  - (d) the persons to whom (or the type of persons to whom) the organisation usually discloses information of that kind,*
  - (e) any law that requires the particular information to be collected,*
  - (f) the main consequences (if any) for the individual if all or part of the information is not provided.*
- (2) *If the organisation collects health information about an individual from someone else, it must take any steps that are reasonable in the circumstances to ensure that the individual is generally aware of the matters listed in subclause (1) except to the extent that:*
- (a) making the individual aware of the matters would impose a serious threat to the life or health of any individual, or*
  - (b) the collection is made in accordance with guidelines issued under subclause (3).*
- (3) *The Privacy Commissioner may issue guidelines setting out circumstances in which an organisation is not required to comply with subclause (2).*
- (4) *An organisation is not required to comply with a requirement of this clause if:*
- (a) the individual to whom the information relates has expressly consented to the organisation not complying with it or,*
  - (b) the organisation is lawfully authorised or required not to comply with it, or*
  - (c) non-compliance is otherwise permitted (or necessarily implied or reasonably contemplated) under any Act or any other law including the State Records Act 1998, or*
  - (d) compliance by the organisation would, in the circumstances, prejudice the interests of the individual to whom the information relates, or*
  - (e) the information concerned is collected for law enforcement purposes or,*
  - (f) the organisation is an investigative agency and compliance might detrimentally affect (or prevent the proper exercise of) its complaint handling functions or any of its investigative functions.*
- (5) *If the organisation reasonably believes that the individual is incapable of understanding the general nature of the matters listed in subclause (1), the organisation must take steps that are reasonable in the circumstances, to ensure that any authorised representative of the individual is aware of those matters.*

- (6) *Subclause (4) (e) does not remove any protection provided by any other law in relation to the rights of accused persons or persons suspected of having committed an offence.*
- (7) *The exemption provided by subclause (4) (f) extends to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.*

#### Council Policy

Council will only collect health information for a lawful purpose that is directly related to Council's activities and is necessary for that purpose (HPP 1)

Council will ensure that the health information is relevant, accurate, up to date and not excessive and that the collection is not unnecessarily intrusive into the personal affairs of the individual (HPP 2).

Council will only collect health information directly from the individual that the information concerns, unless it is unreasonable or impractical for Council to do so. (HPP 3).

Council will tell the person why the health information is being collected, what will be done with it, who else might see it and what the consequences are if the person decides not to provide it. Council will also tell the person how he or she can see and correct the health information.

If Council collects health information about a person from someone else, Council will take reasonable steps to ensure that the subject of the information is aware of the above points (HPP 5).

#### Health Privacy Principle 5

##### ***Retention and Security***

- (1) *An organisation that holds health information must ensure that:*
- (a) *the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and*
  - (b) *the information is disposed of securely and in accordance with any requirements for the retention and disposal of health information, and*
  - (c) *the information is protected, by taking such security safeguards as are reasonable in the circumstances against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and*
  - (d) *if it is necessary for the information to be given to a person in connection with the provision of a service to the organisation, everything reasonably within the power of an organisation is done to prevent the unauthorised use or disclosure of the information.*

**Note.** Division 2 (Retention of health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause.

- (2) *An organisation is not required to comply with a requirement of this clause if:*
- (a) *the organisation is lawfully authorised or required not to comply with it, or*
  - (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).*
- (3) *An investigative agency is not required to comply with subclause (1)(a).*

Council Policy

Council will store health information securely and protect health information from unauthorised access, use or disclosure. Health information will not be kept for any longer than is necessary and will be disposed of appropriately (HPP 5).

**Health Privacy Principle 6*****Information about health information held by organisations***

- (1) *An organisation that holds health information must take such steps as are, in the circumstances, reasonable, to enable any individual to ascertain:*
- (a) *whether the organisation holds health information, and*
  - (b) *whether the organisation holds health information relating to that individual, and*
  - (c) *if the organisation holds health information relating to that individual:*
    - (i) *the nature of that information*
    - (ii) *the main purposes for which the information is used, and*
    - (iii) *that person's entitlement to request access to the information.*
- (2) *An organisation is not required to comply with a provision of this clause if:*
- (a) *the organisation is lawfully authorised or required not to comply with the provision concerned, or*
  - (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under any Act or any other law (including the State Records Act 1998).*

**Health Privacy Principle 7*****Access to health information***

- (1) *An organisation that holds health information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.*
- Note.** Division 3 (Access to health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause. Access to health information held by public sector agencies may also be available under the Government Information (Public Access) Act 2009 or the State Records Act 1998.
- (2) *An organisation is not required to comply with a provision of this clause if:*
- (a) *the organisation is lawfully authorised or required not to comply with the provision concerned, or*
  - (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).*



**Health Privacy Principle 8*****Amendment of health information***

- (1) *An organisation that holds health information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the health information:*
- (a) *is accurate, and*
  - (b) *having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to day, complete and not misleading.*

- (2) *If an organisation is not prepared to amend health information under subclause (1) in accordance with a request by the information to whom the information relates, the organisation must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.*

- (3) *If health information is amended in accordance with this clause, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the organisation.*

**Note.** Division 4 (Amendment of health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause.

Amendment of health information held by public sector agencies may also be able to be sought under the *Privacy and Personal Information Protection Act 1998*.

- (4) *An organisation is not required to comply with a provision of this clause if:*
- (a) *the organisation is lawfully authorised or required not to comply with the provision concerned, or*
  - (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the *State Records Act 1998*).*

**Health Privacy Principle 9*****Accuracy***

*An organisation that holds health information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate and up to date, complete and not misleading.*

**Council Policy**

Council will provide details about what health information Council is holding about an individual and with information about why Council is storing that information and what rights of access the individual has (HPP 6).

Council will allow the individual to access his or her health information without reasonable delay or expense (HPP 7).

Council will allow the individual to update, correct or amend his or her health information where necessary (HPP 8).

Council will make sure that the health information is relevant and accurate before using it (HPP 9).

#### **Health Privacy Principle 10**

(1) *An organisation that holds health information must not use the information for a purpose (a **secondary purpose**) other than the purpose (the **primary purpose**) for which it was collected unless:*

(a) **Consent**

*the individual to whom the information relates has consented to the use of the information for that secondary purpose, or*

(b) **Direct relation**

*the secondary purpose is directly related to the primary purpose and the individual would reasonably expect the organisation to use the information for the secondary purpose or,*

**Note:** For example, if information is collected in order to provide a health service to the individual, the use of the information to provide a further health service to the individual is a secondary purpose directly related to the primary purpose.

(c) **Serious threat to health or welfare**

*the use of the information for the secondary purpose is reasonably believed by the organisation to be necessary to lessen or prevent:*

(i) *a serious and imminent threat to the life, health or safety of the individual or another person, or*

(ii) *a serious threat to public health and safety, or*

(d) **Management of health services**

*the use of the information for the secondary purpose is reasonably necessary for the funding, management, planning or evaluation of health services and:*

(i) *either:*

(A) *that purpose cannot be served by the use of information that does not identify the individual or from which the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or*

(B) *reasonable steps are taken to de-identify the information, and*

(ii) *if the information is in a form that could reasonably be expected to identify individuals, the information is not published in a generally available publication, and*

(iii) *the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*

**(e) Training**

*the use of the information for the secondary purpose is reasonably necessary for the training of employees of the organisation or persons working with the organisation and:*

**(i) either:**

*(A) that purpose cannot be served by the use of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or*

*(B) reasonable steps are taken to de-identify the information, and*

*(ii) if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication, and*

*(iii) the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*

**(f) Research**

*the use of the information for the secondary purpose is reasonably necessary for research, or the compilation or analysis of statistics, in the public interest and:*

**(i) either:**

*(A) that purpose cannot be served by the use of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or*

*(B) reasonable steps are taken to de-identify the information, and*

*(ii) if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication, and*

*(iii) the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purpose of this paragraph, or*

**(g) Find missing person**

*the use of the information for the secondary purpose is by a law enforcement agency (or such other person or organisation as may be prescribed by the regulations) for the purposes of ascertaining the whereabouts of an individual who has been reported to a police officer as a missing person, or*

**(h) Suspected unlawful activity, unsatisfactory professional conduct or breach of discipline**

*the organisation:*

**(i) has reasonable grounds to suspect that:**

*(A) unlawful activity has been or may be engaged in, or*

*(B) a person has or may have engaged in conduct that may be unsatisfactory professional conduct or professional misconduct under a the Health Practitioner Regulation National Law (NSW), or*

*(C) an employee of the organisation has or may have engaged in conduct that may be grounds for disciplinary action, and*

*(ii) uses the health information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, or*

**(i) Law enforcement**

*the use of the information for the secondary purpose is reasonably necessary for the exercise of law enforcement functions by law enforcement agencies in circumstances where there are reasonable grounds to believe that an offence may have been, or may be, committed, or*

**(j) Investigative agencies**

*the use of the information for the secondary purpose is reasonably necessary for the exercise of complaint handling functions or investigative functions by investigative agencies, or*

**(k) Prescribed circumstances**

*the use of the information for the secondary purpose is in the circumstances prescribed by the regulations for the purposes of this paragraph.*

**(2) An organisation is not required to comply with a provision of this clause if:**

**(a)** *the organisation is lawfully authorised or required not to comply with the provision concerned, or*

**(b)** *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).*

**(3) The Ombudsman's Office, Health Care Complaints Commission, Anti-Discrimination Board and Community Services Commission are not required to comply with a provision of this clause in relation to their complaint handling functions and their investigative, review and reporting functions.**

**(4) Nothing in this clause prevents or restricts the disclosure of health information by a public sector agency:**

**(a)** *to another public sector agency under the administration of the same Minister if the disclosure is for the purposes of informing that Minister about any matter within that administration, or*

**(b)** *to any public sector agency under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.*

**(5) The exemption provided by subclause (1) (j) extends to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.**

**Council policy**

Council will only use the health information for the purpose for which it was collected or for a directly related purpose that the individual to whom the information relates would expect. Otherwise, Council will obtain the individual's consent (HPP 10).

**Health Privacy Principle 11**

(1) *An organisation that holds health information must not disclose the information for a purpose (a **secondary purpose**) other than the purpose (the **primary purpose**) for which it was collected unless:*

**(a) Consent**

*the individual to whom the information relates has consented to the disclosure of the information for that secondary purpose, or*

**(b) Direct relation**

*the secondary purpose is directly related to the primary purpose and the individual would reasonably expect the organisation to disclose the information for the secondary purpose, or*

Note: For example, if information is collected in order to provide a health service to the individual, the disclosure of the information to provide a further health service to the individual is a secondary purpose directly related to the primary purpose.

**(c) Serious threat to health or welfare**

*the disclosure of the information for the secondary purpose is reasonably believed by the organisation to be necessary to lessen or prevent:*

- (i) a serious and imminent threat to the life, health or safety of the individual or another person, or*
- (ii) a serious threat to public health or public safety, or*

**(d) Management of health services**

*the disclosure of the information for the secondary purpose is reasonably necessary for the funding, management, planning or evaluation of health services and:*

- (i) either:*
  - (A) that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or*
  - (B) reasonable steps are taken to de-identify the information, and*
- (ii) if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication, and*
- (iii) the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*

**(e) Training**

*the disclosure of the information for the secondary purpose is reasonably necessary for the training of employees of the organisation or persons working with the organisation and:*

- (i) either:*
  - (A) that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity*

- cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or*
- (B) reasonable steps are taken to de-identify the information, and*
- (ii) *if the information could reasonably be expected to identify the individual, the information is not made publicly available, and*
- (iii) *the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*
- (f) **Research**  
*the disclosure of the information for the secondary purpose is reasonably necessary for research, or the compilation or analysis of statistics, in the public interest and:*
- (i) *either:*
- (A) that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or*
- (B) reasonable steps are taken to de-identify the information, and*
- (ii) *the disclosure will not be published in a form that identifies particular individuals or from which an individual's identity can reasonably be ascertained, and*
- (iii) *the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*
- (g) **Compassionate reasons**  
*the disclosure of the information for the secondary purpose is to provide the information to an immediate family member of the individual for compassionate reasons and:*
- (i) *the disclosure is limited to the extent reasonable for those compassionate reasons, and*
- (ii) *the individual is incapable of giving consent to the disclosure of the information, and*
- (iii) *the disclosure is not contrary to any wish expressed by the individual (and not withdrawn) of which the organisation was aware or could make itself aware by taking reasonable steps, and*
- (iv) *if the immediate family member is under the age of 18 years, the organisation reasonably believes that the family member has sufficient maturity in the circumstances to receive the information, or*
- (h) **Finding missing person**  
*the disclosure of the information for the secondary purpose is to a law enforcement agency (or such other person or organisation as may be prescribed by the regulations) for the purposes of ascertaining the whereabouts of an individual who has been reported to a police officer as a missing person, or*
- (i) **Suspected unlawful activity, unsatisfactory professional conduct or breach of discipline**  
*the organisation:*
- (i) *has reasonable grounds to suspect that:*
- (A) unlawful activity has been or may be engaged in, or*

- (B) a person has or may have engaged in conduct that may be unsatisfactory professional conduct or professional misconduct under a the Health Practitioner Regulation National Law (NSW), or
- (C) an employee of the organisation has or may have engaged in conduct that may be grounds for disciplinary action, and
- (ii) discloses the health information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, or
- (j) **Law enforcement**  
the disclosure of the information for the secondary purpose is reasonably necessary for the exercise of law enforcement functions by law enforcement agencies in circumstances where there are reasonable grounds to believe that an offence may have been, or may be, committed, or
- (k) **Investigative agencies**  
the disclosure of the information for the secondary purpose is reasonably necessary for the exercise of complaint handling functions or investigative functions by investigative agencies, or
- (l) **Prescribed circumstances**  
the disclosure of the information for the secondary purpose is in the circumstances prescribed by the regulations for the purposes of this paragraph.
- (2) An organisation is not required to comply with a provision of this clause if:
- (a) the organisation is lawfully authorised or required not to comply with the provision concerned, or
- (b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998 ), or
- (c) the organisation is an investigative agency disclosing information to another investigative agency.
- (3) The Ombudsman's Office, Health Care Complaints Commission, Anti-Discrimination Board and Community Services Commission are not required to comply with a provision of this clause in relation to their complaint handling functions and their investigative, review and reporting functions.
- (4) Nothing in this clause prevents or restricts the disclosure of health information by a public sector agency:
- (a) to another public sector agency under the administration of the same Minister if the disclosure is for the purposes of informing that Minister about any matter within that administration, or
- (b) to any public sector agency under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.
- (5) If health information is disclosed in accordance with subclause (1), the person, body or organisation to whom it was disclosed must not use or disclose the information for a purpose other than the purpose for which the information was given to it.
- (6) The exemptions provided by subclauses (1) (k) and (2) extend to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint

*or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.*

#### Council Policy

Council will only disclose health information under the following circumstances:

- With the consent of the individual to whom the information relates; or
- For the purpose for which the health information was collected or a directly related purpose that the individual to whom it relates would expect; or
- If an exemption applies (HPP 11).

#### **Health Privacy Principle 12**

##### ***Identifiers***

- (1) *An organisation may only assign identifiers to individuals if the assignment of identifiers is reasonably necessary to enable the organisation to carry out any of its functions efficiently.*
- (2) *Subject to subclause (4), a private sector person may only adopt as its own identifier of an individual an identifier of an individual that has been assigned by a public sector agency (or by an agent of, or contractor to, a public sector agency acting in its capacity as agent or contractor) if:*
  - (a) *the individual has consented to the adoption of the same identifier, or*
  - (b) *the use or disclosure of the identifier is required or authorised by or under law.*
- (3) *Subject to subclause (4), a private sector person may only use or disclose an identifier assigned to an individual by a public sector agency (or by an agent of, or contractor to, a public sector agency acting in its capacity as agent or contractor) if:*
  - (a) *the use or disclosure is required for the purpose for which it was assigned or for a secondary purpose referred to in one or more paragraphs of HPP 10 (1) (c)-(k) or 11 (1) (c)-(l), or*
  - (b) *the individual has consented to the use or disclosure, or*
  - (c) *the disclosure is to the public sector agency that assigned the identifier to enable the public sector agency to identify the individual for its own purposes.*
- (4) *If the use or disclosure of an identifier assigned to an individual by a public sector agency is necessary for a private sector person to fulfil its obligations to, or the requirements of, the public sector agency, a private sector person may either:*
  - (a) *adopt as its own identifier of an individual an identifier of the individual that has been assigned by the public sector agency, or*
  - (b) *use or disclose an identifier of the individual that has been assigned by the public sector agency.*

#### Council Policy

Council will only give an identification number to health information if it is reasonably necessary for Council to carry out its functions effectively (HPP 12).



**Health Privacy Principle 13*****Anonymity***

*Wherever it is lawful and practicable, individuals must be given the opportunity to not identify themselves when entering into transactions with or receiving health services from an organisation.*

**Council Policy**

Council will provide health services anonymously where it is lawful and practical (HPP 13).

**Health Privacy Principle 14*****Transborder data flows and data flow to Commonwealth agencies.***

*An organisation must not transfer health information about an individual to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless:*

- (a) the organisation reasonably believes that the recipient of the information is subject to a law, binding scheme or contract that effectively upholds principles for fair handling of the information that are substantially similar to the Health Privacy Principles, or*
- (b) the individual consents to the transfer, or*
- (c) the transfer is necessary for the performance of a contract between the individual and the organisation, or for the implementation of pre-contractual measures taken in response to the individual's request, or*
- (d) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between the organisation and a third party, or*
- (e) all of the following apply:*
  - (i) the transfer is for the benefit of the individual,*
  - (ii) it is impracticable to obtain the consent of the individual to that transfer,*
  - (iii) if it were practicable to obtain such consent, the individual would be likely to give it, or*
- (f) the transfer is reasonably believed by the organisation to be necessary to lessen or prevent:*
  - (i) a serious and imminent threat to the life, health or safety of the individual or another person, or*
  - (ii) a serious threat to public health or public safety, or*
- (g) the organisation has taken reasonable steps to ensure that the information that it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the Health Privacy Principles, or*
- (h) the transfer is permitted or required by an Act (including an Act of the Commonwealth) or any other law.*

Council Policy

Council will only transfer personal information out of New South Wales if the requirements of Health Privacy Principle 14 are met.

**Health Privacy Principle 15*****Linkage of health records***

- (1) *An organisation must not:*
- (a) *include health information about an individual in a health records linkage system unless the individual has expressly consented to the information being so included, or*
  - (b) *disclose an identifier of an individual to any person if the purpose of the disclosure is to include health information about the individual in a health records linkage system, unless the individual has expressly consented to the identifier being disclosed for that purpose.*
- (2) *An organisation is not required to comply with a provision of this clause if:*
- (a) *the organisation is lawfully authorised or required not to comply with the provision concerned, or*
  - (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998 ), or*
  - (c) *the inclusion of the health information about the individual in the health records information system (including an inclusion for which an identifier of the individual is to be disclosed) is a use of the information that complies with HPP 10 (1) (f) or a disclosure of the information that complies with HPP 11 (1) (f).*
- (3) *In this clause:*

***health record*** means an ongoing record of health care for an individual.

***health records linkage system*** means a computerised system that is designed to link health records for an individual held by different organisations for the purpose of facilitating access to health records, and includes a system or class of systems prescribed by the regulations as being a health records linkage system, but does not include a system or class of systems prescribed by the regulations as not being a health records linkage system.

Council Policy

Council will only include health information in a system to link health records across more than one organisation if the individual to whom the health information relates expressly consents to the link (HPP 15).

**PART 5 – IMPLEMENTATION OF THE PRIVACY MANAGEMENT PLAN****5.1 Training Seminars/Induction**

During induction, all employees should be made aware that the performance management system has the potential to include personal information on their individual work performance or competency.

Councillors, all staff of the Council including staff of council businesses, and members of council committees should be acquainted with the general provisions of the PPIPA, the HRIPA and in particular, the 12 Information Protection Principles (IPPs), the 15 Health Privacy Principles (HPPs), the Public Register provisions, the Privacy Code of Practice for Local Government, this Plan and any other applicable Code of Practice.

**5.2 Responsibilities of the Privacy Contact Officer**

Council's Public Officer will be assigned the role of the Privacy Contact Officer (unless the General Manager has directed otherwise).

In order to ensure compliance with PPIPA and the HRIPA, the Privacy Contact Officer will review all contracts and agreements with consultants and other contractors, rates notices, application forms of whatsoever nature, and other written requests by which personal information is collected by Council, to ensure that Council is in compliance with the PPIPA.

Interim measures to ensure compliance with IPP 3 in particular may include the creation of stamps or printed slips that contain the appropriate wording (see Appendices 2 and 3).

The Privacy Contact Officer will ensure Council in its public areas has special provisions for working with computer screens. Computer screens may require:

- fast screen savers;
- face the computers away from the public; or
- only allow the record system to show one record at a time.

Council's electronic databases should also be reviewed to ensure that they contain procedures and protocols to check the accuracy and currency of personal and health information.

The Privacy Contact Officer will also provide opinions within Council as to:

- (i) Whether the personal or health information is collected for a lawful purpose;
- (ii) If that lawful purpose is directly related to a function of Council; and
- (iii) Whether or not the collection of that personal or health information is reasonably necessary for the specified purpose.

Any further concerns of a legal nature will be referred to Council's solicitor.

Should the Council require, the Privacy Contact Officer may assign designated officers as "Privacy Resource Officers", within the larger departments of Council. In this manner the Council may ensure that the information protection principles are more broadly understood and that individual departments have a greater focus on the information protection principles and are directly applied to Council's day to day functions.

### **5.3 Distribution of information to the public**

Council's Privacy Management Plan is a Public Document and is available free of charge to the public. Copies of private literature are also available from the Office of the Privacy Commissioner NSW.

## **PART 6 – INTERNAL REVIEW**

### **6.1 How does the process of Internal Review operate?**

Under section 53 of the PPIPA a person (the applicant) who is aggrieved by the conduct of a council is entitled to a review of that conduct. An application for internal review is to be made within **6 months** of when the person first became aware of the conduct.

The application is to be in writing and addressed to Council's Privacy Contact Officer. The Privacy Contact Officer will appoint a Reviewing Officer to conduct the internal review. The Reviewing Officer must not be substantially involved in any matter relating to the application. The Reviewing Officer must be an employee and suitability qualified.

The review must be completed as soon as is reasonably practicable in the circumstances. If the review is not completed within **60 days** of the lodgement, the applicant is entitled to seek external review.

The Council must notify the Privacy Commissioner of an application as soon as practicable after its receipt, keep the Commissioner informed of the progress of the application and inform the Commissioner of the findings of the review and of the action it proposes to take in relation to the application.

The Privacy Commissioner is entitled to make submissions in relation to internal reviews and the council is required to consider any relevant material submitted by the Privacy Commissioner. The Council must provide the Privacy Commissioner with a draft of the council's internal review report to enable the Privacy Commissioner to make a submission.

Council may provide a copy of any submission by Privacy Commissioner's to the applicant.

The Council must notify the applicant of the outcome of the review within **14 days** of its determination. A copy of the final review should also be provided to the Privacy Commissioner where it departs from the draft review.

An internal review checklist has been prepared by the Office of the Privacy Commissioner NSW and can be accessed from its website <http://www.ipc.nsw.gov.au>.

The Privacy Commissioner must be notified of a complaint, briefed on progress and notified of the outcome of an internal review under the PPIPA or HRIPA.

### **6.2 What happens after an Internal Review?**

If the complainant remains unsatisfied, he/she may appeal to the Administrative Decisions Tribunal which hears the matter afresh and may impose its own decision and can make a range of orders including an award of damages for a breach of an information protection principle or a health privacy principle.

**PART 7 – OTHER RELEVANT MATTERS****7.1 Contracts with consultants and other private contractors**

In any dealings with private contractors where private information is required to be obtained, Council must ensure that the private contractor is aware of this Plan and that the private contractor abides by this Plan.

**7.2 Confidentiality**

The obligation of confidentiality is additional to and separate from that of privacy. Nevertheless, a duty to withhold information lies at the heart of both concepts. Confidentiality attaches to information per se, personal or health information to the person to whom that information relates.

An obligation of confidentiality exists for all Councillors and employees whether express or implied as a matter of law.

Information which may be confidential is also likely to have a separate and independent obligation attaching to it in the form of privacy and in that regard, a release for the purposes of confidentiality will not suffice for privacy purposes. Two separate releases will be required and, in the case of privacy, the person to whom the information relates will be required to provide the release.

**7.3 Misuse of personal or health information**

Section 664 of the LGA makes it an offence for anyone to disclose information except in accordance with that section. Whether or not a particular disclosure is made with lawful excuse is a matter that requires legal opinion from case to case.

**7.4 Regular review of the collection, storage and use of personal or health information**

The information practices relating to the collection, storage and use of personal or health information will be reviewed by the Council every three (3) years. Any new program initiatives will be incorporated into the review process with a view to ascertaining whether or not those programs comply with the PPIPA.

**7.5 Regular review of Privacy Management Plan**

When information practices are reviewed from time to time, the Privacy Management Plan will also be reviewed to ensure that the Plan is up to date.

**7.6 Further information**

For assistance in understanding the processes under the PPIPA and HRIPA, please contact the Council or the Office of the Privacy Commissioner NSW.

**PART 8 – APPENDICES**

**APPENDIX 1: STATUTORY DECLARATION FOR ACCESS UNDER SECTION 57 OF THE PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998 TO A PUBLIC REGISTER HELD BY COUNCIL**

**Statutory Declaration**  
**Oaths Act, 1900, Ninth Schedule**

I, the undersigned <sup>(1)</sup> \_\_\_\_\_ (1) insert full name

of <sup>(2)</sup> \_\_\_\_\_ (2) insert address

in the State of New South Wales, do solemnly and sincerely declare that:

I am <sup>(3)</sup> \_\_\_\_\_ (3) insert relationship, if any, to person inquired about

I seek to know whether <sup>(4)</sup> \_\_\_\_\_ (4) insert name

is on the public register of <sup>(5)</sup> \_\_\_\_\_ (5) Applicant to describe the relevant public register

The purpose for which I seek this information is <sup>(6)</sup> \_\_\_\_\_ (6) insert purpose for seeking information

The purpose for which the information is required is to <sup>(7)</sup> \_\_\_\_\_ (7) insert purpose

**And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act 1994.**

\_\_\_\_\_  
**Signature of Applicant**

Declared at: \_\_\_\_\_

in the said State this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

before me. \_\_\_\_\_  
**Signature of Justice of the Peace/Solicitor**









**Appendix 4: Application under Section 13 of the Privacy and Personal Information Protection Act 1998: To determine whether Council holds personal information about a person.**

**Personal information held by the Council**

I, <sup>(1)</sup> _____	(1) insert full name
of <sup>(2)</sup> _____	(2) insert address
Hereby request the General Manager of <sup>(3)</sup> _____	(3) insert name of Council

provide the following:

- Does the Council hold personal information about me?  Yes  No
- If so, what is the nature of that information? \_\_\_\_\_

---

- What is the main purpose for holding the information? \_\_\_\_\_

---

- Am I entitled to access the information?  Yes  No

My address for response to this application is:

\_\_\_\_\_ State: \_\_\_\_\_ Post Code: \_\_\_\_\_

**Note to applicants**

Council **will not** record your address or any other contact details that you provide for any other purpose other than to respond to your application.

As an applicant, you have a right of access to personal information concerning yourself that is held by the Council under section 14 of the Privacy and Personal Information Protection Act 1998 (PPIPA). There is a separate application form to gain access.

The Council may refuse to process this application in part or in whole if:

- there is an exemption to section 13 of the PPIPA; or
- a Code of Practice may restrict the operation of section 14.

Enquiries concerning this matter can be addressed to:

\_\_\_\_\_

**Appendix 5: Application under section 14 of the Privacy And Personal Information Protection Act 1998: For access to Applicant’s Personal Information**

**Personal information held by the Council**

I, <sup>(1)</sup> _____	(1) insert full name
of <sup>(2)</sup> _____	(2) insert address
Hereby request that the <sup>(3)</sup> _____	(3) insert name of Council

Provide me with:

- (a) access to all personal information held concerning myself; or
- (b) access to the following personal information only (LIST INFORMATION REQUIRED BELOW):

\_\_\_\_\_

\_\_\_\_\_

My address for response to this application is:

\_\_\_\_\_ State: \_\_\_\_\_ Post Code: \_\_\_\_\_

**Note to applicants**

As an applicant, you have a right of access to personal information concerning yourself that is held by the Council under section 14 of the Privacy and Personal Information Protection Act 1998 (PPIPA).

You are entitled to have access without excessive delay or cost.

Council may refuse to process your application in part, or in whole, if:

- the correct amount of fees has not been paid;
- there is an exemption to section 14 of the PPIPA; or
- a Code of Practice may restrict disclosure.

Enquiries concerning this matter can be addressed to:

\_\_\_\_\_

\_\_\_\_\_

**Appendix 6: Application under section 15 of the Privacy and Personal Information Protection Act 1998: For alteration of Applicant's Personal Information**

**Personal information held by the Council**

I, <sup>(1)</sup> _____		(1) insert full name
of <sup>(2)</sup> _____		(2) insert address
Hereby request that the <sup>(3)</sup> _____		(3) insert name of Council

alter personal information regarding myself in the following manner:

- I propose the following changes: \_\_\_\_\_

---

- The reasons for the changes are as follows: \_\_\_\_\_

---

- The documentary bases for those changes is as shown on the attached documents

**Note to Applicants:**

You have a right to request appropriate amendments are made (whether by way of corrections, deletions or additions) to ensure that the personal information held by the Council:

- (a) is accurate, and
- (b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up-to-date, complete and not misleading.

If Council is not prepared to amend the personal information in accordance with a request by you, Council must take such steps as are reasonable to attach to the information in such a manner as is capable of being read with the information, any statement provided by you.

If your personal information is amended, you are entitled under the Privacy and Personal Information Protection Act 1998 (PPIPA), if it is reasonably practicable, to the have recipients of that information notified of the amendments made by Council.

Council may refuse to process your application in part, or in whole, if:

- there is an exemption to section 15 of the PPIPA; or
- a Code of Practice may restrict alteration.

Enquiries concerning this matter can be addressed to: \_\_\_\_\_

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## **REPORT: Creation of Easement for Water Supply Pipeline at Eumungerie**

**AUTHOR: Director Technical Services**

**REPORT DATE: 11 July 2016**

**TRIM REFERENCE: ID16/1302**

### **EXECUTIVE SUMMARY**

A water pipeline proposed for construction as part of the Eumungerie Water Supply Scheme is located on private property. The report recommends that Council sign the Section 88 instrument to permit the acquisition of an easement over the private property.

### **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 execute the attached Section 88B Instrument to create an easement for water supply over Lot 1 in Deposited Plan 245899.**
- 2. That any necessary documents be executed under the Common Seal of the Council.**

*Stewart McLeod*  
Director Technical Services

**REPORT**

Council is proceeding with the construction of the Eumungerie Water Supply Scheme. The design includes a pipeline to be constructed in what was thought to be Breelong Street, Eumungerie. However, this section of Breelong Street had been closed and the land acquired by an adjacent landowner.

It is now proposed to acquire an easement over the private property in which the water main may be constructed.

**SUMMARY**

It is proposed to acquire an easement over private property at Eumungerie within which a water main can be constructed.

Appendices:

- 1 Creation of Easement for Water Supply on Lot 1 DP 245899 - Eumungerie





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## **REPORT: Adoption of Technical Construction Schedules**

**AUTHOR: Director Technical Services**

**REPORT DATE: 11 July 2016**

**TRIM REFERENCE: ID16/1304**

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### **EXECUTIVE SUMMARY**

Council has developed Technical Schedules which set the standards for Water Supply and Sewerage Work. The report recommends that Council approve these Technical Schedules so that they may be placed on Public Exhibition.

### **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 the draft Technical Schedules and Standards of Water Supply and Sewerage Works be adopted for the purpose of Public Exhibition.**
- 2. That the draft Technical Schedules and Standards of Water Supply and Sewerage Works be placed on Public Exhibition for a period of no less than 28 days.**
- 3. That a further report be made to Council for consideration following completion of the Public Exhibition period.**

*Stewart McLeod*

Director Technical Services

## BACKGROUND

Dubbo City Council prepared a suite of Technical Schedules several years ago. Technical Schedules are the part of the specification that describes technically the work to be undertaken.

The suite of Technical Schedules includes construction standards of water and sewerage pipes as well as standards to be adopted in the rehabilitation of gravity sewerage pipes. The use of standards reduces enquiries, ensures the asset created is what was intended, and gives guidance to contractors and suppliers.

The Lower Macquarie Water Utilises Alliance (LMUA) has expressed interest in also utilising these Technical Schedules, once adopted by Council.

## REPORT

Council has 25 existing water and sewerage technical schedules which due to their age have become outdated and not representative of all current industry practices. A new suite of technical schedules have been developed for the various activities involving the construction, operation and/or maintenance of water and sewer assets listed below:

### Construction Technical Schedules

- DCC-W101: General Construction
- DCC-W102: Construction of Water Reticulation
- DCC-W103: Construction of Water Trunk Mains
- DCC-W104: Construction of Gravity Sewerage Reticulation
- DCC-W105: Construction of Gravity Trunk Sewers
- DCC-W106: Construction of Sewage Pump Stations
- DCC-W107: Construction of Sewage Rising Mains

### Water Operation and Maintenance Technical Schedules

- DCC-W201: Inspection & Internal Cleaning of Water Reservoirs
- DCC-W202: Internal Cleaning of Water Mains
- DCC-W203: Water Hydrant Maintenance
- DCC-W204: Water Hydrant Flushing and Dead End Flushing
- DCC-W205: Water Meter Reading
- DCC-W206: Water Meter Replacement
- DCC-W207: Supply of Water Treatment Chemicals
- DCC-W208: Pipe Bursting of Water Mains
- DCC-W209: Rehabilitation of Water Mains –Lining

### Sewer Operation and Maintenance Technical Schedules

- DCC-W301: Sewer Maintenance General
- DCC-W302: Root Treatment of Sewers
- DCC-W303: CCTV Inspection of Gravity Sewers

- DCC-W304: Rehabilitation of Sewer Mains - Lining
- DCC-W305: Rehabilitation of Sewer Mains Spot Repair
- DCC-W306: Pipe Bursting of Sewer Mains
- DCC-W307: Sewer Maintenance Hole Restoration
- DCC-W308: Sewer Bypass Pumping
- DCC-W309: Sewer Smoke Testing

**Combined Operation and Maintenance Technical Schedules**

- DCC-W401: Water and Sewer Valve Exercising
- DCC-W402: Periodic Inspection of Water/Sewerage Sites
- DCC-W403: Calibration of Instruments

These proposed Technical Schedules are attached.

The Technical Schedules have been based on the Water Services Association of Australia (WSAA) Water Industry Standards and codes as far as possible.

The Water Services Association of Australia (WSAA) is the peak industry body that supports the Australian urban water industry. It's members and associate members provide water and sewerage services to approximately 20 million Australians and many of Australia's largest industrial and commercial enterprises.

WSAA commenced the National Codes Initiative in 1997 to develop a set of industry standards for the Australian Water Industry. These standards have facilitated common industry wide standards that have replaced the need for individual design construction manuals, standard drawings and product selections for each water agency and as a result reduced unnecessary duplication of effort. The WSAA codes are used throughout Australia and are predominate reference standard within most regions.

The Technical Schedules will be used as standard specifications attached to contract documents for various activities involving the construction, operation and/or maintenance of water and sewer assets. Some of the benefits in adopting a system of standard technical schedules include:

- Improved efficiency in specifying works to be undertaken
- Minimisation of repetitive work;
- Reduce risk of errors and omissions in documentation;
- Standardisation of terminology;
- Standardisation of approach and references to industry documents such as WSAA codes;
- Ease of updating of specification data and references.

It is recommended that these Technical Schedules be adopted and placed on Public Exhibition for a period not less than 28 days, after which a further report will be made to Council.

**SUMMARY**

Council has developed Technical Schedules for Water Supply and Sewerage work that if adopted can become standards to provide guidance to Councils requirements for developers, consultants and others.

The Technical Schedules are largely based on WSAA standards. This will ensure that Council avoids the issue of developing its own standards Schedules while still achieving the benefits of industry best practise.

The report recommends that Council adopt these Technical Schedules for the purpose of placing them on Public Exhibition after which a further report will be prepared for Council.

The Technical Schedules and Standards of Water Supply and Sewerage Works will be provided under separate cover.

Appendices:

- |   |   |
|---|---|
| <b>1</b> Construction Technical Schedules                       | <b><i>provided under separate cover</i></b> |
| <b>2</b> Water Operations and Maintenance Technical Schedules   | <b><i>provided under separate cover</i></b> |
| <b>3</b> Sewer Operations and Maintenance Technical Schedules   | <b><i>provided under separate cover</i></b> |
| <b>4</b> Combined Operation and Maintenance Technical Schedules | <b><i>provided under separate cover</i></b> |

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## **REPORT: Proposed Transfer of Crown Road known as Mountain Creek Road**

**AUTHOR:                   Manager Civil Infrastructure and Solid  
Waste**

**REPORT DATE:       13 July 2016**

**TRIM REFERENCE: ID16/1312**

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### **EXECUTIVE SUMMARY**

It is proposed to apply for transfer of the Crown Road known as Mountain Creek Road which has been constructed and maintained by Council that connects to the Newell Highway, approximately 22.5 km south of Dubbo.

Council is required to formally resolve to acquire this road prior to seeking transfer.

### **FINANCIAL IMPLICATIONS**

The road to be transferred to Council has been constructed and maintained by Council and therefore will be transferred at nil cost.

### **POLICY IMPLICATIONS**

There are no policy implications arising from this report.

### **RECOMMENDATION**

**That Council make application to the NSW Department of Primary Industries – Lands, for transfer of the Crown public unsealed formed gravel road, known as Mountain Creek Road, with the reserve having a variable width ranging from 36.0 metres to a maximum width of 45.0 metres and having a length of 7.183 kilometres.**

*Stephen Clayton*

Manager Civil Infrastructure and Solid Waste

## **BACKGROUND**

Advice has been received from NSW Department of Primary Industries - Lands that Council should make application for Mountain Creek Road to be transferred from the Crown to Council. This action will formalise Council becoming the construction and maintenance authority for this road. Council has been maintaining this road well prior to the amalgamation with the Talbragar Shire in 1980.

## **REPORT**

It is considered that the Crown Road should be in Council ownership given the public infrastructure that is contained within the road and the fact that local access needs to be preserved. Acquisition of this road gives Council the certainty to control road network development in this area and the power of a road authority in its ongoing maintenance.

The process to take ownership of the road involves Council making application for transfer from the Crown to Council for the full length of Mountain Creek Road. This road will be transferred at nil cost.

A plan of the subject road is attached as **Appendix 1**.

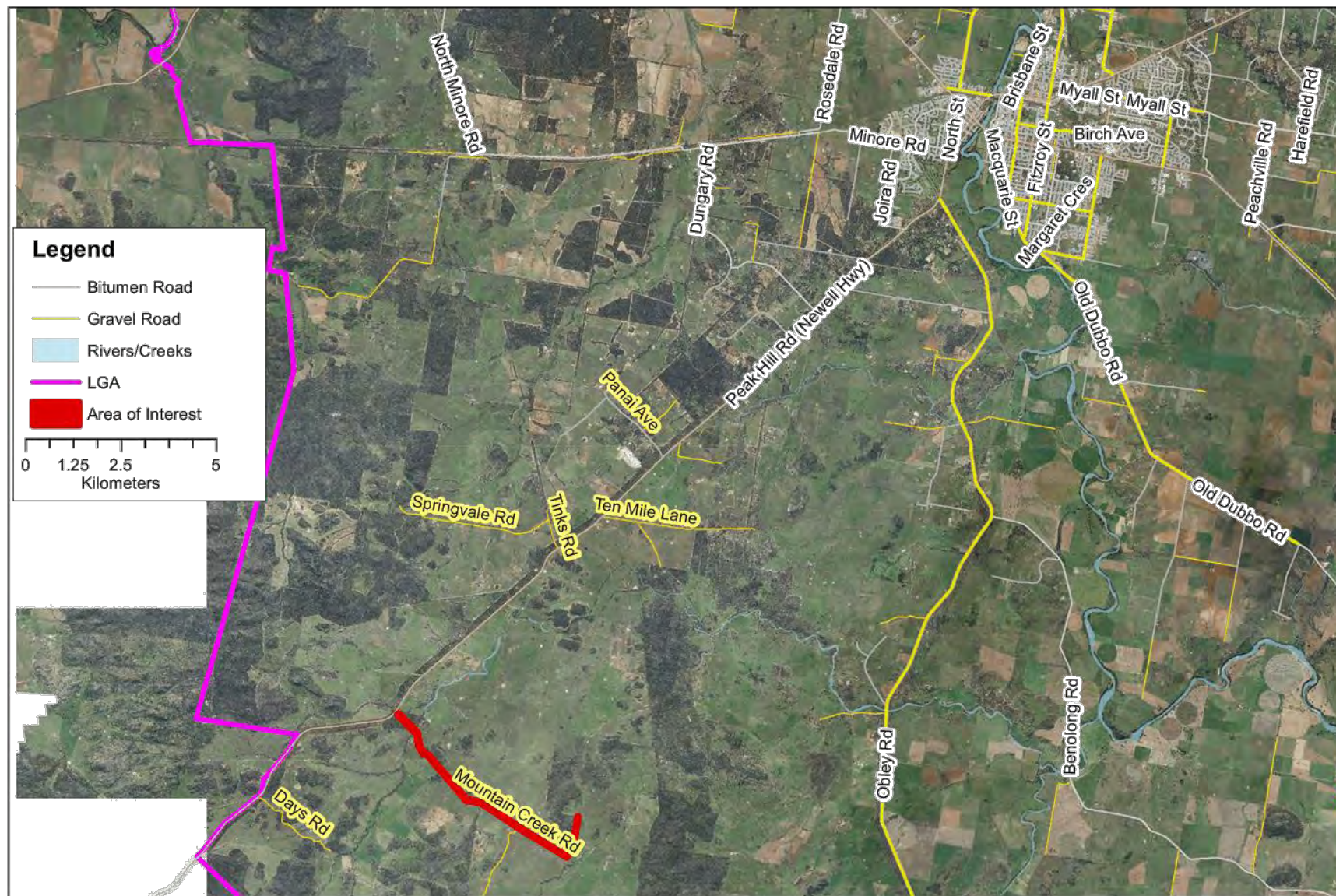
## **SUMMARY**

It is proposed to apply for transfer of the Crown Road known as Mountain Creek Road, south Dubbo. Council is required to formally resolve to acquire this road prior to seeking transfer.

Appendices:

- 1** Map - Location of Mountain Creek Road
- 2** Proposed Transfer of Crown Road Known as Mountain Creek Road

### DIAGRAM A - Location of Mountain Creek Road



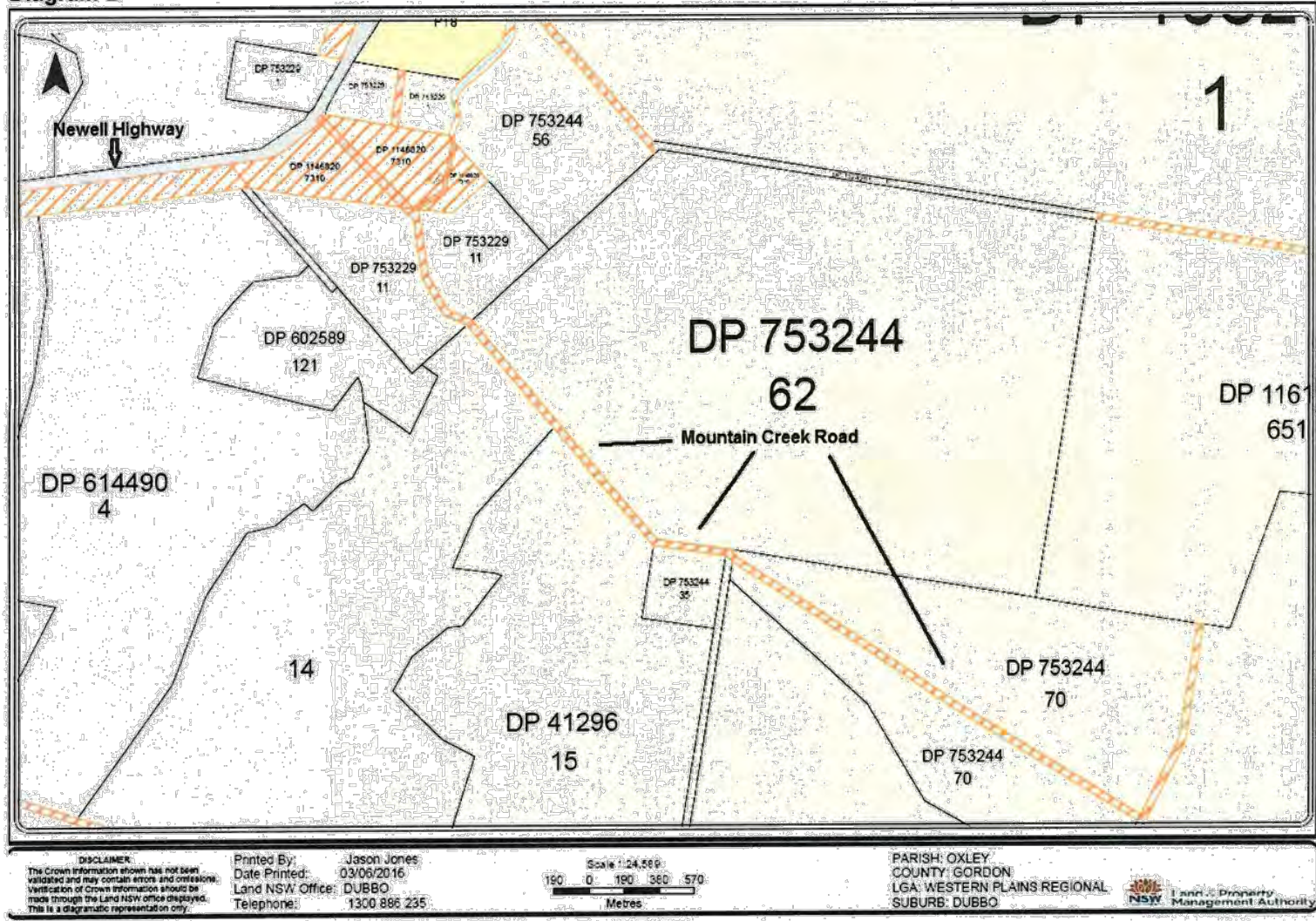
Document Path: C:\temp\Sue\_MountainCreekRd+image.mxd

Diagram A





Diagram B





## **REPORT: Building Summary - June 2016**

**AUTHOR:** Director Environmental Services  
**REPORT DATE:** 14 July 2016  
**TRIM REFERENCE:** ID16/1323

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### **EXECUTIVE SUMMARY**

Information has been prepared on the statistics of the number of dwellings and residential flat buildings approved in the Western Plains Regional Council Local Government Area and statistics for approved Development Applications for the information of Council, also throughout the Western Plains Regional Council Local Government Area.

### **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 in this report be noted.**

*Melissa Watkins*  
Director Environmental Services

REPORT

Provided for information are the latest statistics (as at the time of production of this report) for Development Applications for the Western Plains Regional Council.

1. Residential Building Summary

Dwellings and other residential developments approved during June 2016 were as follows:

	<u>Dubbo Branch</u>	<u>Wellington Branch</u>
Dwellings	22	0
Other residential development	8	0
(No. of units)	(23)	(0)

For consistency with land use definitions included in the Dubbo Local Environmental Plan 2011, residential development has been separated into dwellings and other residential developments. Other residential developments include dual occupancies, secondary dwellings, multi-unit and seniors living housing.

These figures include Development Applications approved by Private Certifying Authorities (Complying Development Certificates).

A summary of residential approvals for the former Dubbo City Council area since 2008-2009 is provided attached as **Appendix 1** and as can be seen from the summaries, 2015-2016 saw the highest number of dwelling approvals since 2008-2009.

2. Approved Development Applications

Dubbo Branch

The total number of Development Applications (including Complying Development Certificates) for June 2016 and a comparison with 2015 figures and the totals for the financial years to date for 2016 and 2015 for Dubbo City are as follows:

	<u>1 June 2016 – 30 June 2016</u>	<u>1 July 2015 – 30 June 2016</u>
No. of applications	81	782
Value	\$36,237,270	\$197,357,339
	<u>1 June 2015 – 30 June 2015</u>	<u>1 July 2014 – 30 June 2015</u>
No. of applications	68	768
Value	\$15,116,325	\$180,131,801

A summary breakdown of the figures for the Dubbo Branch for June 2016 and 2015 is included in **Appendices 2** and **3** and the year-to-date figures are included in **Appendices 4** and **5**.

Wellington Branch

	<u>1 June 2016 – 30 June 2016</u>	<u>1 July 2015 – 30 June 2016</u>
No. of applications	6	67
Value	\$91,880	\$2,602,186

	<u>1 June 2015 – 30 June 2015</u>	<u>1 July 2014 – 30 June 2015</u>
No. of applications	7	113
Value	\$68,231	\$11,924,591

A summary of the determined applications for the Wellington Branch for June 2016 are included in **Appendix 6**.

**SUMMARY**

The information included in this report is recommended for notation.

Appendices:

- 1 Building Summary (Dubbo)
- 2 Approved Development Applications - June 2016 (Dubbo)
- 3 Approved Development Applications - June 2015 (Dubbo)
- 4 Approved Development Applications - 1 July 2015 to 30 June 2016 (Dubbo)
- 5 Approved Development Applications - 1 July 2014 to 30 June 2015 (Dubbo)
- 6 Approved Development Applications - June 2016 (Wellington)

## STATISTICAL INFORMATION ON DWELLINGS AND MULTI UNIT HOUSING

	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
2008/2009													
Dwellings	5	5	4	5	9	8	6	3	5	12	13	7	82
Flat Buildings	1	0	1	3	2	-	2	2	-	1	2	3	17
(No of units)	(2)	(0)	(4)	(6)	(4)	(-)	(4)	(4)	(-)	(2)	(4)	(6)	(36)
2009/2010													
Dwellings	20	11	16	14	7	3	5	11	11	7	12	11	128
Flat Buildings	-	1	1	1	1	3	-	2	2	-	1	-	12
(No of units)	(-)	(2)	(2)	(2)	(2)	(6)	(-)	(4)	(4)	(-)	(4)	(-)	(26)
2010/2011													
Dwellings	8	15	10	7	2	6	-	6	6	6	7	9	82
Flat Buildings	-	1	0	3	1	-	-	1	1	1	4	-	12
(No of units)	(-)	(2)	(0)	(5)	(2)	(-)	(-)	(2)	(2)	(2)	(7)	(-)	(22)
2011/2012													
Dwellings	6	12	10	6	7	16	4	16	12	8	12	9	118
Flat Buildings	1	1	-	1	2	2	-	-	-	-	-	1	8
(No of units)	(14)	(2)	(-)	(1)	(4)	(3)	(-)	(-)	(-)	(-)	(-)	(16)	(40)
2012/2013													
Dwellings	3	7	14	13	9	3	9	9	13	13	15	13	121
Flat Buildings	4	6	-	-	1	9	-	-	1	-	2	-	23
(No of units)	(8)	(6)	(-)	(-)	(2)	(11)	(-)	(-)	(2)	(-)	(39)	(-)	(68)
2013/2014 (incl. private certifiers)													
Dwellings	23	17	25	20	14	15	19	10	18	14	19	14	208
Flat Buildings	-	1	1	-	-	1	4	2	1	2	-	3	15
(No of units)	(-)	(2)	(2)	(-)	(-)	(2)	(46)	(1)	(2)	(4)	(-)	(6)	(65)
2014/2015 (incl. PCs and redefined land use categories based on LEP definitions)													
Single dwellings	19	34	19	21	13	16	14	12	20	19	15	20	222
Multi unit housing	3	1	6	5	6	12	-	4	2	1	9	5	54
(No of units)	(6)	(2)	(31)	(50)	(6)	(21)	(-)	(87)	(4)	(1)	(25)	(10)	(243)
2015/2016 (incl. PCs and redefined land use categories based on LEP definitions)													
Single dwellings	27	20	26	19	21	26	19	14	16	17	17	22	244
Multi unit housing	6	8	8	4	1	3	3	3	3	5	3	8	55
(No of units)	(50)	(98)	(12)	(7)	(2)	(5)	(18)	(4)	(5)	(14)	(6)	(23)	(244)



**DUBBO**  
CITY COUNCIL

Civic Administration Building  
PO Box 81 DUBBO 2830  
Phone (02) 6801 4000  
Fax (02) 6801 4259  
ABN 77 296 185 278

Print Date: 13/07/2016

Print Time: 3:49:40PM

**Approved Development & Complying Development Applications  
for DCC and Private Certifiers-Period 1/06/2016 - 30/06/2016**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	27	7,122,466	22	6,737,966	5	384,500	22	
Dwelling - Secondary/Dual Occ Dwelling	4	1,155,000	4	1,155,000			8	
Dwelling - Dual Occupancy, one storey	3	1,085,000	3	1,085,000			6	
Medium Density Res - one/two storeys	1	1,110,000	1	1,110,000			9	
Garage/Carport/Roofed Outbuildings	29	444,359	26	395,141	3	49,218		
Fences/Unroofed Structures	1	9,000	1	9,000				
Swimming Pool	5	126,445	5	126,445				
Retail Building	4	1,240,000			4	1,240,000		
Warehouse/storage	1	40,000	1	40,000				
Carpark	1	30,000	1	30,000				
Infrastructure - Transport, Utilities	1	23,250,000	1	23,250,000				
Educational Building	1	90,000			1	90,000		
Home Business	1	135,000	1	135,000				
Child Care - Centre Based	1	100,000			1	100,000		
Change of Use - Commercial	2	300,000	2	300,000				
Subdivision - Residential	5	0	1					2
<b>Totals for Development Types</b>	<b>87</b>	<b>36,237,270</b>						

**Total Number of Applications for this period: 81**

\*\*\* Note: There may be more than one Development Type per Development Application  
Statistics include applications by Private Certifiers

----- End of Report -----



**DUBBO**  
CITY COUNCIL

Civic Administration Building  
PO Box 81 DUBBO 2830  
Phone (02) 6801 4000  
Fax (02) 6801 4259  
ABN 77 296 185 278

Print Date: 13/07/2016

Print Time: 3:56:19PM

**Approved Development & Complying Development Applications  
for DCC and Private Certifiers-Period 1/06/2015 - 30/06/2015**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	25	6,794,325	19	6,227,325	6	567,000	19	
Dwelling - Secondary/Dual Occ Dwelling	3	1,106,000	3	1,106,000			5	
Dwelling - Dual Occupancy, one storey	3	1,108,800	3	1,108,800			6	
Garage/Carport/Roofed Outbuildings	21	252,270	20	244,518	1	7,752	2	
Swimming Pool	4	103,630	4	103,630				
Retail Building	2	615,000	1	290,000	1	325,000		
Warehouse/storage	1	2,650,000	1	2,650,000				
Demolition	1	0	1					
Home Business	1	1,300	1	1,300				
Change of Use - Commercial	2	100,000	1	45,000	1	55,000		
Parks/Reserves	1	170,000	1	170,000				
Subdivision - Residential	6	610,000						4
Subdivision - Commercial	1	5,000						2
Subdivision - Industrial	1	0						3
Miscellaneous	1	1,600,000	1	1,600,000				
<b>Totals for Development Types</b>	<b>73</b>	<b>15,116,325</b>						

**Total Number of Applications for this period: 68**

\*\*\* Note: There may be more than one Development Type per Development Application  
Statistics include applications by Private Certifiers

----- End of Report -----



**DUBBO**  
CITY COUNCIL

Civic Administration Building  
PO Box 81 DUBBO 2830  
Phone (02) 6801 4000  
Fax (02) 6801 4259  
ABN 77 296 185 278

Print Date: 13/07/2016

Print Time: 4:03:15PM

**Approved Development & Complying Development Applications  
for DCC and Private Certifiers-Period 1/07/2015 - 30/06/2016**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	289	77,739,201	244	74,876,190	45	2,863,011	244	
Dwelling- Transportable/Relocatable	1	210,000	1	210,000			1	
Dwelling - Secondary/Dual Occ Dwelling	24	6,203,128	24	6,203,128			39	
Dwelling - Dual Occupancy, one storey	27	10,916,185	27	10,916,185			52	
Medium Density Res - one/two storeys	4	4,110,000	4	4,110,000			31	
Medium Density Res - Seniors Living SEPI	2	20,000,000	2	20,000,000			125	2
Garage/Carport/Roofed Outbuildings	227	3,964,981	216	3,739,053	11	225,928	5	
Fences/Unroofed Structures	5	50,500	4	40,500	1	10,000		
Swimming Pool	71	1,791,665	71	1,791,665				
Office Building	4	1,355,000	3	1,355,000	1			
Retail Building	24	6,897,580	2	1,502,000	23	5,395,580		
Hotels	2	610,000			2	610,000		
Motels	2	820,000	1	820,000	1			
Office & Retail Building	4	823,000			4	823,000		
Factory/Production Building	11	4,421,390	7	3,131,390	4	1,290,000		
Warehouse/storage	12	8,968,162	10	8,827,784	2	140,378		
Carpark	1	30,000	1	30,000				
Infrastructure - Transport, Utilities	3	23,335,000	3	23,335,000				
Health Care Facility - Other	2	1,148,000	1	608,000	1	540,000		
Educational Building	4	1,693,911	3	1,603,911	1	90,000		
Place of Worship	1	600,000			1	600,000		
Entertainment/Recreational Building	2	250,000	2	250,000				
Community/Public Building	1	600,000			1	600,000		



**Approved Development & Complying Development Applications  
for DCC and Private Certifiers-Period 1/07/2015 - 30/06/2016**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Signs/Advertising Structure	11	212,650	11	212,650				
Demolition	8	120,000	9	120,000			1	
Home Business	1	135,000	1	135,000				
Child Care - Centre Based	4	2,670,000	2	2,550,000	2	120,000		
Change of Use - Commercial	15	1,113,000	7	313,000	8	800,000		
Change of Use - Industrial	1	350,000			1	350,000		
Agricultural Development	1	800,000	1	800,000				
Parks/Reserves	1	550,000	1	550,000				
Subdivision - Residential	36	7,076,000	7	2,536,000				95
Subdivision - Commercial	4	743,000	1		1			2
Subdivision - Industrial	4	980,000	2	5,000				17
Subdivision - Rural	5	0			1			8
Subdivision - Other	1	0						
Miscellaneous	14	6,069,986	13	4,869,986	1	1,200,000		
<b>Totals for Development Types</b>	<b>829</b>	<b>197,357,339</b>						

**Total Number of Applications for this period: 782**

\*\*\* Note: There may be more than one Development Type per Development Application  
Statistics include applications by Private Certifiers

----- End of Report -----



**DUBBO**  
CITY COUNCIL

Civic Administration Building  
PO Box 81 DUBBO 2830  
Phone (02) 6801 4000  
Fax (02) 6801 4259  
ABN 77 296 185 278

Print Date: 13/07/2016

Print Time: 4:06:13PM

**Approved Development & Complying Development Applications  
for DCC and Private Certifiers-Period 1/07/2014 - 30/06/2015**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	262	66,844,783	216	63,643,158	46	3,201,625	216	
Dwelling- Transportable/Relocatable	2	382,000	2	382,000			2	
Dwelling - Secondary/Dual Occ Dwelling	24	6,715,663	24	6,715,663			41	
Dwelling - Dual Occupancy, one storey	26	10,038,858	26	10,038,858			50	
Medium Density Res - one/two storeys	3	11,390,000	3	11,390,000			65	
Medium Density Res - Seniors Living SEPI	2	17,370,000	2	17,370,000			91	
Garage/Carport/Roofed Outbuildings	214	3,223,143	192	2,744,186	22	478,957	3	
Fences/Unroofed Structures	3	19,975	3	19,975				
Swimming Pool	80	1,792,891	80	1,792,891			1	
Nursing Home/Dementia Care	1	10,000,000	1	10,000,000				
Office Building	4	360,000	1	90,000	3	270,000		
Retail Building	34	5,881,496	6	1,431,000	28	4,450,496		
Hotels	1	32,000			1	32,000		
Motels	1	679,500	1	679,500			1	
Office & Retail Building	4	580,000	1	300,000	3	280,000		
Retail & Residential Building	1	250,000			1	250,000		
Factory/Production Building	8	2,525,632	6	2,396,932	2	128,700		
Warehouse/storage	13	6,020,940	6	4,853,940	7	1,167,000		
Infrastructure - Transport, Utilities	4	550,000	3	550,000	1			
Health Care Facility - Hospital	1	1,000,000			1	1,000,000		
Health Care Facility - Other	3	961,545	2	490,000	1	471,545		
Educational Building	1	1,000,000	1	1,000,000				
Place of Worship	1	400,000			1	400,000		

**Approved Development & Complying Development Applications  
for DCC and Private Certifiers-Period 1/07/2014 - 30/06/2015**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Entertainment/Recreational Building	6	4,920,000	2	2,900,000	4	2,020,000		
Signs/Advertising Structure	11	159,200	11	159,200				
Demolition	5	65,000	5	65,000				
Home Business	2	1,300	2	1,300				
Child Care - Centre Based	3	2,400,000	3	2,400,000				
Change of Use - Commercial	13	748,875	8	508,875	5	240,000		
Change of Use - Industrial	2	25,000	2	25,000				
Parks/Reserves	1	170,000	1	170,000				
Subdivision - Residential	54	20,668,000	5	15,680,000				229
Subdivision - Commercial	4	5,000	2					3
Subdivision - Industrial	6	25,000						9
Subdivision - Rural	6	40,000	1					23
Subdivision - Other	2	0						4
Miscellaneous	8	2,886,000	7	2,736,000	1	150,000		
<b>Totals for Development Types</b>	<b>816</b>	<b>180,131,801</b>						

**Total Number of Applications for this period: 768**

\*\*\* Note: There may be more than one Development Type per Development Application  
Statistics include applications by Private Certifiers

----- End of Report -----



Register Listing

Status: DETERMINE20 Development Application From: 1/06/2016 to: 30/06/2016 Print Date: 14/07/2016 Print Time: 12:04:07PM

Application No.	Applicant	Property Address	Type of Work	Current Status	\$	Received	Determined	Days in Council
20/2013/30/2	Ms Jocelyn Gai Teelow	5 Melaleuca Drive MONTEFIORES	(Modification) to Storage Shed - installation of	Determination Made	18 870	22/03/2016	1/06/2016	71
20/2016/15	Mount Arthur Reserve Trust	29 Bushrangers Creek Road MOUNT ARTHUR	Shed	Determination Made	13 590	6/05/2016	15/06/2016	40
20/2016/17	Mr Sean Michael Pender	56-60 Swift Street WELLINGTON	Erect colourbond roofing to existing	Determination Made	5 000	6/05/2016	17/06/2016	42
20/2016/18	Mr Ethan Robert Endacott Ms Jessica Ann Weber	19-19 Chambers Street GEURIE	Shed	Determination Made	34 945	11/05/2016	10/06/2016	30
20/2016/20	Wellington RSL Sub-Branch	75 Arthur Street WELLINGTON	Patio Cover	Determination Made	19 475	17/05/2016	17/06/2016	31
20/2016/23	Lewsam Superannuation Fur	135 Lee Street WELLINGTON	Change Of Use - Extension of licenced	Determination Made	0	24/05/2016	20/06/2016	27

91880 6.



**Register Listing**

Status: DETERMINED4		Complying Development		From: 1/06/2016 to: 30/06/2016		Print Date: 14/07/2016		Print Time: 12:05:44PM	
Application No.	Applicant	Property Address	Type of Work	Current Status	\$	Received	Determined	Days in Council	
24/2016/11	Mr Christopher Gerard Redfe	107 Falls Road WELLINGTON	Farm storage shed	Determination Made	18 000	14/06/2016	27/06/2016	13	



**DUBBO**  
CITY COUNCIL

## **REPORT: Release of Positive Covenants and Dedication of Road - Southlakes Estate**

**AUTHOR:** Director Environmental Services  
**REPORT DATE:** 14 July 2016  
**TRIM REFERENCE:** ID16/1315

### **EXECUTIVE SUMMARY**

Consultants Geolyse, on behalf of the developers of Southlakes Estate, are seeking release of redundant Positive Covenants over part of the Southlakes Estate. A copy of the request in respect of the Positive Covenants is included here as **Appendix 1**. In addition to the issue of the Positive Covenants, the applicant is also seeking release of Southlakes Stage CC17 in Amadeus Avenue. This release involves the dedication of land that is currently owned by Council as Public Road as shown in **Appendix 2**. This requires the Common Seal of Council to be affixed to the Subdivision Certificate due to the fact that Council is the owner of part of the land.

To enable release of the redundant covenants and the dedication of the road, a resolution of Council is required to enable execution of the required documents under the Common Seal of Council.

Support for this request is recommended.

### **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 release the two Positive Covenants which burden Lot 1424 DP 1210701.**
- 2. That Council accept the dedication of the approved road as shown in Appendix 2.**
- 3. That any necessary documentation be executed under the Common Seal of the Council.**

*Melissa Watkins*  
Director Environmental Services

## REPORT

Consultants Geolyse, on behalf of the developers of Southlakes Estate, are seeking release of redundant Positive Covenants over part of the Southlakes Estate. A copy of the request in respect of the Positive Covenants is included here as **Appendix 1**. In addition to the issue of the Positive Covenants the applicant is also seeking release of Southlakes Stage CC17 in Amadeus Avenue. This release involves the dedication of land that is currently owned by Council as Public Road as shown in **Appendix 2**. This requires the Common Seal of Council to be affixed to the Subdivision Certificate.

Lot 1424 comprises the land in the final release in Southlakes, described as CC19. Construction of the civil works in this release is nearing completion and the Subdivision Certificate is soon to be lodged with Council.

There are two Positive Covenants burdening Lot 1424, each serving the same purpose, that being generally to ensure that the developer of Southlakes maintains the Open Space corridor in the Estate for a period of 10 years. In addition to the Positive Covenants, Council and the developer have also previously entered into a Deed of Agreement to ensure ongoing obligations and rights of both parties are protected.

Lot 1424 is now to be developed into residential allotments and it would be unreasonable to retain the covenants to burden a third party when the Agreement is between the developer and the Council. Accordingly, it is recommended that the covenants be removed from this allotment.

In addition, the developer is seeking release of the recently constructed Southlakes Stage CC17. This release includes the dedication of land as Public Road. Parts of the affected land are still owned by Council as Drainage Reserve and as such Council as the owner of the land is required to sign the plan administration sheet under Common Seal in its capacity as the owner of the land being subdivided.

To enable release of the redundant covenants and the dedication of the road, a resolution of Council is required to enable execution of the required documents under the Common Seal of Council.

## SUMMARY

Consultants Geolyse, on behalf of the developers of Southlakes Estate, are seeking release of redundant Positive Covenants over part of the Southlakes Estate. A copy of the request in respect of the Positive Covenants is included here as **Appendix 1**. In addition to the issue of the Positive Covenants the applicant is also seeking release of Southlakes Stage CC17 in Amadeus Avenue. This release involves the dedication of land that is currently owned by Council as Public Road as shown in **Appendix 2**. This requires the Common Seal of Council to be affixed to the Subdivision Certificate administration sheet.

To enable release of the redundant covenants and the dedication of the road, a resolution of Council is required to enable execution of the required documents under the Common Seal of Council.

Support for this request is recommended.

Appendices:

- 1** Correspondence from Geolyse dated 5 July 2016
- 2** Plan of Subdivision





1st Floor, 62 Wingewarra Street  
PO Box 1842  
DUBBO NSW 2830

02 6884 1525  
02 6884 1470

dubbo@geolyse.com  
geolyse.com

Our Ref: 114150\_LEO\_003\_CC19  
5 July 2016

The General Manager  
Western Plains Regional Council  
PO Box 81  
DUBBO NSW 2830  
**Attention: Melissa Watkins**

Dear Melissa

**RELEASE OF POSITIVE COVENANTS – SOUTHLAKES LOT 1424 IN DP 1210701**

We refer to the above matter and the writer's recent discussions with Council's Melissa Watkins in respect to the release of the Positive Covenants which burden Lot 1424 in DP 1210701 at Southlakes Estate. We note that Lot 1424 comprises the land in the final release at Southlakes, described as CC19. Construction of the civil works in this release is nearing completion and the subdivision certificate application is intended to be lodged with Council in a matter of weeks.

There are 2 Positive Covenants burdening Lot 1424, each serving the same purpose, that being generally to ensure that the developer of Southlakes Estate maintains the Open Space corridor in the Estate for a 10 year period. In addition to the Positive Covenants, Council and the developer have previously entered into a Deed of Agreement to ensure the ongoing obligations and rights of both parties are protected.

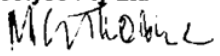
However as Lot 1424 is due to be subdivided into residential lots, it would be unreasonable for the Positive Covenants to be retained over those subdivided lots as it was never intended that the third party purchasers of residential lots be burdened with the responsibility to maintain the open space corridor.

We therefore request that Council formally releases the Positive Covenants from burdening Lot 1424 and attach the following documentation for this purposes:-

1. Copy of current certificate of title for Lot 1424 in DP 1210701 noting the Positive Covenants in the second schedule (one created in Dealing AJ638571 and the other created in DP 1210701).
2. Copy of Dealing AJ638571.
3. Copy of the DP and 1210701 and associated Section 88B instrument (the Positive Covenant being fifthly created).
4. Two original Dealing documents (Form 13PRE) being for the release of the respective Positive Covenants and each requiring Council's endorsement in Part F.

We look forward to receiving the signed Dealings as soon as possible and ask that you contact the writer should you require any additional information.

Yours faithfully  
Geolyse Pty Ltd

  
**MATTHEW G THORNE**  
Registered Surveyor

BOX 582W  
(DP1210701)



NEW SOUTH WALES  
**CERTIFICATE OF TITLE**  
REAL PROPERTY ACT, 1900



TORRENS TITLE REFERENCE	
1424/1210701	
EDITION	DATE OF ISSUE
1	26/8/2015
CERTIFICATE AUTHENTICATION CODE	
JTL9-TW-N5JD	

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.14) REAL PROPERTY ACT.

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

REGISTRAR GENERAL



LAND

-----  
LOT 1424 IN DEPOSITED PLAN 1210701  
AT DUBBO.  
LOCAL GOVERNMENT AREA: DUBBO.  
PARISH OF DUBBO COUNTY OF LINCOLN  
TITLE DIAGRAM: DP1210701

FIRST SCHEDULE

-----  
MAAS GROUP PROPERTIES NO 3 PTY LTD

SECOND SCHEDULE

- 
1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
  2. AJ638571 POSITIVE COVENANT
  3. DP1210701 POSITIVE COVENANT

\*\*\*\* END OF CERTIFICATE \*\*\*\*

WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT FOLIO OF THE REGISTER

6143300

REF: 39655 /SPC:M

Form: J3PC  
 Licence: 01-05-074  
 Licensee: LEAP Legal Software Pty Limited  
 Firm name: M.J. Duffy & Son

Register 1211  
 (before TZ)  
**POSITIVE COVENANT**  
 New South Wales  
 Section 88E(3) Conveyancing Act 1919



**AJ638571T**

**PRIVACY NOTE:** Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

(A) TORRENS TITLE	13/1207280		
(B) LODGED BY	Document Collection Box	Name, Address or DX, Telephone and Customer Account Number if any	CODE
	582W	SERVICE FIRST REGISTRATION DX 189 SYDNEY LLPN123426A PH 8296 9000 FAX 9279 2185 Reference: Duffy - Maas Group	PC
(C) REGISTERED PROPRIETOR	Of the above land Council of the city of Dubbo and Maas Group Properties No 3 Pty Limited ACN 169 847 456		
(D) LESSEE MORTGAGEE or CHARGE	Of the above land agreeing to be bound by this positive covenant		
	Nature of Interest	Number of Instrument	Name
(E) PRESCRIBED AUTHORITY	Within the meaning of section 88E(1) of the Conveyancing Act 1919 Council of the city of Dubbo		

(F) The prescribed authority having imposed on the above land a positive covenant in the terms set out in annexure hereto applies to have it recorded in the Register and certifies this application correct for the purposes of the Real Property Act 1900.

DATE

(G) Execution by the prescribed authority/registered proprietor

I certify that an authorised officer of the prescribed authority who is personally known to me or as to whose identity I am otherwise satisfied signed this application in my presence.

Signature of witness:	REFER TO ANNEXURE 4A1 FOR EXECUTION	Signature of authorised officer:
Name of witness:		Name of authorised officer:
Address of witness:		Position of authorised officer:

(G) Execution by the registered proprietor

Certified correct for the purposes of the Real Property Act 1900 and executed on behalf of the company named below by the authorised person(s) whose signature(s) appears(s) below pursuant to the authority specified.

Company: Maas Group Properties No 3 Pty Ltd ACN 169 847 456  
 Authority: section 127 of the Corporations Act 2001

Signature of authorised person:		Signature of authorised person:
Name of authorised person:	Wesley Jon Maas	Name of authorised person:
Office held:	Sole Director/Secretary	Office held:

(H) Consent of the

The under No. , agrees to be bound by this positive covenant.

I certify that the above who is personally known to me or as to whose identity I am otherwise satisfied signed this application in my presence.

Signature of witness:	Signature of :
Name of witness:	
Address of witness:	

\* s117 RP Act requires that you must have known the signatory for more than 12 months or have sighted identifying documentation.

ALL HANDWRITING MUST BE IN BLOCK CAPITALS.

Page 1 of 4

Ref: 39655 /Src:M

Annexure "A1" to Positive Covenant


PARTIES:

**MAAS GROUP PROPERTIES NO 3 PTY LIMITED ACN 169 847 456 and**

**Council of the city of Dubbo – Registered Proprietor**

**Council of the City of Dubbo – Prescribed Authority**

The Common Seal of the Council of the City of Dubbo was hereunto affixed on the 4<sup>th</sup> day of ~~May~~ <sup>April</sup> 2015 pursuant to Resolution of Council made on the 27<sup>th</sup> day of ~~May~~ <sup>April</sup> 2015

  
\_\_\_\_\_  
Mayor – MATHEW DICKERSON



  
\_\_\_\_\_  
General Manager – MARK RILEY

\* s117 RP Act requires that you must have known the signatory for more than 12 months or have sighted identifying documentation.

ref: 39655 / 5cc: M

Annexure "A" to Positive Covenant

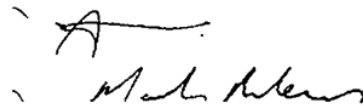
**PARTIES: MAAS GROUP PROPERTIES NO 3 PTY LIMITED ACN 169 847 456 and Council of the city of Dubbo – Registered Proprietor**  
**Council of the City of Dubbo – Prescribed Authority**

**Terms of the Positive Covenant**

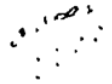
1. The proprietor of the lot hereby burdened ("the Proprietor") shall, at its expense, at all times until ten years from the registration of the covenant in respect of the land hereby benefitted as identified on the abovementioned plan as Lot 397 in Deposited Plan 1200743 and in respect of any part of the lot hereby benefitted on which any works or improvements are constructed or located:
  - (a) Enable stormwater to be temporarily detained by or conveyed across the land;
  - (b) Ensure that any works, improvements or water detention system located on the land at all times includes an overflow to direct any excess water across the land to the downstream drainage system;
  - (c) Maintain and repair the land, and any works or improvements constructed on the land, in accordance with the standard specified in any policy in relation to the maintenance of the land or drainage of water across the land adopted by Council from time to time and notified to the proprietor in writing;
  - (d) Comply with the terms of any written notice issued by the Council in respect of the requirements of this positive covenant within the time stated in the notice;
  - (e) Permit the Council at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency) to:
    - (i) view the state of repair of the land and any works or improvements constructed on the land;
    - (ii) ascertain whether or not there has been a breach of the terms of this positive covenant; and
    - (iii) execute works on the benefitted lot to ensure compliance with the requirements of this positive covenant;
  - (f) Release and indemnify Council to the full extent permitted by law from and against any claim, action, liability or suit resulting from any accident, damage, loss, death or injury occurring in or upon the land, or which the Council or any other person may suffer howsoever caused, arising out of or in connection with:
    - (i) Entry upon, use or occupation of the land by the Proprietor, its agent or lawful invitee; or
    - (ii) The Proprietor's obligations pursuant to this clause 1,



Page 2 of 3  
3 4



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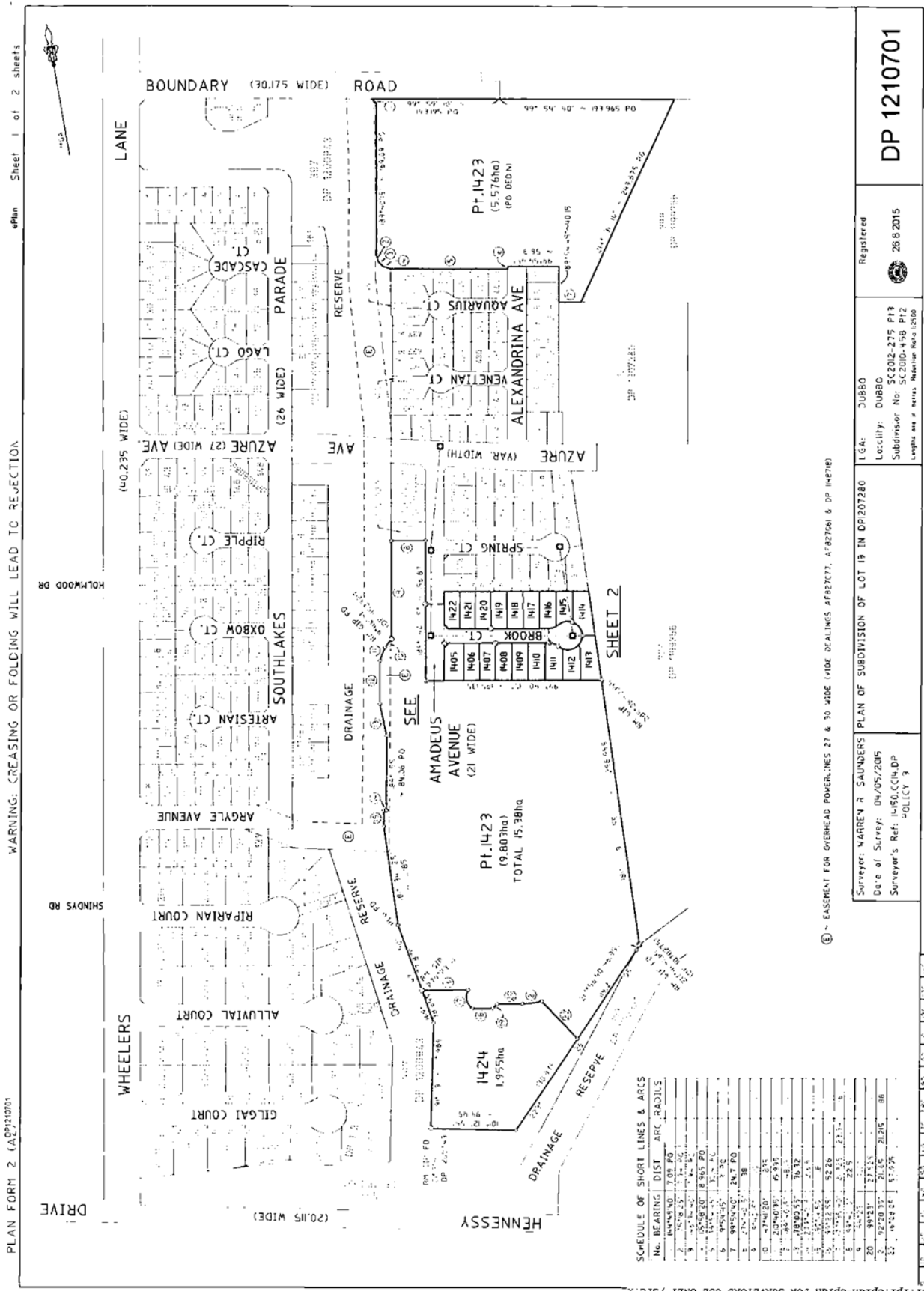


except to the extent caused by any negligent act or omission of Council.

2. The Council shall have the following additional powers:
  - (a) In the event that the proprietor fails to comply with the terms of any written notice issued by the Council as set out above or in the event of an emergency, the Council or its authorised agent may at all reasonable times and on reasonable notice but not less than 14 days notice (but at any time and without notice in the case of an emergency) carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in paragraph 1(d) above or to alleviate the emergency.
  - (b) The Council may recover from the proprietor as a liquidated debt in a court of competent jurisdiction:
    - (i) any expense reasonably incurred by its exercising of its powers under sub-paragraph (a) above;
    - (ii) legal costs on an indemnity basis of issue of the said notices and the recovery of the said costs and expenses together with the costs and expenses of a registration of a covenant charge pursuant to section 88F of the Conveyancing Act 1919 or providing any certificate required pursuant to 88G of the Act or obtaining any injunction pursuant to section 88H of the Act.
3. In this positive covenant unless inconsistent with the context:
 

Proprietor includes the registered proprietor of the lot burdened from time to time and all the heirs, executors, assigns and successors in title to the lot burdened and where there are two or more registered proprietors of the burdened lot the terms of this positive covenant shall bind all the registered proprietors jointly and severally.
4. In this positive covenant:
  - (a) The covenant should burden the Torrens Title as referenced at (A) and should benefit Dubbo City Council and Lot 397 in Deposited Plan 1200743.
  - (b) The person or authority empowered to release, vary or modify the covenant should be Dubbo City Council

4 4  
Page 2 of 2



REGISTRATION NO: 28.8.2015  
 REGISTERED SURVEYOR  
 DUBBO  
 SC2012-275 P13  
 SC2010-458 P12  
 LEGISLATION ACT & BY-LAW, REGULATION NO. 10500

SURVEYOR: WARREN R SAUNDERS  
 DATE OF SURVEY: 04/05/2015  
 SURVEYOR'S REF: 14560CCL16-DP POLLY 9

PLAN OF SUBDIVISION OF LOT 19 IN DP1207280  
 LOCALITY: DUBBO  
 DP 1210701


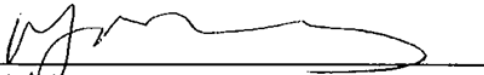




Req:R209750 /Doc:DP 1210701 P /Rev:27-Aug-2015 /Sts:SC.OK /Prt:28-Aug-201  
 Be64130:DP1210701-28-08-2015 SURVEYORS USE ONLY /Src:X


DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 3 sheet(s)
Registered:  26.8.2015 Office Use Only Title System: TORRENS Purpose: SUBDIVISION	<div style="font-size: 2em; font-weight: bold;">DP1210701</div>	
<b>PLAN OF SUBDIVISION OF LOT 13 IN DP 1207280</b>	LGA: DUBBO Locality: DUBBO Parish: DUBBO County: LINCOLN	
<del>           Crown Lands NSW/Western Lands Office Approval            I, ..... (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.            Signature: .....            Date: .....            File Number: .....            Office: .....         </del>	<b>Survey Certificate</b> I, WARREN RAYMOND SAUNDERS of GEOLYSE PTY LTD PO BOX 1842 DUBBO 2830 a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> , certify that: *(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i> , is accurate and the survey was completed on ..... *(b) The land shown in the plan excluding Lot 1423 was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i> , is accurate and the survey was completed on 4th May 2015. The part not surveyed was compiled in accordance with that Regulation. *(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2012</i> . Signature:  Dated: 20/5/2015 Surveyor ID: 1517 Datum Line: 'X ~ 'Y' Type: *Urban/*Rural The terrain is *Level-Undulating / *Steep-Mountainous. *Strike through if inapplicable. ^Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.	
<b>Subdivision Certificate</b> I, <u>Melissa Watkins</u> *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature:  Accreditation number: ..... Consent Authority: DUBBO CITY COUNCIL Date of endorsement: <u>2 July 2015</u> Subdivision Certificate number: <u>12 - 275 pt 4</u> File number: <u>SC12 - 275 /4</u> *Strike through if inapplicable.	Statements of intention to dedicate public roads, public reserves and drainage reserves. <b>IT IS INTENDED TO DEDICATE BROOK COURT 2783m<sup>2</sup> (16 WIDE &amp; VARIABLE WIDTH) AND THE EXTENSION OF AMADEUS AVENUE 1799m<sup>2</sup> (21 WIDE) TO THE PUBLIC AS PUBLIC ROAD.</b>	
Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A	Plans used in the preparation of survey/compilation. DP 1207280      DP 1070275 DP 1207276 DP 1199356 DP 1110685 DP 1200943 DP 1152321 If space is insufficient continue on PLAN FORM 6A Surveyor's Reference: 114150.CC14.DP POLICY 3	

Req:R209750 /Doc:DP 1210701 P /Rev:27-Aug-2015 /Sts:SC.OK /Prt:28-Aug-201  
 Before: DP 1210701 P FOR SURVEYORS USE ONLY /Src:X

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 2 of 3 sheet(s)
<p>Registered:  26.8.2015</p> <p><b>PLAN OF SUBDIVISION OF LOT 13 IN DP 1207280</b></p> <p>Subdivision Certificate number: <u>12-275 p+4</u></p> <p>Date of Endorsement: <u>2 July 2015</u></p>	<p>Office Use Only</p> <h1 style="margin: 0;">DP1210701</h1> <p>Office Use Only</p>	
<p>PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT IT IS INTENDED TO CREATE:-</p> <ol style="list-style-type: none"> <li>1. EASEMENT TO DRAIN WATER 2 WIDE (W)</li> <li>2. EASEMENT TO DRAIN SEWAGE 2 WIDE (S)</li> <li>3. RESTRICTIONS ON THE USE OF LAND</li> <li>4. RESTRICTIONS ON THE USE OF LAND</li> <li>5. POSITIVE COVENANT</li> </ol>		
<p>EXECUTED on behalf of Maas Group )                  Properties 3 Pty Limited ACN 169 847 456 )                  on the <u>3<sup>rd</sup></u> day of <u>July</u> 2015 )                  by the authorized persons whose )                  signatures appear below pursuant to )                  Section 127 of the Corporations Act )</p> <p></p> <p>Signature</p> <p>Name: WESLEY JON MAAS</p> <p>Position Held: SOLE DIRECTOR/SECRETARY</p>		
<p>If space is insufficient use additional annexure sheet</p>		
<p>Surveyor's Reference: 114150.CC14.DP POLICY 3</p>		

Req:R209750 /Doc:DP 1210701 P /Rev:27-Aug-2015 /Sts:SC.OK /Prt:28-Aug-201  
 Be64130: #p#an#p#7#e#f#s#s#r#v#e#y#o#r#s#u#s#e#o#n#l#y# /Src:X

**DEPOSITED PLAN ADMINISTRATION SHEET** Sheet 3 of 3 sheet(s)

<p>Registered:  26.8.2015</p> <p><b>PLAN OF SUBDIVISION OF LOT 13 IN DP 1207280</b></p> <p>Subdivision Certificate number: <u>12 - 275 pt 4</u></p> <p>Date of Endorsement: <u>2 July 2015</u></p>	<p>Office Use Only</p> <h1 style="margin: 0;">DP1210701</h1> <p>Office Use Only</p> <p>This sheet is for the provision of the following information as required:</p> <ul style="list-style-type: none"> <li>A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2012</i></li> <li>Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i></li> <li>Signatures and seals- see 195D <i>Conveyancing Act 1919</i></li> <li>Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.</li> </ul>
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LOT No.	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY
1405	1	BROOK	COURT	DUBBO
1406	3	BROOK	COURT	DUBBO
1407	5	BROOK	COURT	DUBBO
1408	7	BROOK	COURT	DUBBO
1409	9	BROOK	COURT	DUBBO
1410	11	BROOK	COURT	DUBBO
1411	13	BROOK	COURT	DUBBO
1412	15	BROOK	COURT	DUBBO
1413	17	BROOK	COURT	DUBBO
1414	18	BROOK	COURT	DUBBO
1415	16	BROOK	COURT	DUBBO
1416	14	BROOK	COURT	DUBBO
1417	12	BROOK	COURT	DUBBO
1418	10	BROOK	COURT	DUBBO
1419	8	BROOK	COURT	DUBBO
1420	6	BROOK	COURT	DUBBO
1421	4	BROOK	COURT	DUBBO
1422	2	BROOK	COURT	DUBBO
1423	ADDRESS	NOT	AVAILABLE	DUBBO
1424	ADDRESS	NOT	AVAILABLE	DUBBO

If space is insufficient use additional annexure sheet

Surveyor's Reference: 114150.CC14.DP POLICY 3

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DP 1210701

**Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Sections 88B and 88E Conveyancing Act 1919**

ePlan  
(Sheet 1 of 9)

Plan **DP1210701**

Plan of Subdivision of Lot 13 in Deposited  
Plan 1207280 covered by Subdivision Certificate  
No. *12-275 PART 4*

**Full name and address of the owner of the land**

Maas Group Properties 3 Pty Limited  
ACN 169 847 456  
PO Box 332  
DUBBO NSW 2830

**Part 1 (Creation)**

Number of item shown in the intention panel on the plan.	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s).	Benefited lot(s), road(s), bodies or Prescribed Authorities.
1	Easement to Drain Water 2 wide <del>and variable width</del> (W)	Lots 1405 to 1413 (inclusive)	Dubbo City Council
2	Easement to Drain Sewage 2 wide (S)	Lot 1405 and Lots 1414 to 1422 (inclusive)	Dubbo City Council
3	Restrictions on the Use of Land	Lots 1405 to 1422 (inclusive)	Dubbo City Council
4	Restrictions on the Use of Land	Lots 1405 to 1422 (inclusive)	Every lot in the plan other than the lot burdened and Lots 1423 and 1424
5	Positive Covenant	Lot 1424	Dubbo City Council

Ref: 39288 / Src: M

DP 1210701

**Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Sections 88B and 88E Conveyancing Act 1919**

ePlan  
(Sheet 2 of 9)

Plan **DP1210701**

Plan of Subdivision of Lot 13 in Deposited  
Plan 1207280 covered by Subdivision Certificate  
No. 12-275 PART 4

**Part 2 (Terms)**

**1. Terms of the Restrictions on the Use of Land thirdly referred to in the plan:**

- (a) That no residential building or buildings shall be erected or be permitted to remain erected on the lots burdened unless the footings of such building have been assessed and designed by a properly qualified geotechnical or structural engineer.
- (b) That no domestic water supply bore may be constructed on the lots burdened without the prior approval of Dubbo City Council.
- (c) That no domestic greywater effluent disposal system may be installed and permitted to discharge effluent onto the lots burdened without the prior approval of Dubbo City Council.

**2. Terms of the Restrictions on the Use of Land fourthly referred to in the plan:**

**Building Requirements**

- (a) No building or buildings shall be erected or be permitted to remain erected on the lot burdened other than with external walls of new materials, being of brick, brick veneer, stone, concrete, glass, cement render or cellulous fibre reinforced cement building sheets externally coated with a seamless textured trowel on acrylic material to a minimum of 2mm thickness ("Specified Materials").

This restriction shall not apply to infill panels and gable ends in a building having external walls of any of the Specified Materials or a combination of Specified Materials where the total area of the infill panels and gable end does not exceed 20% of all the external walls of the building.

- (b) No cladding of any outbuildings on any lot shall be of any materials other than that similar to the main building erected on the lot or of other materials permitted under clause (a) or of a pre-coloured iron.
- (c) No building shall be a transportable building.
- (d) No more than one main building may be constructed on the lot burdened.
- (e) No building shall be erected on any lot burdened having a roof of fibre cement or asbestos cement or fibre glass or any other material of a similar nature or aluminium or steel decking of any nature other than steel treated with a non-reflective surface.

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DP 1210701

**Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Sections 88B and 88E Conveyancing Act 1919**

ePlan  
(Sheet 3 of 9)

Plan **DP1210701**

Plan of Subdivision of Lot 13 in Deposited  
Plan 1207280 covered by Subdivision Certificate  
No. 12-275 PART 4

- (f) No dwelling shall be erected on a corner lot unless the facades facing public roads are of similar character and proportion.
- (g) No attached dwelling is to be constructed without the consent of Maas Group Properties No 3 Pty Ltd.
- (h) No dwelling attached or detached is to be constructed with a living area that is less than 200 square metres (including garages, carports and verandahs) under the main roof without consent of Maas Group Properties No 3 Pty Ltd.
- (i) No additions shall be erected on the lot burdened unless the street facing facade of the addition is constructed with the same material and in a character consistent with the existing dwelling.
- (j) No lot shall be further subdivided, boundary adjusted or changed from the original lot size unless authorised by Maas Group Properties No 3 Pty Ltd.

**Residential Use**

- (k) No building shall be used for any purpose other than a single dwelling house which does not include a residential flat building, dual occupancy or duplex building.
- (l) No dairy, brick yard, tannery, poultry farm, piggery, kennels, quarry or other noxious, noisome or offensive occupation, trade or business shall be carried out on the lot burdened.
- (m) No main building on the lot burdened shall be used for temporary housing or for the storage of mobile homes or caravans unless the caravan or mobile home is stored behind the building line referred to in (r).

**Rubbish, Machines and Vehicles**

- (n) No materials (except as required in the course of building) rubbish, old, unused or out of order plant, motor vehicles or machinery shall be kept or stored on any lot.
- (o) No plant, machinery or vehicles having a tare weight in excess of three (3) tonnes shall be kept or stored on any lot.
- (p) No truck yards, earthmoving business or welding shops or operations of a similar nature shall be carried out on any lot.
- (q) No excess soil or building materials may remain on any lot or moved to other lots after completion of construction on the lot.

Ref: 39288 /Src:M

DP 1210701

**Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Sections 88B and 88E Conveyancing Act 1919**

ePlan  
(Sheet 4 of 9)

Plan **DP1210701**

Plan of Subdivision of Lot 13 in Deposited  
Plan 1207280 covered by Subdivision Certificate  
No. 12-275 PART 4

**Fencing**

- (r) No fence shall be erected or permitted to be erected on the street frontage of each lot burdened between the front street alignment and the house building line as fixed by the Council of the City of Dubbo. In the case of a corner lot this restriction shall only apply to one street frontage if the section of fencing in the second street is approved in writing by Maas Group Properties No 3 Pty Ltd.
- (s) No fence shall be erected on any lot burdened other than of materials and colours as approved in writing by Maas Group Properties No 3 Pty Ltd.
- (t) No fence shall be erected on the lot burdened to divide it from any adjoining land owned by Maas Group Properties No 3 Pty Ltd without the written consent Maas Group Properties No 3 Pty Ltd but such consent shall not be withheld if:
- a. Such fence is erected without expense to Maas Group Properties No 3 Pty Ltd its successors and assigns;
  - b. The type and construction of the fence is 1.5 metres in height and is made of colorbond in the colour 'willow' with 30cm of lattice on top, and a completed fence height of 1.8 metres.
  - c. No infill is to be placed under the fence unless the infill is of treated pine and complies with the requirements of Dubbo City Council.

This restriction shall remain in force whilst Maas Group Properties No 3 Pty Ltd is the registered proprietor of any land in the plan.

**Advertising**

- (u) No advertisement hoarding sign or matter of any description other than a "for sale" real estate sign, or signage relating to builders display homes or house land package and finance signage is permitted on the lot burdened.

**Carport and Garage**

- (v) That no carport, garage or outbuilding shall be erected or permitted to remain on any lot unless it is constructed after or concurrently with the erection of the main building thereon.
- (w) No carport, garage or outbuilding shall be more than one storey.
- (x) No carport is permitted unless it is under the main roof of the dwelling.

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DP 1210701

**Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Sections 88B and 88E Conveyancing Act 1919**

ePlan  
(Sheet 5 of 9)

Plan **DP1210701**

Plan of Subdivision of Lot 13 in Deposited  
Plan 1207280 covered by Subdivision Certificate  
No. 12-275 PART 4

- (y) No carport or garage is to be enclosed or converted to a habitable area unless the external walls and windows have a character consistent with that of the existing dwelling and constructed from the same materials.

**Landscaping**

- (z) The owner of the lot burdened must not and must not authorize or permit any removal, damage or harm to the landscaping on the lot burdened including any plants or tress.

**Satellite Dish**

- (aa) No satellite dish may be placed or allowed to remain on any building or structure on the lot burdened unless the satellite dish is placed to minimize the public view of the satellite dish.

**Display Home**

- (bb) The lot burdened must not be used for the purpose of the building of a display home or exhibition house other than by Maas Group Properties No 3 Pty Ltd or with the consent of Maas Group Properties No 3 Pty Ltd.

**Animals**

- (cc) No pigs, bees, roosters, pigeons or greyhounds or any other animals other than domestic pets, including cats, dogs, caged birds and fish shall at any time be allowed or kept on the lot burdened and the registered Proprietor of any lot shall not be entitled to maintain more than two (2) dogs and/or (2) cats.

**Subdivision**

- (dd) The lot burdened may not be subject to further subdivision boundary adjustment or be changed from the original lot size unless authorized in writing by Maas Group Properties No 3 Pty Ltd.

**Miscellaneous**

- (ee) No rain water tank constructed from silver or uncoloured galvanized Iron may remain on any lot  
(ff) No driveway or path shall be constructed or permitted to remain forward of any building erected on the lot burdened unless they are constructed of coloured concrete pavers, clay pavers or coloured



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**Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Sections 88B and 88E Conveyancing Act 1919**

ePlan  
(Sheet 6 of 9)

Plan **DP1210701**

Plan of Subdivision of Lot 13 in Deposited  
Plan 1207280 covered by Subdivision Certificate  
No. 12-275 PART 4

concrete. No driveway strips are permitted and neither can the driveway be less than 3 metres wide.

(gg) No vacant land is to be left unmown or containing noxious weeds therein.

(hh) No building is to be occupied until an occupation certificate has been issued.

**Release or Modification**

- (ii) No release, variation or modification of any restriction set out in this covenant is permissible unless Maas Group Properties No 3 Pty Ltd has approved such action and in the case of substantial variation (as determined by Maas Group Properties No 3 Pty Ltd) unless all adjoining property owners have also been consulted.
- (jj) Approval or refusal shall be deemed to be unreasonable if a Certified Planner nominated by Maas Group Properties No 3 Pty Ltd has certified that the proposal does/does not confirm with the general standards of design and planning of the development and the proposal is desirable/undesirable by reason of the effect that it would have upon the development, appearance, health of amenity of the neighbourhood or any part of it.

Maas Group Properties No 3 Pty Ltd can consent to any exception to the restrictions set out in this covenant where the consent is set out in writing signed by a director of Maas Group Properties No 3 Pty Ltd.

**3. Terms of the Positive Covenant fifthly referred to in the plan:**

1. The proprietor of the lot hereby burdened ("the Proprietor") shall, at its expense, at all times until ten years from the registration of the covenant in respect of the land hereby benefitted identified on the abovementioned plan as Lot 397 in Deposited Plan 1200743 and in respect of any part of the lot hereby benefitted on which any works or improvements are constructed or located:
  - (a) Enable stormwater to be temporarily detained by or conveyed across the land;
  - (b) Ensure that any works, improvements or water detention system located on the land at all times includes an overflow to direct any excess water across the land to the downstream drainage system;
  - (c) Maintain and repair the land, and any works or improvements constructed on the land, in accordance with the standard specified in any policy in relation to the maintenance of the land or drainage of water across the land adopted by Council from time to time and notified to the proprietor in writing;

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DP 1210701

**Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Sections 88B and 88E Conveyancing Act 1919**

ePlan  
(Sheet 7 of 9)

Plan **DP1210701**

Plan of Subdivision of Lot 13 in Deposited  
Plan 1207280 covered by Subdivision Certificate  
No. 12-275 PART 4

- (d) Comply with the terms of any written notice issued by the Council in respect of the requirements of this positive covenant within the time stated in the notice;
  - (e) Permit the Council at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency) to:
    - (i) view the state of repair of the land and any works or improvements constructed on the land;
    - (ii) ascertain whether or not there has been a breach of the terms of this positive covenant; and
    - (iii) execute works on the benefitted lot to ensure compliance with the requirements of this positive covenant;
  - (f) Release and indemnify Council to the full extent permitted by law from and against any claim, action, liability or suit resulting from any accident, damage, loss, death or injury occurring in or upon the land, or which the Council or any other person may suffer howsoever caused, arising out of or in connection with:
    - (i) Entry upon, use or occupation of the land by the Proprietor, its agent or lawful invitees; or
    - (ii) The Proprietor's obligations pursuant to this clause 1,
      - except to the extent caused by any negligent act or omission of Council.
2. The Council shall have the following additional powers:
- (a) In the event that the proprietor fails to comply with the terms of any written notice issued by the Council as set out above or in the event of an emergency, the Council or its authorised agent may at all reasonable times and on reasonable notice but not less than 14 days notice (but at any time and without notice in the case of an emergency) carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in paragraph 1(d) above or to alleviate the emergency.
  - (b) The Council may recover from the proprietor as a liquidated debt in a court of competent jurisdiction:
    - (i) any expense reasonably incurred by its exercising of its powers under sub-paragraph (a) above;
    - (ii) legal costs on an indemnity basis of issue of the said notices and the recovery of the said costs and expenses together with the costs and expenses of a registration of a covenant charge pursuant to section 88F of the Conveyancing Act 1919 or providing any certificate

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DP 1210701

**Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Sections 88B and 88E Conveyancing Act 1919**

ePlan  
(Sheet 8 of 9)

Plan **DP1210701**

Plan of Subdivision of Lot 13 in Deposited  
Plan 1207280 covered by Subdivision Certificate  
No. 12- 275 PART 4

required pursuant to 88G of the Act or obtaining any injunction pursuant to section 88H of the Act.

3. In this positive covenant unless inconsistent with the context:

Proprietor includes the registered proprietor of the lot burdened from time to time and all the heirs, executors, assigns and successors in title to the lot burdened and where there are two or more registered proprietors of the burdened lot the terms of this positive covenant shall bind all the registered proprietors jointly and severally.

4. In this positive covenant:

- (a) The covenant should burden Lot 1424 and should benefit Dubbo City Council and Lot 397 in DP 1200743.
- (b) The person or authority empowered to release, vary or modify the covenant should be Dubbo City Council

**Name of person or authority empowered to release, vary or modify the Restrictions on the Use of Land thirdly and the Positive Covenant fifthly referred to in the plan.**

Dubbo City Council

**Name of person or authority empowered to release, vary or modify the Restrictions on the Use of Land fourthly referred to in the plan.**

Maas Group Properties 3 Pty Limited while it is the registered proprietor of any lot in the plan, thereafter the registered proprietors of the lots benefited.

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DP 1210701

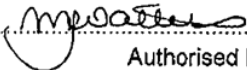
**Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Sections 88B and 88E Conveyancing Act 1919**

ePlan  
(Sheet 9 of 9)


Plan **DP1210701**


Plan of Subdivision of Lot 13 in Deposited  
Plan 1207280 covered by Subdivision Certificate  
No. 12-275 PART 4

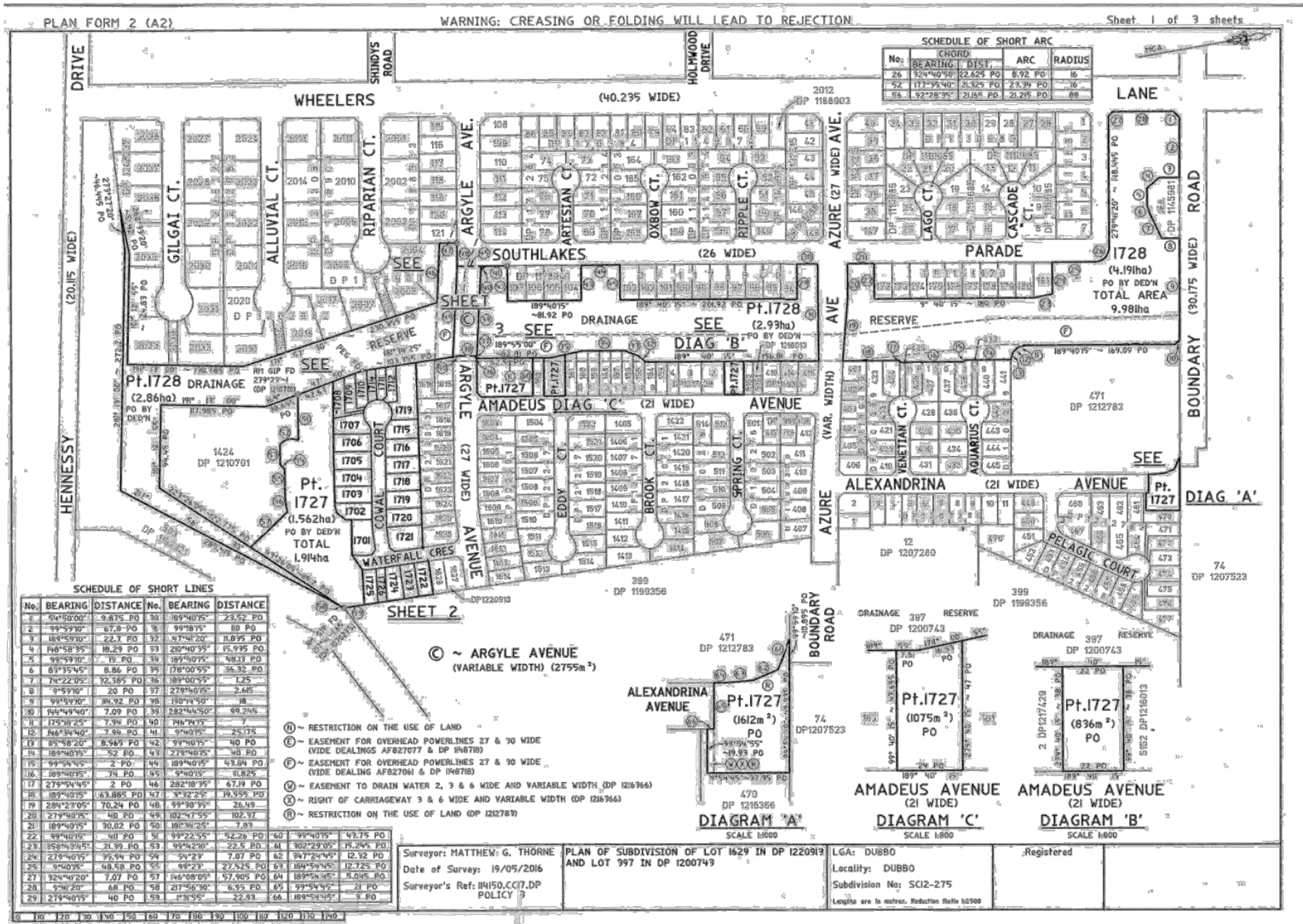
Signed by *Melissa Watkins* )  
being an Authorised representative )  
of Dubbo City Council on the )  
*2nd* day of *July* 2015 )

  
.....  
Authorised Person

EXECUTED on behalf of Maas Group )  
Properties 3 Pty Limited ACN 169 847 456 )  
by the authorised person whose signature )  
appears below pursuant to Section 127 of the )  
Corporations Act )  
*ON THE 3<sup>RD</sup> JULY 2015*

  
\_\_\_\_\_  
Signature  
Name: WESLEY JON MAAS  
Position Held: SOLE DIRECTOR/SECRETARY

REGISTERED  26.8.2015







## REPORT: Southlakes Development Control Plan 1 - Results of Public Exhibition

**AUTHOR:** Manager City Strategy Services

**REPORT DATE:** 11 July 2016

**TRIM REFERENCE:** ID16/1284

### EXECUTIVE SUMMARY

The owner of Lot 399 DP 1199356, Boundary Road, Dubbo and Lot 12 DP 1207280, 32 Azure Avenue, Dubbo, has prepared and submitted a draft site-specific Development Control Plan (draft DCP) to Council in accordance with Clause 6.3 of the Dubbo Local Environmental Plan 2011 to facilitate development of a component of the subject lands. Council at its meeting on 25 May 2016 considered a report in respect of the draft DCP and resolved as follows:

- "1. That the draft Southlakes Estate Development Control Plan 1 as provided here in Appendix 1 be adopted for the purposes of public exhibition.*
- 2. That the draft Southlakes Estate Development Control Plan 1 be placed on public exhibition for a period of no less than 28 days in accordance with Clause 18 of the Environmental Planning and Assessment Regulation, 2000.*
- 3. That a further report be presented to Council for consideration following completion of the public exhibition period."*

Council has also received two site-specific development applications for residential subdivision of a component of Lot 399 DP 1199356, Boundary Road, Dubbo. Both development applications were also placed on public exhibition concurrently with the draft DCP from Thursday 9 June to Friday 8 July 2016. This report considers the draft DCP only. The subject development applications are currently under assessment by Council officers.

Council received one (1) submission during the public exhibition period which is provided as **Appendix 1**. The public submission was provided to Council by the owner of the land. The submission has sought to delete the requirement for compliance with an Internal Connectivity Index (ICI) of 1.3 from the draft DCP.

The ICI measures the overall connectivity of a residential subdivision to ensure neighbourhoods are created that encourage alternative modes of transport and ease of access to focal and activity points. The ICI also aims to ensure car dependent neighbourhoods are avoided through utilising the modified grid pattern for subdivision design. It is considered that the requirement to comply with ICI of 1.3 should not be deleted from the draft DCP.

This report recommends that the Southlakes Development Control Plan 1, as exhibited and provided here in **Appendix 2**, be adopted by Council.



**FINANCIAL IMPLICATIONS**

The proponent has paid a fee of \$7,000 to Council in accordance with Council's Dubbo Branch, Revenue Policy for the preparation and assessment of a development control plan.

**POLICY IMPLICATIONS**

If adopted by Council, the draft Southlakes Estate Development Control Plan 1 will form a Council Policy document, will guide the undertaking of development on the subject site and will be required to be considered by Council in the assessment and determination of any future development applications on the subject area of the site.

**RECOMMENDATION**

- 1. That the Southlakes Estate Development Control Plan 1, as provided here in Appendix 2, be adopted.**
- 2. That an advertisement be placed in local print media specifying adoption of the Southlakes Estate Development Control Plan 1.**
- 3. That the person who made a submission be advised of Council's determination in this matter.**

*Steven Jennings*  
Manager City Strategy Services

**BACKGROUND**

Council at its meeting on 25 May 2016 considered a report in relation to the draft Southlakes Development Control Plan 1, which was provided to Council by the owners of Lot 399 DP 1199356, Boundary Road, Dubbo and Lot 12 DP 1207280, 32 Azure Avenue, Dubbo. The land is situated in the South-West Residential Urban Release Area under the provisions of the Dubbo Local Environmental Plan 2011.

Council resolved to place the draft DCP on public exhibition for a period of no less than 28 days.

The area proposed to be included in the draft DCP and the context of future residential housing estates in the South-East Residential Urban Release Area is shown in Figure 1:



Figure 1. Subject Site in the Context of the Immediate Locality

The draft Development Control Plan (DCP) was provided to Council in accordance with the requirements of Part 6 of the Dubbo Local Environmental Plan 2011. Part 6 of the Dubbo LEP 2011 requires specific planning to be undertaken for lands situated in the designated Residential Urban Release Areas. Specifically, Clause 6.3 of the Dubbo LEP 2011 requires a site-specific DCP to be prepared prior to any subdivision of land situated in a Residential Urban Release Area.

The draft DCP has been prepared utilising a similar structure, form and content as the Dubbo Development Control Plan 2012 (Dubbo DCP 2012). It is considered that this will aid in the understanding of the Plan by the Dubbo Building and Development Industry and ensure a level of parity is provided between the expectations of the Dubbo DCP 2012 and the draft DCP.

The draft DCP consists of the following components:

- Introduction;
- Residential Subdivision (Dwellings and Dual Occupancies); and
- Residential Design (Dwellings and Dual Occupancies).

It should also be noted that Council has also been provided with two (2) development applications for residential subdivisions of land subject to the draft DCP. This includes the following:

- Development Application D2016-240, 15 Lot Residential Subdivision and;
- Development Application D2016-241, 20 Lot Residential Subdivision.

Both of the subject development applications are currently under assessment by Council and have not formed any further consideration in this report.

The purpose of this report is to provide the results of the public exhibition period and to seek Council's adoption of the draft DCP.

## REPORT

### 1. Public Exhibition

The draft Southlakes Development Control Plan 1 and the associated development applications D2016-240 and D2016-241 were placed on public exhibition from Thursday 9 June to Friday 8 July 2016.

The documents were displayed at the Dubbo Branch of Western Plains Regional Council and on Council's website. A notice was also placed in the local newspaper and correspondence sent to land owners immediately adjoining the subject lands.

Council received one (1) public submission during the public exhibition period in respect of the draft DCP. The submission is provided here in **Appendix 1** and discussed as follows:

#### Submission 1 – Maas Group Properties

*"We raise the following concerns with the exhibited Draft Southlakes Development Control Plan 1 (Draft DCP) and we seek the deletion of the requirement to comply with an Internal Connectivity Index of 1.3 for the subdivision lot layout, noting;*

- *The future layout would be generally consistent with that of Southlakes which has an Internal Connectivity Index of 1.0; and*
- *The future estate would be provided with excellent connectivity through a designated path and cycle network through the drainage corridor and collector roads of the Southlakes.*

*Although our initial lot layout over the R2 land within the western portion of the Southlakes Estate would achieve an Internal Connectivity Index of 1.3. It is highly likely the area to which the plan applies just like the remainder of the site may not comply with the index due to the physical site constraints of subsurface rock outcrops and how roads are to be designed through this site constraint and ultimately the position and shape of the realigned drainage corridor and boundaries of the site.*

*These constraints combined with general residential allotment dimensions and the required road hierarchy design i.e. how streets and roads intersect and cross each other ultimately result in land which is of an irregular shape is difficult to service with connecting/through roads, whilst not undermining the road hierarchy of the street network.*

*Looking beyond the development of this land and to the remainder of the Southlakes Estate we believe we will provide the most successfully connected estate through our open space, pathway and cycle way network. A network which will be consistent with that built within the Southlakes Estate and which would be continued through the remainder of this land parcel, an aspect of our Estate which should be considered in the application of an Internal Connectivity Index.*

*The intention of development for this land is to be an extension of the existing Southlakes Estate in character, density and scale because of its continued success to residents and the local building and real estate industries of Dubbo.”*

Comment:

The Internal Connectivity Index (ICI) was developed by Ewing in 1996 as a tool to measure the overall connectivity of a residential subdivision and to ensure neighbourhoods are created that encourage alternative modes of transport and ease of access to focal and activity points. The ICI also aims to ensure car dependent neighbourhoods are avoided through utilising the modified grid pattern for subdivision design.

The ICI is calculated as a ratio between the number of street linkages and the number of nodes. A node is classified as an intersection or the end of a cul-de-sac. An acceptable ICI can range from 1.3 to 1.5. The draft DCP includes a requirement for a minimum score of 1.3.

The submission provides information that the future subdivision of the land will not require the ICI to achieve an appropriate level of connectivity, as appropriate connectivity will be provided through the provision of a network of open space, pathways and cycle ways. It is considered that the submission has not taken into account vehicular connectivity which is the dominant mode of transport. Indeed, it appears the developer is proposing to provide walkable and liveable neighbourhoods, however, it is considered that a lower overall ICI score than 1.3 will result in the development of a subdivision that is not in accordance with the principles of the modified grid pattern.

Council has not been provided with any evidence that the general physical constraints of the site will render compliance with the ICI score of 1.3 being impossible to achieve. In addition, it should also be noted that the submission provides information that the indicative lot layout prepared over this area of the subject land achieves compliance with the minimum ICI score of 1.3.

It is considered that the inclusion of the minimum ICI of 1.3 as a subdivision planning and design tool, ensures future land subdivisions are designed in a manner as to provide an appropriate level of connectivity to focus points and to encourage overall access and connectivity throughout the subdivision.

#### **SUMMARY**

The owner of Lot 399 DP 1199356, Boundary Road, Dubbo and Lot 12 DP 1207280, 32 Azure Avenue, Dubbo, has provided a draft site-specific Development Control Plan (draft DCP) to Council for consideration in accordance with Clause 6.3 of the Dubbo Local Environmental Plan 2011. The draft DCP has been prepared to facilitate development of a component of the subject lands.

The draft DCP was placed on public exhibition from Thursday 9 June to Friday 8 July 2016. Council received one (1) public submission during the public exhibition period. This submission has been considered and it is considered that no changes are required to be made to the DEP as exhibited.

It is recommended that the Southlakes Estate Development Control Plan 1, provided attached as **Appendix 2**, be adopted by Council.

#### Appendices:

- 1 Public submission
- 2 Southlakes draft DCP 1

# MAAS GROUP PROPERTIES

2 Jannali Road (PO Box 332), Dubbo NSW 2830  
 T: 02 5852 1800 F: 02 6885 0536  
 E: [info@maasgroup.com.au](mailto:info@maasgroup.com.au)  
 W: [www.maasgroupproperties.com.au](http://www.maasgroupproperties.com.au)



4 July 2016

The General Manager  
 Western Plains Regional Council  
 PO Box 81  
 Dubbo NSW 2830



Attention: Mr Steve Jennings

## PUBLIC EXHIBITION – DRAFT SOUTHLAKES ESTATE DEVELOPMENT CONTROL PLAN 1

On behalf of both Maas Group Properties No. 3 and Maas Group Properties No.2 we raise the following concerns with the exhibited Draft Southlakes Estate Development Control Plan 1 (Draft DCP) and we seek the deletion of the requirement to comply with an Internal Connectivity Index of 1.3 for the subdivision lot layout, noting;

- The future layout would be generally consistent with that of Southlakes which has an Internal Connectivity Index of 1.0,
- The future estate would be provided with excellent connectivity through a designated path and cycle network through the drainage corridor and collector roads of the Southlakes;

Although our initial lot layout over the R2 land within the western portion of the Southlakes Estate (also known as CC20 & CC21 the subject of D2016-240 & D2016-241) would achieve an Internal Connectivity Index of 1.3. It is highly likely the area to which the plan applies just like the remainder of the site may not comply with the index due to the physical site constraints of subsurface rock outcrops and how roads are to be designed through this site constraint and ultimately the position and shape of the realigned drainage corridor and boundaries of the site.

These constraints combined with general residential allotment dimensions and the required road hierarchy design i.e. how streets and roads intersect and cross each other ultimately result in land which is of an irregular shape is difficult to service with connecting / through roads, whilst not undermining the road hierarchy of the street network.

Looking beyond the development of this land and to the remainder of the Southlakes Estate we believe we will provide the most successfully connected estate through our open space, pathway and cycle way network. A network which will be consistent with that built within the Southlakes Estate and which would be continued through the remainder of this land parcel, an aspect of our Estate which should be considered in the application of an Internal Connectivity Index.

Maas Group Properties Pty Limited ABN: 76 165 255 934 • Eykan Holdings Pty Limited ABN: 35 003 589 464  
 Maas Group Properties No. 2 Pty Limited ABN: 81 165 257 134 • Maas Group Properties No. 3 Pty Limited ABN: 71 169 847 456  
 Maas Group Properties No. 4 Pty Limited ABN: 75 169 847 474 • Maas Group Properties No. 5 Pty Limited ABN: 95 604 412 893

# MAAS GROUP PROPERTIES

2 Jannali Road (PO Box 332), Dubbo NSW 2830  
T: 02 5852 1800 F: 02 6885 0536  
E: [info@maasgroup.com.au](mailto:info@maasgroup.com.au)  
W: [www.maasgroupproperties.com.au](http://www.maasgroupproperties.com.au)



The intention of development for this land is to be an extension of the existing Southlakes Estate in character, density and scale because of its continued success to residents and the local building and real estate industries of Dubbo.

We thank you for your consideration of these matters and would be happy to provide further assistance should you require.

Kind regards,

**Steve Guy**  
**General Manager**  
**Maas Group Properties**

Dubbo City	
Parcel.....	
Asset.....	SPS
- 5 JUL 2016	
File C.....	12/12

Maas Group Properties Pty Limited ABN: 76 165 255 934 • Eykan Holdings Pty Limited ABN: 35 003 589 464  
Maas Group Properties No. 2 Pty Limited ABN: 81 165 257 134 • Maas Group Properties No. 3 Pty Limited ABN: 71 169 847 456  
Maas Group Properties No. 4 Pty Limited ABN: 75 169 847 474 • Maas Group Properties No. 5 Pty Limited ABN: 95 604 412 893



# **Southlakes Estate Development Control Plan 1**



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## **Part 1 Introduction**

### **1.1 Name and Application of this Plan**

This Development Control Plan is known as the Southlakes Estate Development Control Plan (DCP) Number 1.

### **1.2 Purpose of this Plan**

The purpose of this Plan is to:

- Provide guidance to developers/applicants in the design of development proposals for land to which this Plan applies.
- Communicate the planning, design and environmental objectives and controls against which the Consent Authority would assess Development Applications in the Southlakes Estate.
- Provide guidance on the orderly, efficient and environmentally sensitive development of the Southlakes Estate.
- Promote quality urban design outcomes within the context of environmental, social and economic sustainability.

### **1.3 Savings and Transitional Arrangements**

If a development application is made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application may be determined as if this Plan had not commenced.

### **1.4 Statutory Context**

This Plan has been prepared by Council in accordance with Section 74C of the Environmental Planning and Assessment Act, 1979 (the Act) and Part 3 of the Environmental Planning and Assessment Regulation, 2000.

The Plan was adopted by Council at the meeting on\_\_\_\_\_. The Plan commenced on \_\_\_\_\_.

The Plan should be read in conjunction with the Dubbo Local Environmental Plan 2011 and the Dubbo Development Control Plan 2012.

### 1.5 Application of Plan

This Plan applies to land zoned R2 Low Density Residential within the area identified in Figure 1 below within Lot 12 DP 1207280, Lot 399 DP 1199356 and Lot 503 DP 1152321, only, of the South-East Dubbo Residential Release Area:

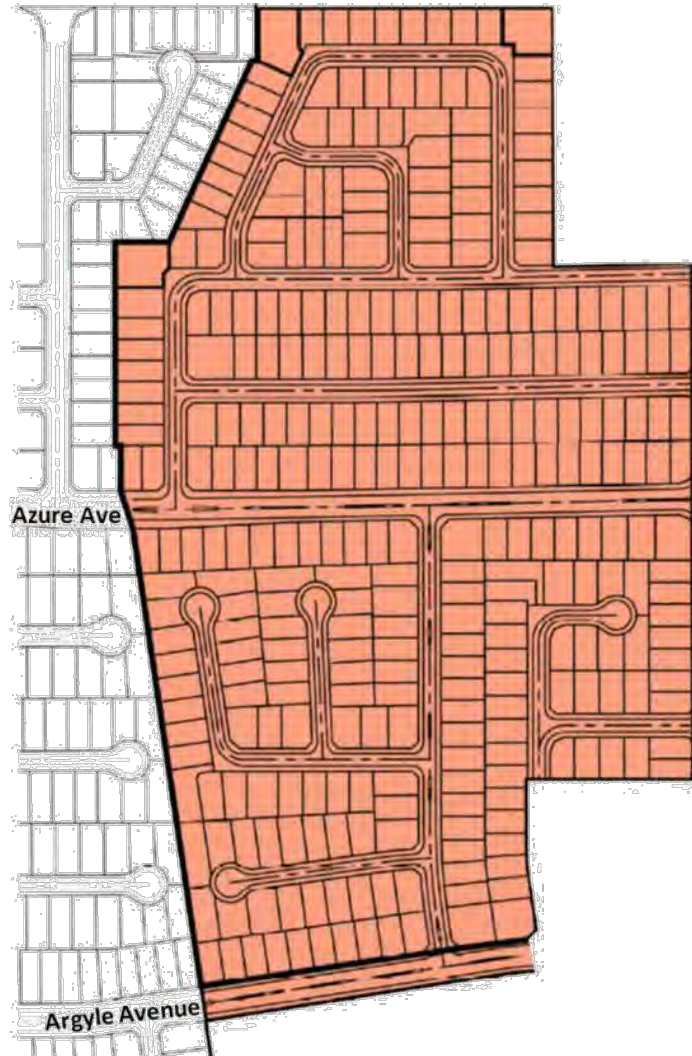


Figure 1. Area to which this Plan applies

## 1.6 Background

This Plan has been written to guide residential development of the subject land. The development controls provided here rely on proponents demonstrating how development of the land meets the objectives of each relevant element and the associated performance criteria.

## 1.7 Relationship to other plans and documents

Under the Environmental Planning and Assessment Act, 1979 (the EP&A Act), Council is required to take into consideration the relevant provisions of this Plan in determining an application for development on land to which this Plan applies.

In the event of any inconsistency between an Environmental Planning Instrument (EPI) and this Plan, the provisions of the EPI will prevail.

Council in the assessment of a development application will consider all matters specified in Section 79C of the Environmental Planning and Assessment Act, 1979. Compliance with any EPI or this Plan does not infer development consent will be granted.

## 1.8 How to use this Plan

When preparing a development application, all relevant sections of the Plan are required to be considered.

The majority of sections in the Plan incorporate design elements that are required to be considered and addressed by a proponent in the design process.

Each section of the Plan has a consistent format to allow for ease of use and understanding. The objectives of each section are stated at the top of the page and the proposed development is required to focus on satisfying these objectives.

Below the objectives is a table with two columns. The column on the left outlines the aim of the design element, while the column on the right offers default design guidelines that an applicant can choose to use in their development in lieu of designing to satisfy the intent of the column on the left.

In summary, the column on the left provides more flexibility in design, while the column on the right provides standard solutions that are acceptable to Council.

If a proponent chooses not to use the 'Acceptable Solutions' in the right hand column, written detail must be provided with any development application of how the design satisfies the 'Performance Criteria' in the left hand column.

An example of how an element of the Plan is structured is provided as follows.

<b>Performance criteria</b> The streetscape character objectives may be achieved where:	<b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:
<b>Built form</b> P1 The frontage of buildings and their entries are readily apparent from the street.	A1.1 Buildings adjacent to the public street, address the street by having a front door or living room window facing the street.  A1.2 Where dual occupancies are situated on corner blocks (where one is not a lane), the development is designed to face each street frontage.
P2 Building height at the street frontage maintains a compatible scale with adjacent development.	A2.1 Differences in building height between existing buildings and new development is not more than one storey when viewed from the public street and adjoining properties.  A2.2 Where a building is adjoined on either side by a single storey building, the second storey is setback a minimum of 3 m from the front of the building to achieve a stepped height.  A2.3 The design includes attic rooms which provide additional floor space with minimal streetscape impact.

## 1.9 Strategic Context

### Dubbo Urban Areas Development Strategy 1996

The Dubbo Urban Areas Development Strategy 1996 has facilitated the creation of a range of lifestyle options for the urban area of the city. Through the restriction of urban development to a defined area, Council is seeking to protect the long-term future of agricultural land located beyond the urban area.

These lifestyle options have been developed through the Dubbo Urban Areas Development Strategy (UADS) adopted by Council in 1996 and the Review of the UADS adopted by Council in 2007. The Dubbo Local Environmental Plan (LEP) 2011 facilitates achievement of the Strategy components in zoning land for the sustainable development of the city.

The following figure details the context of the planning documents applicable to residential lands.



The Dubbo Urban Areas Development Strategy consists of the following components:

- Residential Areas Development Strategy;
- Commercial Areas Development Strategy;
- Industrial Areas Development Strategy;
- Institutional Areas Development Strategy;
- Recreational Areas Development Strategy; and
- Future Directions and Structure Plan

The Urban Areas Development Strategy was created to manage the development and conservation of land within the urban area of the city through ensuring the Central Business District is the centre of the City.

Re-centralisation of the Dubbo Central Business District will be facilitated by further residential development being undertaken in west Dubbo. The Strategy includes extensive areas in north-west and south-west Dubbo as being suitable for further residential development to incorporate the following:



North-west sector – 2,600 lots (approximately)  
 South-west sector – 3,281 lots (approximately)

The Dubbo Local Environmental Plan 2011 offers a range of lot sizes in the West Dubbo Urban Release Areas, ranging from 600 square metres to 20 ha. This ensures a variety of lifestyle opportunities can be provided with a close proximity to the city centre.

The Strategy also allows for infill subdivision opportunities in the south-east sector with the Dubbo LEP 2011 allowing for the potential development of 1,059 lots within this sector. The subdivision considered by this Plan is in the south- east sector.

The Strategy does not provide for any further reduction in the minimum lot size for subdivision in the eastern sector of the city based on centralisation of the Central Business District to the west, environmental constraints, infrastructure provision and transport requirements.

#### **South-East Dubbo Residential Urban Release Area Stage 1 Structure Plan**

Council has prepared a Stage 1 Structure Plan for the South-East Dubbo Residential Urban Release Area. The role of the Stage 1 Structure Plan is to set the overall direction for development in the South-East Dubbo Residential Urban Release Area and in particular the Southlakes Estate. The Stage 1 Structure Plan also informs land use decisions in the Dubbo LEP 2011 and will allow developers in the area to pursue partial development having regard to overall infrastructure and servicing constraints.

The objectives of the Stage 1 Structure Plan are to:

- Identify the opportunities and constraints of the land and the anticipated needs of the community;
- Broadly indicate the likely future development potential of the area;
- Enable the characteristics of the area to determine the most appropriate location and form for future development;
- Provide a broad context of the consideration, by Council, of individual rezoning submissions within the area; and
- Establish a vision and set of development objectives which future development proposals will be required to meet.

#### **1.10 Urban Release Areas**

Development of the subdivision considered in this Plan has been undertaken in accordance with Part 6 of the Dubbo Local Environmental Plan 2011. The relevant Clauses contained in Part 6 of the Dubbo LEP 2011 are provided below:

*Clause 6.1 Arrangements for designated State public infrastructure*

- (1) *The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.*
- (2) *Development consent must not be granted for the subdivision of land in an urban release area unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that land.*

The Department of Planning and Environment has undertaken consultation with State Public Agencies to consider the provision of State infrastructure in the South- East Residential Urban Release Area.

The former Dubbo City Council was provided with certification from the Director General of the Department of Planning on 17 December 2012 for the provision of State public infrastructure. This certification means that no contributions are required from developers in the South-East Dubbo Residential Urban Release Area towards the provision of State public infrastructure.

#### *Clause 6.2 Public Utility Infrastructure*

- (1) *Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.*

Subdivision of the land is required to provide all urban infrastructure to facilitate residential development, this includes road infrastructure, power, sewerage, water, stormwater drainage and telecommunications prior to residential development being undertaken.

#### *Clause 6.3 Development Control Plan*

- (1) *The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.*
- (2) *Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.*
- (3) *The development control plan must provide for all of the following:*
  - a) *a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,*

- b) *an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*
- c) *an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,*
- d) *a network of passive and active recreational areas,*
- e) *stormwater and water quality management controls,*
- f) *amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,*
- g) *detailed urban design controls for significant development sites,*
- h) *measures to encourage higher density living around transport, open space and service nodes,*
- i) *measures to accommodate and control appropriate neighbourhood commercial and retail uses,*
- j) *suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.*

This Plan has been prepared in accordance with Clause 6.3 and contains all applicable information.

### **1.11 Notification of Development**

Council will generally not publicly notify any development applications for residential accommodation within the area to which the Plan applies. However, if in the opinion of the Council a proposed development could impact the amenity of surrounding development, Council may publicly notify and/or advertise the development application in the local newspaper.

Any development application received by Council for non-residential development will be publicly notified to adjoining and adjacent property owners in the immediate locality who in the opinion of Council may be impacted by the proposed development.

## Part 2 Residential Development and Subdivision

### 2.1 Residential Subdivision Controls (Dwellings and Dual Occupancy)

This section is designed to encourage current 'best practice' solutions for subdivision design. The achievement of pleasant, safe and functional subdivision is the main objective for subdivision design.

This section lists subdivision design elements under the following headings:

- Element 1 Streetscape character and building design
- Element 2 Lot layout
- Element 3 Public open space and landscaping
- Element 4 Infrastructure
- Element 5 Street design and road hierarchy
- Element 6 Pedestrian and cycle links
- Element 7 Stormwater management
- Element 8 Water quality management

Each design element has been structured so that it contains:

- 'Objectives' for each design element that describe the required outcomes;
- 'Performance criteria' which outlines the range of matters which shall be addressed to satisfy the objectives (i.e. the performance criteria explains how an objective is to be achieved);

Note: Not all performance criteria will be applicable to every development.

- 'Acceptable Solutions' which are specific measures which illustrate one way of meeting both the performance criteria and objectives of an element. They are examples only and are not mandatory; and
- 'References' to relevant clauses of the Dubbo LEP 2011, other relevant legislation, Council policies and literature relevant to the design element.

## Element 1. Streetscape Character and Building Design

### Introduction

Successful neighbourhoods have a sense of community, are designed to promote social interaction, are pleasant and have a high level of safety for residents and visitors. Good neighbourhood design assesses how residents will interact within the neighbourhood and considers the street and pedestrian networks in addition to housing.

### Objectives

- To provide neighbourhoods that offer opportunities for social interaction;
- To encourage aesthetically pleasing neighbourhood designs that caters for a broad diversity of housing needs;
- Ensures motor vehicles do not dominate the neighbourhood; and
- To encourage walking and cycling.

Performance criteria The streetscape character and building design objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P1 Natural and cultural features in the area are emphasised and enhanced in the design of neighbourhoods.	A1.1 Watercourses, natural vegetation and heritage items are retained and emphasised in the design.
P2 The layout provides for community focal points and public open space that promotes social interaction and caters for a range of uses by the community.	A2.1 Pedestrian connectivity is maximised within and between each residential neighbourhood with a particular focus on pedestrian routes connecting to public open space, bus stops, educational establishments and community/recreation facilities.
P3 The layouts of street blocks establish a clear urban structure and are of a size and length that promotes and encourages walking and cycling.	A3.1 Street blocks are to be generally a maximum of 250 m long and 90 m deep.
P4 Neighbourhood design provides for passive surveillance of residences and public areas to enhance personal safety and minimise the potential for crime.	A4.1 The subdivision layout minimises narrow pedestrian pathways between or behind development (for example, at cul-de-sac heads) and sound barriers and fencing which remove or reduce passive surveillance of higher order roads.

<p><b>Performance criteria</b> The streetscape character and building design objectives may be achieved where:</p>	<p><b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
	<p>A4.2 Neighbourhood design enhances legibility and way-finding through an easily-understood street layout and provides vistas towards natural features and buildings.</p> <p>A4.3 Neighbourhoods are designed with high levels of physical connectivity for pedestrians, cyclists and vehicles, both within and to adjacent neighbourhoods.</p>
<p>P5 Street networks provide good external connections for local vehicle, pedestrian and cycle movements.</p> <p>Street design promotes functional movement while limiting speed and detours through traffic.</p>	<p>A5.1 The overall subdivision development shall achieve a minimum Internal Connectivity Index (ICI) score of 1.30.</p> <p>A5.2 In the case of staged subdivision development, an individual stage/s of a subdivision may have an Internal Connectivity Index score below 1.30. However, the Internal Connectivity Index score of the overall Southlakes Residential Housing Estate must be maintained at a minimum of 1.30.</p> <p>Note: The importance of a well-connected subdivision which can be achieved through a good ICI is further explained in the following section.</p>

### Internal Connectivity Index

The Internal Connectivity Index (ICI) is calculated by the number of street links divided by the number of street nodes (Ewing, 1996). A link is defined as a segment of road between two intersections or from an intersection to a cul-de-sac, including road segments leading from the adjoining highway network or adjacent development.

A node is defined as an intersection and the end of a cul-de sac. They do not include the end of a stub-out at the property line. The higher the connectivity index, the more connected the roadway network. Residential subdivisions that are dominated by cul-de-sacs provide discontinuous street networks, reduce the number of footpaths, provide few alternate travel routes and tend to force all trips onto a limited number of arterial roads.

Figure 1 shows two examples of a subdivision. Example 1 shows a well-connected subdivision layout that minimises the distances to travel from a dwelling house to a focal point. Example 2 shows the same trip through a poorly connected subdivision.

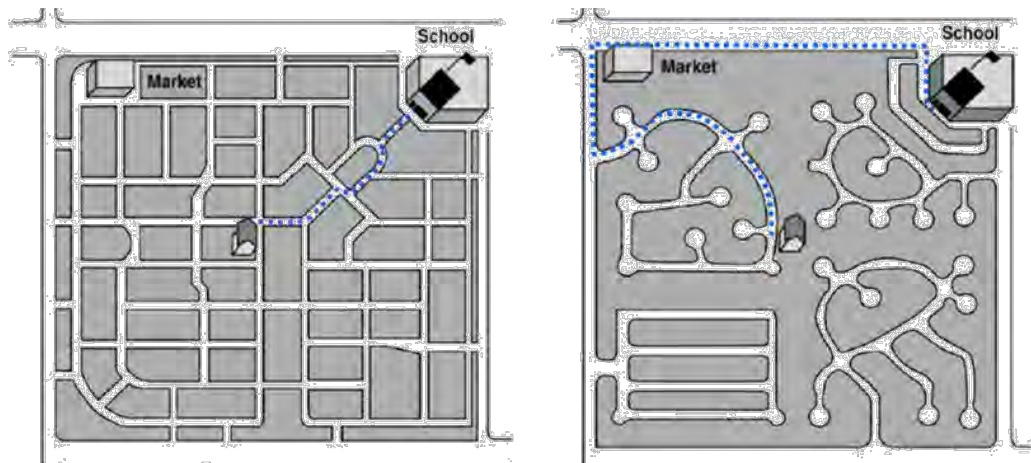
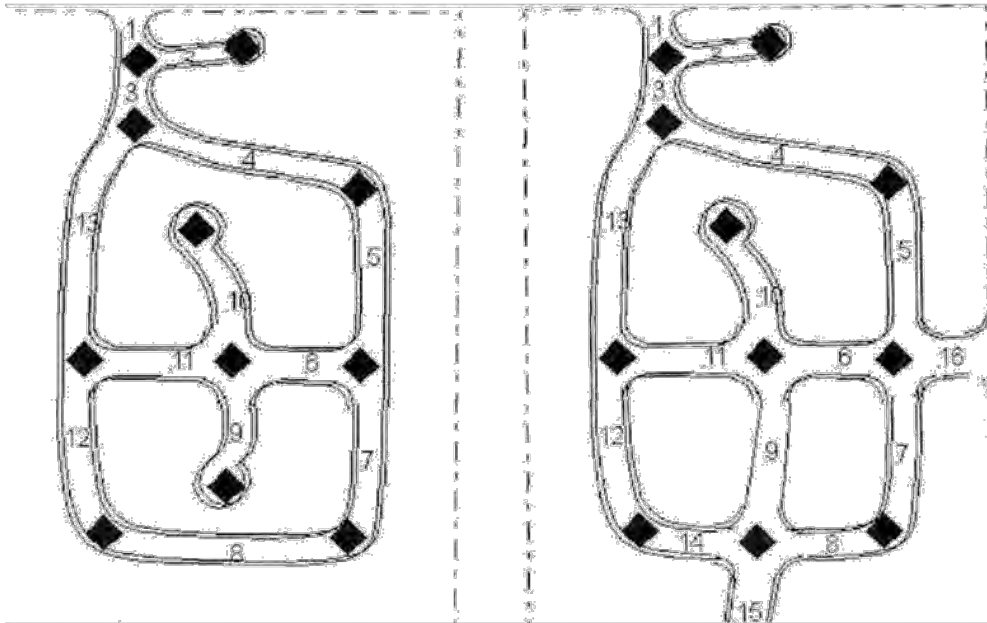


Figure 1. Subdivision Connectivity example

Example calculation of ICI:



Example 1  
 13 links/11 nodes = 1.18 ratio

Example 2  
 16 links/11 nodes = 1.45 ratio

Figure 2. Calculation of the Internal Connectivity Index



## Element 2. Lot Layout

### Introduction

The provision of an efficient and effective lot layout can allow for the creation of neighbourhoods that encourage connectivity and achieve quality urban design outcomes.

The arrangement of future dwellings will have an important influence on the quality of the neighbourhood that develops and should be considered as part of the lot design.

### Objectives

- To provide a range of lot sizes to suit a variety of household types and requirements whilst considering the surrounding established area.
- To create attractive residential streets by removing garages and driveway cuts from the street frontages, improving the presentation of houses and maximising on street parking spaces and street trees.

Performance criteria	Acceptable solutions
The lot layout objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
<b>Lot frontage</b>	
P1 Lots are designed to optimise outlook and proximity to public and community facilities, parks and public transport with increased residential activity.	There is no applicable Acceptable Solution to this Performance Criteria.
P2 Lots are of a suitable configuration to reduce garage dominance in residential streets.	There is no applicable Acceptable Solution to this Performance Criteria.
P3 The design of lots provides vehicular access to the rear or side of lots where front access is restricted or not possible, particularly narrow lots where front garaging is not permitted.	There is no applicable Acceptable Solution to this Performance Criteria.
<b>Lot Types</b>	
P2 A range of residential lot types (area, frontage, depth and access) is provided to ensure a mix of housing types and dwelling sizes and to create coherent streetscapes with distinctive garden suburb, suburban and urban characters across a neighbourhood.	A2.1 Within each street block, the subdivision design shall provide varied lot frontages to provide a differentiation in design and housing product.

<p><b>Performance criteria</b> The lot layout objectives may be achieved where:</p>	<p><b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
<p>P3 A variety in dwelling size, type and design to promote housing choice and create attractive streetscapes with distinctive characters is encouraged.</p>	<p>A3.1 Lots should generally be rectangular in shape.</p> <p>Where lots are an irregular shape, they are to be of a sufficient size and orientation to enable siting of future dwellings to meet the controls in this Plan.</p> <p>A3.2 Where residential development adjoins land zoned RE1 Public Recreation and/or utilised for open space purposes, the subdivision is to create lots to enable a living area within the dwelling to overlook the open space or drainage land.</p> <p>A3.3 Optimal lot orientation is east-west, or north-south where the road pattern requires. Exceptions to the preferred lot orientation may be considered where factors such as the layout of existing roads and cadastral boundaries, or topography and drainage lines prevent achievement of the preferred orientation.</p>
<p><b>Battle-axe Lots</b> P4 Battle-axe lots shall only be provided in limited circumstances where the topography and development orientation results in regular subdivision not being able to be achieved.</p>	<p>A4 Battle axe lots are provided in accordance with the principles for the location of battle-axe lots as shown in Figure 3.</p>
<p>P5 The visual impact to the streetscape of battle-axe entry ways and driveways should be ameliorated where possible.</p>	<p>A5 The driveway or shared driveway will include adjacent planting and trees, as indicated in Figure 4.</p>

<p><b>Performance criteria</b> The lot layout objectives may be achieved where:</p>	<p><b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
<p><b>Corner Lots</b> P6 To ensure corner lots are of sufficient dimensions and size to enable residential controls to be met.</p>	<p>P6.1 Corner lots are to be designed to allow residential accommodation to positively address both street frontages as indicated in Figure 5.</p> <p>P6.2 Garages on corner lots are encouraged to be accessed from the secondary street or from a rear lane.</p>

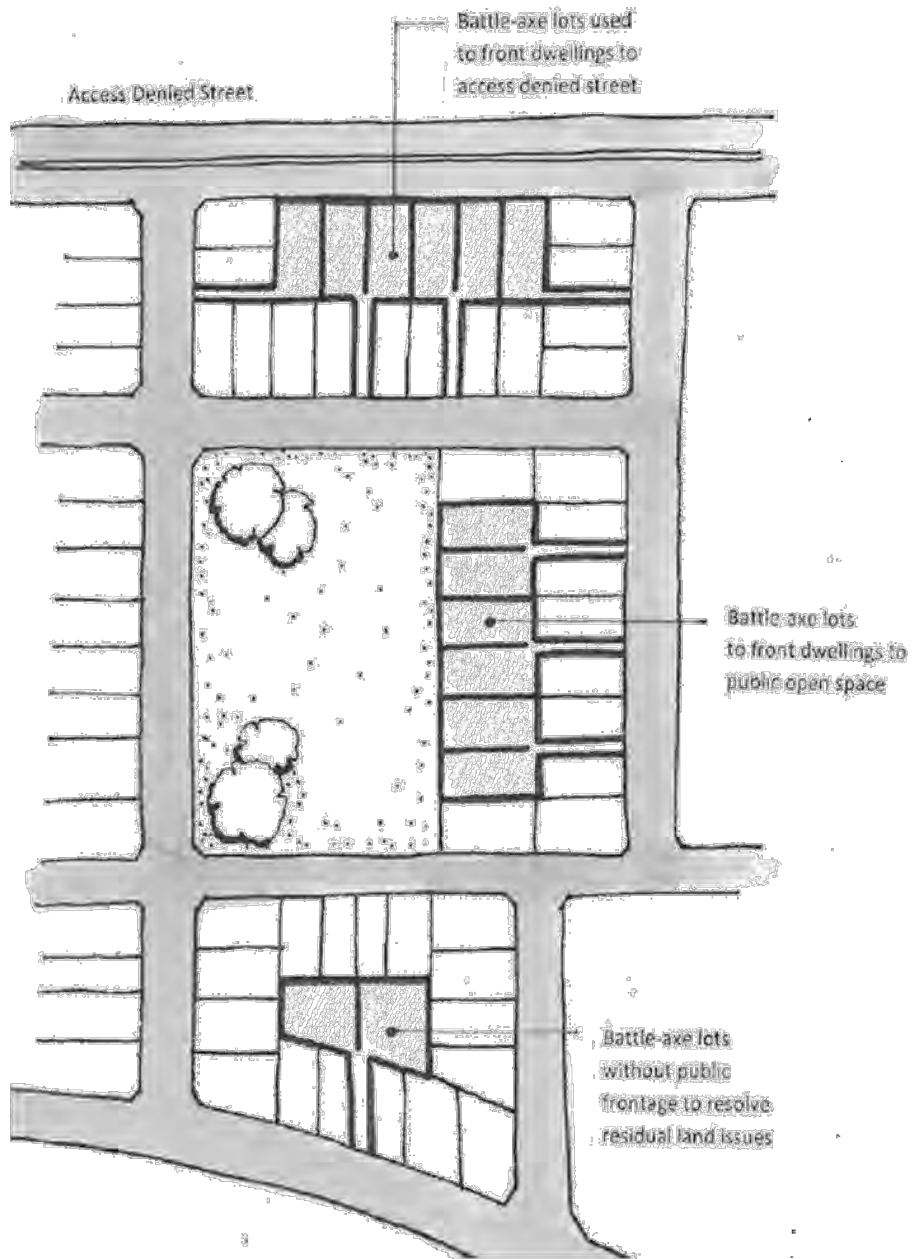


Figure 3. Examples of locations of battle-axe lots

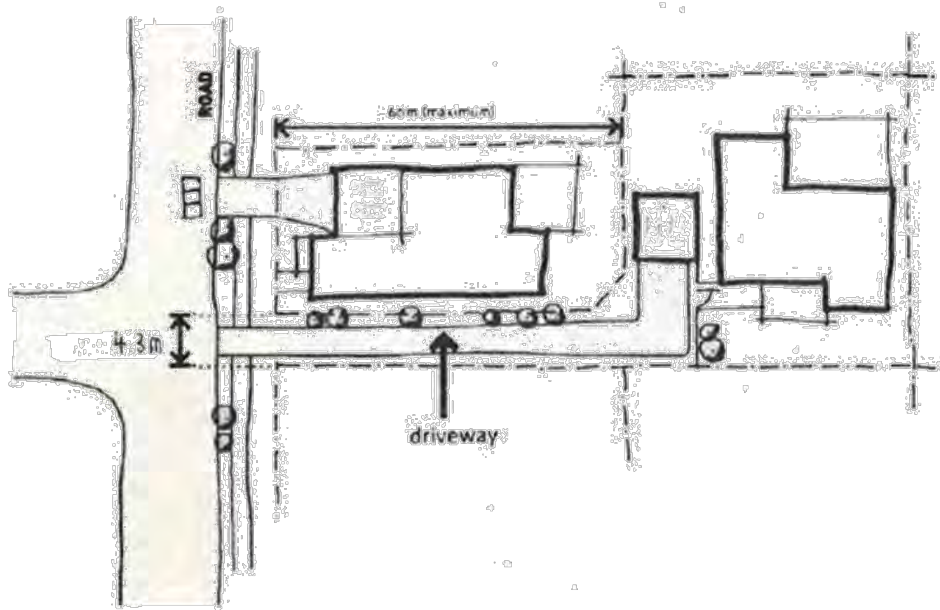


Figure 4. Example of driveway location and alignments for battle-axe lots

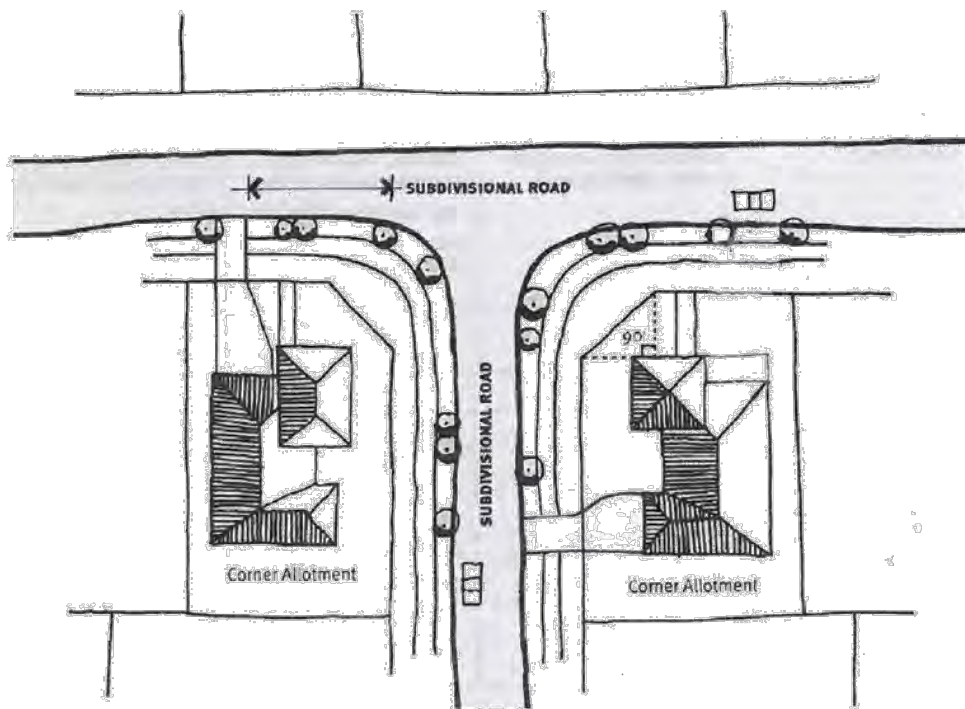


Figure 5. Corner lots

### Element 3. Landscaping

#### Objectives

- To provide landscaping that contributes to the identity and environmental health of the community; and
- To ensure streetscape components do not detrimentally affect solar access to individual dwellings.

Performance criteria	Acceptable solutions
The public open space and landscaping objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p><b>Landscaping – General</b></p> <p>P1 Landscaping is designed and located to not negatively impact on built infrastructure.</p>	<p>A1.1 Landscaping is provided in accordance with the requirements of a landscaping schedule that has been approved by Council’s Dubbo Branch, Parks and Landcare Services Division.</p>
<p>P2 Landscaping is undertaken in an environmentally sustainable manner which limits the time and costs associated with maintenance.</p>	<p>A2.1 Existing native trees are retained wherever possible.</p> <p>A2.2 Species selected are suitable for the local climate.</p> <p>A2.3 Species selected require a minimal amount of watering.</p> <p>A2.4 Landscaping does not impact groundwater levels by encouraging over-watering resulting in groundwater level increases or the pollution of waters.</p>
<p><b>Street Trees</b></p> <p>P3 Street trees are selected to provide summer shading while not impeding solar access to dwellings in winter.</p>	<p>A3.1 Street trees are provided in accordance with the requirements of Council’s Dubbo Branch, Parks and Landcare Services Division generally and any applicable Tree Planting Standards.</p> <p>A3.2 Deciduous trees are selected where shadows adversely impact solar access.</p>

<p><b>Performance criteria</b> The public open space and landscaping objectives may be achieved where:</p>	<p><b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
	<p>A3.3 Taller tree species are planted on the northern side of east-west aligned streets, shorter species are planted on the southern side.</p> <p>A3.4 Indigenous species or species with a proven tolerance to the local climate and conditions that preserve solar access of adjoining properties are provided.</p> <p>A3.5 Plantings with low maintenance and low water consumption are provided.</p> <p>A3.6 Evergreen species for windbreaks and planting along the south or west side of the area are protected against wind.</p>

#### Element 4. Infrastructure

##### Objectives

- To ensure residential areas are serviced with essential services in a cost-effective and timely manner, and;
- To ensure residential areas are adequately serviced with water and sewerage infrastructure.

Performance criteria The infrastructure objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p><b>Utilities</b></p> <p>P1 Design and provision of utility services including sewerage, water, electricity, gas, street lighting and communication services are cost-effective over their lifecycle and incorporate provisions to minimise adverse environmental impact in the short and long term.</p>	<p>A1.1 The design and provision of utility services conforms to the requirements of relevant service authorities.</p> <p>A1.2 Water and sewerage services are to be provided to each allotment at the full cost of the developer.</p> <p>A1.3 Water and sewerage services are to be designed and constructed in accordance with the requirements of NAT-SPEC (DCC version) Development Specification Series – Design and Development Specification Services – Construction.</p> <p>A1.4 Electricity supply is provided via underground trenching in accordance with the requirements of the energy supply authority.</p>
<p><b>Common Trenching</b></p> <p>P2 Compatible public utility services are located in common trenching in order to minimise the land required and the costs for underground services.</p>	<p>A2.1 Services are located next to each other in accordance with Council’s Dubbo Branch policy for trenching allocation in footways (Standard Drawing 5268).</p>



<p><b>Performance criteria</b> The infrastructure objectives may be achieved where:</p>	<p><b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
<p><b>Availability of Services</b> P3 Water supply and sewerage networks are available, accessible, easy to maintain and are cost-effective based on life cycle costs.</p>	<p>A3.1 Council will not consent to the subdivision of land until adequate water supply and facilities for sewage and drainage are available or until arrangements satisfactory to Council have been made for the provision of such supply and facilities.</p> <p>A3.2 Development is to be carried out within the water supply and sewer catchments as described by Council's Dubbo Branch, Section 64 Policy for Water and Sewerage.</p> <p>Note: Where water and/or sewer are available, any new allotments will be connected to the system. Where not available, refer to A3.1.</p>

## Element 5. Street Design and Road Hierarchy

### Objectives

- To ensure streets fulfil their designated function within the street network;
- To facilitate public service utilities;
- Encourage street designs that accommodate drainage systems, and;
- Create safe and attractive street environments.

Performance criteria	Acceptable solutions
The street design and road hierarchy objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p><b>Function and Width</b></p> <p>P1 The street reserve width is sufficient to cater for all street functions, including:</p> <ul style="list-style-type: none"> <li>- Safe and efficient movement of all users, including pedestrians and cyclists;</li> <li>- Provision for parked vehicles;</li> <li>- Provision for landscaping; and</li> <li>- Location, construction and maintenance of public utilities.</li> </ul>	<p>A1.1 The road hierarchy complies with the relevant Residential Release Strategy.</p> <p>A1.2 The road hierarchy is designed and constructed in accordance with Aus-Spec (DCC version).</p> <p>A1.3 Road reserve widths are in conformity with the Dubbo Road Transportation Strategy to 2045.</p> <p>A1.4 The road layout provides appropriate connectivity as approved by Council, between adjoining residential estates for both vehicular and pedestrian movement.</p>
<p>P2 The verge width is sufficient to provide for special site conditions and future requirements.</p>	<p>A2.1 The verge width is increased where necessary to allow space for:</p> <ul style="list-style-type: none"> <li>- Larger scale landscaping;</li> <li>- Indented parking;</li> <li>- Future carriageway widening;</li> <li>- Retaining walls;</li> <li>- Cycle paths; and</li> <li>- Overland flow paths.</li> </ul>
<p><b>Design for Safety</b></p> <p>P3 Street design caters for all pedestrian users including the elderly, disabled and children by designing streets to limit the speed motorists can travel.</p>	<p>P3.1 The length of straight streets are limited to between 200m to 250m for a control speed of 50 km/hr.</p>

<b>Performance criteria</b> The street design and road hierarchy objectives may be achieved where:	<b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:
	P3.2 Incorporating speed control devices (mostly for redesigning existing streets) such as: <ul style="list-style-type: none"> <li>- Horizontal deflection devices;</li> <li>- Roundabouts;</li> <li>- Slow points;</li> <li>- Median islands;</li> <li>- Street narrowing;</li> <li>- Vertical deflection devices;</li> <li>- Speed humps and dips; and</li> <li>- Raised platforms at pedestrian crossings or thresholds.</li> </ul>
<b>Driveway Access</b> P4 Driveway egress movements do not create a safety hazard.	A4.1 Motorists can enter or reverse from a residential lot in a single movement.  A4.2 Motorists enter and leave medium density and non-residential developments in a forward direction.  A4.3 Lot design enables driveways on major collector streets and streets which carry more than 3,000 vpd to be designed to promote forward movement of vehicles across the verge.
<b>Geometric Design</b> P5 Bus routes have a carriageway width that: <ul style="list-style-type: none"> <li>- Allows for the movement of buses unimpeded by parked cars;</li> <li>- Safely accommodates cyclists; and</li> <li>- Avoids cars overtaking parked buses.</li> </ul>	A5.1 The geometry of streets identified as bus routes provides suitable turning, stopping sight distance, grade and parking for buses.
P6 Geometric design for intersections, roundabouts and slow points is consistent with the vehicle speed intended for each street.	A6.1 Sufficient area is provided at the head of cul-de-sacs for waste disposal vehicles to make a three point turn.

<p><b>Performance criteria</b> The street design and road hierarchy objectives may be achieved where:</p>	<p><b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
<p><b>On-Street Parking</b></p> <p>P7 Car parking is provided in accordance with projected needs determined by:</p> <ul style="list-style-type: none"> <li>- The number and size of probable future dwellings;</li> <li>- The car parking requirements of likely future residents;</li> <li>- Availability of public transports.</li> <li>- Likely future onsite parking provisions;</li> <li>- Location of non-residential uses such as schools/shops;</li> <li>- The occasional need for overflow parking.</li> </ul>	<p>A7.1 One on-street parking space is to be provided per dwelling. These are to be located against the kerb or in pairs in parking bays constructed within the verge, located within 60m of each allotment.</p>
<p><b>Design</b></p> <p>P8 Car parking is designed and located to:</p> <ul style="list-style-type: none"> <li>- Conveniently and safely serve users, including pedestrians, cyclists and motorists;</li> <li>- Enable efficient use of car spaces and access ways including adequate manoeuvrability between the street and lots;</li> <li>- Fit in with adopted street network and hierarchy objectives and any related traffic movement plans;</li> <li>- Be cost effective; and</li> <li>- Achieve relevant streetscape objectives.</li> </ul>	<p>There is no applicable Acceptable Solution to this Performance Criteria.</p>

## Element 6. Pedestrian and Cycle Links

### Objective

- To encourage walking and cycling by providing safe and convenient movement networks to points of attraction and beyond the development.

<b>Performance criteria</b> The pedestrian and cycle links objectives may be achieved where:	<b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:
<b>Planning</b> P1 The residential street and path network provides a network of pedestrian and cyclist routes, with connections to adjoining streets, open spaces and activity centres.	A1.1 Where a Traffic Calming Plan or an approved Pedestrian and Cyclist Plan exist, pedestrian and cyclist paths are provided in accordance with that Plan.  A1.2 Pedestrian and cycle paths are provided in accordance with the Dubbo Strategic Open Space Master Plan.  A1.3 A network of footpaths and cycle routes is provided that accounts for: <ul style="list-style-type: none"> <li>- The need to encourage walking and cycling;</li> <li>- Likely users (eg school children, parents with prams, aged/, commuter and cyclists);</li> <li>- Opportunities to link open space networks and community facilities including public transport, local activity centres, schools and neighbouring shopping centres;</li> <li>- Topography; and</li> <li>- Cyclist and pedestrian safety.</li> </ul>
<b>Location and Design</b> P2 The alignment of paths allows safe and convenient use by pedestrians and cyclists and is varied to preserve trees and other significant features. A focus on vistas and landmarks adds visual interest where they exist.	There is no applicable Acceptable Solution to this Performance Criteria.

Performance criteria The pedestrian and cycle links objectives may be achieved where:		Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:	
P3	Footpaths and cycle ways are well-lit and located where there is casual surveillance.	P3.1	Lighting conforms to AS/NZ 1158.1.
P4	Footpaths or shared paths are designed and constructed at appropriate widths, longitudinal gradient and sight distance to cater for the number of projected pedestrians and cyclists and user types (e.g. the aged, the very young, people with prams and people with disabilities).	A4.1	Collector streets on which there is access to lots or where there is a planned pedestrian or cyclist path are provided with a separate path on each side clear of the carriageway pavement.
		A4.2	A pedestrian (only) footpath, where required, is 1.2 m wide and is constructed of concrete or paving block for the full width and is located central to the existing or proposed kerb. Shared pedestrian and cyclist paths shall be 2.5 metres in width.
		A4.3	Footpaths are widened to full width in the vicinity of meeting points, schools, shops and other activity centres.
		A4.4	Maximum longitudinal gradient of cycle paths is no greater than that at any adjacent street pavement.
P5	Provision is made for the location of seats in appropriate places.	A5.1	Seats to be provided in accordance with the requirements of Council's Dubbo Branch, Parks and Landcare Services Division.
P6	There is adequate provision for passing with paths widened at potential conflict points or junctions on high-use facilities to allow for passing of pedestrians/cyclists.	A6.1	Paths are widened at potential conflict points or junctions in areas of high use such as schools, corner stores etc.

<b>Performance criteria</b> The pedestrian and cycle links objectives may be achieved where:	<b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:
<b>Safe Crossings</b> P7 Safe street crossings are provided for all street users with safe sight distances and adequate pavement markings, warning signs and safety rails (where appropriate for cyclists).	A7.1 Where traffic volumes exceed 3,000 vpd or speeds exceed 50 km/hr, safe crossings are created with the use of pedestrian refuges, slow points, thresholds or other appropriate mechanisms  A7.2 Pram and wheelchair crossings are provided at all kerbs and are adequately designed for this purpose as well as assisting sight-impaired people.
<b>Construction</b> P8 Pedestrian and cyclist paths are constructed to provide a stable surface for projected users and is easily maintained.	There is no applicable Acceptable Solution to this Performance Criteria.

## Element 7. Stormwater Management

### Objectives

- To provide major and minor drainage systems which:
  - Adequately protect people and the natural and built environments to an acceptable level of risk and in a cost effective manner in terms of initial costs and maintenance, and;
  - Contribute positively to environmental enhancement of catchment areas.
- To manage any water leaving the site (during construction and operation) with stormwater treatment measures.

Performance criteria	Acceptable solutions
The stormwater management objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
P1 Post development peak flows (up to 100 year ARI storm events) are limited to 'pre-development' levels.	<p>A1.1 Water sensitive urban design or onsite bio-retention in the form of rain gardens, swales and absorption trenches are amalgamated into the design of the road network.</p> <p>A1.2 In areas where there is a likelihood of salinity impacts, infiltration shall not be used.</p>
P2 The stormwater drainage system has the capacity to safely convey stormwater flows resulting from the relevant design storm under normal operating conditions, taking partial minor system blockage into account.	<p>A2.1 The design and construction of the stormwater drainage system is in accordance with the requirements of Australian Rainfall and Runoff 1987 and Aus-Spec (Former Dubbo City Council version) Development Specification Series – Design and Development Specification Series – Construction.</p> <p>A2.2 Construction Certificate plans for subdivisions shall show all minor and major stormwater systems clearly defined and identified. Minor systems for residential areas are designed to cater for the 1 in 100 year storm event. These systems are to be evident as 'self-draining' without impacting on flooding of residential houses etc.</p>



<b>Performance criteria</b> The stormwater management objectives may be achieved where:	<b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:
P3 Natural streams and vegetation are retained wherever practicable and safe, to maximise community benefit.	A3.1 Natural streams and vegetation are incorporated into the stormwater drainage system for the subdivision and open space requirements.
P4 The stormwater system/drainage network is designed to ensure that there are no flow paths which would increase risk to public safety and property.	A4.1 While addressing the statutory requirements stated above, the incorporation of sports grounds and other less flood-sensitive land uses into the drainage corridor and the appropriate placement of detention basins.
P5 The system design allows for the safe passage of vehicles at reduced speeds on streets which have been affected by run-off from the relevant design storm.	A5.1 The system allows for the safe passage of vehicles at reduced speeds on streets which have been affected by run-off from a 20% AEP event.
<b>Site Drainage</b> P6 Subdivision design and layout provides for adequate site drainage.	A6.1 Where site topography prevents the discharge of stormwater directly to the street gutter or a Council controlled piped system, inter-allotment drainage is provided to accept run-off from all existing or future impervious areas that are likely to be directly connected.  A6.2 The design and construction of the inter-allotment drainage system are in accordance with the requirements of Australian Rainfall and Runoff (1987) and Aus-Spec (Former Dubbo City Council version) Development Specification Series – Design and Development Specification Series – Construction.

<b>Performance criteria</b> The stormwater management objectives may be achieved where:	<b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p><b>Flooding</b></p> <p>P7.1 Where residences (new or existing) are proposed in flood-affected areas, these shall be protected from flood waters.</p> <p>P7.2 Flood-ways are developed in a manner which ensures that there is a low risk of property damage.</p>	<p>A7.1 Ground floors of residences are located at or above the 'flood planning level' to provide protection to life and property in accordance with the accepted level of risk.</p>

## Element 8. Water Quality Management

### Objective

- To provide water quality management systems which:
  - Ensure that disturbance to natural stream systems is minimised, and;
  - Stormwater discharge to surface and underground receiving waters, during construction and in developing catchments, does not degrade the quality of water in the receiving areas.

Performance criteria	Acceptable solutions
The water quality management objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
P1 Adequate provision is made for measures during construction to ensure that the land form is stabilised and erosion is controlled.	A1.1 An Erosion and Sediment Control Plan is prepared by suitably qualified professionals using the 'Blue Book – Managing Urban Stormwater: Soils and Construction' and provided to Council.
P2 The system design optimises the interception, retention and removal of water-borne pollutants through the use of appropriate criteria prior to their discharge to receiving waters.	A2.1 The Erosion and Sediment Control Plan is to comply with the document 'Managing Urban Stormwater: Soils and Construction', produced by NSW Department of Housing.
P3 The system design minimises the environmental impact of urban run-off on surfaces receiving water quality and on other aspects of the natural environment, such as creek configuration and existing vegetation, by employing techniques which are appropriate and effective in reducing run-off and pollution travel.	A3.1 Water pollution control ponds or wetlands are developed (where appropriate) for final treatment before discharge to the wider environment and should be sited to minimise impacts on the natural environment.  A3.2 Sensors are used to control watering systems.

## 2.2 Residential Design (Dwellings and Dual Occupancy)

This section is designed to encourage 'best practice' solutions and clearly explain requirements for the development of dwelling houses and dual occupancy development (attached or detached).

The objectives of this section are:

- To facilitate a mix of dwelling sizes complementing the character of the area and that provide accommodation for all sectors of the community; and
- To facilitate low density residential accommodation with an economic use of infrastructure.

This section lists design elements under the following headings:

- Element 1 Streetscape character
- Element 2 Building setbacks
- Element 3 Solar access
- Element 4 Private open space and landscaping
- Element 5 Infrastructure
- Element 6 Visual and acoustic privacy
- Element 7 Vehicular access and car parking
- Element 8 Waste management
- Element 9 Site facilities
- Element 10 Environmental Management
- Element 11 Non-residential uses
- Element 12 Signage

Each design element has been structured so that it contains:

- 'Objectives' describing the required outcomes;
- 'Performance criteria' outlining the range of matters that need to be addressed to satisfy the objectives (ie the performance criteria explains how an objective is to be achieved);

Note: Not all performance criteria will be applicable to every development.

- 'Acceptable solutions' are specific measures which illustrate one way of meeting both the performance criteria and objectives of an element. They are examples only and are not mandatory; and
- 'References' to relevant clauses of the Dubbo LEP 2011, other relevant legislation, Council policies and literature relevant to the design element.

## Element 1. Streetscape Character

### Objectives

- To design residential housing development to complement existing streetscape and neighbourhood character;
- To design residential housing in keeping with the desired future streetscape and neighbourhood character; and
- To provide a mix of dwelling sizes complementing the character of the area and that provide accommodation for all sectors of the community.

Performance criteria	Acceptable solutions
The streetscape character objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p><b>Built form</b></p> <p>P1 The frontage of buildings and their entries are readily apparent from the street.</p>	<p>A1.1 Buildings adjacent to the public street, address the street by having a front door facing the street.</p> <p>A1.2 The minimum frontage for dual occupancy developments is 15m.</p> <p>A1.3 Where dual occupancies are situated on corner blocks (where one is not a laneway), the development is designed to face each street frontage.</p> <p>A1.4 Dual occupancy development shall not be designed as 'mirror reversed'.</p>
<p>P2 The development is to be designed to respect and reinforce the positive characteristics of the neighbourhood, including:</p> <ul style="list-style-type: none"> <li>- Built form;</li> <li>- Bulk and scale;</li> <li>- Vegetation; and</li> <li>- Topography.</li> </ul>	<p>A2 Design elements to consider include:</p> <ul style="list-style-type: none"> <li>- Massing and proportions;</li> <li>- Roof form and pitch;</li> <li>- Façade articulation and detailing;</li> <li>- Window and door proportions;</li> <li>- Features such as verandahs, eaves and parapets;</li> <li>- Building materials, patterns, textures and colours;</li> <li>- Decorative elements;</li> <li>- Vehicular footpath crossing (location and width);</li> <li>- Fence styles; and</li> <li>- Building setbacks.</li> </ul>

<b>Performance criteria</b> The streetscape character objectives may be achieved where:	<b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:
P3 Walls visible from the street are adequately detailed for visual interest.	A3.1 This may be achieved by recesses, windows, projections or variations of colour, texture or materials.  A3.2 Walls longer than 10 m are articulated with a variation of not less than 600 mm for a minimum length of 4 m.
P4 Garages and parking structures (carports) are sited and detailed to ensure they do not dominate the street frontage, integrate with features of the dwelling and do not dominate views of the dwelling from the street.	A4.1 The width of a garage door or parking structure facing the street shall not be greater than 50% of the total width of the front of the building for an allotment in excess of 12 m in width, measured at the street frontage.  A4.2 Garages or parking structures are located in line with or behind the alignment of the front façade/entrance of the dwelling, with a minimum setback of 5.5 m (see Element 2 – Building Setbacks), where the street frontage is in excess of 12 m.
<b>Fencing</b> P6 Fencing is consistent with the existing character of the area.	A6 Fences shall take elements from neighbouring properties where elements are representative of the character of the street.
P7 Front fences enable outlook from the development to the street or open space to facilitate surveillance and safety.  Front fences provide noise attenuation on classified roads.  Front fences provide security in areas where there is a difference of land use (eg residential, commercial or industrial).	A7.1 Front fences have a maximum height of 1.2 m if solid or less than 20% transparent and 1.5 m if greater than 50% transparent.  A7.2 A front fence on the secondary frontage may have a maximum height of 1.8 m for 50% of the length of the boundary to the secondary road, which is measured from the corner splay of the primary road boundary. In addition,

<b>Performance criteria</b> The streetscape character objectives may be achieved where:	<b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:
	<ul style="list-style-type: none"> <li>- The fence is constructed of materials which are consistent with those used in development on the site and adjoining developments; and</li> <li>- The fence is softened with the use of landscaping.</li> </ul> <p>A7.3 Solid front fences to main roads or highways for the purposes of noise attenuation may be considered to a height of 1.8 m provided that:</p> <ul style="list-style-type: none"> <li>- The fence does not exceed 5 m in length without articulation or detailing to provide visual interest;</li> <li>- The fence is constructed of materials which are consistent with those used in the development on the site and adjoining developments (other than solid metal panels or chain wire fencing); and</li> <li>- The fence is softened with the use of landscaping.</li> </ul>
<p>P8 Fencing style and materials reflect the local streetscape and do not cause undue overshadowing of adjoining development.</p> <p>Note: Barbed/razor wire or electrified fencing in residential areas is not permitted.</p>	<p>A8.1 Side fences on corner allotments are setback and/or articulated to provide for vegetation screening to soften the visual impact of the fence.</p> <p>A8.2 Side fences forward of the building line are not constructed of solid metal panels or chain wire fencing (including factory pre-coloured materials).</p>

Performance criteria		Acceptable solutions	
The streetscape character objectives may be achieved where:		The acceptable solutions illustrate one way of meeting the associated performance criteria:	
P9	Fencing on corner allotments does not impede motorists' visibility at the intersection.	A9.1	Fencing is either splayed, setback, reduced in height or transparent to maintain visibility for motorists.  Note: The extent of the splay will be determined by Council in consideration of the characteristics of the road and the radius of the kerb return.
P10	Gates are designed to ensure pedestrian and motorist safety.  Note: Gates are not permitted to open across the footpath (Clause 21, Roads Regulation 2008).	A10.1	Where a driveway is provided through a solid fence, adequate visibility for the driver is maintained.



## Element 2. Building Setbacks

### Objectives

- To ensure that the setback of a building from the property boundaries, the height and length of walls, site coverage and visual bulk are acceptable in the neighbouring setting, and;
- To ensure habitable rooms of dwellings and private open space within the development and in adjacent development can receive adequate sunlight, ventilation and amenity.

Performance criteria	Acceptable solutions
The building setback objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p><b>P1 Front Boundary Setback – Dwellings and ancillary structures</b></p> <p>The setback of the development from the front boundary of the allotment is consistent with established setbacks, or is consistent with the desired amenity of the locality.</p> <p>Residential development on corner allotments shall address both street frontages.</p> <p>Note: The setback is measured from the property boundary to the first vertical structural element of the development. No portico, posts, etc shall be any closer than the stated setback.</p> <p>Note: This applies to a dwelling house and any ancillary structure that is attached or detached to a dwelling house.</p>	<p><b>Primary Frontage</b></p> <p>A1.1 Minimum setback of 4.5 m from the front property boundary where no streetscape setback has been established.</p> <p>A1.2 In established areas, infill development is to be setback the average of the front building setbacks of the adjoining and adjacent dwellings, if the difference between the setbacks of the adjoining buildings is greater than 2 m. Alternatively, a dwelling may be progressively stepped in as detailed in Figure 6.</p> <p><b>Secondary Frontage</b></p> <p>A1.3 The secondary (side) setback is 3 m. Where the corner is splayed, residential development is designed accordingly.</p>
<p><b>P2 Side and rear boundary setbacks – dwellings</b></p> <p>The setback of the development from the side and rear boundaries of the allotment is consistent with established setbacks or is consistent with the desired amenity of the locality.</p> <p>Note: The setback is measured from the property boundary to the first vertical</p>	<p>A2.1 Residential development is setback such that it complies with the requirements of the Building Code of Australia (BCA).</p>

<b>Performance criteria</b> The building setback objectives may be achieved where:	<b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>structural element of the development. No portico, posts etc. shall be any closer than the stated setback.</p> <p>Note: This applies to a dwelling house and any ancillary structure that is attached or detached to a dwelling house.</p>	
<p><b>P3 Front boundary setback – garages and carports</b>            The location of garages and carports does not diminish the attractiveness of the streetscape, does not dominate views of the dwelling from the street and integrates with features of associated dwellings.</p>	<p><b>Primary frontage</b>            A3.1 Garages and carports are setback a minimum of 5.5 m from the front property boundary and in line with or behind the alignment of the front façade of the dwelling. This does not apply to allotments where the frontage is less than 12 m in width.</p> <p><b>Secondary frontage</b>            A3.2 Garages and carports on secondary frontages of corner allotments may extend beyond the alignment of the secondary façade of the dwelling and shall achieve a minimum 5.5 m setback from the secondary property boundary (see Figure 7).</p>
<p><b>P4 Side and rear boundary setbacks – garages and carports</b>            The location of garages and carports does not diminish the attractiveness of the locality and integrates with features of associated dwellings.</p>	<p>A4.1 Garages and carports are setback such that they comply with the requirements of the Building Code of Australia.</p> <p>Where a garage or carport is provided on a secondary street frontage, regular building setback requirements of this Plan are applicable.</p>

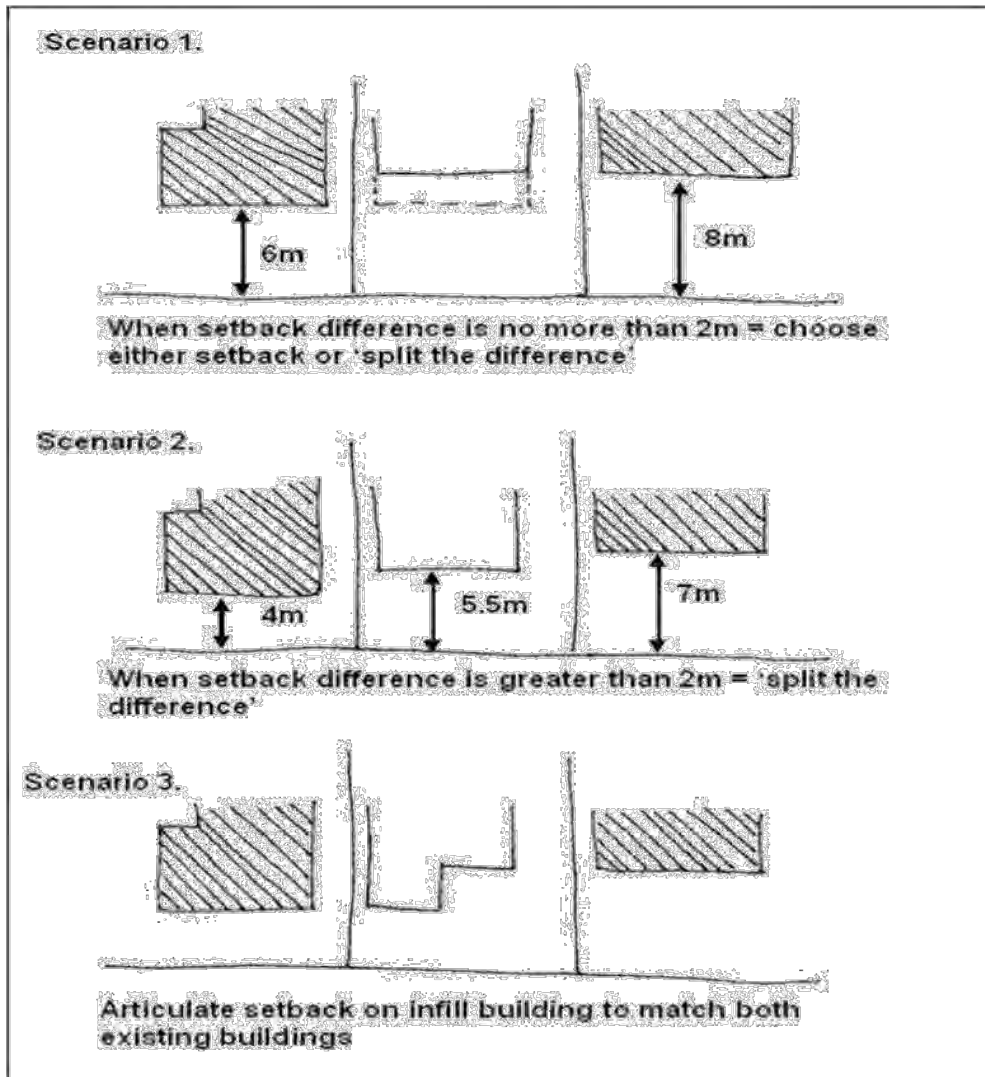


Figure 6. Setbacks for infill development in established areas

PRIMARY FRONTAGE

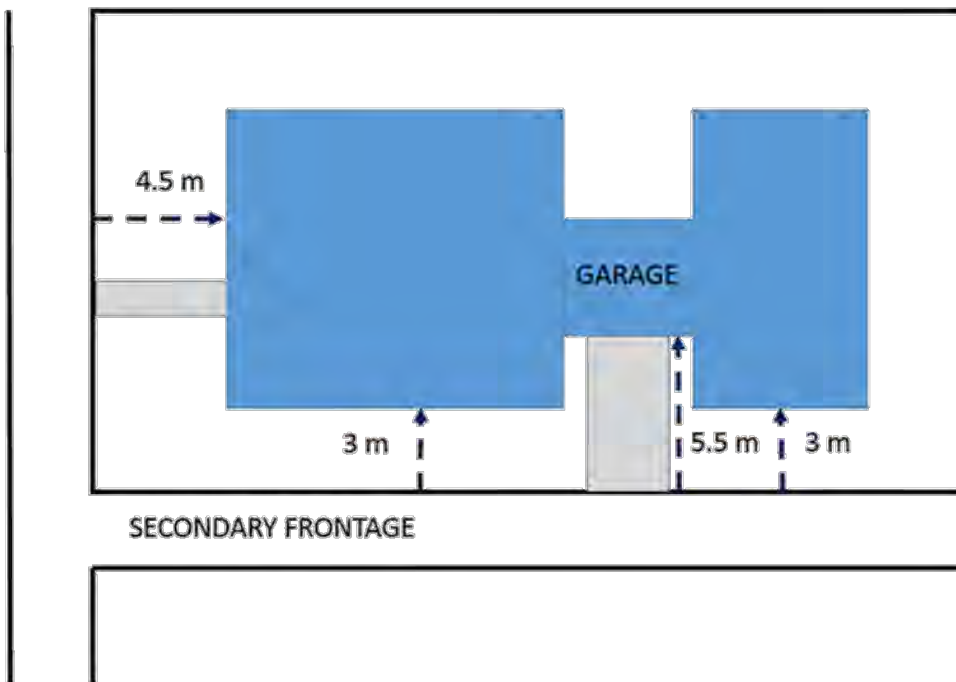


Figure 7. Corner allotment with the main entry to the primary road and the garage to the secondary road, with a setback minimum of 5.5 metres

### Element 3. Solar Access

#### Objectives

- To ensure all development provides an acceptable level of solar access for occupants, and;
- To ensure development does not significantly impact on the solar access and amenity of adjoining and adjacent allotments.

Performance criteria	Acceptable solutions
The solar access objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p><b>Solar Access</b></p> <p>P1 Development is designed to ensure solar access is available to habitable rooms, solar collectors (photovoltaic panels, solar hot water systems etc.) private open space and clothes drying facilities.</p> <p>Note 1: Council requires the submission of a shadow diagram to demonstrate the impact of overshadowing on adjoining and adjacent allotments for any residential development above single storey.</p> <p>Shadow diagrams are to be prepared for 9 am, 12 noon and 3 pm on 22 June. The shadow diagrams are to demonstrate the extent of overshadowing of the proposed and existing development on the subject land and adjacent sites.</p> <p>Note 2: The length of shadows cast by the sun in Dubbo for 22 June is able to be calculated using the information provided at the end of this element.</p>	<p>A1.1 Dwellings are sited in accordance with Figure 8.</p> <p>A1.2 On east/west orientated lots, the setback on the north-side of the lot is increased to allow for maximum solar access to habitable rooms located on the north-side of the dwelling.</p> <p>A1.3 A roof area sufficient to meet the space requirements for a solar hot water service is provided where it faces within 20° of north and receives direct sunlight between the hours of 9 am and 3 pm on 22 June.</p> <p>A1.4 Outdoor clothes drying areas are located to ensure adequate sunlight and ventilation are provided between the hours of 9 am and 3 pm on 22 June to a plane of 1 m above the finished ground-level under the drying lines.</p>
<p>P2 The proposed development does not reduce the level of solar access currently enjoyed by adjoining or adjacent allotments.</p>	<p>A2.1 Habitable rooms of adjoining development receive a minimum of four hours solar access between the hours of 9 am and 3 pm on 22 June.</p>

<b>Performance criteria</b> The solar access objectives may be achieved where:	<b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:
	<p>A2.2 Principal private open space (PPOS) of adjoining and adjacent development receives a minimum of four hours solar access over 75% of the principal private open space area between 9 am and 3 pm on 22 June.</p> <p>A2.3 Landscaping is designed to ensure that when mature, required areas of private open space or established BBQ/pergola areas on adjoining allotments maintain solar access on 22 June in accordance with A2.2.</p> <p>A2.4 The solar impact of development shall be shown with the submission of shadow diagrams taken on 22 June (winter solstice).</p>

**House orientation not encouraged**

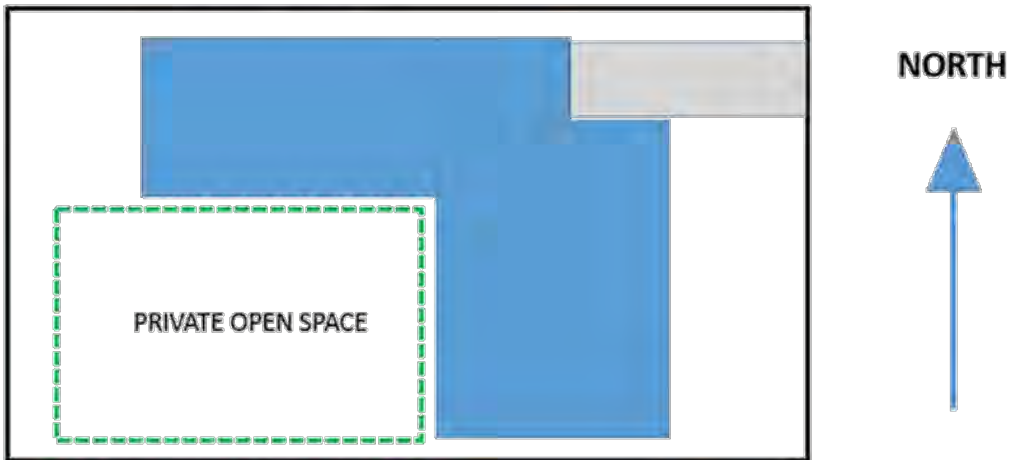


Figure 8. Siting of dwellings on east/west lots

Rationale

A dwelling built close to the northern boundary results in little to no winter sunlight being able to enter habitable rooms in the dwelling. The location of the house increases the shading of the private open space area.

**House orientation encouraged**

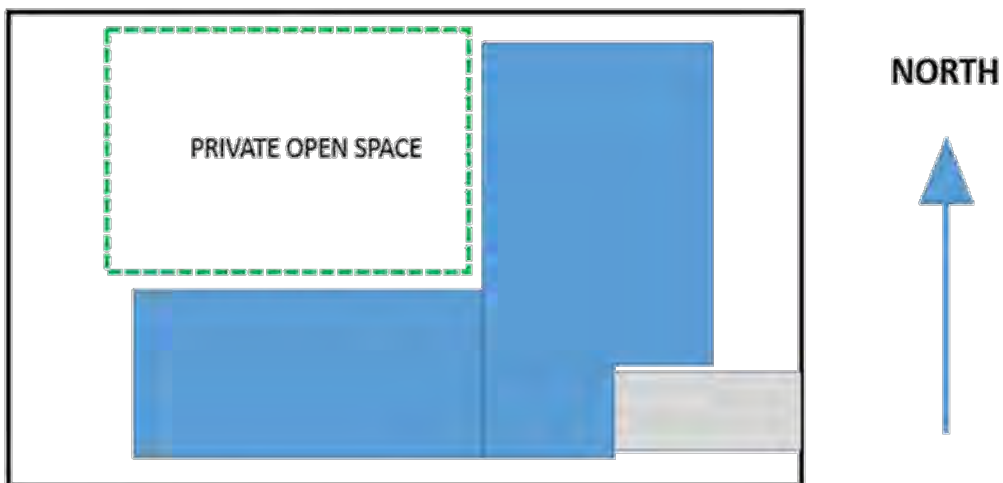


Figure 8. Siting of dwellings on east/west lots

Rationale

A dwelling built close to the southern boundary enables winter sunlight to enter habitable rooms in the dwelling. Good solar access is available to private open space during winter.

**Element 4. Private Open Space and Landscaping**

**Objectives**

- To provide private outdoor open space that is well-integrated with the development and is of sufficient area to meet the needs of occupants;
- To provide a pleasant, safe and attractive level of residential amenity, and;
- To ensure landscaping is appropriate in nature and scale for the site and the local environment.

Performance criteria	Acceptable solutions
The private open space and landscaping objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p><b>Private Open Space</b></p> <p>P1 Private open space is of an area and dimension facilitating its intended use.</p> <p>Note: See Element 3 – Solar Access requirements for private open space development in residential areas.</p>	<p>A1.1 Dwelling houses and dual occupancy developments shall have a Principal Private Open Space (PPOS) area, in addition to the general Private Open Space (POS).</p> <p>A1.2 The PPOS area has a minimum area per dwelling of 25 m<sup>2</sup> and a minimum dimension of 5 m. This area can include covered (not enclosed) outdoor entertainment areas.</p> <p>A1.3 Dwelling houses and dual occupancies have an overall minimum POS area (including PPOS) of 20% of the site area (excluding the area located forward of the front building line).</p>
<p>P2 Private open space is easily accessible by the occupants of the development and provides an acceptable level of privacy.</p>	<p>A2.1 All Principal Private Open Space (PPOS) is directly accessible from the main living area.</p> <p>A2.2 All private open space is located behind the front building line and is screened to provide for the privacy of occupants and the occupants of adjoining properties.</p>



Performance criteria		Acceptable solutions	
The private open space and landscaping objectives may be achieved where:		The acceptable solutions illustrate one way of meeting the associated performance criteria:	
<b>Landscaping</b>			
P3	Landscaping is provided at a scale and density which is appropriate for the development.	A3.1	Landscaping is provided in accordance with the requirements of the Landscaping Schedule.
		A3.2	The height and density of vegetation at maturity should be suitable to screen and soften the development.
		A3.3	A landscape plan is required to be provided for assessment with the lodgement of development applications for dual occupancy developments.
P4	Landscaping is located to not impact infrastructure, development on the site or development adjoining the site.	A4.1	Species are selected and located taking into consideration the size of the root zone of the tree at maturity and the likelihood of potential for the tree to shed/drop material.
		A4.2	<p>Landscape species are selected and located to ensure the amenity of adjoining and adjacent properties is not impacted.</p> <p>This shall ensure that inappropriate vegetation is not provided that reduces the level of solar access enjoyed by adjoining and adjacent properties and is likely to provide any safety impacts to residents.</p>
P5	Landscaping activities are undertaken in an environmentally sustainable manner which limits the time and costs associated with maintenance.	A5.1	Existing native trees are retained.
		A5.2	Species selected are suitable for the local climate.
		A5.3	Species selected require a minimal amount of watering (Waterwise Garden).

<b>Performance criteria</b> The private open space and landscaping objectives may be achieved where:	<b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:
	<p>A5.4 Landscaping does not impact ground-water levels by over watering resulting in ground-water level increases or the pollution of waters.</p> <p>A5.5 Landscaping is provided with a timed watering system and moisture meter to determine if watering is required.</p> <p>A5.6 Sensors are used to control watering systems (see also Element 9).</p>

## Element 5. Infrastructure

### Objectives

- To encourage residential development in areas where it can take advantage of existing physical and social infrastructure;
- To ensure infrastructure has the capacity or can be economically extended to accommodate new residential development;
- To efficiently provide development with appropriate physical services, and;
- To minimise the impact of increased stormwater run-off to drainage systems.

Performance criteria The infrastructure objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P1 Residential development shall not overload the capacity of public infrastructure including reticulated services, streets, open space and human services.	A1.1 Physical infrastructure is provided by the proponent in accordance with the former Dubbo City Council's adopted version of NAT Spec and relevant policies.
P2 Design and layout of residential development provides space (including easements) and facilities to enable efficient and cost-effective provision of telecommunication services.	A2.1 Development is connected to a telecommunication system provided in accordance with the requirements of the appropriate authority.
P3 The development is connected to reticulated sewerage, water supply and electricity systems and to natural gas where available.	<p>A3.1 Development is connected to Council's reticulated water supply, stormwater drainage and sewerage system to the former Dubbo City Council's adopted version of AUSPEC and relevant policies (including separate water meters where the development is to be subdivided).</p> <p>A3.2 Development is located where ready access to an electricity supply is available or where electricity supply can be easily extended.</p> <p>A3.3 Where Council sewerage services are not available, an approved effluent disposal system is installed and located so it is not:</p> <ul style="list-style-type: none"> <li>- Situated on flood-affected land;</li> </ul>

<b>Performance criteria</b> The infrastructure objectives may be achieved where:	<b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:
	<ul style="list-style-type: none"> <li>- Within or adjacent to drainage lines; and</li> <li>- Likely to contaminate any surface or groundwater supplies.</li> </ul>
P4 In areas where drainage infrastructure has little or no excess capacity, developments which would generate stormwater run-off beyond that equivalent to 35% site cover (or beyond that presently generated by the site if greater) should provide for stormwater drainage mitigation or upgrading of the local drainage system.	A4.1 Onsite stormwater detention shall be provided with delayed release into the stormwater system.  A4.2 Minimal impervious areas shall be provided.

## Element 6. Visual and Acoustic Privacy

### Objectives

- To limit overlooking of private open space and views into neighbouring development;
- To substantially contain noise within each dwelling and to limit noise from communal areas or shared facilities affecting nearby dwellings, and;
- To protect internal living and sleeping areas from inappropriate levels of external noise.

Performance criteria	Acceptable solutions
The visual acoustic and privacy objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p><b>Visual Privacy</b></p> <p>P1 Private open spaces and living rooms of adjacent residential accommodation are protected from direct overlooking by an appropriate layout, screening device and distance.</p> <p>Note: No screening is required if:</p> <ul style="list-style-type: none"> <li>- Bathrooms, toilets, laundries, storage rooms or other non-habitable rooms have translucent glazing or sill heights of at least 1.5 m.</li> <li>- Habitable rooms having sill heights of 1.5 m or greater above floor level or translucent glazing to any window less than 1.5 m above floor level.</li> <li>- Habitable rooms facing a property boundary have a visual barrier of at least 1.5 m high (fences and barriers other than landscaping are not to be any higher than 1.8 m) and the floor level of the room is less than 0.6 m above the level of the ground at the boundary.</li> </ul>	<p>A1.1 Windows of habitable rooms with an outlook to habitable room windows in adjacent development within 10 m:</p> <ul style="list-style-type: none"> <li>- Are offset a minimum distance of 1 m from the edge of the opposite window in the proposed development;</li> <li>- Have a sill height of 1.5 m above floor level;</li> <li>- Have a fixed obscure glazing in any window pane below 1.5 m above floor level; or</li> <li>- Have screens which obscure the view from habitable room windows, balconies, stairs, landings, terraces and decks or other private, communal or public areas within a development into private open space and/or habitable rooms of existing residential accommodation.</li> </ul> <p>A1.2 Screens are solid, translucent or perforated panels or trellis which:</p> <ul style="list-style-type: none"> <li>- Have a minimum of 25% openings;</li> <li>- Are permanent and fixed;</li> <li>- Are of durable materials such as galvanised steel, iodised aluminium or treated timber; and</li> </ul>

<b>Performance criteria</b> The visual acoustic and privacy objectives may be achieved where:	<b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:
	<ul style="list-style-type: none"> <li>- Are painted or coloured to blend in with the surrounding environment.</li> </ul> <p>A1.3 Windows and balconies of residential accommodation shall be designed to prevent overlooking of more than 50% of the private open space of any adjoining residential accommodation.</p>
<b>Acoustic Privacy</b> P2 The transmission of noise to and the impact upon habitable rooms within the proposed development and adjoining and adjacent development is minimised.	<p>A2.1 Living rooms or garages of residential development does not adjoin or abut bedrooms of adjacent residential development.</p> <p>A2.2 The plumbing of residential development and is separate and contained sufficiently to prevent transmission of noise.</p> <p>A2.3 Electrical, mechanical or hydraulic equipment or plant generating a noise level no greater than 5dBA above ambient L90 sound level at the boundary of the property.</p> <p>A2.4 Dividing walls and floors between residential uses are constructed in order to comply with the requirements of part F5 of the BCA (Class 2 and 3 buildings only).</p> <p>A2.5 Residential development is constructed to ensure habitable rooms are not exposed to noise levels in excess of the standards contained in the relevant Australian Standard(s) including AS 3671 – Road Traffic.</p>

**Element 7. Vehicular access and car parking**

**Objectives**

- To provide adequate and convenient parking for residents, visitors and service vehicles;
- To ensure street and access ways provide safe and convenient vehicle access to dwellings and can be efficiently managed; and
- To avoid parking and traffic difficulties in the development and the neighbourhood.

Performance criteria	Acceptable solutions
The vehicular access and car parking objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p><b>Parking Provision</b></p> <p>P1 Car parking is provided according to projected needs, the location of the land and the characteristics of the immediate locality.</p>	<p>A1.1 Dwelling houses and dual occupancy development provides the following vehicle parking:</p> <ul style="list-style-type: none"> <li>- One bedroom dwelling – one car parking space per dwelling, situated behind the front building setback; and</li> <li>- Dwelling with two or more bedrooms – two car parking spaces per dwelling. At least one of the required spaces shall be situated behind the front building setback.</li> </ul>
<p><b>Design</b></p> <p>P2 Car parking facilities are designed and located to:</p> <ul style="list-style-type: none"> <li>- Conveniently and safely serve users including pedestrians, cyclists and vehicles;</li> <li>- Enable efficient use of car spaces and access ways including adequate manoeuvrability for vehicles between the street and the lot;</li> <li>- Conform to the adopted street network hierarchy and objectives of the hierarchy and along with any related local traffic management plans;</li> <li>- Be cost effective; and</li> <li>- Protect the streetscape.</li> </ul>	<p>A2.1 The dimensions of car spaces and access comply with AS2890.1.</p> <p>A2.2 Access ways and driveways are designed to enable vehicles to enter the designated parking space in a single turning movement and leave the space in no more than two turning movements.</p> <p>A2.3 Where five or more car spaces (or three or more dwellings) are served, or a driveway connects to a distributor road, manoeuvring space is provided to make it unnecessary for cars to reverse on to or off the road. The entrance is at least 5 m wide for a</p>

<b>Performance criteria</b> The vehicular access and car parking objectives may be achieved where:	<b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:
	<p>distance of 7 m to allow vehicles to pass each other.</p> <p>A2.4 The design and appearance of garages and carports shall:</p> <ul style="list-style-type: none"> <li>- Be in line with or behind the alignment of the front façade of the dwelling (noting that they cannot be less than 5.5 m from the front property boundary in the R2 zone);</li> <li>- Garages and carports on secondary frontages of corner allotments may extend beyond the alignment of the secondary façade of the dwelling but shall achieve a minimum 5.5 m setback from the secondary property boundary;</li> <li>- Lots with a narrow frontage of 15 m or less have a single width garage/carport;</li> <li>- Large parking areas are broken up with trees, buildings or different surface treatments;</li> <li>- Parking is located so that the front windows of a dwelling are not obscured;</li> <li>- The dwelling design highlights the entry and front rooms rather than the garage; and</li> <li>- Garages are located under the roof of two-storey dwellings.</li> </ul>
<p><b>Emergency Vehicle Access</b></p> <p>P3 Standing and turning areas for service, emergency or delivery vehicles are provided where access to any dwelling from a public street is remote or difficult.</p>	<p>A3.1 Access ways are designed to cater for an 'AUSTROADS 8.8 m length Design Service Vehicle'.</p>



<b>Performance criteria</b> The vehicular access and car parking objectives may be achieved where:	<b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p><b>Surface Treatment</b></p> <p>P4 Driveways, car parks and access points are designed in accordance with Section 3.5 Parking.</p>	<p>A4.1 Car spaces, accessways and driveways are formed, defined and drained to a Council drainage system and surfaced with:</p> <ul style="list-style-type: none"> <li>- An all-weather seal such as concrete, coloured concrete, asphalt or mortared pavers.</li> <li>- Stable, smooth, semi-porous paving material (such as brick, stone or concrete pavers) laid to the paving standard of light vehicle use.</li> </ul>
<p><b>Location of Driveways and Accessways from Residential Uses</b></p> <p>P5 Shared driveways, accessways and car parks of other dwellings are setback from habitable rooms of adjoining residential uses to enhance resident’s privacy.</p>	<p>A5.1 Shared driveways, accessways and car parks of other residential uses are setback a minimum of 1.5 m from windows to habitable rooms of residential accommodation unless the floor level of the dwelling is at least 1 m above the driveway. The setback may be reduced to 1.0 m when the driveway etc. is bound by a fence of 1.5 m in height.</p>

## Element 8. Waste Management

### Objective

- To ensure waste disposal is carried out in a manner which is environmentally responsible and sustainable.

<b>Performance criteria</b> The waste management objectives may be achieved where:	<b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:
<b>Domestic Solid Waste</b> P1 Domestic solid waste is disposed of in an environmentally responsible and legal manner.	A1.1 Residential development shall participate in Council's garbage and recycling materials collection service.  A1.2 Organic waste shall be composted.  A1.3 Recycling of wastes such as paper (mulch in garden), plastics, glass and aluminium.  A1.4 Reuse of waste such as timber.  A1.5 Dispose of waste to a Council-approved waste facility or transfer station.
P2 The amount of liquid waste generated is minimised.	A2.1 Dual-flush toilet systems and water saving fittings and appliances shall be used.
P3 Adequate space is provided to store waste collection bins in a position which will not adversely impact upon the amenity of the area.	A3.1 Waste collection bins are stored behind the building line.

**Element 9. Site Facilities**

**Objective**

- To ensure that site facilities are functional, readily accessed from dwellings, visually attractive, blend in with the development and street character and require minimal maintenance.

Performance criteria The site facilities objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p><b>Mail Boxes</b></p> <p>P1 Mail boxes are located for convenient access by residents and the delivery authority.</p>	<p>A1.1 Individual mail boxes are located to each ground-floor entry of residential accommodation or a mail box structure is located close to the major pedestrian entrance to the site.</p>
<p><b>Antennae</b></p> <p>P2 Telecommunications facilities are provided to serve the needs of residents and do not present any adverse visual impacts.</p>	<p>A2.1 The number of television antennae and other receiving structures is kept to a minimum or, where appropriate, a receiver is provided to serve all dwellings within a single building.</p>

**Element 10. Non-Residential Uses****Objective**

- To ensure non-residential development is of a type, scale and character which will maintain an acceptable level of amenity.

<b>Performance criteria</b> The non-residential uses objective may be achieved where:	<b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:
<b>Amenity</b> P1 Non-residential use does not result in detrimental impacts to residential amenity having regard to traffic, parking, noise, odour, signage and safety.	A1.1 The scale and character of non-residential buildings is compatible with the residential nature of the locality.  A1.2 The level of noise and volume of traffic is not greater than the expected level associated with the regular activities of a residential area.  A1.3 Car parking is provided and designed appropriate for the site.  A1.4 Traffic can manoeuvre in and out of the site in a forward direction.  A1.5 Noise from the development does not exceed the background noise level (LA90) by more than 5dB(A) during approved business hours and does not exceed the background noise level at any frequency outside approved business hours.  A1.6 Hours of operation are to be restricted to normal business hours.

**Element 11. Signage**

**Objectives**

- The residential character of the locality is maintained; and
- Any signage is appropriate for the locality and does not detract from the development or the street character.

Performance criteria The signage objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p><b>Signage</b></p> <p>P1 Signs are appropriate for the nature of the business and the locality.</p>	<p>A1.1 Signage shall:</p> <ul style="list-style-type: none"> <li>- Be non-moving;</li> <li>- Relate to the lawful use of the building (except for temporary signs) on which the sign is located;</li> <li>- Not be detrimental to the character and functioning of the building;</li> <li>- Not cover mechanical ventilation inlet or outlet vents;</li> <li>- Not obstruct the sight line of vehicular traffic;</li> <li>- Not obstruct pedestrian traffic; and</li> <li>- Not be illuminated or flashing.</li> </ul>
<p><b>Business Identification Signage</b></p> <p>P2 Signs are appropriate for the nature of the business and the locality.</p>	<p>A2.1 Home-based child care, home business, home industry and home occupation development signage shall:</p> <ul style="list-style-type: none"> <li>- Meet the general requirements for signage (P1);</li> <li>- Have one sign per premises.</li> <li>- Have a maximum area — 0.75 m<sup>2</sup>; and</li> <li>- Not advertise specific products or brands.</li> </ul> <p>Note: Signs meeting the above requirements will not require development approval.</p>

Performance criteria	Acceptable solutions
The signage objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
	<p><b>A2.2</b> Permissible non-residential development signage shall:</p> <ul style="list-style-type: none"> <li>- Meet the general requirements for signage (P1);</li> <li>- Have one sign per premises; and</li> <li>- Have a maximum area 1.5 m<sup>2</sup>.</li> </ul> <p>Note: Signs meeting the above requirements will not require development approval.</p>
<p><b>Real Estate Signs (Advertising Premises or Land Sale or Rent)</b></p> <p>P3 Signs are appropriate for the residential locality and are of a temporary nature.</p>	<p><b>A3.1</b> Real estate signage shall:</p> <ul style="list-style-type: none"> <li>- Meet the general requirements for signage (P1);</li> <li>- Have a maximum area—3 m<sup>2</sup>; and</li> <li>- Be removed within seven days after the premises or land is sold or let.</li> </ul> <p>Note: Signs meeting the above requirements will not require development approval.</p>
<p><b>Temporary Signs (Special Events)</b></p> <p>P4 Signs are appropriate for the residential locality and are of a temporary nature.</p>	<p><b>A4.1</b> Temporary (special events) signage shall:</p> <ul style="list-style-type: none"> <li>- Meet the general requirements for signage (P1);</li> <li>- Have a maximum of two signs onsite;</li> <li>- Have a maximum one sign off site, which if located in a road reserve shall be acceptable to the relevant road authority in terms of location, traffic and pedestrian safety;</li> <li>- Have a maximum area 1.5 m<sup>2</sup> and maximum height of 1.5 m;</li> <li>- Not include commercial advertising apart from the name of any event sponsors; and</li> </ul>

<b>Performance criteria</b> The signage objectives may be achieved where:	<b>Acceptable solutions</b> The acceptable solutions illustrate one way of meeting the associated performance criteria:
	<ul style="list-style-type: none"> <li>- Not be displayed earlier than one month before or later than two days after the event.</li> </ul> <p>Note: Signs meeting the above requirements will not require development approval.</p>

WESTERN  
PLAINS  
REGIONAL  
COUNCIL

Incorporating the former  
Dubbo City & Wellington councils

**REPORT: Modified Development  
Application D13-496 (2) - Industrial  
Building (2 Units) - Modification of S94  
Urban Roads Contributions - Lot 21 DP  
1144575, 7 Capital Drive, Dubbo  
Applicant: Mr J Dean  
Owner: Mr J P & Mrs M L Dean  
Lodged: 26 April 2016**

**AUTHOR: Senior Planner 2  
REPORT DATE: 11 July 2016  
TRIM REFERENCE: ID16/1281**

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**EXECUTIVE SUMMARY**

A Section 96(1A) Modified Application under the Environmental Planning and Assessment Act, 1979, for the proposed modification of Development Consent D2013-496 was lodged with Council on 26 April 2016, seeking to reduce the value of the Section 94 Urban Roads Contribution imposed as stated in Condition 2 of the consent. A copy of the submission provided with the application is included in **Appendix 1**.

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

***“3.6 Flexibility in Imposition of Contributions***

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

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

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



In addition, Section 1.4 of the Plan specifies the trip rates however the following relevant notes are included in respect of the land uses:

*“Notes:*

- 1. Contributions are levied on the amount of traffic generated by development. That is, the number of vehicle “trips” that a development will generate on a daily basis.*
- 4. Contribution amount is based on the trip generation rates shown in Table 4.1. If no rate is given, Council will determine a suitable rate based on traffic surveys, previous experience or accepted standards.*
- 5. Industrial development is levied a 33% surcharge to take account of road damage by heavy vehicles.*
- 6. Other uses not included in this table will be levied according to their traffic generation which is assessed at development application stage.”*

Section 94 Urban Road Contributions were levied at the rate of 5.8 vehicle trips per 100m<sup>2</sup> of floor area, in accordance with Condition (35) of Development Consent D07-478, which states:

*“Section 94 contributions for urban roads for any future building development on and/or use of any allotment(s) within the Blueridge subdivision shall be calculated on the basis of 5.8 vehicle trips per 100m<sup>2</sup> of floor area.*

*{Reason: To provide clarity for the calculation of urban roads contributions for future development}”*

The 5.8 trips per 100 m<sup>2</sup> was derived as a result of the Developer of the Blueridge Business Park undertaking specific traffic studies of a comparable ‘business park’ similar to Blueridge. This study found that on average, the land uses generated 5.8 trips per 100 m<sup>2</sup> of floor area. It is therefore considered that the Developer of the subdivision has already undertaken a variation to the Section 94 Urban Roads Plan. Any further variations would arguably undermine the traffic study used to vary the Plan and therefore the Plan itself.

The Applicant has sought a reduction as per the following statement contained within correspondence submitted to Council dated 14 June 2016 (**Appendix 1**):

*“As my records indicate an average 0.57 vehicle trips per day I suggest that to cover any unforeseen traffic increase that I am levied 4 trips per day which is more than 7 times my traditional usage. I therefore request a reduction in the Sec 94 charges to a more equitable 4 trips per day or \$1,982.16”*

Clarification was sought from and provided by the Applicant, clarifying that the traffic data was obtained over a three (3) year period whilst the business was operating out of 2/46 Mountbatten Drive. Work diaries kept for business purposes recorded daily movements of the owner/operator business which has no employees.

This report recommends refusal of the Modified Application. However, should Council seek to approve some form of reduction, an amended condition reflecting the proponent’s offer of four (4) trips per day should be incorporated into an amended Development Consent.

### FINANCIAL IMPLICATIONS

Any variation to the levied contribution will potentially impact on the funds collected under the Section 94 Urban Roads Contribution Plan, which will in turn reduce the ability of Council to fund necessary urban road projects in the City without impacting upon General Fund revenue.

The original calculated contribution rate for the subject development based on this Plan was \$14,940.53. Based on the Modified Application submitted to Council, the Applicant is seeking a reduction to \$2,903.86 (based on four (4) daily trips for Tenancy 1), being an overall reduction of \$12,036.67.

### POLICY IMPLICATIONS

The submission included with the Modified Application fails to address the provisions of the Section 94 Urban Roads Contribution Plan. This Plan is a Policy of Council adopted as amended on 25 February 2008 to provide roads, traffic management and car parking needs for the period 2002-2016. While Council may consider a variation to the Contribution Plan, such a variation must be considered in accordance with the Plan to ensure that it is being applied fairly and transparently to all such requests.

### RECOMMENDATION

**That the proposed modification of Development Consent D2013-496 (2) for Industrial Building (two units) at Lot 21 DP 1144575, 7 Capital Drive, Dubbo, requesting to reduce the Section 94 Urban Roads Contribution imposed as per Condition 2 pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979, be refused for the following reason:**

**“The proposed modified development does not comply with the provisions of Condition 35 of Development Consent D2007-478, being the requirement to levy all building development and/or use of any allotment within the Blueridge subdivision at the rate of 5.8 vehicle trips per 100 m<sup>2</sup> of floor area (S79C(1)(a)(i) Environmental Planning and Assessment Act, 1979).”**

*Lee Griffith*  
Senior Planner 2

## BACKGROUND

Development consent (D2013-496) was granted on 16 April 2014 for an Industrial Building comprising two (2) units. Tenancy 1 is approved for the use as a depot which is to be occupied by the Applicant, Western Welding Services Dubbo. The Application stated the following in relation to the operations of the proposed use:

*'Western Welding Services Dubbo is essentially an on-site mobile welding business. The building would be for an industrial unit base, storage of equipment of trade and materials of trade, mobile vehicle etc. General welding, repairs and light fabrication will also be carried out.'*

No use has been proposed in respect to Tenancy 2 with a Development Application being required for its first use.

In accordance with Council's adopted Section 94 Urban Roads Contributions Plan, contributions were subsequently imposed as a condition on the consent. Condition 2 reads as follows:

*"(2) Prior to release of the relevant Occupation Certificate, the contribution by the developer of urban roads headworks contributions for a sum of \$14,940.53 (30.15 trips) accordance with Council's adopted Section 94 Contributions Plan - Roads, Traffic Management and Car Parking, Amendment No 1 adopted 25 February 2008.*

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

*Note 1: Council's adopted 2013/2014 financial year rate is \$495.54 per industrial trip (including administration fee).*

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

*{Reason: Implementation of Council's Section 94 Contributions Plan - Roads, Traffic Management and Carparking, Amendment No 1 adopted 25 February 2008}"*

The Applicant subsequently made representations to Council regarding the contribution and was advised that such contribution was levied at the rate of 5.8 trips per 100 m<sup>2</sup> in accordance with Condition 35 of Development Consent D2007-478 for the Blueridge Estate, which states:

*"Section 94 contributions for urban roads for any future building development on and/or use of any allotment(s) within the Blueridge subdivision shall be calculated on the basis of 5.8 vehicle trips per 100m<sup>2</sup> of floor area.*

*{Reason: To provide clarity for the calculation of urban roads contributions for future development}"*

The report to the Works and Services Committee by Council's Director Environmental Services dated 4 December 2007 (WSC 07/115) stated the following in relation to the imposition of the above condition:

*"The Maunsell AECOM Traffic Impact Assessment provided to Council detailing the trip generate rates of a number of business parks within the Hunter Valley area demonstrates an average trip generation rate of 5.8 vehicle movements per 100 square metres of floor area. A number of landuses within the Plan area considered to have higher traffic generation activities in the form of service stations, fast food outlets and office premises.*

*Hunter Land Pty Limited has requested that any future development applications for buildings and/or use of land within the subdivision have contributions for urban roads calculated on the basis of 5.8 vehicle trips per 100 square metres of floor area. This is considered to be a suitable contribution under the provisions of the Plan given the scale of the development proposed. Through the adoption of a single contribution trip rate for building development the developer and any future purchases of land within the estate have a level of surety in the application of the Plan, which can be provided to future occupants of the subdivision."*

As such, the Director Environmental Services made the following recommendation, which was adopted by Council on 17 December 2007:

*"3. That Council endorses an urban roads contribution rate of 5.8 vehicle trips per 100 square metres of floor area (under Council's Section 94 Contributions Plan for Roads, Traffic Management and Car Parking) for any use and/or building on an allotment within the Blueridge subdivision;"*

The Section 94 Urban Roads Plan has therefore already been varied in order to accommodate the large variety of development intended for Blueridge, noting that some land uses would be both higher and lower than the average of 5.8 trips per 100 m<sup>2</sup>. Any further variations would arguably undermine the traffic study used to vary the Plan and therefore the Plan itself.

### **Section 94 Calculation**

Condition 35 of Development Consent D2007-478 for Blueridge Estate requires any future building development and/or uses within Blueridge to be levied on the basis of 5.8 vehicle trips per 100 m<sup>2</sup> of floor area. As such, the Gross Floor Area (GFA) for both Tenancy's 1 and 2 were calculated and applied as follows:

*Gross Floor Area of 709.43 m<sup>2</sup> including shed and office but excludes amenities.*

*= (709.43 m<sup>2</sup>/100 m<sup>2</sup> x 5.8 trips) x \$495.54  
= 41.15 trips – 11 trips (credit)  
= 30.15 trips x \$495.54  
= **\$14,940.53***

REPORT

1. PROPOSED MODIFICATION

The proposed modification of development consent D2013-496 (2) was lodged with Council on 26 April 2016, seeking to reduce the value of the Section 94 Urban Roads Contribution imposed as stated in Condition 2 of the consent. A copy of the submission provided with the application is included in **Appendix 1**.

The Applicant has sought a variation to the Plan in accordance with Section 3.6 and provided a schedule of vehicle trips between January 2013 and April 2016 (**Appendix 1**). The Applicant states:

*“For work purposes, we have maintained a diary of movements, and the visitors who have attended their existing premises. The results have been collated in a spreadsheet, a copy of which is enclosed. Much of the work of the business is carried on away from the depot, and on days where that occur, travel is directly from home to the on-site location, and there are no trips to the depot at all.*

*Based on the actual historical records, the spreadsheet records the number of trips to the site, by doubling the number of visits, to allow for coming and going. The busiest month was March 2014, when there were 58 trips for the month. Most months were significantly less busy than this.*

*Allowing for substantial growth in the business activity, a doubling of the number of visits to the premises would amount to four trips per day.”*

Additionally, the Applicant, in correspondence dated 14 June 2016 (**Appendix 2**), provided the following:

*“As you can see from the spreadsheet summary of my diary I have on average made 2 trips per day to my business and as I mainly work on the job site, away from my facility, I have negligible customer visitation please see the summarised table below:*

<i>Total Trips over 41 months</i>	<i>= 1,605</i>
<i>Daily Trips (total / 2840 days)</i>	<i>= 0.57</i>

*As my records indicate an average 0.57 vehicle trips per day I suggest that to cover any unforeseen traffic increase that I am levied 4 trips per day which is more than 7 times my traditional usage. I therefore request a reduction in the Sec 94 charges to a more equitable 4 trips per day or \$1,982.16”*

It is noted that the calculations provided by the Applicant in relation to the total number of trips and days were actually incorrect (see below). However, the Applicant seeks a compromise stating that four (4) daily trips would be acceptable.

A review of the vehicle movement diary submitted with the Application (**Appendix 1**) has been undertaken and is summarised below:

- A total of 1,513 vehicle trips between January 2013 and April 2016 which includes trips to the business premise by the Applicant and clients;
- 860 'working' days within this period typically being Monday to Saturday; and
- An average of 1.76 daily vehicle trips based on the above.

Clarification was sought from and provided by the Applicant, clarifying that the traffic data was obtained over a three (3) year period whilst the business was operating out of 2/46 Mountbatten Drive. Work diaries kept for business purposes recorded daily movements of the owner/operator business which has no employees.

Should Council wish to approve the Modified Application on the basis of the four (4) trips per day proposed by the Applicant, the following calculation would apply:

*Tenancy 1 (Western Welding Services Dubbo)*  
= 4 daily trips x \$495.54/trip (FY 13/14 industrial rate)  
= **\$1,982.16**

*Tenancy 2 (No use proposed)*  
GFA = 221.71 m<sup>2</sup>  
= (221.71 m<sup>2</sup>/100 m<sup>2</sup> x 5.8 trips) x \$495.54/trip  
= 12.86 x \$495.54/trip  
= **\$6,372.18**

*Total*  
= 16.86 daily trips – 11 trips (credit)  
= 5.86 daily trips x \$495.54/trip  
= **\$2,903.86**

Additionally, given this reduction is being sought on Tenancy 1 only, on the basis of the detailed specifics of the tenant being Western Welding Services Dubbo, Council could include the following condition to ensure that future tenants consider any increase in their trip generation rates and contributions could be adjusted accordingly:

- (53) *Tenancy 1 shall be used by Western Welding Services Dubbo and should any change in occupancy occur, then a further Development Application shall be submitted to Council to assess which would include a review of the Section 94 Urban Roads Contribution as stipulated in Condition 2 of the Modified Development Consent.*  
*{Reason: To ensure that the use of Tenancy 1 reflected the modified Section 94 Urban Roads Contribution}*

Approval would result in a reduction of \$12,036.67 from the rate accepted by Council for the Blueridge Business Park. For a similar development located outside the Blueridge Business Park and calculated on the basis of 5 trips per 100 m<sup>2</sup> (factories covered by light industry), the total contribution would equate to \$12,126.61 (24.47 trips), or \$9,222.75 less. It should be noted that the proponent could readily make the same argument and seek a reduction to the comparative contribution figure.

## 2. SECTION 96 MODIFICATION LEGISLATION

The Modified Application is pursuant to Section 96(1A) of the Environmental Planning and Assessment Act, 1979. The Modified Application requests that Council reduces the Section 94 Urban Roads Contribution from \$14,940.53 to \$2,903.86 based on the Applicant's revised trip rate of four (4) daily trips. No other component of the development is proposed to be amended.

Section 96(1A) of the Environmental Planning and Assessment Act, 1979 pertains to modifications to an approved Development Application involving minimal environmental impact. It states:

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

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
  - (i) the regulations, if the regulations so require, or*
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*
- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application."*

It is considered that the amendment would provide minimal environmental impact and is substantially the same development as the consent which was originally granted. Neighbouring landowners were not notified of this modified application due to the relatively minor nature of the modification however, they were notified of the Part 1 application. During that submission period, no formal objections were received by Council.

The information detailed below provides an assessment of these areas of the development which will require assessment with Section 79C of the Environmental Planning and Assessment Act, 1979, as is relevant.

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

**3. LEGISLATIVE REQUIREMENTS (Environmental Planning and Assessment Act 1979, SECTION 79C(1))**

(a)(i) Environmental Planning Instruments

***Dubbo Local Environmental Plan 2011***

The subject property is zoned IN2 Light Industrial. The approval is an industrial building and depots are a permissible use in the IN2 Light Industrial zone. The approved land use is not being altered through this modification.

(b) Likely impacts (natural and built environment, social and economic) of the development in the locality

It is considered that the proposed modification will not contribute to any adverse impacts to the natural or built environment.

However, the proposed modification does present likely impacts to either economic or social aspects in the locality. Should Council approve the proposed modification there would be reduced funds in Council's infrastructure budget to carry out the necessary road works which cater for the continued development of the Dubbo urban area.

(c) Suitability of the site

The overall layout and appearance of the development is not proposed to be altered through this modification.

(d) Submissions

Due to there being no physical change to the development as approved, neighbouring land owners were not notified of this application. It is noted that during the original application neighbouring land owners were notified. No submissions were received during the original submission period.

(e) Public interest

There are no matters other than those discussed in the assessment of the Modified Application above that would be considered to be contrary to the public interest.



#### 4. SUMMARY

The Applicant seeks to amend Condition 2 Urban Roads Contribution of Development Consent D13-496 for the approved Industrial Building comprising two (2) units at Lot 21 DP 1144575, 7 Capital Drive, Dubbo. Tenancy 1 was approved for the use of a depot with the Part 1 Application to be occupied by the Applicant, Western Welding Services Dubbo. Tenancy 2 has not been approved for a use.

The site forms part of the Blueridge Business Park approved under Development Consent D2007-478 and is therefore subject to Condition 35 being the imposition of all building and land uses to be levied at the rate of 5.8 trips per 100 m<sup>2</sup>.

Notwithstanding, the Applicant submitted a vehicle movement diary based on his existing operations, providing an average of 1.76 daily vehicle trips. However, the Applicant stated that taking business growth into account, he would compromise and be satisfied with four (4) daily vehicle trips.

Clarification was sought from and provided by the Applicant, clarifying that the traffic data was obtained over a three (3) year period whilst the business was operating out of 2/46 Mountbatten Drive. Work diaries kept for business purposes recorded daily movements of the owner/operator business which has no employees.

Having considered the matters raised and discussed in the assessment of the Modified Application, it is recommended that the Application be refused for the following reason:

- The proposed modified development does not comply with the provisions of Condition 35 of Development Consent D2007-478, being the requirement to levy all building development and/or use of any allotment within the Blueridge subdivision at the rate of 5.8 vehicle trips per 100 m<sup>2</sup> of floor area (S79C(1)(a)(i) Environmental Planning and Assessment Act, 1979).

Alternatively, should Council wish to approve the modification of Development Consent D2013-496 pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979, condition (2) could be modified as:

- (2) *Prior to release of the relevant Occupation Certificate, the contribution by the developer of urban roads headworks contributions for a sum \$2,903.86 in accordance with Council's adopted Section 94 Contributions Plan - Roads, Traffic Management and Car Parking, Amendment No 1 adopted 25 February 2008.*

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

*Note 1: Council's adopted 2013/2014 financial year rate is \$495.54 per industrial trip (including administration fee).*

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

*{Reason: Implementation of Council's Section 94 Contributions Plan - Roads, Traffic Management and Carparking, Amendment No 1 adopted 25 February 2008}*

To ensure that the Section 94 Urban Roads Contribution reflects the use of Tenancy 1, an additional condition shall be included on the Modified Development Consent, to read as follows:

*(53) Tenancy 1 shall be used by Western Welding Services Dubbo and should any change in occupancy occur, then a further Development Application shall be submitted to Council to assess which would include a review of the Section 94 Urban Roads Contribution as stipulated in Condition 2 of the Modified Development Consent.*

*{Reason: To ensure that the use of Tenancy 1 reflected the modified Section 94 Urban Roads Contribution}*

Appendices:

- 1 Submission from Applicant dated 26 April 2016
- 2 Correspondence from Applicant dated 14 June 2016

The General Manager  
Dubbo City Council  
PO Box 81  
Dubbo NSW 2830

**Re: Development Consent D2013-496, 7 Capital Drive Dubbo -- s94 Traffic Contributions**

We have received the above conditional consent. Condition 2 relates to the contributions required in respect of urban roads headworks contributions.

Condition 2 notes that there is assessed an urban roads headworks contribution in a total amount of \$14,940.53, based on 30.15 trips [per day] in accordance with Council's adopted Section 94 Contributions Plan -- Roads, Traffic Management and Car Parking, Amendment No 1 adopted 25 February 2008.

After discussions with Council, it has become apparent that, in fact, the contributions have been assessed on a particular arrangement relating to the Blueridge Business Park, which arrangement was reached as part of the approval for the subdivision of the area.

We will operate a depot for a welding business from the Capital Drive land. The building to be constructed will be used primarily for storage of material and equipment, and as a base from which the mobile welding plant will operate. This business already operates from another location.

Accordingly, we understand the level of traffic which will be generated by the new development, based on the current and historic operation of the exact business which will occupy the development.

The fundamental principles which Council is required to follow when imposing contributions under section 94 are set out page 8 of the contributions plan. The relevant ones are:

- Council must establish a **nexus** (or direct relationship) between the need (or demand) created by a new development and the provision of public amenities and public services.
- The contributions must relate to or be imposed for a planning purpose.
- The contributions must be **reasonable** for the particular development.

The specific effect of the application of these principles is referred to in page 16.

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

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

Council's s94 Contributions Plan – Roads, Traffic Management & Car Parking, is a comprehensive survey of the expected works required to support anticipated development. By its very nature, it must treat developments, or classes of developments on the basis of the average traffic-generation capacity. In some cases, this will not be appropriate, as the plan notes.

Council will revise (downwards) from the average, where the development will in fact generate less traffic. It seems highly unlikely Council would ever be asked to revise upwards. This revision is natural, as the categories and standard rates are based on broad categories and classes of development.

Based on discussions with Council, it seems that the Blueridge subdivision has been the beneficiary of a general variation from the Contributions Plan rates, based on the material that proponents provided to Council. While this is no doubt beneficial to many of the occupants, if the average rate development in that process was applied to our development, it would not be a fair result.

\*We do not assert that Council is not entitled to revise its s94 plan on a local basis. They do say, however, that nothing about this revision takes away the application of the general principles underlying the collection of the contributions under section 94. Council is still collecting contributions under the authority of section 94, and is required to act in accordance with the relevant law. Council is still required to consider the traffic generating capacity of the actual development, and may not assess s94 contributions on the basis of some average assessment only.

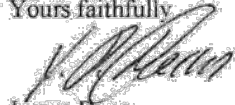
For work purposes, we have maintained a diary of movements, and the visitors who have attended their existing premises. The results have been collated in a spreadsheet, a copy of which is enclosed. Much of the work of the business is carried on away from the depot, and on days where that occurs, travel is directly from home to the on-site location, and there are no trips to the depot at all.

Based on the actual historical records, the spreadsheet records the number of trips to the site, by doubling the number of visits, to allow for coming and going. The busiest month was March 2014, when there were 58 trips for the month. Most months were significantly less busy than this.

Allowing for substantial growth in the business activity, a doubling of the number of visits to the premises would amount to four trips per day.

I ask that Council reconsiders the level at which section 94 contributions have been levied in condition 2 of the Development Consent.

Yours faithfully



James Dean

4 Hawkesbury Place

Dubbo NSW 2830

	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14
1	/	O/S	O/S	/	O/S	O/S	O/S	O/S	sun	O/S	/	sun	/	/	/	O/S
2	shed	O/S	O/S	O/S	O/S	sun	O/S	O/S	shed	O/S	/	shed	sun	sun	shed	shed
3	shed	/	sun	O/S	O/S	shed	O/S	/	O/S	shed	sun	O/S	O/S	O/S	shed	shed
4	shed	O/S	shed	O/S	O/S	shed	O/S	sun	O/S	O/S	/	O/S	shed	O/S	O/S	shed
5	shed	O/S	shed	O/S	sun	shed	O/S	O/S	O/S	/	shed/truck	/	sun	shed	shed	O/S
6	sun	O/S	shed	/	shed	O/S	shed	O/S	shed	sun	shed	O/S	shed	O/S	O/S	sun
7	O/S	shed	/	sun	shed	O/S	sun	O/S	/	/	O/S	O/S	shed	O/S	O/S	O/S
8	O/S	/	O/S	shed	O/S	/	O/S	O/S	sun	O/S	shed	sun	shed	O/S	O/S	O/S
9	O/S	sun	O/S	shed	/	sun	O/S	O/S	/	/	O/S	shed	shed	sun	sun	O/S
10	O/S	shed	sun	shed	/	/	O/S	shed	/	O/S	sun	shed	shed	O/S	O/S	O/S
11	O/S	O/S	O/S	shed	/	O/S	O/S	sun	/	O/S	O/S	shed	shed	O/S	shed	O/S
12	shed	O/S	shed	shed	sun	O/S	O/S	O/S	/	/	shed	shed	sun	O/S	shed	O/S
13	sun	O/S	O/S	shed	shed	O/S	shed	O/S	O/S	sun	shed	shed	shed	O/S	shed/truck	shed
14	O/S	O/S	O/S	sun	shed	O/S	sun	O/S	/	O/S	O/S	shed	shed	shed	O/S	O/S
15	O/S	O/S	shed	/	shed	O/S	shed	shed	sun	shed	shed	sun	shed	shed	shed	/
16	O/S	sun	shed	/	O/S	sun	shed	O/S	/	O/S	/	O/S	shed	sun	sun	/
17	O/S	shed	sun	/	/	/	shed	shed	/	O/S	sun	O/S	/	/	shed	/
18	O/S	shed	shed	/	/	/	shed	sun	O/S	shed	shed	shed	shed	shed	shed	/
19	O/S	shed	shed	/	sun	O/S	O/S	shed	shed	shed	shed	O/S	sun	shed	shed	/
20	sun	shed	shed	/	/	O/S	shed	shed/truck	shed	sun	shed	shed	O/S	O/S	O/S	sun
21	/	/	shed	sun	shed	O/S	sun	shed	/	O/S	shed	shed	shed	O/S	O/S	/
22	/	O/S	shed	O/S	shed	shed	O/S	shed	sun	O/S	O/S	sun	shed	O/S	O/S	/
23	/	/	shed	O/S	shed/truck	sun	O/S	shed/truck	shed	O/S	O/S	O/S	O/S	sun	sun	/
24	/	sun	sun	O/S	shed	O/S	O/S	shed	/	O/S	sun	/	O/S	shed	shed	/
25	O/S	/	O/S	O/S	shed	O/S	O/S	sun	shed	shed	shed	/	sun	O/S	shed	/
26	O/S	/	O/S	O/S	sun	O/S	O/S	O/S	O/S	shed	O/S	/	sun	O/S	shed	/
27	sun	/	O/S	shed	shed	O/S	/	O/S	O/S	sun	O/S	/	/	O/S	shed	sun
28	O/S	O/S	O/S	sun	O/S	O/S	sun	O/S	O/S	shed	O/S	/	shed	shed	shed/truck	shed
29	O/S	/	O/S	O/S	/	O/S	O/S	O/S	sun	shed	O/S	/	shed	shed	shed	shed
30	shed	/	/	O/S	O/S	sun	shed	O/S	O/S	O/S	/	/	O/S	sun	shed	shed
31	O/S	/	sun	/	O/S	/	O/S	/	/	O/S	/	/	O/S	shed	/	/
shed visit/client Deliveries	12	12	24	14	26	8	14	16	10	16	20	14	24	10	30	14
TOTALS	30	30	42	32	44	26	32	34	28	34	38	32	41	28	48	32

Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15
sun	/	/	shed	shed	O/S	O/S		sun	sun	shed	O/S	O/S	shed	shed	O/S	O/S
O/S			O/S	shed	sun	shed		O/S	shed	shed	O/S	O/S	O/S	sun	O/S	O/S
shed/truck	shed/truck	sun	O/S	shed	shed	shed		O/S	shed	shed	shed	sun	shed	shed	shed	O/S
shed	O/S		O/S	O/S	O/S	shed	sun	shed	shed	shed	shed	O/S	shed	shed	shed	sun
O/S	sun	shed	O/S	sun	O/S	O/S	shed	shed	shed	sun	shed	O/S	sun	O/S	shed	O/S
O/S	sun	shed	sun	shed	shed	sun	shed	shed	shed	O/S	shed	O/S	shed	shed	sun	shed
sun	O/S	O/S	O/S	shed	O/S	shed	shed	sun	sun	O/S	shed	shed	shed	O/S	O/S	O/S
/	O/S		O/S	shed	sun	shed	O/S	O/S	O/S	O/S	O/S	shed	shed	sun	shed	O/S
O/S	/	sun	shed	shed	shed	shed	sun	shed	O/S	O/S	shed	shed	shed	O/S	shed	shed
O/S	/	O/S	shed	shed	shed	shed	sun	shed	O/S	O/S	shed	shed	shed	O/S	shed	shed
shed	sun	O/S	O/S	sun	shed	O/S	O/S	shed	shed	sun	O/S	shed	sun	O/S	sun	shed
shed	O/S	O/S	sun	shed	O/S	sun	shed	shed	shed	shed	O/S	sun	shed	O/S	sun	shed
sun	shed/truck	shed	O/S	shed	O/S	shed	shed	sun	sun	shed	O/S	O/S	shed	shed	shed	shed
/	shed	shed/truck	shed	O/S	sun	shed	shed	shed	shed	shed	O/S	shed	shed	sun	shed	O/S
/	shed	shed	shed	O/S	shed	O/S	O/S	O/S	shed	O/S	sun	O/S	shed	O/S	O/S	shed
O/S	shed	shed	O/S	sun	shed	O/S	O/S	O/S	shed	sun	shed	shed	sun	O/S	O/S	shed
O/S	sun	shed	shed	O/S	shed	O/S	O/S	shed	O/S	shed	shed	shed	shed	O/S	sun	shed
sun	/	O/S	O/S	O/S	O/S	shed	O/S	sun	sun	shed	shed	shed	shed	shed	O/S	shed
shed/truck	O/S	/	O/S	shed	sun	shed	O/S	shed	shed	O/S	shed	shed	shed	sun	O/S	shed
shed/truck	O/S	sun	O/S	shed	O/S	shed	sun	O/S	shed	O/S	shed	shed	shed	shed	shed	O/S
O/S	O/S	shed	shed	O/S	O/S	O/S	sun	O/S	shed	O/S	shed	shed	shed	shed	shed	sun
/	O/S	shed	shed	sun	O/S	O/S	O/S	shed	shed	sun	O/S	O/S	sun	shed	shed	shed
O/S	sun	shed	O/S	shed	shed	O/S	shed	shed	shed	shed	O/S	O/S	shed	shed	sun	shed
shed	shed	O/S	sun	shed	O/S	O/S	O/S	O/S	shed	shed	O/S	sun	O/S	O/S	O/S	shed
sun	shed	O/S	shed	shed	O/S	O/S	O/S		sun	shed	O/S	shed	O/S	O/S	O/S	O/S
O/S	O/S	sun	shed	shed	sun	shed	shed		shed	shed	sun	shed	shed	O/S	O/S	shed
34	34	25	32	40	30	24	20	24	42	24	30	34	21	27	24	31
10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8
32	36	44	40	54	38	42	38	42	60	42	48	30	35	40	42	52





	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	
1	/	O/S	O/S	/	O/S	O/S	O/S	O/S	sun	O/S	/	sun	/	/	/	O/S	O/S	sun	/	
2	shed	O/S	O/S	O/S	O/S	sun	O/S	O/S	shed	O/S	/	shed	/	sun	sun	shed	O/S	O/S	/	
3	shed	/	sun	O/S	O/S	shed	O/S	/	O/S	shed	sun	O/S	/	/	/	O/S	shed	shed/truck	shed/truck	
4	shed	O/S	shed	O/S	O/S	shed	O/S	sun	O/S	O/S	/	O/S	/	shed	O/S	shed	sun	shed	O/S	
5	shed	O/S	shed	O/S	sun	shed	O/S	O/S	O/S	/	shed/truck	/	sun	O/S	shed	O/S	O/S	O/S	shed	
6	Sun	O/S	shed	/	shed	O/S	shed	O/S	shed	sun	/	O/S	shed	O/S	O/S	O/S	sun	shed	sun	
7	O/S	shed	/	Sun	shed	O/S	sun	O/S	/	/	O/S	O/S	shed	O/S	O/S	O/S	shed	/	O/S	
8	O/S	/	O/S	shed	O/S	/	O/S	O/S	sun	O/S	shed	Sun	shed	O/S	O/S	O/S	shed	sun	O/S	
9	O/S	Sun	O/S	shed	/	sun	O/S	O/S	O/S	O/S	/	O/S	shed	sun	sun	O/S	shed	/	O/S	
10	O/S	shed	sun	shed	/	/	O/S	shed	/	O/S	sun	shed	shed	O/S	O/S	O/S	/	/	O/S	
11	O/S	O/S	O/S	shed	/	O/S	O/S	sun	/	O/S	O/S	shed	shed	O/S	shed	O/S	sun	O/S	/	
12	shed	O/S	shed	shed	sun	/	O/S	O/S	/	/	shed	shed	sun	O/S	shed	/	shed	O/S	/	
13	Sun	O/S	O/S	shed	shed	O/S	shed	O/S	O/S	sun	shed	shed	shed	O/S	shed/truck	shed	shed	shed	sun	
14	O/S	O/S	O/S	Sun	shed	O/S	sun	O/S	/	O/S	O/S	shed	shed	shed	O/S	O/S	O/S	shed	O/S	
15	O/S	O/S	shed	/	shed	O/S	shed	shed	sun	shed	O/S	sun	shed	/	shed	/	O/S	sun	shed/truck	
16	O/S	Sun	shed	/	O/S	sun	shed	O/S	/	O/S	/	O/S	shed	sun	sun	/	O/S	/	shed	
17	O/S	shed	sun	/	O/S	/	shed	shed	/	O/S	sun	O/S	shed	shed	shed	/	shed	/	shed	
18	O/S	shed	shed	/	/	/	shed	sun	O/S	shed	shed	shed	/	/	shed	/	sun	/	shed	
19	O/S	shed	shed	/	sun	O/S	shed	shed	shed	shed	shed	O/S	sun	shed	shed	O/S	O/S	O/S	shed	
20	Sun	shed	shed	/	/	O/S	shed	shed/truck	shed	sun	shed	shed	O/S	O/S	O/S	sun	O/S	O/S	sun	
21	/	/	shed	sun	shed	O/S	sun	shed	/	O/S	shed	/	shed	O/S	O/S	/	shed	/	/	
22	/	O/S	shed	O/S	shed	shed	O/S	shed	sun	O/S	O/S	sun	O/S	O/S	/	/	shed	sun	/	
23	/	/	shed	O/S	shed/truck	sun	O/S	shed/truck	shed	O/S	O/S	O/S	O/S	sun	sun	/	O/S	shed/truck	O/S	
24	/	Sun	sun	O/S	shed	O/S	O/S	shed	/	O/S	sun	/	O/S	shed	shed	/	shed	shed/truck	O/S	
25	O/S	/	O/S	/	shed	O/S	O/S	sun	/	shed	shed	/	/	O/S	shed	/	sun	O/S	O/S	
26	O/S	/	O/S	O/S	sun	O/S	O/S	O/S	O/S	shed	O/S	sun	sun	O/S	shed	/	shed	O/S	O/S	
27	Sun	/	O/S	shed	shed	O/S	/	O/S	O/S	sun	O/S	/	O/S	shed	shed	sun	O/S	O/S	sun	
28	O/S	O/S	O/S	sun	O/S	O/S	sun	O/S	O/S	shed	O/S	shed	shed	shed	shed/truck	shed	shed	shed	shed	
29	O/S	/	/	O/S	O/S	O/S	O/S	O/S	sun	shed	O/S	O/S	shed	shed	shed	shed	shed	sun	shed	
30	shed	/	O/S	O/S	sun	shed	O/S	O/S	O/S	O/S	/	O/S	O/S	shed	shed	shed	O/S	O/S	O/S	
31	O/S	/	sun	O/S	/	O/S	O/S	O/S	O/S	O/S	/	O/S	O/S	shed	shed	O/S	O/S	O/S	O/S	
shed		12	12	24	14	26	8	14	16	10	16	20	14	24	10	30	14	28	14	18
visit/client		10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Deliveries		8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8
TOTALS		30	30	42	32	44	26	32	34	28	34	38	32	32	28	48	32	46	32	36

Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16
	shed	shed	O/S	O/S		sun	sun	shed	O/S	O/S	shed	shed	O/S	O/S	sun	O/S		O/S	shed	O/S
sun	O/S	shed	sun	shed		O/S	shed	shed	O/S	O/S	O/S	sun	shed	O/S	shed	O/S	sun	shed	shed	O/S
	O/S	O/S	O/S	shed	sun	shed	shed	shed	shed	O/S	shed	shed	shed	sun	shed	O/S	shed	O/S	shed	shed
shed	O/S	sun	O/S	O/S	shed	shed	shed	sun	shed	O/S	sun	O/S	shed	O/S	O/S	O/S	shed	O/S	shed	shed
shed	O/S	P/H	shed	O/S	shed	shed	shed	O/S	shed	O/S	shed	shed	sun	shed	O/S	O/S	shed	sun	shed	shed
shed	sun	shed	shed	sun	shed	O/S	shed	O/S	shed	sun	shed	shed	O/S	shed	O/S	O/S	shed	sun	shed	shed
O/S	O/S	shed	O/S	shed	shed	sun	sun	O/S	shed	P/H	shed	O/S	O/S	O/S	sun	O/S	shed	shed	shed	shed
O/S	O/S	shed	sun	shed	O/S	O/S	O/S	O/S	O/S	O/S	shed	sun	shed	O/S	O/S	O/S	shed	shed	shed	shed
sun	shed	shed	shed	shed	O/S	O/S	O/S	O/S	sun	shed	shed	O/S	shed	shed	shed	O/S	sun	shed	shed	sun
O/S	shed	shed	shed	shed	sun	shed	O/S	O/S	shed	shed	shed	O/S	shed	sun	shed	O/S	O/S	shed	O/S	O/S
O/S	shed	sun	shed	sun	O/S	shed	O/S	sun	shed	shed	shed	O/S	shed	shed	O/S	O/S	shed	shed	shed	O/S
O/S	O/S	shed	O/S	ox	O/S	shed	shed	O/S	O/S	shed	O/S	O/S	sun	shed	O/S	sun	shed	O/S	sun	O/S
O/S	sun	shed	O/S	sun	shed	shed	shed	shed	O/S	sun	shed	O/S	O/S	shed	shed	O/S	shed	sun	O/S	O/S
shed	O/S	shed	O/S	shed	shed	sun	sun	shed	O/S	sun	shed	shed	shed	shed	sun	O/S	shed	O/S	shed	O/S
shed/truck	shed	O/S	sun	shed	shed	shed	shed	shed	O/S	shed	shed	sun	shed	O/S	O/S	shed	shed	O/S	shed	O/S
sun	shed	O/S	shed	shed	O/S	shed	shed	O/S	sun	O/S	shed	O/S	O/S	shed	shed	sun	shed	sun	shed	sun
shed	O/S	shed	O/S	O/S	sun	O/S	shed	O/S	shed	O/S	shed	O/S	O/S	sun	shed	shed	shed	shed	O/S	O/S
shed	O/S	sun	shed	O/S	O/S	O/S	shed	sun	shed	shed	sun	O/S	O/S	shed	O/S	O/S	shed	shed	shed	shed
shed	shed	O/S	shed	O/S	O/S	shed	shed	O/S	shed	shed	shed	O/S	O/S	shed	shed	shed	O/S	sun	shed	O/S
O/S	O/S	O/S	O/S	shed	O/S	sun	sun	shed	shed	shed	shed	shed	shed	shed	sun	shed	O/S	O/S	shed	shed
sun	O/S	shed	sun	shed	O/S	shed	shed	O/S	shed	shed	shed	sun	shed	shed	shed	shed	sun	shed	O/S	shed
shed	shed	O/S	O/S	xmas	O/S	O/S	shed	O/S	sun	shed	shed	shed	shed	O/S	shed	shed	sun	shed	O/S	sun
shed	shed	sun	O/S	sun	O/S	shed	shed	O/S	shed	shed	shed	shed	shed	sun	shed	shed	shed	O/S	shed	shed
shed	shed	sun	O/S	sun	O/S	shed	shed	sun	O/S	O/S	sun	shed	shed	shed	O/S	O/S	shed	shed	shed	shed
shed	O/S	shed	O/S	shed	shed	shed	shed	shed	O/S	O/S	shed	shed	sun	shed	shed	shed	O/S	shed	sun	shed
O/S	sun	shed	O/S		O/S	O/S	shed	shed	O/S	sun	O/S	O/S	O/S	shed	O/S	shed	O/S	shed	shed	shed
shed	shed	shed	sun		O/S		shed	shed	shed	shed	shed	sun	O/S	O/S	O/S	O/S	shed	shed	shed	shed
sun		shed		shed	shed	shed	shed	shed	sun	shed	shed	O/S	O/S	shed	O/S	shed	sun		O/S	
26	22	40	20	24	20	24	42	24	30	14	21	22	24	34	24	14	24	28	28	12
10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8
44	40	58	38	42	38	42	60	42	48	30	39	40	42	52	42	32	42	46	46	30

WESTERN  
PLAINS  
REGIONAL  
COUNCIL

Incorporating the former  
Dubbo City & Wellington councils

**REPORT: Modified Development  
Application D09-453(3) - Industrial Shed -  
Modification of Section 94 Urban Roads  
Contribution, Lot 446 DP 46170, 5 Fletcher  
Crescent, Dubbo  
Applicant: Mr L R Osbourne  
Owner: Mr L R Osbourne and Mrs K M  
Osbourne  
Lodged: 29 January 2016**

**AUTHOR: Senior Planner 2  
REPORT DATE: 11 July 2016  
TRIM REFERENCE: ID16/1303**

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**EXECUTIVE SUMMARY**

A Section 96(1A) Modified Application under the Environmental Planning and Assessment Act, 1979, for the proposed modification of Development Consent D2009-453 was lodged with Council on 29 January 2016, seeking to undertake minor internal amendments to the use of certain areas and reduce the value of the Section 94 Urban Roads Contribution imposed as stated in Condition 44 of the consent. A copy of the submission and supporting documentation provided by the applicant is included in **Appendices 1, 2 and 3**.

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

***“3.6 Flexibility in Imposition of Contributions***

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

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

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

In addition, Section 1.4 of the Plan specifies the trip rates however the following notes are included in respect of the land uses:

*“Notes:*

4. *Contribution amount is based on the trip generation rates shown in Table 4.1. If no rate is given, Council will determine a suitable rate based on traffic surveys, previous experience or accepted standards.”*

The Applicant engaged Council's Technical Services Division to place vehicle counters upon the sites two (2) driveways in order to ascertain the level of trips being generated upon the site. The vehicle counters were placed on the eastern and western driveways for a period of four (4) weeks between 18 April 2016 and 19 May 2016. The results are included as **Appendix 3**.

The data demonstrated an average of 4 daily trips for the western driveway adjacent to Unit 2, currently occupied by Bert Wrigley Irrigation Installations for the use as a depot. However, no data was recorded for the eastern driveway adjacent to Unit 1, currently occupied by Osbourne Kitchens as a depot, as a result of a malfunction of the vehicle counter.

Therefore, it is considered appropriate by Council's Planning and Technical Support staff, to double the number of vehicle trips from four (4) to eight (8) given the development is designed and approved to operate as a loop road. It should be noted that a vehicle is considered to enter and leave the site, which equates to two (2) trips.

As the credit applicable to the site is 11 trips, greater than the eight (8) trips generated, no Section 94 Urban Roads Contribution is required to be levied for the development. Accordingly, the subject application is recommended for approval.

### **FINANCIAL IMPLICATIONS**

Should Council proceed with the recommendation, as a consequence of the amendment to this development consent (delete Condition 44), revenue from the Section 94 Urban Roads Contribution Plan would be reduced by \$17,088.06 (2010/2011 financial year figures).

### **POLICY IMPLICATIONS**

This Plan is a Policy of Council adopted as amended on 25 February 2008 to provide roads, traffic management and car parking needs for the period 2002-2016. While Council may consider a variation to the Contribution Plan, such a variation must be considered in accordance with the Plan to ensure that it is being applied fairly and transparently to all developments.

RECOMMENDATION

1. That Development Application D09-453 Part 3 be approved pursuant to Section 96(1A) of the Environmental Planning and Assessment Act, 1979, subject to the inclusion of the following modified Condition 1 and the deletion of Condition 44:

- (1) *The development shall be undertaken in accordance with the Statement of Environmental Effects and stamped approved plans detailed as follows except where modified by any of the following conditions;*

*Plan description : Survey Plan (showing encroachment and cables)*  
*Drawn by: Langford and Rowe Consulting Surveyors*  
*Dated: January 2010*  
*Reference No: A1-09/005E*  
*Sheet No: 1 of 1*

*Plan description : Site Analysis Plan*  
*Drawn by: Gavin Dale Design*  
*Dated: June 2013*  
*Reference No: A1-13/005*  
*Sheet No: 1 of 4*

*Plan description : Floor Plans and Elevations*  
*Drawn by: Gavin Dale Design*  
*Dated: January 2016*  
*Reference No: A1-09/005B*  
*Sheet No: 2 of 8*

*Plan description : Section a and Section b*  
*Drawn by: Gavin Dale Design*  
*Dated: June 2013*  
*Reference No: A1-13/005C*  
*Sheet No: 3 of 4*

*Plan description : Sediment Control Plan, Turning Path Plan and Section A and Staff Lunch Area*

*Drawn by: Gavin Dale Design*  
*Dated: June 2013*  
*Reference No: A1-13/005D*  
*Sheet No: 4 of 4*

*(Reason: To ensure development is undertaken in accordance with that assessed)*

Lee Griffith  
Senior Planner 2

## BACKGROUND

Development consent was granted for D2009-453 Part 1 on 5 July 2010 for the construction of an industrial building at 5 Fletcher Crescent, Dubbo for the purposes of a depot. The consent was subsequently modified on 9 September 2013 which primarily sought alterations to the front facade and construction of an internal wall to create two (2) tenancies.

This modification (Part 3) has sought the following amendments:

- Change of use of front entrance of Unit 1 from reception/display to display and waiting room;
- Change of use of front entrance of Unit 2 from office/display to display and waiting room;
- Change of use of the mezzanine areas of Units 1 and 2 from office and staff amenities to staff and customer amenities; and
- Recalculation of Section 94 Urban Roads Contribution imposed as Condition 44.

It is noted that the building is substantially completed and is awaiting the issue of an Occupation Certificate, however both tenancies are currently occupied.

In accordance with Council's adopted Section 94 Urban Roads Contribution Plan, contributions were imposed as a condition on the consent. Condition 44 reads as follows:

*"(44) Prior to the issue of the Occupation Certificate, the contribution for the amount of \$17,088.06 (calculated on 39.304 trips) by the developer of urban roads headworks contributions, in accordance with Council's adopted Section 94 Contributions Plan - Roads, Traffic Management and Carparking, dated October 2007.*

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

*Note 1: Council's adopted 2010/2011 financial year rate is \$449.97 per trip.*

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

*{Reason: Implementation of Council's Section 94 Contributions Plan - Roads, Traffic Management and Carparking dated October 2007}*"

Section 94 - Roads, Traffic Management and Car Parking Contribution Plan, Table 4.1 Trip Generation Rates by Land Use, specifies the following trip rates:

Warehouse trip rate = 4 trips/100 m<sup>2</sup> GFA  
Office trip rate = 16 trips / 100 m<sup>2</sup> GFA

The calculations are as follows:

Ground floor storage area	= 338.6 m <sup>2</sup> /100 m <sup>2</sup> GFA	= 3.386 x 4 trips	= 13.544 trips
Ground floor office	= 79.4 m <sup>2</sup> /100 m <sup>2</sup> GFA	= 0.794 x 16 trips	= 12.704 trips
Mezzanine area	= 81.6 m <sup>2</sup> /100m <sup>2</sup> GFA	= 0.816 x 16 trips	= 13.056 trips
		Total for development	= 39.304 trips

Contribution required:

= 39.304 trips x \$434.78 / trip (2009/2010 financial year rate)  
= **\$17,088.06**

## REPORT

### 1. PROPOSED MODIFICATION

A Section 96(1A) Modified Application under the Environmental Planning and Assessment Act, 1979, for the proposed modification of Development Consent D2009-453 Part 2 was lodged with Council on 29 January 2016, seeking minor internal amendments to the approved floor plan and a reduction of the Section 94 Urban Roads Contribution imposed as stated in Condition 44 of the consent. A copy of the submission and amended floor plan provided with the application are included in **Appendix 1** and **Appendix 2** respectively, with the supplementary vehicle count data included as **Appendix 3**.

The Applicant provided the following reasons in the Modification Application for a reduction to the Section 94 Urban Roads Contribution:

*"I believe I could be entitle [sic] to a credit of 11 trips for urban road contributions. I ask for this to be looked into and applied. "*

It appears from the original assessment that no credit was applied to the Section 94 Urban Roads Contribution with either the Parts 1 or 2 calculations. However, the site has a credit of 11 trips. Therefore it is considered that the calculation should be amended to include such credit.

The applicant also provided the following details:

*"The plans of the building that where submitted to council stated on them office area, where in fact it is not really office space. The DA has calculated 16 trip per 100 sqm (total of 161 sqm). This is where I believe the problem and mistake has been mad (sic) and therefore having quiet (sic) a large bill for urban roads.*

*Would it be considered that the 4 trips per 100 sqm was applied for the workshop {338.6 sqm in total) and the remaining 161 sqm was not applicable to any calculations as it is ancillary to the uses of a depot and not part of any business being operated. The 161 sqm would come under display area and staff amenities.*

*I have worked this out to be:*

$$4 \times 3.386 \text{ sqm} = 13.54 \text{ trips} \times \$434.78/\text{trip} \text{ (2009/2010 financial year rate)} = \$5888.66$$

*If the credit was applied as mention before it would be as follows*

$$4 \times 3.386 \text{ sqm} = 13.54 \text{ trips} - 11 \text{ trip credit} = 2.54 \text{ trips} \times \$434.78/\text{trip} \text{ (2009/2010 financial year rate)} = \$1104.34''$$

The submitted Modified Application and amended floor plan removes references to office areas in each respective tenancy. Further, as the approved use for both tenancies is 'depot', the most appropriate definition within the Plan is 'factories covered by light industry' which incurs a rate of five (5) daily trips per 100 m<sup>2</sup> Gross Floor Area.

Additionally, the area stated by the Applicant is incorrect in that 'display room/waiting room' areas have been left off the GFA in the calculation. In accordance with the Plan, such areas are not amenities and are therefore required to be included.

Accordingly, the following calculation would apply:

$$\begin{aligned} &= (408 \text{ m}^2 / 100) \times 5 \text{ trips} \\ &= 20.4 \text{ trips} - 11 \text{ trips (credit)} \\ &= 9.4 \text{ trips} \times \$449.97 \text{ (2010/2011FY industrial rate)} \\ &= \mathbf{\$4,229.72} \end{aligned}$$

Council in the correspondence dated 8 March 2016 advised the applicant that the calculations included in the Application were incorrect and not applied in accordance with the Plan. Clarification was then sought from the Applicant as to whether Council's calculations were acceptable and if not, Council could not support the Modified Application.

The Applicant subsequently engaged Council's Technical Services Division to place vehicle counters upon the sites two (2) driveways in order to ascertain the level of trips being generated upon the site. The vehicle counters were placed on the eastern and western driveways for a period of four (4) weeks between 18 April 2016 and 19 May 2016. The results are included as **Appendix 3**.

The data demonstrated an average of four (4) daily trips for the western driveway adjacent to Unit 2, currently occupied by Bert Wrigley Irrigation Installations for the use as a depot. However, no data was recorded for the eastern driveway adjacent to Unit 1, currently occupied by Osbourne Kitchens as a depot, as a result of the battery malfunctioning within one (1) hour of being placed onsite.



Therefore, it was considered appropriate to simply double the number of vehicle numbers from four (4) to eight (8) given the development is designed and approved to operate as a loop road. It should be noted that a vehicle is considered to enter and leave the site, which equates to two (2) trips. Further, the malfunction was unknown until after the four (4) week period.

The following calculation would therefore apply:

= 8 trips – 11 trip (credit)  
= 3 trips (credit).

As the developments actual daily trips of eight (8) is less than the credit of 11 trips applicable to the site, it is considered that no Section 94 Urban Roads Contribution is required to be levied for the development.

## 2. SECTION 96 (1A) MODIFICATION LEGISLATION

Section 96(1A) of the Environmental Planning and Assessment Act, 1979 pertains to modifications to an approved Development Application involving minimal environmental impact. It states:

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

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
  - (i) the regulations, if the regulations so require, or*
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*
- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application."*

It is considered that the development will have minimal environmental impact and is substantially the same development as the consent which was originally granted. The proposed modification was not publicly notified and therefore no submissions were received.

The information detailed below provides an assessment of these areas of the development which will require assessment with Section 79C of the Environmental Planning and Assessment Act, 1979, as is relevant.

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

**3. LEGISLATIVE REQUIREMENTS (Environmental Planning and Assessment Act 1979, SECTION 79C(1))**

(a)(i) Environmental Planning Instruments

***Dubbo Local Environmental Plan 2011***

The subject property is zoned IN2 Light Industrial. The existing industrial building and depot are approved and permissible uses in the IN2 Light Industrial zone. The approved land use is not being altered through this modification.

***Dubbo Development Control Plan 2013***

*Section 2.3.3 Development controls* - Elements 1 to 11 are not applicable to this application.

(b) Likely impacts (natural and built environment, social and economic) of the development in the locality

It is considered that the proposed modification will not contribute to any adverse impacts to the natural or built environment.

(c) Suitability of the site

The overall layout and appearance of the development is not proposed to be altered through this modification.

(d) Submissions

Due to there being no physical change to the development as approved, neighbouring land owners were not notified of this application. It is noted that during the original application neighbouring land owners were notified. No submissions were received during the original submission period.

(e) Public interest

There are no matters other than those discussed in the assessment of the Modified Application above that would be considered to be contrary to the public interest.

**4. INTERNAL REFERRALS**

Council's Development Engineer in his report dated 28 June 2016 did not raise any significant issues that require further information or that would prevent the application from being granted consent. It was recommended that 8 daily trips be adopted.

Council's Building Services Supervisor in his report dated 1 March 2016 did not raise any significant issues that require further information or that would prevent the application from being granted consent.

**5. SUMMARY**

The applicant seeks to amend Condition 44, Section 94 Urban Roads Contribution and undertake some minor internal alterations to Development Consent D2009-453 Part 2 for the approved Industrial Building at Lot 446 DP 46170, 5 Fletcher Crescent, Dubbo.

The Modified Application is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality.

The applicant has provided justification that the proposed use of the site will have a reduced daily trip generation to that initially assessed. The physical appearance of the development is not being altered nor the operational aspects of the development, therefore it is considered that the modified development is not likely to have any significant negative impact upon the environment or upon the amenity of the locality.

The Modified Application is consistent with the objectives of the applicable EPI's, DCP's and Council policies and is therefore recommended for approval subject to the modified condition of consent.

Consequently, it is recommended that Condition 1 be amended to reflect the modified plans and Condition 44 be deleted.

Appendices:

- 1** Submission from Applicant
- 2** Floor and Elevational Plan
- 3** Vehicle Count Data

Leigh Osborne  
12 O'Connor Place  
DUBBO NSW 2830

Mob 0417202824

22/1/2016

Dubbo City Council

To Whom it may concern,

Re; roads and traffic contributions.

I am writing to ask that the Dubbo city council recalculate what is a reasonable charge in relation to the "section 94 contributions plan to roads".

I believe I could be entitle to a credit of 11 trips for urban road contributions. I ask for this to be looked into and applied.

The plans of the building that where submitted to council stated on them office area, where in fact it is not really office space. The DA has calculated 16 trip per 100sqm (total of 161spm) This is where I believe the problem and mistake has been mad and therefore having quiet a large bill for urban roads.

would it be considered that the 4 trips per 100 sqm was applied for the workshop (338.6spm in total) and the remaining 161 sqm was not applicable to any calculations as it is ancillary to the uses of a depot and not part of any business being operated. The 161sqm would come under display area and staff amenities.

I have worked this out to be-

$4 \times 3.386 \text{ sqm} = 13.54 \text{ trips} \times \$434.78 / \text{trip (2009/2010 financial year rate)} = \$5888.66$

if the credit was applied as mention before it would be as follows

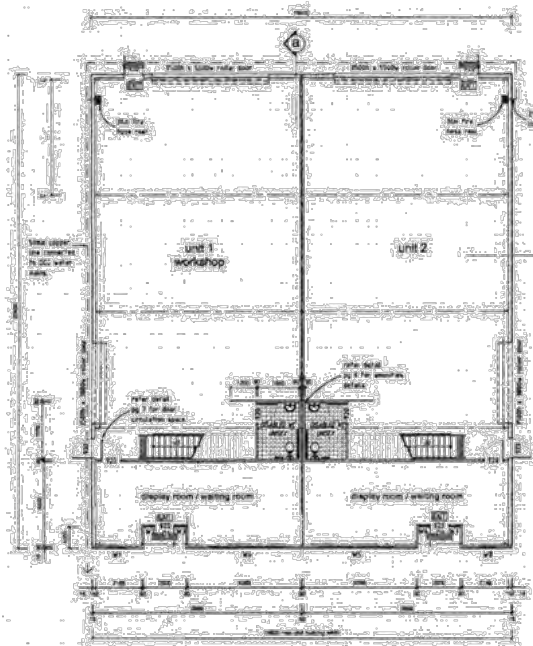
$4 \times 3.386 \text{ sqm} = 13.54 \text{ trips} - 11 \text{ trip credit} = 2.54 \text{ trips} \times \$434.78 / \text{trip (2009/2010 financial year rate)} = \$1104.34$

Yours sincerely

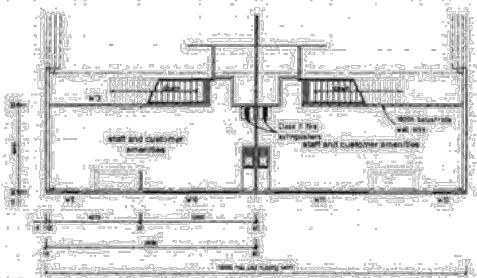


Leigh Osborne

fletcher crescent industrial shed  
 Construction Certificate plan set  
 may 2014  
 Floor Plan & Elevations



floor plan  
scale 1:500



first floor plan  
scale 1:500

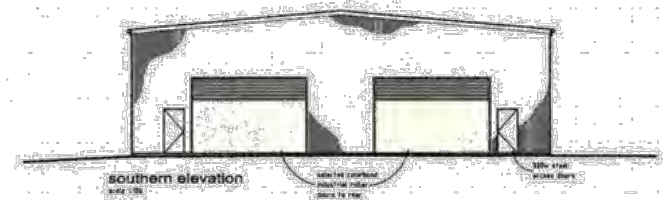
unit 1 floor area		unit 2 floor area	
office floor area	26.7	workshop area	26.7
workshop area	146.2	office floor area	146.2
total floor area	172.9	total floor area	172.9
unit 1 floor area	247.8	unit 2 floor area	247.8

total building ground floor area: 441.8 sq m  
 total building 1st floor area: 414.6 sq m  
 total covered floor area: 423.3 sq m

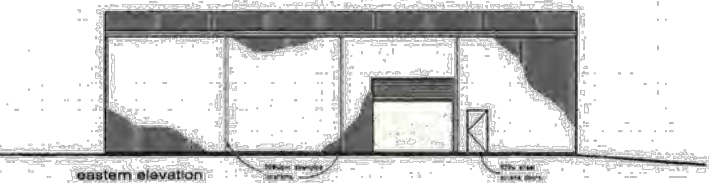
☒ denotes emergency exit lighting



northern elevation  
scale 1:500



southern elevation  
scale 1:500



eastern elevation  
scale 1:500



western elevation  
scale 1:500

January 2016

DRAWN BY: G.D.  
 CHECKED BY: G.D.  
 DATE: 15/01/16  
 SCALE: AS SHOWN  
 PROJECT: FLETCHER CRESCENT INDUSTRIAL SHED  
 SHEET NO: 2 OF 6

WESTERN PLAINS REGIONAL COUNCIL  
 LOCAL GOVERNMENT OFFICE  
 100 RIVERVIEW DRIVE  
 GUNNEDAH NSW 2883  
 PH: 08 93 350000  
 FAX: 08 93 350000  
 WWW: www.wprc.nsw.gov.au

gavin dale design  
 20 WILSON STREET  
 GUNNEDAH NSW 2883  
 PH: 08 93 350000  
 FAX: 08 93 350000  
 WWW: www.gddesign.com.au

## MetroCount Traffic Executive Weekly Vehicle Counts

### Weekly Vehicle-601 -- English (ENA)

#### Datasets:

**Site:** [OSB2] Osborne Kitchens W side  
**Direction:** 3 - South bound, A hit first, Lane: 0  
**Survey Duration:** 0:00 Monday, 18 April 2016 => 10:52 Thursday, 19 May 2016  
**File:** U:\TS\Works Services\Traffic Count\Private Works\Osborne Kitchens May 2016\OSB 2 -  
 W side.ec0 (Plus)  
**Identifier:** B5642DCS MC56-L5 [MC55] (c) Microcom 19Oct04  
**Algorithm:** Factory default  
**Data type:** Axle sensors - Paired (Class/Speed/Count)

#### Profile:

**Filter time:** 0:00 Monday, 18 April 2016 => 0:00 Monday, 16 May 2016  
**Included classes:** 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12  
**Speed range:** 10 - 160 km/h.  
**Direction:** North, East, South, West (bound)  
**Separation:** All - (Headway)  
**Name:** Factory default profile  
**Scheme:** Vehicle classification (AustRoads94)  
**Units:** Metric (meter, kilometre, m/s, km/h, kg, tonne)  
**In profile:** Vehicles = 101 / 175 (57.71%)

**Weekly Vehicle Counts**

**Weekly Vehicle-601**

**Site:** OSB2.0S  
**Description:** Osborne Kitchens W side  
**Filter time:** 0:00 Monday, 18 April 2016 => 0:00 Monday, 16 May 2016  
**Scheme:** Vehicle classification (AustRoads94)  
**Filter:** Cls (1 2 3 4 5 6 7 8 9 10 11 12) Dir (NESW) Sp (10,160) Headway (>0)

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Averages	
	18 Apr	19 Apr	20 Apr	21 Apr	22 Apr	23 Apr	24 Apr	1 - 5	1 - 7
0000-0100	0	0	0	0	0	0	0	0.0	0.0
0100-0200	0	0	0	0	0	0	0	0.0	0.0
0200-0300	0	0	0	0	0	0	0	0.0	0.0
0300-0400	0	0	0	0	0	0	0	0.0	0.0
0400-0500	0	0	0	0	0	0	0	0.0	0.0
0500-0600	0	0	0	0	0	0	0	0.0	0.0
0600-0700	0	0	0	0	0	0	0	0.0	0.0
0700-0800	0	2<	0	0	0	0	0	0.4<	0.3<
0800-0900	0	0	0	0	0	0	0	0.0	0.0
0900-1000	0	0	0	0	0	0	0	0.0	0.0
1000-1100	0	0	0	1<	0	0	0	0.2	0.1
1100-1200	0<	0	0<	0	0<	0<	0<	0.0	0.0
1200-1300	0	0	0	0	0	0	0	0.0	0.0
1300-1400	0	0	0	0	0	0	0	0.0	0.0
1400-1500	0	0	0	0	0	0	0	0.0	0.0
1500-1600	2<	0	0	0	0	0	3<	0.4	0.7
1600-1700	0	2<	1<	3<	0	0	0	1.2<	0.9<
1700-1800	1	0	0	0	0	0	0	0.2	0.1
1800-1900	0	0	0	0	0	0	2	0.0	0.3
1900-2000	0	0	0	0	0	0	0	0.0	0.0
2000-2100	0	0	0	0	0	0	0	0.0	0.0
2100-2200	0	0	0	0	0	0	0	0.0	0.0
2200-2300	0	0	0	0	0	0	0	0.0	0.0
2300-2400	0	0	0	0	0<	0<	0	0.0	0.0
<b>Totals</b>									
0700-1900	3	4	1	4	0	0	5	2.4	2.4
0600-2200	3	4	1	4	0	0	5	2.4	2.4
0600-0000	3	4	1	4	0	0	5	2.4	2.4
0000-0000	3	4	1	4	0	0	5	2.4	2.4
<b>AM Peak</b>	1100	0700	1100	1000	1100	1100	1100		
	0	2	0	1	0	0	0		
<b>PM Peak</b>	1500	1600	1600	1600	2300	2300	1500		
	2	2	1	3	0	0	3		

\* - No data.

**Weekly Vehicle Counts**

**Weekly Vehicle-601**

**Site:** OSB2.0S  
**Description:** Osborne Kitchens W side  
**Filter time:** 0:00 Monday, 18 April 2016 => 0:00 Monday, 16 May 2016  
**Scheme:** Vehicle classification (AustRoads94)  
**Filter:** Cls (1 2 3 4 5 6 7 8 9 10 11 12) Dir (NESW) Sp (10,160) Headway (>0)

Hour	Mon 25 Apr	Tue 26 Apr	Wed 27 Apr	Thu 28 Apr	Fri 29 Apr	Sat 30 Apr	Sun 01 May	Averages 1 - 5	1 - 7
0000-0100	0	0	0	0	0	0	0	0.0	0.0
0100-0200	0	0	0	0	0	0	0	0.0	0.0
0200-0300	0	0	0	0	0	0	0	0.0	0.0
0300-0400	0	0	0	0	0	0	0	0.0	0.0
0400-0500	0	0	0	0	0	0	0	0.0	0.0
0500-0600	0	0	0	0	0	0	0	0.0	0.0
0600-0700	0	0	0	0	3	0	0	0.6	0.4
0700-0800	0	1	0	0	0	0	0	0.2	0.1
0800-0900	0	1<	1	0	0	0	0	0.4	0.3
0900-1000	0	0	1	0	0	0	0	0.2	0.1
1000-1100	0	0	2<	0	3<	0	0	1.0<	0.7<
1100-1200	0<	0	0	0<	0	0<	0<	0.0	0.0
1200-1300	0	0	0	0	1<	0	0	0.2	0.1
1300-1400	0	0	2	0	0	0	0	0.4	0.3
1400-1500	0	0	0	4<	0	0	0	0.8	0.6
1500-1600	0	0	2	0	0	0	0	0.4	0.3
1600-1700	0	0	2	0	0	0	0	0.4	0.3
1700-1800	0	1	1	0	0	0	0	0.4	0.3
1800-1900	0	2<	0	0	0	0	0	0.4	0.3
1900-2000	0	0	4<	0	0	0	0	0.8<	0.6<
2000-2100	0	0	0	0	0	1<	0	0.0	0.1
2100-2200	0	0	0	0	0	0	0	0.0	0.0
2200-2300	0	0	0	0	0	0	0	0.0	0.0
2300-2400	0<	0	0	0	0	0	0<	0.0	0.0
<b>Totals</b>									
0700-1900	0	5	11	4	4	0	0	4.8	3.4
0600-2200	0	5	15	4	7	1	0	6.2	4.6
0600-0000	0	5	15	4	7	1	0	6.2	4.6
0000-0000	0	5	15	4	7	1	0	6.2	4.6
<b>AM Peak</b>	1100	0800	1000	1100	1000	1100	1100		
	0	1	2	0	3	0	0		
<b>PM Peak</b>	2300	1800	1900	1400	1200	2000	2300		
	0	2	4	4	1	1	0		

\* - No data.



**Weekly Vehicle Counts**

**Weekly Vehicle-601**

**Site:** OSB2.0S  
**Description:** Osborne Kitchens W side  
**Filter time:** 0:00 Monday, 18 April 2016 => 0:00 Monday, 16 May 2016  
**Scheme:** Vehicle classification (AustRoads94)  
**Filter:** Cls (1 2 3 4 5 6 7 8 9 10 11 12) Dir (NESW) Sp (10,160) Headway (>0)

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Averages	
	02 May	03 May	04 May	05 May	06 May	07 May	08 May	1 - 5	1 - 7
0000-0100	0	0	0	0	0	0	0	0.0	0.0
0100-0200	0	0	0	0	0	0	0	0.0	0.0
0200-0300	0	0	0	0	0	0	0	0.0	0.0
0300-0400	0	0	0	0	0	0	0	0.0	0.0
0400-0500	0	0	0	0	0	0	0	0.0	0.0
0500-0600	0	0	0	0	0	0	0	0.0	0.0
0600-0700	0	2<	3<	0	0	0	0	1.0<	0.7<
0700-0800	0	0	0	1<	1<	0	0	0.4	0.3
0800-0900	0	0	0	0	0	0	0	0.0	0.0
0900-1000	1	0	0	0	0	0	0	0.2	0.1
1000-1100	1<	0	0	0	0	0	0	0.2	0.1
1100-1200	0	0	2	0	0	0<	0<	0.4	0.3
1200-1300	0	0	2<	0	0	0	0	0.4	0.3
1300-1400	0	0	0	0	0	0	0	0.0	0.0
1400-1500	0	0	1	0	0	1<	0	0.2	0.3
1500-1600	0	3<	0	0	1<	0	0	0.8<	0.6<
1600-1700	0	0	1	1<	0	0	0	0.4	0.3
1700-1800	0	0	0	0	0	0	0	0.0	0.0
1800-1900	0	0	0	0	0	0	0	0.0	0.0
1900-2000	0	0	0	0	0	0	0	0.0	0.0
2000-2100	0	0	0	0	0	0	0	0.0	0.0
2100-2200	0	0	0	0	0	0	0	0.0	0.0
2200-2300	0	0	0	0	0	0	0	0.0	0.0
2300-2400	0<	0	0	0	0	0	0<	0.0	0.0
<b>Totals</b>									
0700-1900	2	3	6	2	2	1	0	3.0	2.3
0600-2200	2	5	9	2	2	1	0	4.0	3.0
0600-0000	2	5	9	2	2	1	0	4.0	3.0
0000-0000	2	5	9	2	2	1	0	4.0	3.0
<b>AM Peak</b>	1000	0600	0600	0700	0700	1100	1100		
	1	2	3	1	1	0	0		
<b>PM Peak</b>	2300	1500	1200	1600	1500	1400	2300		
	0	3	2	1	1	1	0		

\* - No data.

**Weekly Vehicle Counts**

**Weekly Vehicle-601**

**Site:** OSB2.0S  
**Description:** Osborne Kitchens W side  
**Filter time:** 0:00 Monday, 18 April 2016 => 0:00 Monday, 16 May 2016  
**Scheme:** Vehicle classification (AustRoads94)  
**Filter:** CIs (1 2 3 4 5 6 7 8 9 10 11 12) Dir (NESW) Sp (10,160) Headway (>0)

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Averages		
	09 May	10 May	11 May	12 May	13 May	14 May	15 May	1 - 5	1 - 7	
0000-0100	0	0	0	0	0	0	0	0.0	0.0	
0100-0200	0	0	0	0	0	0	0	0.0	0.0	
0200-0300	0	0	0	0	0	0	0	0.0	0.0	
0300-0400	0	0	0	0	0	0	0	0.0	0.0	
0400-0500	0	0	0	0	0	0	0	0.0	0.0	
0500-0600	0	0	0	0	0	0	0	0.0	0.0	
0600-0700	0	0	0	0	0	0	0	0.0	0.0	
0700-0800	0	0	0	4<	0	0	0	0.8	0.6	
0800-0900	0	0	2	0	0	0	0	0.4	0.3	
0900-1000	0	0	0	0	4<	0	0	0.8<	0.6	
1000-1100	0	0	0	0	0	0	0	0.0	0.0	
1100-1200	0<	1<	2<	0	0	3<	0<	0.6	0.9<	
1200-1300	0	0	0	0	0	0	0	0.0	0.0	
1300-1400	0	1	0	0	1	0	0	0.4	0.3	
1400-1500	0	0	1	0	1<	0	0	0.4	0.3	
1500-1600	0	0	1	3<	0	0	0	0.8<	0.6<	
1600-1700	0	0	1<	0	0	0	0	0.2	0.1	
1700-1800	0	1	0	0	0	0	0	0.2	0.1	
1800-1900	0	1	0	0	0	0	0	0.2	0.1	
1900-2000	0	2<	0	0	0	0	0	0.4	0.3	
2000-2100	0	1	0	0	0	0	0	0.2	0.1	
2100-2200	0	1	0	0	0	0	0	0.2	0.1	
2200-2300	0	0	0	0	0	0	0	0.0	0.0	
2300-2400	0<	0	0	0	0	0<	0<	0.0	0.0	
<b>Totals</b>										
0700-1900	0	4	7	7	6	3	0	4.8	3.9	
0600-2200	0	8	7	7	6	3	0	5.6	4.4	
0600-0000	0	8	7	7	6	3	0	5.6	4.4	
0000-0000	0	8	7	7	6	3	0	5.6	4.4	
<b>AM Peak</b>	1100	1100	1100	0700	0900	1100	1100			
	0	1	2	4	4	3	0			
<b>PM Peak</b>	2300	1900	1600	1500	1400	2300	2300			
	0	2	1	3	1	0	0			

\* - No data.

WESTERN  
PLAINS  
REGIONAL  
COUNCIL

Incorporating the former  
Dubbo City & Wellington councils

**REPORT: Modified Development  
Application D15-10(2) - Food and Drink  
Premises (cafe/bakery) - Modification of  
Section 94 Urban Roads Contribution, Lot  
1 DP 1134906, 33 Bultje Street, Dubbo  
Applicant/Owner: A & D Dyson Pty Ltd  
Lodged: 7 March 2016**

**AUTHOR: Planner  
REPORT DATE: 11 July 2016  
TRIM REFERENCE: ID16/1286**

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**EXECUTIVE SUMMARY**

A Section 96(1A) Modified Application under the Environmental Planning and Assessment Act, 1979, for the proposed modification of Development Consent D2015-10 was lodged with Council on 7 March 2016, seeking to waive or reconsider the value (\$30,765.46) of the S94 Urban Roads Contribution imposed as stated in Condition 49 of the consent. A copy of the submission and supporting documentation provided by the applicant is included in **Appendix 1**.

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

***“3.6 Flexibility in Imposition of Contributions***

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

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

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

In addition, Section 1.4 of the Plan specifies the trip rates however the following relevant notes are included in respect of the land uses:

*“Notes:*

- 1. Contributions are levied on the amount of traffic generated by development. That is, the number of vehicle “trips” that a development will generate on a daily basis.*
- 4. Contribution amount is based on the trip generation rates shown in Table 4.1. If no rate is given, Council will determine a suitable rate based on traffic surveys, previous experience or accepted standards.*
- 5. Industrial development is levied a 33% surcharge to take account of road damage by heavy vehicles.*
- 6. Other uses not included in this table will be levied according to their traffic generation which is assessed at development application stage.”*

The applicant has sought a reduction as per the following statements contained within correspondence submitted to Council dated 7 March 2016 (**Appendix 1**):

- The amount sought (\$30,756.46) specifically for this, by Council does not equate equitably or fairly to the development of a food and drink premises, in an existing premises, and appears unfairly weighted towards the provision or augmentation of facilities within other areas where there is little to no benefit attributable to the site context, setting and the location of the development.*
- Our development application did not state at any point ‘restaurant’. Would Council consider a ‘Hospitality Facility’ to be closer to the proposed use and match the intended use of the development application.*
- Evidence from professional traffic management studies suggested ‘On street’ parking is currently often at capacity under present arrangements in core precincts of the CBD (Connell Wagner, 2015). How can development meet its daily trip expectations if there is already reports suggesting that street parking is already at capacity prior to our development taking place.*

Traffic data was also collected by the applicant over what appears to be a two week period, with patrons surveyed on how they travelled to the premise (**Appendix 1**). Following completion of the survey period, the applicant provided the following determination and comments:

*“Evidence from this data suggests that there is an average of 51 customers driving to Press on a daily basis. It could be argued that this would generate on average 51 daily trips under the Section 94 Contributions Plan.”*

While noting the applicant’s endeavour to undertake a ‘traffic analysis’, the data provided cannot be relied upon to form any justifiable guide to seek an amendment to the determined Contribution.

The applicant’s further arguments that the contribution amount has been unfairly weighted or that there is a correlation between off street car parking availability and trip generation rates are not relevant in terms of the contributions levied or subjective statements, none of which are supported by documented evidence.

In terms of the applicant's request to change the trip generation definition to a 'Hospitality Facility', although noted it is considered that the use of the site has been accurately defined as a 'restaurant' noting that the principal purpose of the development is for the preparation and service of food and drink on the premises, whether or not take away meals or drinks are provided.

Notwithstanding the above, a review of the original development application has also involved a recalculation of the development's overall gross floor area (GFA) and therefore the total Section 94 Contribution levied. As such, the required contribution has been recalculated accordingly, totalling **\$19,741.64**, rather than \$30,765.46.

With the above noted, the modified application was also referred to Council's Technical Services Division who provided the following comments:

*"Council's Manager Technical Support has advised ... that it would seem appropriate to deduct the cost of the upgraded kerb and gutter and concrete footpath along the Bultje Street frontage, as specified under DA Conditions 25 and 26. The Developer has advised that these works amounted to \$12,700.00."*

This approach was originally recommended to the applicant, however not taken up. Noting the comments above, the **\$12,700.00** can be deducted as material public benefit in accordance with clause 3.6(b) of the Contribution Plan. Therefore, the total Section 94 Urban Roads Contribution required would be **\$7,041.64**.

#### **FINANCIAL IMPLICATIONS**

Any variation to the levied contribution will potentially impact on the funds collected under the Section 94 Roads Contribution Plan, which will in turn reduce the ability of Council to fund necessary urban road projects in the City without impacting upon General Fund revenue.

The originally calculated contributions rate for the subject development based on this Plan was \$30,765.46. Based on the Modified Application submitted to Council, the Applicant is seeking a reduction to \$7,041.64 (based on material public benefit and a recalculation of the gross floor area), being an overall reduction of \$23,723.82 (2015/2016 figures).

#### **POLICY IMPLICATIONS**

There are no policy implications arising from this report.

**RECOMMENDATION**

1. That Development Application D15-010 Part 2 be approved pursuant to Section 96(1A) of the Environmental Planning and Assessment Act, 1979, subject to the inclusion of the following modified condition:

- (49) *Prior to the issue of the Occupation Certificate, the contribution by the developer of urban roads headworks contributions for a sum of \$7,041.64 in accordance with Council's adopted Section 94 Contributions Plan - Roads, Traffic Management and Car Parking, Amendment No 1 adopted 25 February 2008.*

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

*Note 1: Council's adopted 2014/2015 financial year rate is \$374.96 per commercial trip (including administration fee). The required urban roads headworks contributions are calculated on 71.4 daily trips, with an existing credit of 18.75 daily trips and additional \$12,700.00 monetary reduction (material public benefit).*

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

*{Reason: Implementation of Council's Section 94 Contributions Plan - Roads, Traffic Management and Carparking, Amendment No 1 adopted 25 February 2008}*

*Josh Smith*  
Planner

## BACKGROUND

Development consent was granted on 24 March 2015 for the change of use of the premises to a food and drink premises (cafe/bakery). Specifically the development included the following:

Internal:

- The reconfiguration of the internal layout of the building to accommodate a kitchen, bakery, store room and designated dining areas.

External:

- The construction of an amenities block (32 m<sup>2</sup>), rear pergola and decking area (61 m<sup>2</sup>), disabled access ramps and rear parking.

The approved building works are partially completed with the proposed business (Press) currently operating from the premise, noting that an interim Occupation Certificate was issued on 24 July 2015.

## REPORT

### 1. PROPOSED MODIFICATION

A Section 96(1A) Modified Application under the Environmental Planning and Assessment Act, 1979, for the proposed modification of Development Consent D2015-10 was lodged with Council on 7 March 2016, seeking to waive or reconsider the value (\$30,765.46) of the S94 Urban Roads Contribution imposed as stated in Condition 49 of the consent. A copy of the submission provided and supporting documentation provided by the applicant is included in **Appendix 1**.

The modification is proposed in accordance with Clause 3.6 - *Flexibility in Imposition of Contributions*, as per the Contributions Plan. Condition (49) of the consent reads as follows:

*“(49) Prior to the issue of the Occupation Certificate, the contribution by the developer of urban roads headworks contributions for a sum of \$30,765.46 (82.05 trips) in accordance with Council’s adopted Section 94 Contributions Plan - Roads, Traffic Management and Car Parking, Amendment No 1 adopted 25 February 2008.*

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

*Note 1: Council's adopted 2014/2015 financial year rate is \$374.96 per commercial trip (including administration fee). The required urban roads headworks contributions are calculated on 100.8 daily trips, with an existing credit of 18.75 daily trips.*

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

*{Reason: Implementation of Council's Section 94 Contributions Plan - Roads, Traffic Management and Carparking, Amendment No 1 adopted 25 February 2008}*

No other component of the development is proposed to be amended including use, staff numbers, operating hours, signage etc. Reference should be made to subsection 7 – *Section 94 Contributions*, for further information including the Applicant's justification and Council's comments regarding the proposed modification.

## **2. SECTION 96(1A) MODIFICATION LEGISLATION**

Section 96(1A) of the Environmental Planning and Assessment Act, 1979 pertains to modifications to an approved Development Application involving minimal environmental impact. It states:

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

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
  - (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
  - (c) it has notified the application in accordance with:*
    - (i) the regulations, if the regulations so require, or*
    - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
  - (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*
- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application."*



It is considered that the development will have minimal environmental impact and is substantially the same development as the consent which was originally granted. The proposed modification was not publicly notified and therefore no submissions were received.

The information detailed below provides an assessment of these areas of the development which will require assessment with Section 79C of the Environmental Planning and Assessment Act, 1979, as is relevant.

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

**3. LEGISLATIVE REQUIREMENTS (Environmental Planning and Assessment Act 1979, SECTION 79C(1))**

(a)(i) Environmental Planning Instruments

***Dubbo Local Environmental Plan 2011***

The subject property is zoned B3 Commercial Core. The Part 1 application was approved as a food and drink premises (cafe/bakery) which is a permissible use in the B3 Commercial Core zone. The approved land use is not being altered through this modification.

***Dubbo Development Control Plan 2013***

*Section 2.2.5 Development controls* - Elements 1 to 11 are not applicable to this application.

(b) Likely impacts (natural and built environment, social and economic) of the development in the locality

It is considered that there will not be any adverse impacts on the natural or built environments or any adverse social or economic impacts as a result of this proposal.

(c) Suitability of the site

The overall layout and appearance of the development is not proposed to be altered through this modification. It has previously been determined that the development is suitable for the locality and the property is of a suitable size for the proposed development.

(d) Submissions

Due to there being no physical change to the development as approved, neighbouring land owners were not notified of this application.

(e) Public interest

There are no matters other than those discussed in the assessment of the Modified Application above that would be considered to be contrary to the public interest.

#### 4. SECTION 94 URBAN ROADS CONTRIBUTION

As outlined above the proposed modification requests that Council either waive or reconsider the Section 94 Urban Roads Contribution levied as per condition 49 of the consent. The justification provided by the applicant reads as follows:

- *“The amount sought (\$30,765.46) specifically for this, by Council does not equate equitably or fairly to the development of a food and drink premises, in an existing premises, and appears unfairly weighted towards the provision or augmentation of facilities within other areas where there is little to no benefit attributable to the site context, setting and the location of the development.*
- *Our development application did not state at any point ‘restaurant’. Would Council consider a ‘Hospitality Facility’ to be closer to the proposed use and match the intended use of the development application.*
- *Evidence from professional traffic management studies suggested ‘On street’ parking is currently often at capacity under present arrangements in core precincts of the CBD (Connell Wagner, 2015). How can development meet its daily trip expectations if there is already reports suggesting that street parking is already at capacity prior to our development taking place.”*

Traffic data was also collected by the applicant over what appeared to be a two week period, with patrons surveyed on how they travelled to the premise (**Appendix 1**). Following completion of the survey period, the applicant provided the following determination and comments:

*“Evidence from this data suggests that there is an average of 51 customers driving to Press on a daily basis. It could be argued that this would generate on average 51 daily trips under the Section 94 Contributions Plan.”*

While noting the applicant’s endeavour to undertake a ‘traffic analysis’, the data provided cannot be relied upon to form any justifiable guide to seek an amendment to the determined Contribution. Council’s figures are based on studies undertaken by the Roads and Traffic Authority and while they are a generalisation, seeking to amend those studies should be over an extended period of time, by a suitably qualified professional and reflect the complete development noting that the subject development is only partially constructed and therefore operating at a reduced capacity.

The applicant's further arguments that the contribution amount has been unfairly weighted or that there is a correlation between off street car parking availability and trip generation rates are not relevant in terms of the contributions levied or subjective statements, none of which are supported by documented evidence.

In terms of the applicant's request to change the trip generation definition to a 'Hospitality Facility', although noted it is considered that the use of the site has been accurately defined as a 'restaurant' noting the operational nature of the development.

Notwithstanding the above, a review of the original development application has revealed that the floor area from the main hallway through to the rear waiting station was included as part of the developments overall gross floor area (GFA) and therefore the total Section 94 Contribution levied. This area however could be considered a 'public area' and therefore should have not formed part of the sites overall (GFA). As such, the required contribution has been recalculated accordingly.

Under the Section 94 Urban Roads Contribution Plan, the food and drink premises is defined as a *restaurant* which incurs a trip generation of 60 trips per 100 m<sup>2</sup> GFA. To ascertain the number of additional trips generated by this development it is necessary to apply appropriate credits for the building's previous use as an office for 'The Land Newspaper'. This use is classified as 'CBD Commercial' which has a trip generation rate of 25 trips per 100 m<sup>2</sup> GFA.

The trip generations for the existing building excluding veranda, kitchen and amenities area can be calculated as follows:

Subject Building: 75 m<sup>2</sup>/100 x 25 which generates 18.75 daily trips.  
As such, a total credit of 18.75 daily trips applies.

With regard to calculating the proposed use as a food and drink premises, the additional amenities area, kitchen, front veranda and those areas deemed 'public areas' have been excluded, resulting in 58.5 m<sup>2</sup> of applicable floor area. The proposed pergola area (32 m<sup>2</sup>) and decking area (29 m<sup>2</sup>) have also been included in the calculations below as these areas will be used for dining purposes increasing the floor area of the proposed food and drink premises. Therefore, the urban roads contributions can be recalculated as follows:

GFA	= 119.5 m <sup>2</sup>
Trips	= (119.5/100) x 60
	= 1.19 x 60
	= 71.4 trips
Contribution	= \$commercial x (trips – credit)
	= \$374.96 x (71.4 – 18.75)
	= \$374.96 x 52.65
	= <b>\$19,741.64</b>

With the above noted, the modified application was also referred to Council's Technical Services Division who provided the following comments:

*"Council's Manager Technical Support has agreed that it would seem appropriate to deduct the cost of the upgraded kerb and gutter and concrete footpath along the Bultje Street frontage, as specified under DA Conditions 25 and 26. The Developer has advised that these works amounted to \$12,700.00."*

Noting the comments from Council's Technical Services Division, the \$12,700.00 will be deducted as material public benefit in accordance with clause 3.6(b) of the policy. Therefore, the total Section 94 Urban Road Contribution required would total **\$7,041.64**. Condition 49 of the consent can therefore be amended to reflect this revised amount.

## **5. INTERNAL REFERRALS**

Council's Development Engineer in the correspondence dated 18 April 2016 and 4 July 2016 did not raise any significant issues that require further investigation or that would prevent the application from being modified.

## **6. SUMMARY**

The applicant seeks to amend Condition 49 Section 94 Urban Roads Contribution of Development Consent D2015-10 for the approved food and drink premises (cafe/bakery), at Lot 1 DP 1134906, 33 Bultje Street, Dubbo.

The Modified Application is not considered likely to have any significant negative impact upon the environment or upon the amenity of the locality.

The Modified Application is consistent with the objectives of the applicable EPI's, DCP's and Council policies and is therefore recommended for approval subject to the modified condition of consent.

Consequently, condition 49 has been amended as follows:

*Prior to the issue of the Occupation Certificate, the contribution by the developer of urban roads headworks contributions for a sum of \$7,041.64 in accordance with Council's adopted Section 94 Contributions Plan - Roads, Traffic Management and Car Parking, Amendment No 1 adopted 25 February 2008.*

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

*Note 1: Council's adopted 2014/2015 financial year rate is \$374.96 per commercial trip (including administration fee). The required urban roads headworks contributions are calculated on 71.4 daily trips, with an existing credit of 18.75 daily trips and additional \$12,700.00 monetary reduction (material public benefit).*

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

*{Reason: Implementation of Council's Section 94 Contributions Plan - Roads, Traffic Management and Carparking, Amendment No 1 adopted 25 February 2008}*

Appendices:

- 1** Submissions from applicant

Mr D Dyson-Holland  
A & D Dyson Pty Ltd  
6R Harefield Road  
Dubbo NSW 2830

The General Manager  
City of Dubbo Council  
PO Box 81  
Dubbo NSW 2830

Dear Sir

**RE: Development Application No. D2015-10  
Lot 1 DP 1134906 – being 33 Bultje Street Dubbo  
Food and Drink Premises (café/bakery)**

Over recent months it has become obvious that development contributions applied to certain development within Dubbo are being inconsistently applied and either waived in total or substantially reduced.

My development application No. D2015-10 attracted significant monetary considerations and required payment for and contributions towards:

- Capital works requiring the replacement of kerb and gutter and concrete footpath (conditions 25 and 26) \$12,700.00 plus application and plan examination fees to council;
- Contribution of \$30,756.46 based on 82.05 trips towards Roads, Traffic Management and Car parking (condition 49);
- Contribution of \$222.43 based on 0.029 hectares towards Urban Stormwater Drainage (condition 50); and
- Contribution of \$2,766.04 based on 0.507625 ET's towards Water Supply and Sewerage (condition 51).

These expenses are significant and have impacted the development such that its viability is jeopardised.

In subsequently reviewing the matter the information available, local and operational knowledge, consideration of the proposed development and in particular the recent course of events that has led to similar and more significant developments having their contributions towards Roads, Traffic Management and Car parking either waived entirely or significantly reduced, there is an immediate concern relative to the nondescript nature of the claimed nexus for the amount of contribution levied (\$30,765.348).

I make this submission in accordance with the provisions of section 3.6 of the contributions plan seeking a full Council review of the Section 94 Contributions Plan - Roads, Traffic Management and Car Parking Amendment No 1 Adopted 25 February 2008 as indicated in condition No. 49 of the development determination, as I do not believe that the development will result in the estimated 82.05 trips as indicated in Council's Development Determination dated 24 March 2015.

The *nexus* purported in Council's development contributions plan does not specifically relate to the proposed development locality. Any funds levied against such development must, in accordance with the prevailing legislative base, be claimed as a direct result of increased demand for the public services or for necessary augmentation of the existing infrastructure. Money claimed must be expended in the locality of and for works directly resultant from the proposed development.

While I am not adverse to making appropriate contribution towards improvements to the road network traffic management and car parking in Dubbo, the amount sought (\$30,756.46) specifically for this by Council does not equate equitably or fairly to the development of a food and drink premises in an existing premises, and appears unfairly weighted towards provision or augmentation of facilities within other areas where there is little to no benefit attributable to the site context, setting and location of this development.

On this basis and in light of the detail provided herewith, a reconsideration of the amount of contribution levied against development DA D2015-10 and already remitted to Council, with a view to waiver of the contribution and refund of the monies paid, is considered warranted.

It is therefore requested that Council favourably consider a waiver of contribution in accordance with section 3.6 of the contributions plan and a refund of the monies already remitted \$30,756.46 towards Roads, Traffic Management and Car parking as stipulated by condition No. 49 of Development Consent No D2015-10, based on the lack of appropriate substantiation of nexus therein, such that the determination equates more appropriately to an average demand development.

Please find attached my completed Section 96 Application for modification of a development consent for due and appropriate consideration.

Yours Faithfully



DAVID DIXON-HOLLAND

7-3-16

D2015-10 Part 2

27th June 2016

Western Plains Regional Council  
 Civic Administration Building  
 Church Street Dubbo NSW 2830

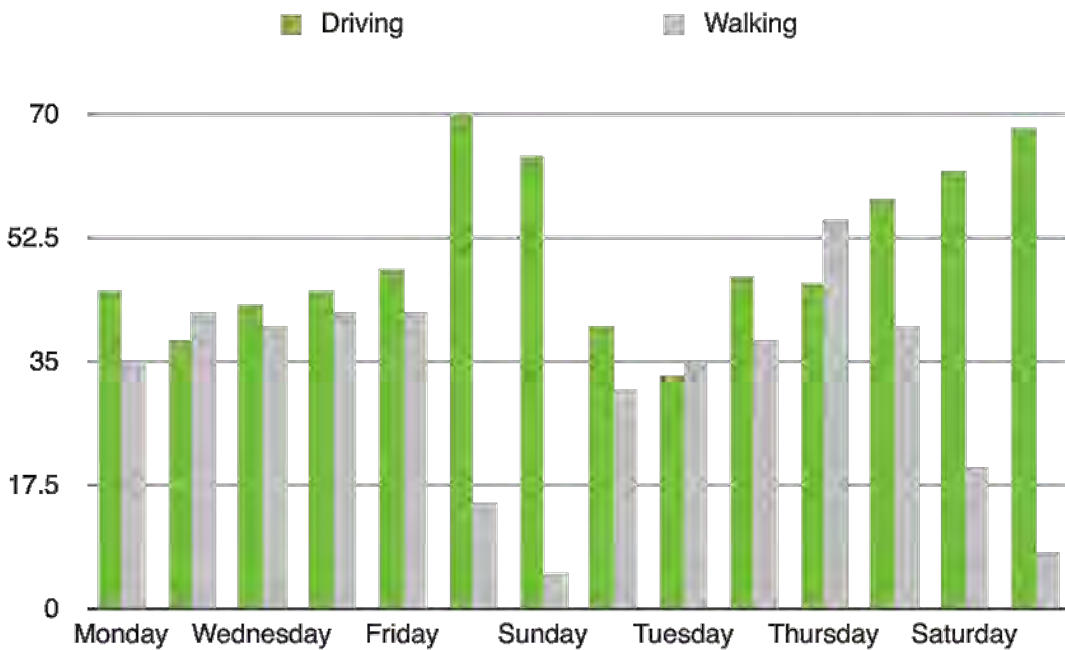
To whom it may Concern,

**DEVELOPMENT APPLICATION D2015-10**

This report contains raw data collected by surveying patrons upon checkout from the establishment at all hours of operation. Customers were verbally prompted to provide a written response to how they travelled to the establishment. We have estimated 5% of customers have declined to participate in the survey or did not write there response.

The survey included a section for the participates to elect where they parked or if they were able to obtain a park on Bultje Street however the responses were not accurate enough to provide usable data.

Period ending 26th June





Evidence from this data suggests that there is an average of 51 customers driving to Press on a daily basis. It could be argued that this would generate on average 51 daily trips under the section 94 urban roads contribution plan.

In response to 'Clarification is also sought in relation to the front verandah area and if this area will continue to be utilized for dining purposes'. All the current dining areas will be moved to new outdoor area. The Front courtyard and verandah were initially intended as a waiting area for Take Away with benches instead of dining tables. The cost of staffing to adequately service all these areas outweighs the revenue from using them for dining purposes, it is in our best interests to have one more manageable area that is also less dependent on other conditions such as weather etc.

With regards to your points 'There is provision within the plan that accurately defines the proposed use - Restaurant.' I understand the term 'CBD Commercial' is too generic however our development application did not state at any point 'restaurant'. Would Council consider a 'Hospitality Facility' to be closer to the proposed use and match the intended use in the development application.

Conclusively evidence from professional traffic management studies suggested 'On street parking is currently often at capacity under present arrangements in core precincts of the CBD' (Connell Wagner, 2015). How can our development meet its daily trip expectations if there is already reports suggesting that street parking is already at capacity prior to our development taking place.

Yours Faithfully



Alister Dyson-Holland  
Press Pty Ltd

## REPORT: Policy for the Deferred Payment of Developer Contributions for Residential Subdivision

**AUTHOR:** Manager City Strategy Services  
**REPORT DATE:** 11 July 2016  
**TRIM REFERENCE:** ID16/1300

### EXECUTIVE SUMMARY

The former Dubbo City Council at its meeting on 23 June 2014 considered a report in relation to an alternative payment scheme for developer contributions for residential subdivision. This alternative payment scheme included the preparation of a new Council Policy for the Deferred Payment of Developer Contributions for Residential Subdivisions.

The Policy was developed as a result of a request from Delroy Park Pty Ltd to consider an alternative payment mechanism for developer contributions in respect of residential subdivision. The request highlighted a common theme in the development industry of the tightening of financial requirements following the Global Financial Crisis (GFC) and the inherent requirements of the finance industry.

The Policy for the Deferred Payment of Developer Contributions for Residential Subdivision has now been in place for some time. The purpose of this report is to provide a review of the Policy and to consider whether any amendments are required.

However, it should be noted that the Policy is proposed to continue to apply to residential subdivision undertaken in respect of residential-zoned land within the former Dubbo Local Government Area only. Provision of a similar Policy or some other mechanism in respect of the former Wellington Council Local Government Area will be further considered by Council officers following an operational review of the Wellington Section 94A Development Contributions Plan 2012 and the Wellington Development Servicing Plan 2006.

This report recommends that the Council Policy for the Deferred Payment of Developer Contributions for Residential Subdivision in Dubbo continues to operate in perpetuity. It is also recommended that a number of minor amendments be undertaken to the Policy. A copy of the draft Policy inclusive of the proposed minor amendments is provided here in **Appendix 1**.

### **FINANCIAL IMPLICATIONS**

Financial implications in respect of the operation of the Policy were previously considered by the former Dubbo City Council in its original adoption of the Policy. It is considered that the Policy amendments included in this report are unlikely to have any significant financial implications.

### **POLICY IMPLICATIONS**

The proposed changes to the Policy, if adopted, will continue to provide further assistance to developers of residential land in Dubbo.

### **RECOMMENDATION**

- 1. That the draft amended Policy for the Deferred Payment of Developer Contributions for Residential Subdivision in Dubbo, included here in Appendix 1, be adopted by Council for the purpose of public exhibition.**
- 2. That the draft amended Policy for the Deferred Payment of Developer Contributions for Residential Subdivision in Dubbo be placed on public exhibition for a period of 28 days.**
- 3. That an operational review of the Wellington Section 94A Development Contributions Plan 2012 and the Wellington Development Servicing Plan 2006 be included in the City Strategy 2016/2017 Work Program.**

*Steven Jennings*  
Manager City Strategy Services

## BACKGROUND

Council at its meeting on 23 June 2014 considered a report in relation to an alternative payment scheme for developer contributions for residential subdivision.

Council, in consideration of the report, resolved as follows:

- “1. That the draft amended Policy for the Deferred Payment of Developer Contributions for Residential Subdivisions as attached herewith be adopted.*
- 2. That an advertisement be placed in local print media advising of Council’s adoption of the Policy.*
- 3. That the Policy for the Deferred Payment of Developer Contributions commence operation from 1 July 2014.*
- 4. That any necessary documents be executed under the Common Seal of the Council.”*

The Policy was developed as a result of a request from Delroy Park Pty Ltd to consider an alternative payment scheme for developer contributions for residential subdivision. The request highlighted a common theme in the development industry of the tightening of financial requirements following the Global Financial Crisis (GFC) and the inherent requirements of the finance industry.

The Policy for the Deferred Payment of Developer Contributions for Residential Subdivision has now been in place for some time in Dubbo. As such, the purpose of this report is to provide a review of the success of the Policy, to seek the consideration of Council to further extend the operating period of the Policy, and to undertake a number of minor amendments.

## REPORT

### 1. Operation of the Policy

The Council Policy for the Deferred Payment of Developer Contributions for Residential Subdivision commenced operation on 1 July 2014. As previously discussed above, the Council Policy allows the developer of a residential subdivision to defer the payment of developer contributions under Section 64 of the Local Government Act, 1993 and/or Section 94 of the Environmental Planning and Assessment Act, 1979 until the subject allotment of land is sold to a third party or by no longer than 12 months.

The Council Policy for the Deferred Payment of Developer Contributions for Residential Subdivision in Dubbo is an approach to the management and collection of developer contributions for residential subdivision that is undertaken in other local government areas including Shoalhaven and the Central Coast Council (former Wyong Council).

During the operation period of the Policy, Council has received four (4) requests to defer the payment of developer contributions for residential subdivisions. However, of the four requests received, all have been applied for by the one residential land developer in Dubbo.

The following provides a general description of the stages involved in the consideration of a Subdivision Certificate application by Council made under the provisions of the Policy:

- (a) Request provided to Council to defer the payment of Section 64 and Section 94 Contributions in accordance with the provisions of the Policy

This request is ideally provided to Council for execution prior to the issue of a Subdivision Construction Certificate. This request should also be accompanied by a draft Deed of Agreement prepared in accordance with the Policy.

- (b) Subdivision Certificate Application provided to Council for assessment

The Subdivision Certificate Application should include a draft caveat to be placed on the title of each allotment released as part of the subject Subdivision Certificate Application. This caveat would specify that Council would be required to be provided with all outstanding developer contributions for the subject allotment upon sale of the allotment to a third party or within a period of no greater than 12 months.

- (c) Caveat Registered on the Title of the Land

The developer is required to register the caveat as provided above, on the title of the subject land within seven (7) days of the release of the relevant Subdivision Certificate by Council.

- (d) Sale of the land to a third party

Upon sale of the land to a third party or at a period no greater than 12 months from the initial release of the Subdivision Certificate by Council, the developer is required to make application to Council to remove the caveat from the land. This request is also required to be accompanied by any outstanding developer contributions and the payment of the prescribed administration fee. Following completion of this step, the land can be sold unencumbered to a third party.

## **2. Proposed Policy Amendments**

Following amalgamation of the former Dubbo City and the Wellington councils, a number of minor amendments to the Policy are required to be undertaken. In addition, it is also proposed to allow for operation of the Policy in perpetuity.

The amendments proposed relate to administrative changes such as changing the Council's name, listing the relevant contribution plans, clarification of where the Policy will apply and reducing the fee from 1% to 0.5% in line with the adopted Revenue Policy. However, it should be noted that the Policy is proposed to continue to apply to residential subdivision undertaken in respect of residential-zoned land in the city of Dubbo.

Provision of a similar Policy in respect of the former Wellington Council Local Government Area will be further considered by Council following operational review of the Wellington Section 94A Development Contributions Plan 2012 and the Wellington Development Servicing Plan 2006.

### 3. Future Direction

This report recommends that the Council Policy for the Deferred Payment of Developer Contributions for Residential Subdivision in Dubbo continues to operate in perpetuity. In addition, a number of minor amendments have also been proposed to be undertaken to the Policy, as shown in red in **Appendix 1**.

Following the consideration of Council, the new draft Policy, including the proposed amendments, will be placed on public exhibition for a period of 28 days. Following exhibition, a further report will be presented to Council for consideration.

### SUMMARY

The Council Policy for the Deferred Payment of Contributions for Residential Subdivision in Dubbo has enjoyed a relatively successful period of operation. Following the amalgamation of the former Dubbo City and Wellington councils, a review of the Policy has been undertaken to ensure the Policy remains current and can achieve its intended outcomes of facilitating the timely delivery of residential allotments to the Dubbo housing market.

Review of the Policy has recommenced a number of minor amendments be undertaken and for the Policy to operate in perpetuity.

It is recommended that the draft amended Policy as included in **Appendix 1** be supported by Council and placed on public exhibition for a period of 28 days.

Appendices:

- 1 Draft Council Policy Payment of Developer Contributions in Dubbo (2016)



# Western Plains Regional Council Policy

Document Type *Council Policy*

<b>Title</b>	<b>Deferred Payment of Developer Contributions for Residential Subdivision in Dubbo</b>
<b>Responsible Officer</b>	Director Environmental Services
<b>Date</b>	
<b>Council Resolution Date</b>	

## 1. PURPOSE

The purpose of this Policy is to specify the procedure for the deferred payment of developer contributions under Section 94 of the Environmental Planning and Assessment Act, 1979 and under Section 64 of the Local Government Act, 1993 for the subdivision of residential zoned land only.

It should also be noted that the Policy is only to be applied in respect of contributions levied under the following Contributions Plans:

- Section 94 Contributions Plan for Roads, Traffic Management and Car Parking;
- Section 94 Contributions Plan for Dubbo Open Space and Recreation Facilities 2016-2026;
- Section 94 Contributions Plan Urban Stormwater Drainage Headworks; and
- Section 64 Water and Sewerage Contribution Policy.

## 2. PAYMENT OF CONTRIBUTIONS FOR RESIDENTIAL SUBDIVISION

Council may consider the deferred payment of developer contributions pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 and Section 64 of the Local Government Act, 1993 subject to compliance with all of the following requirements:

- The owner of the land and any mortgagees of the property entering into a Deed of Agreement at no cost to **Western Plains Regional Council**.
- The Deed of Agreement shall be between **Western Plains Regional Council** and the owner of the land binding the land with the obligation to pay any applicable contributions.
- If the land in question is subject to a mortgage(s), **Western Plains Regional Council** entering into a Priority Agreement with the mortgagee(s) that provides **Western Plains Regional Council** first priority to the payment of outstanding contributions.
- Notice of the Agreement and the rights of **Western Plains Regional Council** are to be registered as a caveat on the title of the land subject to the subdivision.
- The Agreement shall make provision for payment of the contribution at the rate applicable at the time of payment and will provide a schedule for the timing of payment upon sale of the subdivided lot/s.
- The Caveat shall be in a form that acts as a bar to the transfer of ownership of any lot within the subdivision unless **Western Plains Regional Council** has provided its written agreement to remove the Caveat.
- The written agreement from **Western Plains Regional Council** to remove the Caveat from a subdivided lot shall be provided upon receipt of payment of any outstanding contributions in accordance with the terms of the Deed of Agreement.
- All costs associated with preparation of the Deed of Agreement and any other ancillary costs to **Western Plains Regional Council** shall be borne by the land owner/ developer.
- The terms of any Deed of Agreement shall specify a period of 12 months for the outstanding contributions to be paid to **Western Plains Regional Council**.
- If following the registration of a Plan of Subdivision the land in question does not change ownership in the 12 month period immediately following the date of registration, the Deed of Agreement shall specify for payment of the applicable contributions to be made to **Western Plains Regional Council** at the end of the 12 month period.
- For the purposes of this Policy, a change in land ownership includes any change to a registered company name where the land is held in company ownership.
- The Deed of Agreement shall provide that the Caveat shall be in a form that acts as a bar to transfer ownership of any lot within the subdivision unless Council has provided its agreement to remove the Caveat.

### 3. APPLICATION PROCESS

- A Deed of Agreement shall be executed prior to the issue of the first Construction Certificate for construction of the subdivision.



- Council is under no obligation to accept a request for the deferred payment of contributions for residential subdivision.
- Approval of any request for the deferred payment of contributions for subdivision is at the discretion of the **Interim General Manager**.
- Council will only consent to the removal of a Caveat on the title of land if the applicable fee of **0.5%** of the value of any outstanding contribution is payed prior to the removal of the Caveat.

#### **4. REVIEW OF POLICY**

**An operational review of the Policy shall be undertaken in June annually.** Following this review, Council reserves its rights to cancel or amend the Policy at any time.

## REPORT: Asbestos Policy Review

**AUTHOR:** Manager Environmental Control

**REPORT DATE:** 14 July 2016

**TRIM REFERENCE:** ID16/1316

### EXECUTIVE SUMMARY

The Asbestos Policy was adopted by the former Dubbo City Council at its Ordinary meeting on 24 June 2014. The recommendation included that the Policy be reviewed on a biennial basis hence this review and report.

The revised Policy (attached in **Appendix 1**) now refers to the former Dubbo Local Government Area as it cannot incorporate the former Wellington area until an audit of the Wellington Branch's current asbestos management documents and procedures has been undertaken.

Other changes were only minor in nature and mostly involved updating legislation, government departments and websites. Although the Policy states in Section 19 that the General Manager may allow variations to the Policy for minor issues, given the merger of Wellington and Dubbo City councils, it is considered appropriate for the Policy changes to be adopted by Council.

The Asbestos Policy is based on the Model Policy from the Division of Local Government. The Policy outlines Council's action to comply with its legislative obligations for the management of asbestos both within Council's workplaces and within the community.

### FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

### POLICY IMPLICATIONS

This Policy will be a revision to a Council-adopted Policy.

**RECOMMENDATION**

- 1. That the revised Asbestos Policy (Appendix 1) be adopted and placed on public exhibition for a period of not less than 28 days**
- 2. That a further report be considered by Council addressing any submissions made by the public during the public exhibition period.**
- 3. That an audit of the former Wellington Council asbestos management documents and processes be undertaken prior to July 2017.**

*Debbie Archer*

Manager Environmental Control

## REPORT

A Model Asbestos Policy was developed for NSW councils by the Office of Local Government to assist councils to formulate an Asbestos Policy and to promote a consistent approach to asbestos management across NSW. The former Dubbo City Council amended the Policy which was adopted by the former Council on 24 June 2014.

The Policy primarily outlines the following in relation to asbestos in the former Dubbo Local Government Area:

1. Council's roles and responsibilities;
2. Land contamination and land use;
3. Response to emergencies and incidents;
4. Management of asbestos waste;
5. Community concerns and complaints; and
6. Work, health and safety requirements.

The Policy addresses how Council will comply with its legislative requirements as well as its duty of care to the local community. The Policy is supported by a Council Asbestos Management Plan which details Council's risk management processes in respect of Council assets, staff and contractors relating to asbestos including records of possible exposure, risk assessment tools, maintenance schedules, training records and health monitoring records. Individual Site Management Plans and Registers for facilities where asbestos is identified or presumed to occur will also be implemented.

The Former Dubbo City Council's resolution included the recommendation to have a biennial review of the Policy. This review has also considered the merger of Dubbo City and Wellington councils and as a result the Policy refers to the former Dubbo Local Government Area only. A review of the former Wellington Council's asbestos management processes will need to be undertaken, including whether asbestos management plans are in place for Council facilities, whether naturally occurring asbestos has been identified or mapped and what staff training and monitoring processes are in place.

Amendments to the Policy, other than the reference to the former Dubbo Local Government Area, are minor in nature. Since the Policy was first adopted there have been some updates to legislation, government departments and websites for reference information. These have been reviewed and updated in the attached reviewed Policy. There have been no amendments to the Policy that have resulted in a change to the objectives or intention of the Policy. Accordingly, it is recommended that the revised Policy be placed on public exhibition for a period of not less than 28 days and that should no submissions be received by Council, the Policy be adopted.

**SUMMARY**

It is recommended that the minor changes in the reviewed Policy be adopted and placed on public exhibition and that a review of the former Wellington Council asbestos management processes be undertaken by July 2017.

Appendices:

- 1 Asbestos Policy - Revised July 2016

# Western Plains Regional Council Policy

**Document Type**     *Council Policy*

<b>Title</b>	<i>Asbestos Policy</i>
<b>Responsible Officer</b>	<i>Manager Environmental Control</i>
<b>Date</b>	<i>July 2016 updated</i>
<b>Council Resolution Date</b>	<i>23 June 2014</i>
<b>Clause Number</b>	<i>WSC14/60</i>



# **Asbestos Policy**

**(for the former Dubbo Local Government Area)**

Adopted by Council: 23 June 2014

Updated: July 2016

## **Disclaimer**

This policy was formulated to be consistent with council's legislative obligations and within the scope of council's powers. This policy should be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail.

This policy is based upon the Model Asbestos Policy for NSW Councils developed by the Heads of Asbestos Coordination Authorities to promote a consistent Local Government approach to asbestos management across NSW.

This policy does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred as a result of reliance on this policy.



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## 1. Introduction

Western Plains Regional Council acknowledges the serious health hazard of exposure to asbestos.

In Australia, asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited since 31 December 2003. Yet asbestos legacy materials still exist in many homes, buildings and other assets and infrastructure. It is estimated that one in three Australian homes contains asbestos.

Where material containing asbestos is in a non-friable form (that is, cannot be crushed by hand into a powder), undisturbed and painted or otherwise sealed, it may remain safely in place. However, where asbestos containing material is broken, damaged, disturbed or mishandled, fibres can become loose and airborne posing a risk to health. Breathing in dust containing asbestos fibres can cause asbestosis, lung cancer and mesothelioma.

It is often difficult to identify the presence of asbestos by sight. Where a material cannot be identified or is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions. Further information about asbestos and the health impacts of asbestos can be found in Appendix A and website links to additional information are provided in Appendix B.

Council has an important dual role in minimising exposure to asbestos, as far as is reasonably practicable, for both:

- Residents and the public within the Local Government Area (LGA)
- Workers (employees and other persons) in council workplaces.

Council's legislative functions for minimising the risks from asbestos apply in various scenarios including:

- As a responsible employer
- Contaminated land management
- Council land, building and asset management
- Emergency response
- Land use planning (including development approvals and demolition)
- Management of naturally occurring asbestos
- Regulation of activities (non-work sites)
- Waste management and regulation.

## 1.1 Purpose

This policy aims to outline:

- The role of council and other organisations in managing asbestos
- Council's relevant regulatory powers
- Council's approach to dealing with naturally occurring asbestos, sites contaminated by asbestos and emergencies or incidents
- General advice for residents on renovating homes that may contain asbestos
- Council's development approval process for developments that may involve asbestos and conditions of consent
- Waste management and regulation procedures for asbestos waste in the LGA
- Council's approach to managing asbestos containing materials in council workplaces
- Sources of further information.

## 1.2 Scope

This policy applies to land within the former Dubbo Local Government Area (LGA) under council's jurisdiction (refer to Map 1 below).

The policy provides information for council workers, the local community and wider public. Part 1 of the policy includes the sections that are likely to be of most interest to the local community and wider public. Part 2 is information that applies to workers associated with council including employees, contractors, consultants, and volunteers (as defined by the NSW Work Health and Safety Regulation 2011). Definitions for key terms used in the policy are provided in Appendix C and acronyms are listed in Appendix D.

The policy applies to friable, non-friable (bonded) and naturally occurring asbestos (where applicable) within the former Dubbo LGA.

The policy outlines council's commitment and responsibilities in relation to safely managing asbestos and contains general advice. For specific advice, individuals are encouraged to contact council or the appropriate organisation (contact details are listed in Appendix E).

The policy does not provide detail on specific procedures. Practical guidance on how to manage risks associated with asbestos and asbestos containing material can be found in the:

- [Code of practice - How to Manage and Control Asbestos in the Workplace](#) (ISBN no. 978-0-642-33317-9) published by Safework Australia, February 2016.
- [Code of practice - How to Safely Remove Asbestos](#) (978-0-642-33317-9) published by Safework Australia, April 2016.
- Additional guidance material listed in Appendix B.

Detailed information on council's procedures and plans may be found in other documents, which are referenced in part 2 under section 18.1.



Map 1: Former Dubbo City Council Local Government Area

## 2. Definitions

Definitions are provided in Appendix C.

## 3. Roles and responsibilities of Council

### 3.1 Educating residents

Council shall assist residents to access appropriate information and advice on the:

- Prohibition on the use and re-use of asbestos containing materials
- Requirements in relation to development, land management and waste management

- Risks of exposure to asbestos
- Safe management of asbestos containing materials
- Safe removal and disposal of minor quantities of asbestos containing materials.

Educational information and website links for educational materials can be found in Appendices A and B.

### 3.2 Managing land

Council is responsible for managing public land. This may include land with naturally occurring asbestos as described in section 5 and land contaminated with asbestos as outlined in section 6.

### 3.3 Managing waste

Where council is the appropriate regulatory authority, council is responsible for:

- Issuing clean-up notices to address illegal storage or disposal of asbestos waste or after an emergency or incident (under the Protection of the Environment Operations Act 1997).
- Issuing prevention or clean-up notices where asbestos waste has been handled (including stored, transported or disposed of) in an unsatisfactory manner (under the Protection of the Environment Operations Act 1997).
- Issuing penalty infringement notices for improper transport of asbestos (under the Protection of the Environment Operations Act 1997).
- Applying planning controls to proposals to dispose of asbestos waste on-site, seeking advice from the Environment Protection Authority (EPA) on this matter and making notation on planning certificates (section 149 certificates) where on-site disposal is permitted.
- Operating a licensed landfill facility that accepts asbestos waste.
- Waste facilities that are licensed to accept asbestos waste are listed in Appendix F.

### 3.4 Regulatory responsibilities

Council has regulatory responsibilities under the following legislation, policies and standards in situations where council is the appropriate regulatory authority or planning authority:

- Australian Standard AS 2601 – 2001: The demolition of structures
- Contaminated Land Management Act 1997
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Local Government Act 1993
- Protection of the Environment Operations Act 1997



- Protection of the Environment Operations (General) Regulation 2009
- Protection of the Environment Operations (Waste) Regulation 2014
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy No. 55 – Remediation of Land.

Additional legislation, policies and standards relating to the safe management of asbestos are listed in Appendix G.

The situations in which council has a regulatory role in the safe management of asbestos are listed in Table 1.

**Table 1: Situations in which council has a regulatory role in managing asbestos**

Issue	Council's Role	Section of Policy
Contaminated land	<ul style="list-style-type: none"> <li>• Record known asbestos site contamination on section 149 certificates where practicable and for council workplaces, record on council's asbestos register.</li> <li>• Notify stakeholders of land use planning policy requirements relating to contamination.</li> <li>• Manage residential asbestos contaminated land that is not declared 'significantly contaminated' under the Contaminated Land Management Act 1997 (excluding oversight of removal or remediation work which is the role of SafeWork NSW).</li> </ul>	Sections 5 and 6
Development assessment	<ul style="list-style-type: none"> <li>• Assess development applications for approval under the Environmental Planning and Assessment Act 1979.</li> <li>• Set conditions of consent for renovations, alterations, additions, demolitions or other developments requiring consent and which may involve disturbance of asbestos containing materials.</li> <li>• Ensure compliance with development conditions.</li> <li>• Apply conditions relating to development involving friable and non-friable asbestos material under the relevant legislation and planning codes and as outlined in section 9.</li> </ul>	Section 9
Demolition	<ul style="list-style-type: none"> <li>• Approve demolition under the Environmental Planning and Assessment Act 1979.</li> <li>• Council certifiers approve development as complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</li> </ul>	Section 9

Issue	Council's Role	Section of Policy
Emergencies and incidents	<ul style="list-style-type: none"> <li>Regulate the clean-up of asbestos waste following emergencies where sites are handed over to the council or a local resident by an emergency service organisation (excluding oversight of licensed removal or remediation work which is the role of SafeWork NSW). Council may consider the need to issue a clean-up notice, prevention notice or cost compliance notice under the Protection of the Environment Operations Act 1997.</li> </ul>	Section 7
Naturally occurring asbestos	<ul style="list-style-type: none"> <li>Verify compliance with environmental planning and assessment legislation for development applications that could disturb naturally occurring asbestos.</li> <li>Prepare an asbestos management plan for council workplaces or road works which occur on land containing naturally occurring asbestos.</li> </ul>	Section 5
Residential premises	<ul style="list-style-type: none"> <li>Respond to complaints about unsafe work at a residential property that is undertaken by a resident (not a worker, which is the role of SafeWork NSW).</li> <li>Respond to public health risks posed by derelict properties or asbestos materials in residential settings.</li> </ul>	Section 9
Waste	<ul style="list-style-type: none"> <li>Manage waste facilities in accordance with environmental protection legislation.</li> <li>Respond to illegal storage, illegal dumping and orphan waste.</li> <li>Regulate non-complying transport of asbestos containing materials.</li> </ul>	Section 10

### 3.5 Responsibilities to workers

Council is committed to fulfilling its responsibilities to workers under the NSW Work Health and Safety Act 2011 and NSW Work Health and Safety Regulation 2011 and maintaining a safe work environment through council's:

- General responsibilities
- Education, training and information for workers
- Health monitoring for workers
- Procedures for identifying and managing asbestos containing materials in council premises.

These responsibilities are outlined in part 2.

#### 4. Other stakeholders involved in managing asbestos

Council is committed to working collaboratively with other government agencies and where appropriate, other stakeholders as needed to respond to asbestos issues.

Appendix E notes useful contacts and Appendix H notes agencies involved in managing asbestos. Various asbestos scenarios requiring stakeholders to work together are outlined in Appendix I.

### Part 1 – Asbestos in the Local Government Area: Information for the community

#### 5. Naturally occurring asbestos

Council is not aware of any naturally occurring asbestos in the former Dubbo LGA. Statewide mapping in 2015 supports this position. Mapping is available via the [SafeWork NSW website](#)

Naturally occurring asbestos only poses a health risk when elevated levels of fibres are released into the air, either by human activities or by natural weathering and these fibres are breathed in by people. Information on naturally occurring asbestos, work processes that have the potential to release naturally occurring asbestos fibres into the air and known locations of naturally occurring asbestos in NSW is provided in Appendix A under section 2.1. This information is indicative, and not a complete picture of all naturally occurring asbestos in NSW.

##### 5.1 Responsibilities for naturally occurring asbestos

For naturally occurring asbestos that will remain undisturbed by any work practice, council is the lead regulator.

Where development applications propose activities that may disturb areas of naturally occurring asbestos (such as excavation), any consent or approval should contain conditions requiring: testing to determine if asbestos is present, and the development of an asbestos management plan if the testing reveals naturally occurring asbestos is present. Council will verify compliance with environmental planning and assessment legislation and together with the EPA and SafeWork NSW will coordinate enforcement where non-compliance is suspected.

Where naturally occurring asbestos will be disturbed due to a work process, including roadwork, excavation and remediation work, SafeWork NSW is the lead regulator. Requirements for workplaces are summarised in the [Naturally-occurring asbestos fact sheet](#)

(catalogue no. WC03728) published by SafeWork NSW. Where naturally occurring asbestos is part of a mineral extraction process, Department of Trade and Investment, Regional Infrastructure is the lead regulator.

## 5.2 Managing naturally occurring asbestos

Where naturally occurring asbestos is encountered or suspected, the risk from disturbance of the naturally occurring asbestos should be assessed by an occupational hygienist.

The management of naturally occurring asbestos that stays in its natural state is not prohibited if managed in accordance with an asbestos management plan. Requirements for risk management, asbestos management plans and provisions for workers are outlined in the Naturally-occurring asbestos fact sheet (catalogue no. WC03728) published by SafeWork NSW.

### 5.2.1 Management of naturally occurring asbestos by council

Council will aim to prevent the exposure of workers and the public to any naturally occurring asbestos that is known or discovered in the council workplace.

If naturally occurring asbestos is discovered in the LGA, council will develop risk controls, an asbestos management plan in relation to the naturally occurring asbestos and provide guidance materials where necessary.

## 6. Contamination of land with asbestos

Background information on contamination of land with asbestos and potential disturbance of asbestos contaminated sites can be found in Appendix A under sections 2 and 3. The nature of asbestos contamination of land can vary significantly and there can be a number of different mechanisms available to address this contamination depending upon its source and extent. Council's Contaminated Land Policy also guides Council's actions and determines if the land is to be included on Council's Contaminated Land Register.

### 6.1 Responsibilities for contaminated land

Responsibility for cleaning up contaminated land lies with the person responsible for contaminating the land or the relevant landowner.

Council may issue a clean-up notice to the occupier of premises at or from which council reasonably suspects that a pollution incident has occurred, or is occurring, requiring asbestos waste to be removed (under part 4.2 of the Protection of the Environment Operations Act 1997).

Council may also issue prevention notices (under part 4.3 of the Protection of the Environment Operations Act 1997) to ensure good environmental practice. If a person does not comply with a prevention notice given to the person, council employees, agents or contractors may take action to cause compliance with the notice.

Any reasonable costs incurred by council in monitoring or enforcing clean-up and prevention notices may be recovered through a compliance cost notice (under part 4.5 of the Protection of the Environment Operations Act 1997). Council shall keep records of: tasks undertaken; the hours council employees have spent undertaking those tasks; and expenses incurred.

During site redevelopment council will consider contamination with asbestos containing materials in the same way as other forms of contamination as stipulated by the Environmental Planning and Assessment Act 1979. That is, council will apply the general requirements of State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land and the Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land.

Council provides information about land contamination on planning certificates (issued under section 149 of the Environmental Planning and Assessment Act 1979) as outlined in section 6.2.

For sites that are ‘significantly contaminated’ and require a major remediation program independent of any rezoning or development applications, the EPA and SafeWork NSW are the lead regulatory authorities as outlined in Appendix A under section 2.4.2.

The management of council workplaces contaminated with asbestos is outlined in section 14.4.

## 6.2 Finding out if land is contaminated

A person may request from council a planning certificate containing advice on matters including whether council has a policy to restrict the use of land due to risks from contamination. Certificates are issued under section 149(2) of the Environmental Planning and Assessment Act 1979.

Factual information relating to past land use and other matters relevant to contamination may also be provided, even when land use is not restricted. When council receives a request for a certificate under section 149(2), it may also inform applicants of any further information available under section 149(5). Council may also use section 149(5) certificates to record other information, particularly anything else of a factual nature about contamination which council deems appropriate (such as details of land history, assessment, testing and remediation).

Council records can only indicate known contaminated sites. Any site may potentially be contaminated.

### 6.3 Duty to report contaminated land

A person whose activities have contaminated land or a landowner whose land has been contaminated is required to notify the EPA when they become aware of the contamination (under section 60 of the Contaminated Land Management Act 1997). Situations where this is required are explained in the document: *Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997* available at <http://www.epa.nsw.gov.au/clm/guidelines.htm>

The EPA will inform council of contaminated land matters relating to the LGA as required under section 59 of the Contaminated Land Management Act 1997.

### 6.4 Derelict buildings

Concerns regarding potential health risks from derelict properties may be directed to council. Derelict properties include abandoned buildings, fire damaged buildings and otherwise dilapidated buildings. Where derelict properties contain friable asbestos and asbestos is exposed, either from human activities or weathering, this poses a potential risk to public health.

Council may respond to derelict properties that pose a demonstrable public health risk using a range of regulatory tools according to the particular circumstances.

Council may issue a clean-up notice or prevention notice and compliance cost notice as noted in section 6.1.

Council may also order a person to demolish or remove a building if the building is so dilapidated as to present harm to its occupants or to persons or property in the neighbourhood (under section 121B 2(c) of the Environmental Planning and Assessment Act 1979). An order may require immediate compliance with its terms in circumstances which the person who gives the order believes constitute a serious risk to health or safety or an emergency (under section 121M of the Environmental Planning and Assessment Act 1979). If a person fails to comply with the terms of an order, council may act under section 121ZJ of the Environmental Planning and Assessment Act 1979 to give effect to the terms of the order, including the carrying out of any work required by the order.

If the derelict building is on a site that is a workplace then SafeWork NSW is the lead agency responsible for ensuring that asbestos is removed by appropriately licensed removalists.

## 7. Responding to emergencies and incidents

Emergencies and incidents such as major collapses, cyclones, explosions, fires, storms, or vandalism can cause damage to buildings or land that contain asbestos. This can create site contamination issues and potentially expose emergency service workers and the wider public to asbestos. Emergencies or incidents can arise from natural hazards, or from accidental or deliberate human activities including criminal activity.

### 7.1 Responsibilities in the clean-up after an emergency or incident

Council may play a role in ensuring that asbestos containing materials are cleaned up after an emergency or incident. If the emergency or incident occurs at a workplace, SafeWork NSW is the lead agency.

Council may issue a clean-up, prevention, cost compliance or penalty infringement notice as outlined in section 3.3 and section 6.1.

Alternatively, council may act under the Environmental Planning and Assessment Act 1979 as outlined in section 6.4 of this policy.

Council will determine an appropriate response depending on the nature of the situation.

This may include to:

- Seek advice from an occupational hygienist on the likely level of risk and appropriate controls required.
- Liaise with or consult the appropriate agencies.
- Inform emergency personnel of any hazards known to council as soon as practicable.
- Follow the Code of practice on how to safely remove asbestos (catalogue no. WC03561) published by SafeWork NSW NSW.
- Ensure that any council workers attending the site have appropriate training and are wearing appropriate personal protective equipment.
- Exclude the public from the site.
- Inform the public of the potential sources of exposure to asbestos, health risks and emergency management response.
- Minimise the risks posed by any remaining structures (see section 6.4).
- Address the risks posed by disturbed asbestos containing materials by engaging a licensed removalist (as outlined in section 14.6.2) or issuing a clean-up or prevention notice (as outlined in section 6.4) to ensure asbestos containing materials are removed for disposal.
- Advise the property owner to consider the costs of asbestos removal when lodging insurance claims.

- Ensure that the site is kept damp, at all times or sprayed with PVA glue, particularly where friable asbestos is present, if considered appropriate (noting that in some instances this may not be appropriate, for example if there are live electrical conductors or if major electrical equipment could be permanently damaged or made dangerous by contact with water).
- Ensure that asbestos containing materials are disposed of at a facility licensed to accept asbestos waste and sight proof of appropriate disposal through weighbridge dockets or similar documentation.

## 7.2 Advice to the public regarding clean-up after an emergency or incident

During a clean-up after an emergency or incident, the possibility of neighbours being exposed to asbestos fibres may be very low if precautions are taken to minimise the release and inhalation of asbestos dust and fibres.

As a precautionary measure, where council is involved in a clean-up, council may consider advising those in neighbouring properties to:

- Avoid unnecessary outdoor activity and do not put any laundry outside during the clean-up
- Close all external doors and windows and stay indoors during the clean-up
- Consider avoiding using air conditioners that introduce air from outside into the home during the clean-up
- Dispose of any laundry that may have been contaminated with asbestos as asbestos waste after the clean-up (advice on disposing of asbestos waste is provided in section 10).
- Use a low pressure hose on a spray configuration to remove visible dust from pathways after the clean-up
- Wipe dusty surfaces with a damp cloth and bag and dispose of the cloth as asbestos waste after the clean-up (advice on disposing of asbestos waste is provided in section 10)
- Any other measures recommended by an occupational hygienist following assessment of the situation.

## 8. Council's process for changing land use

Council recognises the need to exercise care when changing zoning for land uses, approving development or excavating land due to the potential to uncover known or unknown asbestos material from previous land uses (for example, where a site has been previously been used as a landfill or for on-site burial of asbestos waste).



State Environmental Planning Policy No. 55 – Remediation of Land states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

Managing sites contaminated with asbestos material is addressed in section 6.

## **9. Council's process for assessing development**

This section applies to development applications assessed under the Environmental Planning and Assessment Act 1979 and complying development applications assessed under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or council's complying codes (see section 9.5.2). This includes alterations and additions to residential development, which may include internal work as well as extensions to the existing main structure, or changes to outbuildings, sheds or garages.

This section also covers renovations that do not require development consent or a complying development certificate. Development consent is not required to maintain an existing structure. For example, the replacement of windows, doors and ceilings may involve the removal of asbestos but does not constitute development under the Environmental Planning and Assessment Act 1979. In these instances, council has an educative role in providing owners and occupiers with advice and information about the identification and safe management of asbestos.

### **9.1 Responsibilities for approving development**

Council is the consent authority for the majority of development applications in the LGA. The Joint Regional Planning Panel (JRPP) is also consent authority for certain local or regional development. Council may have representation on the JRPP.

Council or the JRPP may impose conditions of consent and a waste disposal policy to a development consent to ensure the safe removal of asbestos, where asbestos has been identified or may be reasonably assumed to be present.

Either council or a private certifier may assess a complying development certificate. Where a private certifier is engaged to assess a complying development certificate, the private certifier is responsible for ensuring that the proposed development activities include adequate plans for the safe removal and disposal of asbestos.

This also applies to the demolition of buildings. Certifiers are able to issue a complying development certificate under the Demolition Code of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Further information on demolition is provided in section 9.4.

When a private certifier issues a complying development certificate and is appointed as the Principal Certifying Authority for the development it is the certifier's responsibility to follow up to ensure that works including asbestos handling, removal and disposal if present, are carried out appropriately in accordance with the Environmental Planning and Assessment Regulation 2000 (clause 136E). Compliance is covered in section 9.7.

## 9.2 Providing advice to home owners, renovators and developers

Council is committed to providing information to minimise the risks from asbestos in the LGA. Information is provided below and in Appendix A. Appendix B lists additional sources of information on how to deal safely with the risks of asbestos and Appendix J lists asbestos containing products that may be found around the home.

The key points are:

- Before any renovation, maintenance or demolition work is carried out, any asbestos or asbestos containing materials should be identified (refer to section 9.3).
- Where a material cannot be identified or it is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions.
- If asbestos containing materials can be maintained in good condition it is recommended that they be safely contained, left alone and periodically checked to monitor their condition, until demolition or redevelopment. If asbestos materials cannot be safely contained, they should be removed as outlined in section 9.4.
- For demolition or redevelopment, any asbestos containing materials should be safely removed and disposed of prior to the work commencing.

Anyone who is undertaking renovations themselves without a contractor is encouraged to refer to Appendices A and B for more information and contact council where they require further advice or clarification. Anyone engaging an asbestos removal contractor may contact SafeWork NSW with any queries as SafeWork NSW regulates asbestos removal by workers (as explained in section 9.4). Contact details for council and SafeWork NSW are provided in Appendix E.

## 9.3 Identifying asbestos

Information on common places where asbestos is likely to be found in residential, commercial and industrial premises with materials from prior to 2004 on the premises is provided in Appendix A.

A person may apply to council for a planning certificate (called a section 149 certificate) for the relevant land. Council may provide information on a planning certificate including

whether council has a policy to restrict the use of land due to risks from asbestos contamination, as outlined in section 6.2.

Council aims to ensure that records are, as far as possible, accurate. In some instances, council may not have up-to-date information about asbestos for a property. Council may be able to provide general advice on the likelihood of asbestos being present on the land based on the age of the buildings or structures on the land. A general guide to the likelihood of asbestos presence based on building age is provided in Appendix A under section 2.2.

The most accurate way to find out if a building or structure contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos, such as an occupational hygienist (a competent person is defined by the NSW Work Health and Safety Regulation 2011). This is highly advisable before undertaking major renovations to buildings constructed, or containing materials from prior to 2004.

- Property owners and agents are encouraged to inform any tenants or occupiers of the presence of asbestos and to address any potential asbestos hazards where appropriate.
- Property owners who let their properties out are required to identify any asbestos within those properties before any work is carried out (this includes residential properties).
- The Work Health and Safety Regulation 2011 states that the person conducting a business or undertaking in any building constructed before 31 December 2003 must identify if there is any asbestos in the building.
- All commercial properties that contain asbestos must have and maintain a current asbestos register and asbestos management plan.

## 9.4 Removing asbestos, refurbishments and demolitions

### 9.4.1 Removing asbestos at domestic premises

If development is undertaken by contractors, as is the case with a lot of home renovations, then the work is considered to be at a workplace and is regulated by SafeWork NSW under the NSW Work Health and Safety Regulation 2011. This requires that a person conducting a business or undertaking who is to carry out refurbishment or demolition of residential premises must ensure that all asbestos that is likely to be disturbed by the refurbishment or demolition is identified and, so far as reasonably practicable, is removed before the refurbishment or demolition is commenced.

Depending on the nature and quantity of asbestos to be removed, a licence may be required to remove the asbestos. The requirements for licenses are outlined below and summarised in the table in Appendix K. SafeWork NSW is responsible for issuing asbestos licences.

Friable asbestos must only be removed by a licensed removalist with a friable (Class A) asbestos removal licence. Except in the case of the removal of:

- asbestos containing dust associated with the removal of non-friable asbestos, or
- asbestos containing dust that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination (which is when the asbestos contamination is incidental and can be cleaned up in less than one hour).

The removal of more than 10 square metres of non-friable asbestos or asbestos containing material must be carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist.

The removal of asbestos containing dust associated with the removal of more than 10 square metres of non-friable asbestos or asbestos containing material requires a non-friable (Class B) asbestos removal licence or a friable (Class A) asbestos removal licence.

Removal of 10 square metres or less of non-friable asbestos may be undertaken without a licence. However, given the risks involved, council encourages residents to consider engaging a licensed asbestos removal contractor. The cost of asbestos removal by a licensed professional is comparable in price to most licensed tradespeople including electricians, plumbers and tilers.

All asbestos removal should be undertaken in accordance with the Code of practice on how to safely remove asbestos.

If a residential premise is a workplace, the licensed asbestos removalist must inform the following persons before licensed asbestos removal work is carried out:

- The person who commissioned the work
- A person conducting a business or undertaking at the workplace
- The owner and occupier of the residential premises
- Anyone occupying premises in the immediate vicinity of the workplace (as described in section 467 of the NSW Work Health and Safety Regulation 2011).

In certain circumstances, a premise may be used for both residential and commercial purposes and is therefore classified as a workplace.

All licensed asbestos removal must be:

- Supervised by a supervisor named to SafeWork NSW
- Notified to SafeWork NSW at least five days prior to the work commencing.

Requirements for the transport and disposal of asbestos waste are covered in section 10.

#### 9.4.2 Removing asbestos at workplaces

The NSW Work Health and Safety Regulation 2011 specifies requirements for demolition and refurbishment at a workplace with structures or plants constructed or installed before 31 December 2003. SafeWork NSW is the lead agency for regulating the safe management of asbestos at workplaces.

#### 9.4.3 Obtaining approval for demolition

Demolition work must comply with Australian Standard AS 2601 – 2001: The demolition of structures. In most circumstances demolition of a structure requires development consent or a complying development certificate. Applicants need to enquire to council as to whether and what type of approval is required. Where a development application is required council's standard conditions need to be applied to ensure that asbestos is safely managed. Council's conditions for development consent are referred to in section 9.6.

A wide range of development, including residential, industrial and commercial development, can be approved for demolition as complying development under the Demolition Code of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and the Environmental Planning and Assessment Regulation 2000 provides mandatory conditions for complying development certificate applications.

The Code of practice for demolition work (published by Safe Work Australia in 2012) provides practical guidance to persons conducting a business or undertaking on how to manage the health and safety risks associated with the demolition work. The Code of practice for demolition work applies to all types of demolition work.

### 9.5 Exempt or complying development

#### 9.5.1 Exempt development

Exempt development does not require any planning or construction approval if it meets the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

This means that there is no ability for council or a private certifier to impose safeguards for the handling of asbestos through conditions of development consent. However, council advises that all asbestos removal work should be carried out in accordance with the *Code of practice on how to safely remove asbestos*.

### 9.5.2 Complying development

The Environmental Planning and Assessment Regulation 2000 (clause 136E) outlines conditions under which a complying development certificate can be issued for development that involves building work or demolition work and friable or non-friable asbestos.

Applications for complying development certificates must include details of the estimated area (if any) in square metres of friable and/or non-friable asbestos material that will be disturbed, repaired or removed in carrying out the development (under Schedule 1 part 2 of the Environmental Planning and Assessment Regulation 2000).

Where more than 10 square metres of non-friable asbestos is to be removed, a contract evidencing the engagement of a licensed asbestos removal contractor is to be provided to the principal certifying authority. The contract must specify the landfill site lawfully able to accept asbestos to which the removed asbestos will be delivered.

If the contract indicates that asbestos will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

If the work involves less than 10 square metres of non-friable asbestos and is not undertaken by a licensed contractor, it should still be undertaken in a manner that minimises risks as detailed in the *Code of practice on how to safely remove asbestos*. In instances where asbestos removal is less than 10 square metres of non-friable asbestos and not from a place of work, then SafeWork NSW would not be the agency responsible for regulating this activity. Concerns or complaints may be directed to council as outlined in section 11.

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 outlines the requirements for the applicant to notify their neighbours that works may include asbestos removal.

Further requirements to inform other persons of licensed asbestos removal are described in section 467 of the NSW Work Health and Safety Regulation 2011 as noted in section 9.4.1 of this policy.

### 9.6 Development applications

If a proposed building does not meet the requirements of exempt or complying development then there is a final planning approval option: a development application (DA). A DA can only be approved by a local council, the JRPP or, for very large, State-significant development proposals, the State Government. A development application needs to be

prepared and it will be assessed in accordance with the development standards established by council. Council may undertake a site inspection as part of the DA assessment.

#### 9.6.1 Pre-development application advice regarding asbestos

Council's pre-DA service enables proponents to discuss asbestos-related issues with council prior to lodging a DA, if the issue is raised. Council may inform applicants of this policy, fact sheets or websites. Generally this may be most relevant to structures erected or modified before the 1980s and any other structure that could be reasonably suspected to contain asbestos including those with building materials from prior to 2004.

#### 9.6.2 Conditions of consent

Conditions of consent will be attached to any development consent. Reference to and compliance with these conditions is mandatory.

### 9.7 Compliance and enforcement

#### 9.7.1 Responsibilities for compliance and enforcement

The controls rely on information being provided and checked by the principal certifying authority which may be either the local council or a private certifier. A private certifier has powers under the Environmental Planning and Assessment Act 1979 to issue construction certificates, compliance certificates, complying development certificates, occupation certificates and to carry out mandatory inspections. Councils will not always be the principal certifying authority. When a council is not nominated as the principal certifying authority for a complying development certificate or development application, the council may not have any knowledge of the asbestos matter. Accordingly, coordination of compliance and/or enforcement actions between the council and the private certifier will be required.

Council may take action on any development for which council has issued the development consent, even when not appointed as the principal certifying authority to ensure enforcement. Where council receives a complaint about a development for which council is not the principal certifying authority, council should consider whether council is the appropriate authority to resolve the matter. Complaints that warrant action by councils because of their greater enforcement powers include:

- Urgent matters, for example, a danger to the public or a significant breach of the development consent or legislation
- Matters that are not preconditions to the issue of the occupation/subdivision certificate.

In relation to naturally occurring asbestos, council is to verify compliance with environmental planning and assessment legislation and together with the EPA and SafeWork NSW is to coordinate enforcement where non-compliance is suspected.

#### 9.7.2 Compliance strategies

Illegal works include:

- Works that are undertaken without a required development consent or complying development certificate
- Works that are undertaken that do not comply with the conditions of the development consent or complying development certificate.

Where council becomes aware of illegal work involving asbestos or asbestos containing materials, council will notify SafeWork NSW if the site is a workplace.

The Environmental Planning and Assessment Act 1979 empowers council to issue orders to direct specific work be undertaken to comply with a development consent.

Council may need to issue an order under the Local Government Act 1993 (section 124) to direct a person to 'do or refrain from doing such things as are specified in the order to ensure that land is, or premises are, placed or kept in a safe or healthy condition.'

Council may also issue a clean-up notice or prevention notice under the Protection of the Environment Operations Act 1997 as outlined in section 6.1 of this policy.

Council may audit asbestos-related demolition works which council has recently approved by using a legal notice under section 192 of the Protection of the Environment Operations Act 1997 to require developers to provide information and records regarding disposal of their asbestos waste.

## 10. Managing asbestos as a waste

It is illegal to dispose of asbestos waste in domestic garbage bins or to recycle, reuse, bury or illegally dump asbestos waste. Asbestos must not be placed in general waste skip bins, yet there have been instances where asbestos has been illegally placed in skip bins by third parties. Members of the public need to be aware of this hazard and may need to secure their skip bins to prevent a third party from illegally disposing of asbestos in the skip bin.

Asbestos waste (in any form) must only be disposed of at a landfill site that may lawfully receive asbestos waste.



### 10.1 Responsibilities for asbestos waste management

Council's responsibilities for asbestos waste management are outlined in section 3.3.

The handling and, where appropriate, temporary storage of asbestos waste at worksites is regulated by SafeWork NSW.

The EPA regulates premises that have or require an environment protection licence in accordance with the Protection of the Environment Operations Act 1997. A licence is required where more than 5 tonnes of asbestos waste, brought from off-site, is stored at any time. All other sites where asbestos waste is stored, typically those that are non-work sites, are regulated by local councils.

### 10.2 Handling asbestos waste for disposal

The *Code of practice on how to safely remove asbestos* provides details on waste containment and disposal and controls applicable to all types of asbestos removal (in section 4.8 of the Code).

### 10.3 Transporting asbestos waste

The following requirements apply to the transport of asbestos waste and non-compliance with these requirements is an offence under the Protection of the Environment Operations (Waste) Regulation 2005 clause 42(3):

- a. non-friable asbestos material must be securely packaged at all times
- b. friable asbestos material must be kept in a sealed container
- c. asbestos-contaminated soils must be wetted down
- d. all asbestos waste must be transported in a covered, leak-proof vehicle.

Asbestos waste that is transported interstate must be tracked in accordance with the Protection of the Environment Operations (Waste) Regulation 2014. Asbestos waste transported within New South Wales does not need to be tracked. The waste tracking system is administered by the EPA. An environment protection licence is required to transport asbestos waste interstate where any load contains more than 200 kilograms of asbestos waste.

It is an offence to transport waste to a place that cannot lawfully receive that waste, or cause or permit waste to be so transported (under section 143 of the Protection of the Environment Operations Act 1997). Penalty notices may be issued for \$4000 (to individuals) and \$8000 (to corporations).

Council is licensed by the EPA under licence number 12505 to transport Category 1 and 2 trackable waste, including ACM waste to a licensed ACM waste disposal site.

#### 10.4 Disposing of asbestos waste at waste facilities

A list of licensed facilities in the Central West region is available on the EPA website at <http://www.epa.nsw.gov.au/managewaste/house-asbestos-land.htm>

The following facility is located in the former Dubbo Local Government Area:

- Facility: Whylandra Waste & Recycling Centre
- Hours of operation: 8am-5pm weekdays, 9am-5pm weekends
- Contact details: Cooba Road, Dubbo (15km west of Dubbo)  
02 6887 3382
- Fees: as outlined in Council's Revenue Policy
- Website: <http://www.dubbo.nsw.gov.au/CouncilServices/WhylandraWasteDepot.html>

Other nearby licensed facilities include Narromine Waste Facility and Wellington Waste Disposal Depot.

Persons delivering waste to a landfill site must comply with the following requirements:

- A person delivering waste that contains asbestos to a landfill site must inform the landfill occupier of the presence of asbestos when delivering the waste.
- When unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust.

Non-compliance with these requirements is an offence under the Protection of the Environment Operations (Waste) Regulation 2014 and these offences attract strong penalties.

##### 10.4.1 Situations in which asbestos waste may be rejected from waste facilities

Asbestos waste may be rejected from a waste facility if the waste is:

- Not correctly packaged for delivery and disposal (as per sections 10.2 and 10.3)
- Not disclosed by the transporter as being asbestos or asbestos containing materials, or
- Taken to a waste facility that does not accept asbestos waste.

Where waste is rejected, the waste facility must inform the transporter of the waste of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the Protection of the Environment Operations (Waste) Regulation 2014).

Individuals may be fined \$4000 and corporations may be fined \$8000 under the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 2014 for transporting asbestos waste to a facility that cannot lawfully receive asbestos waste.

### 10.5 Illegal dumping of asbestos waste

Illegal dumping is the unlawful deposit of waste onto land. That is waste materials dumped, tipped or otherwise deposited onto private or public land where no licence or approval exists to accept such waste. Illegal landfilling, which is waste used as fill material with the consent of the owner or occupier of the land but without the necessary council or EPA approvals, is also considered to be illegal dumping and pollution of land.

Illegal dumping of asbestos waste in public places such as parks, streets or nature strips can attract regulatory action including:

- On-the-spot fines of up to \$8000
- Prosecution for pollution of land of up to \$5 million for a corporation and \$120,000 for each day the offence continues (under section 142A of the Protection of the Environment Operations Act 1997), or
- Up to \$1 million, or seven years imprisonment, or both for an individual (under section 119 of the Protection of the Environment Operations Act 1997).

The responsibility for cleaning up illegally dumped waste lies with the person or company that deposited the waste. If they cannot be identified the relevant landowner becomes the responsible party.

Local councils are the appropriate regulatory authority for illegal dumping unless:

- The activity was part of the carrying on of an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
- The activity was carried out by a public authority or the state, or
- The site is regulated by a different authority such as the Minister for Planning and Infrastructure.

A handbook to assist Aboriginal communities to prevent and arrange the clean-up of illegal dumping (published by the EPA) is noted in Appendix B.

#### 10.6 Asbestos remaining on-site

The disposal of asbestos on site is not encouraged as it requires an effective ongoing system of long term management to ensure the material does not pose unacceptable risks to future site activities and occupants. For on-site burial of asbestos waste, council will seek advice from the EPA. Council will confirm if on-site disposal is permitted under planning controls whether or not consent is required and will require recording of on-site disposal on the zoning certificate (section 149 certificate).

### 11. Complaints and investigations

Complaints and inquiries may be directed to council about incidents in public places and private properties. Complaints and inquiries regarding a workplace should be directed to SafeWork NSW. Complaints and inquiries regarding licensed premises under the Protection of the Environment Operations Act 1997 should be directed to the EPA.

Council will respond to complaints and inquiries regarding:

- Council's requirements in relation to development, land management and waste management
- Derelict properties
- General asbestos safety issues
- Illegal dumping
- Safe removal and disposal of minor quantities of asbestos materials
- Unsafe work at a residential property conducted by a homeowner or tenant.

Complaints about council in relation to asbestos may be directed to the NSW Ombudsman.

## Part 2 – Management of asbestos risks within council

### 12. Rights and responsibilities of workers at the council workplace

#### 12.1 Duties of council workers at the council workplace

##### 12.1.1 The General Manager

The General Manager has a duty to exercise due diligence to ensure that council complies with the NSW Work Health and Safety Act 2011 and the NSW Work Health and Safety Regulation 2011. This includes taking reasonable steps to ensure that council has and uses appropriate resources and processes to eliminate or minimise risks associated with asbestos.

##### 12.1.2 Workers

Workers have a duty to take reasonable care for their own health and safety and that they do not adversely affect the health and safety of other persons. Accordingly workers:

- Must comply with this policy and any reasonable instruction or procedure relating to health and safety at the workplace
- Must use any personal protective equipment provided, in accordance with information, training and reasonable instruction provided so far as the worker is reasonably able
- May cease, or refuse to carry out, work if the worker has a reasonable concern that to carry out the work would expose them, or other persons, to a serious health or safety risk, emanating from an immediate or imminent exposure to a hazard
- Should ensure they are using the latest version of all relevant procedures, plans, guidelines and legislation (refer to Appendix G).

Managers are responsible for ensuring workers who report to them have access to this policy and appropriate information, documentation and training.

##### 12.1.3 Prohibited work activities

Council will not permit the use of the following on asbestos or asbestos containing material:

- High pressured water spray (unless for fire fighting or fire protection purposes), or
- Compressed air.

Council will not permit the following equipment to be used on asbestos or asbestos containing material unless the use of the equipment is controlled in accordance with the NSW Work Health and Safety Regulation 2011:

- Power tools
- Brooms (note brooms are allowed for use on vinyl floor tiles), or
- Any other implements that cause the release of airborne asbestos into the atmosphere.

## 12.2 Responsibilities of council to council workers

### 12.2.1 Council's general responsibilities

Council has general responsibilities under the NSW Work Health and Safety Act 2011 and the NSW Work Health and Safety Regulation 2011. Accordingly council will:

- Not use any asbestos containing materials (unless in accordance with part 8.1 (419) of the NSW Work Health and Safety Regulation 2011) and will not cause or permit asbestos waste in any form to be reused or recycled
- Ensure that exposure of a person at the workplace to airborne asbestos is eliminated so far as is reasonably practicable
- Ensure that the exposure standard for asbestos (defined in Appendix C) is not exceeded in the workplace
- Notify SafeWork NSW immediately if persons are likely to be affected by asbestos fibres or if an air monitoring process records respirable asbestos fibre levels above 0.02 fibres/ml of air
- Ensure that any contractors engaged to undertake the removal of asbestos for council are appropriately licensed
- Consult with workers as required by the Work Health and Safety Act 2011.

Council will not import asbestos or asbestos containing material into Australia as prohibited under the Customs (Prohibited Imports) Regulations 1956. If plant or other materials are imported from countries where asbestos is not yet prohibited, council shall ensure the plant or materials do not contain asbestos prior to supply or use in the workplace.

### 12.2.2 Education, training and information for workers

As required by the NSW Work Health and Safety Act 2011 and NSW Work Health and Safety Regulation 2011, council will:

- Provide any information, training, instruction or supervision that is necessary to protect all persons at the workplace from risks to their health and safety arising from work carried out as part of the conduct of council business
- Ensure workers who council reasonably believes may be involved in asbestos removal work or the carrying out of asbestos-related work in the workplace are trained in the identification, safe handling and suitable control measures for asbestos and asbestos containing material.

Any workers who are involved in any activity listed in Appendix A under section 3 on behalf of, or for, council shall be provided with access to a copy of this policy and information and training suitable to their role and the activity.

Workers may be required to sign a statement to the effect that they acknowledge they have received, read and understood a copy of council's Asbestos Policy and any relevant procedures, or alternatively workers may note this in council's electronic record keeping system.

Council may also provide information and training to council employees who may need to respond to asbestos issues related to renovations and developments as outlined in section 9.

Topics training may cover are outlined in the *Code of practice on how to safely remove asbestos*.

Education and training will only be provided by appropriately accredited individuals.

Education and training may include both initial induction and ongoing reinforcement on a regular basis and reinforced at tool box meetings, general in-house training and on council's intranet.

A record of asbestos training undertaken by each worker will be kept until five years after the day the worker ceases to work for council..

A list of workers who have received the appropriate training to respond to asbestos hazards is available.

#### 12.2.3 Health monitoring for workers

Council will ensure health monitoring is provided to a worker if they are carrying out licensed asbestos removal work, other ongoing asbestos removal work or asbestos-related work at the workplace for council and are at risk of exposure to asbestos when carrying out the work.

The health monitoring will be consistent with the *Code of practice on how to safely remove asbestos* and meet the requirements of the NSW Work Health and Safety Regulation 2011 (part 8.5 Division 1).

Health counselling may be appropriate where a heightened sense of concern exists for individuals possibly exposed to elevated levels of airborne asbestos fibres.

Employees who were exposed to asbestos in the past and if there is a risk to the health of the employee as a result of that exposure, are covered by the NSW Work Health and Safety Regulation 2011 (clauses 435-444). Council will ensure these employees are kept on the health monitoring program.

Council may wish to refer to any plan / procedures / forms / record keeping systems that council may have for health monitoring for workers and the council employee responsible for coordinating the health monitoring. If council does not have any plans or procedures, council may include a commitment to develop a health monitoring plan/ procedures based on the *Code of practice on how to safely remove asbestos* and part 8.5 Division 1 of the NSW Work Health and Safety Regulation 2011.

### **13. Identifying and recording asbestos hazards in the council workplace**

This section outlines how council will identify and record asbestos hazards in the workplace. This section does not cover naturally occurring asbestos which is addressed in section 5 or illegal dumping which is addressed in section 10.5.

#### **13.1 Identifying asbestos**

Council will ensure, so far as is reasonably practicable, that all asbestos or asbestos containing material at the workplace is identified by a competent person (as defined by the NSW Work Health and Safety Regulation 2011). If a material cannot be identified or accessed, it will be assumed to be asbestos. This does not apply if council has reasonable grounds to believe that asbestos or asbestos containing material is not present.

##### **13.1.1 Material sampling**

Council may choose to identify asbestos or asbestos containing material by arranging for a sample to be analysed. Where council arranges sampling of asbestos containing material, this will be undertaken by an appropriately trained and competent council worker or a competent person will be contracted to undertake this task. Analysis of the sample must only be carried out by a National Association of Testing Authorities (NATA) accredited laboratory (refer to Appendix E) or a laboratory approved or operated by the regulator.



### 13.2 Indicating the presence and location of asbestos

Council will clearly indicate the presence and location of any asbestos or asbestos containing material identified or assumed at the workplace. Where it is reasonably practicable to do so, council will indicate the presence and location of the asbestos or asbestos containing material by a label.

### 13.3 Asbestos register

Council have prepared an asbestos register. A Quick Reference Asbestos Register is available in Council's electronic record keeping system (Trim), document ED14/27863. A register for each identified site is contained in each site's individual Asbestos Management Plan which is available in Trim and is to be kept at the workplace.

Council's asbestos register will be maintained to ensure the register lists all identified (or assumed) asbestos in the workplace and information in the register is up to date. The asbestos register will be accessible, reviewed, revised and otherwise managed as mandated by the NSW Work Health and Safety Regulation 2011 (clauses 425 – 428).

Council will ensure that any worker carrying out or intending to carry out work at a council workplace that involves a risk of exposure to airborne asbestos, is given a copy of the asbestos register.

### 13.4 Suspected asbestos

If a worker suspects there is asbestos in a council workplace, they should inform their manager or supervisor. A competent worker should check the asbestos register for existing asbestos locations and control measures and may need to arrange for an inspection and sampling of the material (refer to section 13.1.1). If it is likely that asbestos or suspected asbestos is present, the asbestos register will be updated and workers will be notified of any newly identified asbestos locations.

Council may need to manage the suspected asbestos as outlined in section 14. If the suspected asbestos has been disturbed and has, or could, become airborne, council may need to respond immediately as outlined in section 15.

## 14. Managing asbestos-related risks in the council workplace

### 14.1 Asbestos management plan

Council has an organisational asbestos management plan developed and updated by Council's Workplace safety Advisor and which can be found on council's intranet and electronic record keeping system (ED14/29263). A plan and register for each site constructed prior to 2004 is also available electronically and kept at the workplace.

The asbestos management plan will be accessible, reviewed, revised and otherwise managed as mandated by the NSW Work Health and Safety Regulation 2011 clause 429.

#### 14.2 Asbestos management plan for naturally occurring asbestos

Council is not aware of any naturally occurring asbestos in the workplace within the former Dubbo LGA. If naturally occurring asbestos is discovered, council will prepare an asbestos management plan in relation to the naturally occurring asbestos in accordance with the NSW Work Health and Safety Regulation 2011 part 8.4 (Management of naturally occurring asbestos).

#### 14.3 Management options for asbestos-related risks in the council workplace

Council's asbestos management plan includes decisions and reasons for decisions about the management of asbestos at the workplace.

Options for managing asbestos-related risks include:

- Removal of asbestos or asbestos containing materials (preferred wherever reasonably practicable)
- Interim control measures: enclosure (only for non-friable asbestos), encapsulation (when the original asbestos bond is still intact) or sealing (where the sealed material is unlikely to be subject to mechanical damage) asbestos containing material, to be implemented along with regular inspections by a competent person
- Leaving asbestos containing material in situ (deferring action).

Council may undertake an asbestos risk assessment, in consultation with workers and/or their representatives, in order to inform decision-making. Only competent persons will perform risk assessments or any subsequent reviews or revisions of risk assessments.

For all asbestos work or asbestos-related work, safe work practices will be in place and suitable personal protective equipment will be used.

Any Council procedures, risk assessments or risk management processes are contained in the Asbestos Management Plan.

#### 14.4 Sites contaminated with asbestos that are council workplaces

Where asbestos is identified as contaminating a workplace, the site will be included in council's asbestos register and asbestos management plan.

Council may need to ensure that an exposure assessment is undertaken and that appropriate risk management options are determined and implemented.

For asbestos in soil or aggregate, a suitably qualified occupational hygienist must carry out an assessment if the material in the soil and aggregate is unknown or classified as friable.

Council should engage specialists, who may include asbestos removalists, for all cases except in the case of minor, non-friable contaminations.

Further details on managing land contaminated with asbestos may be found in section 6.

#### 14.5 Demolition or refurbishment of council buildings and assets

Council will ensure that before any demolition or refurbishment of a council structure or plant constructed or installed before 31 December 2003 is undertaken, the asbestos register is reviewed and a copy provided to the business undertaking the demolition or refurbishment. Council will ensure that any asbestos that is likely to be disturbed is identified and, so far as is reasonably practicable removed.

#### 14.6 Removal of asbestos in the council workplace

Removal of asbestos or asbestos containing materials in the council workplace will be undertaken in accordance with the:

- NSW Work Health and Safety Act 2011
- NSW Work Health and Safety Regulation 2011.

Council may also refer to the *Code of practice on how to safely remove asbestos*.

For licensed asbestos removal work, a licensed asbestos removalist must meet the requirements of the NSW Work Health and Safety Regulation 2011 including the requirements to:

- Notify SafeWork NSW at least five days prior to the asbestos removal work commencing. However, in the case of emergency work, such as burst pipes, fires and illegally dumped asbestos, council may request to SafeWork NSW that this five days period be waived
- Prepare, supply and keep an asbestos removal control plan
- Obtain a copy of the asbestos register before carrying out asbestos removal work
- Inform the person with management or control of the workplace that the licensed asbestos removal work is to be carried out at the workplace
- Erect signs and barricades
- Limit access to the asbestos removal area
- Properly dispose of asbestos waste and dispose of, or treat, contaminated personal protective equipment
- Arrange a clearance inspection and clearance certificate.

Where council is informed that asbestos removal work is to be carried out at the workplace, council will inform workers and those in the immediate vicinity of the workplace and limit access to the asbestos removal area as per the NSW Work Health and Safety Regulation 2011.

#### 14.6.1 Removal by council employees

A list of employees trained and nominated to remove asbestos as well as the nominated supervisors is included in council's asbestos management plan.

Council is licensed by the EPA to transport asbestos, licence number 12505.

Council will ensure that before any council employee undertakes asbestos (or suspected asbestos) removal work they are:

- Appropriately trained
- Adequately supervised
- Provided with appropriate personal protective equipment and clothing
- Provided access to this policy
- Provided with information about the health risks and health effects associated with exposure to asbestos and the need for, and details of, health monitoring.

#### 14.6.2 Removal by contractors

Where council commissions the removal of asbestos at the workplace, council will ensure asbestos removal work is carried out only by a licensed asbestos removalist who is appropriately licensed to carry out the work, unless specified in the NSW Work Health and Safety Regulation 2011 that a licence is not required.

Where council requires the services of asbestos removalists, council will require the licence details of asbestos removalists prior to engaging their services and will verify the licence details with SafeWork NSW's Certification Unit prior to entering a contract or agreement with the licensed asbestos removalists.

Council is required to ensure that the work is carried out by a competent person who has been trained in the identification and safe handling of, and suitable control measures for, asbestos and asbestos containing material. Council will therefore require a statement in a written contract or agreement with the licensed asbestos removalist that the licensed asbestos removalist who will undertake the work has been adequately trained.

Council will provide a copy of the asbestos register to the licensed asbestos removalist.

Where council becomes aware of any breaches by licensed asbestos removalists, council will report this to SafeWork NSW.

#### 14.6.3 Clearance inspections and certificates

Where council commissions any licensed asbestos removal work, council will ensure that once the licensed asbestos removal work has been completed, a clearance inspection is carried out and a clearance certificate is issued by an independent licensed asbestos assessor (for Class A asbestos removal work) or an independent competent person (in any other case) before the asbestos removal area is re-occupied.

The friable asbestos clearance certificate will require visual inspection as well as air monitoring of the asbestos removal site. Air monitoring is mandatory for all friable asbestos removal. The air monitoring must be conducted before and during Class A asbestos removal work by an independent licensed asbestos assessor.

The friable asbestos clearance certificate is to state that there was no visible asbestos residue in the area or vicinity of the area where the work was carried out and that the airborne asbestos fibre level was less than 0.01 asbestos fibres/ml.

### 15. Accidental disturbance of asbestos by workers

In situations where asbestos is accidentally disturbed by council work and has, or could, become airborne, council will act to minimise exposure of workers and the wider public to airborne asbestos.

It may be appropriate that council:

- Stop works in the vicinity of the asbestos immediately
- Inform the site supervisor immediately, inform necessary workers and record the incident
- Evacuate the area
- Provide personal protective equipment and briefing to appropriately trained workers who will respond to the incident
- Restrict access to the area and ensure only appropriately trained and equipped council workers attend the site
- Exclude the public from the site and provide information to the public if in a public area
- Wet surfaces to reduce the dust levels
- Prevent the spread of contamination by using wash down facilities
- Provide information, training and supervision to all workers potentially at risk

- Contact SafeWork NSW to report the disturbance. SafeWork NSW must be immediately notified if persons are likely to be effected by asbestos fibres or if an air monitoring process records a level above 0.02 fibres/ml of air
- Implement an air monitoring program to assess asbestos exposure levels and specific risk control measures.
- Liaise with or consult the appropriate agencies
- Seek advice from an occupational hygienist
- Follow the *Code of practice on how to safely remove asbestos*
- Ensure that asbestos materials are disposed of at a facility licensed to accept asbestos materials, and where contractors have been engaged to dispose of asbestos waste, sight proof of appropriate disposal through weighbridge dockets or similar documentation
- Update the asbestos register and notify workers of any newly identified asbestos locations.

## 16. Council's role in the disposal of asbestos waste

### 16.1 Responding to illegal dumping

Removal of illegally dumped asbestos material or suspected asbestos material by council employees will be undertaken in accordance with section 14.6.1 or section 14.6.2.

Where council commissions the removal of illegally dumped asbestos material or suspected asbestos material, council will ensure this is undertaken in accordance with section 14.6.2.

Where council becomes aware of illegally dumped asbestos material outside of council's jurisdiction, council will promptly notify the relevant authority.

### 16.2 Transporting and disposing of asbestos waste

Council will transport and dispose of waste in accordance with the legislation and as outlined in section 10.

### 16.3 Operating council's waste facility licensed to accept asbestos waste

Waste management facilities must be managed in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 including section 80 which specifies that:

- Asbestos waste in any form must be disposed of only at a landfill site that may lawfully receive the waste

- When asbestos waste is delivered to a landfill site, the occupier of the landfill site must be informed by the person delivering the waste that the waste contains asbestos
- When unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust, and
- Asbestos waste disposed of at a landfill site must be covered with virgin excavated natural material or other material as approved in the facility's environment protection licence as detailed in the Protection of the Environment Operations (Waste) Regulation 2014.

Council has developed a charging policy for receiving asbestos waste, which reflects the actual cost of managing the asbestos waste, plus any applicable levies.

When council is receiving construction, renovation and demolition waste, council may screen and inspect incoming loads to minimise asbestos contamination risk as this waste may be high risk for asbestos materials. Council has/shall develop procedures to avoid asbestos contamination in material intended for resource recovery.

Council may issue a receipt for asbestos waste received at a licensed landfill facility. The receipt provided may note the time, date and location of disposal, weight of asbestos containing material disposed, method of disposal (note on handling) and a receipt number. This information must be recorded by the facility, regardless of whether a receipt is issued.

Developments requiring the removal and disposal of asbestos may be required to provide copies of receipts to Council's Environmental Services Division as a condition of consent.

#### 16.3.1 Asbestos waste incorrectly presented to council's waste facility/facilities

This section applies to situations where asbestos waste is taken to a council waste facility and the waste is:

- Not correctly packaged for delivery and disposal (as per sections 9.2 and 9.3)
- Not disclosed by the transporter as being asbestos or asbestos containing materials
- Taken to a waste facility that does not accept asbestos waste.

In these situations, council may record relevant details such as the:

- Contact details of the transporter
- Origin of the asbestos or asbestos containing material
- Amount and type of asbestos or asbestos containing material

- Reasons why the asbestos waste was not properly packaged, disclosed or transported to a waste facility licensed to receive asbestos waste
- Development consent details (if applicable).

Where asbestos waste is not correctly packaged for delivery and disposal, or is not disclosed by the transporter as being asbestos or asbestos containing materials, council may:

- Reject the asbestos waste from the facility
- Suggest the transporter re-package the load correctly at the facility
- Provide a bay for wetting and/or wrapping the asbestos and protective equipment for the transporter eg the option to purchase an asbestos waste handling kit (for non-commercial operators with less than 10 square metres of non-friable asbestos)
- Provide the transporter with educational material such as SafeWork NSW fact sheets on correct methods for packaging, delivery and disposal of asbestos
- Question the transporter about the source of asbestos waste
- Issue a clean-up notice or prevention notice under the Protection of the Environment Operations Act 1997
- Issue a compliance cost notice under the Protection of the Environment Operations Act 1997
- Issue a penalty infringement notice for improper transport of asbestos (under the Protection of the Environment Operations Act 1997).

Where asbestos waste is taken to a waste facility that does not accept asbestos waste, council may reject the waste. Where waste is rejected, council should complete a rejected loads register (a template is available from SafeWork NSW). Council will also inform the transporter of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the Protection of the Environment Operations (Waste) Regulation 2014). If council suspects that there is a risk of illegal dumping of the rejected waste, council will inform council's rangers. Suitable disposal for loads that are refused entry will remain the responsibility of the transporter and at a later date the transporter will need to demonstrate to council that the waste has been appropriately disposed.

Where asbestos waste is illegally dumped at an unstaffed waste station, management options for council include to:

- Undertake surveillance via video cameras to issue fines or deter dumping
- Provide targeted education to neighbouring landholders to ensure that they do not allow access to the waste station.



#### 16.4 Recycling facilities

Council should screen and inspect incoming loads at recycling facilities for the presence of asbestos or asbestos containing materials to minimise asbestos contamination risk.

To prevent contamination of recycled products and to manage situations where contamination has occurred, council should adhere to the guide: *Management of asbestos in recycled construction and demolition waste*.

The Environmental Management Plan for each waste facility should include procedures to avoid asbestos contamination in material intended for resource recovery.

#### 16.5 Re-excavation of landfill sites

The re-excavation of a council landfill site where significant quantities of asbestos waste are deposited should only be considered with reference to any available records on the nature, distribution and quantities of asbestos waste required under the relevant legislation, and consultation with the Environment Protection Authority (as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997).

### 17. Advice to tenants and prospective buyers of council owned property

Council may provide advisory notes to tenants and prospective buyers of council owned property that is likely to contain asbestos.

Council may request that tenants in council property:

- Advise council of any hazards relating to asbestos
- Minimise damage to asbestos containing material
- Co-operate with council in facilitating any risk management work arranged by council
- Act on advice from council to minimise risks from asbestos.

### 18. Implementing council's asbestos policy

#### 18.1 Supporting documents

The implementation of this policy is supported by council's:

- Conditions of consent
- Enforcement and prosecution policy
- Contaminated Land Policy

Council also has several internal documents that support this policy.

- Asbestos Management Plan
- Quick Reference Asbestos Register
- Individual site asbestos management plan and registers
- Council's existing risk assessment matrices and a risk controls checklist for asbestos
- Employee health monitoring plans and records
- Incident report form
- Maintenance and inspection schedules for council owned assets
- Risk register
- Safe work method statements/procedures for asbestos handling and removal for council employees
- Site maps for asbestos in landfill
- Site specific safety management plans
- Training registers/records (relevant to identifying, handling and removing of asbestos materials).
- Contaminated Lands Register

## 18.2 Communicating the policy

This is a publicly available policy. The policy is to be made available via:

- Council's Customer Services Centre, Civic Administration Building
- [www.wprc.nsw.gov.au](http://www.wprc.nsw.gov.au)
- Council's electronic record keeping system (Trim) and intranet (Councilpedia)

All employees shall receive information about the policy at induction from Human Resource Services. Any workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public) who are involved in any activity or activities listed in Appendix A under section 3 on behalf of, or for, council shall be provided with access to a copy of this policy and relevant supporting documents. This includes any workers involved in commencing, arranging, undertaking, regulating, inspecting or supervising a potentially hazardous activity or activities. Managers are responsible for ensuring workers who report to them have access to the policy and appropriate information, documentation and training in asbestos awareness (as per the NSW Work Health and Safety Regulation 2011) prior to planning the activity or activities. Further information about training is noted in section

12.2.2 of this policy.

Council shall incorporate a statement regarding compliance with this policy in all relevant contracts and agreements with workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public).

In the case of any substantive revisions to the policy, the revisions will be approved by the General Manager and the General Manager will notify all persons who may have cause to undertake, arrange or supervise any activities listed in Appendix A under section 3 on behalf of, or for, council.

### 18.3 Non-compliance with the policy

Failure by workers to adhere to the policy and failure by managers to adequately inform relevant workers of this policy shall be considered non-compliance with this policy.

The appropriate supervisor, manager, director or the General Manager shall take action in the case on non-compliance with the policy and this may include providing education and training, issuing a verbal or written warning, altering the worker's duties, or in the case of serious breaches, terminating the worker's services. Each case shall be assessed on its merits with the aim of achieving a satisfactory outcome for all parties.

Workers should approach their supervisor or manager if they are experiencing difficulties in understanding or implementing the policy or if they are concerned that other workers are not complying with the policy.

### 19. Variations to this policy

Council reserves the right to review, vary or revoke this policy. The General Manager may allow variations to the policy for minor issues in individual cases.

## Appendices

### Appendix A – General information and guidance

#### 1. What is asbestos?

Asbestos is the generic term for a number of naturally occurring, fibrous silicate materials. If asbestos is disturbed it can release dangerous fine particles of dust containing asbestos fibres. Breathing in dust containing elevated levels of asbestos fibres can cause asbestosis, lung cancer and mesothelioma.

There are two major groups of asbestos:

- The serpentine group contains chrysotile, commonly known as white asbestos
- The amphibole group contains amosite (brown asbestos) and crocidolite (blue asbestos) as well as some other less common types (such as tremolite, actinolite and anthophyllite).

Further information about the different types of asbestos can be found in enHealth, 2005, *Management of asbestos in the non-occupational environment* and *Asbestos: A guide for householders and the general public – February 2013*:

<http://www.health.gov.au/internet/main/publishing.nsf/Content/health-publhlth-publicat-enviro.htm>

In Australia, in the past asbestos was mined and widely used in the manufacture of a variety of materials. Asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited in Australia since 31 December 2003.

Asbestos legacy materials still exist in many homes, buildings and other assets. It is estimated that 1 in 3 Australian homes contains building materials with asbestos. Where the material containing asbestos is in a non-friable form (or bonded), undisturbed, and painted or otherwise sealed, it may remain safely in place. However, where the asbestos containing material is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health. Disturbing or removing asbestos unsafely can create a health hazard.

It is often difficult to identify the presence of asbestos by sight. If you are in doubt, it is best to assume that you are dealing with asbestos and take every precaution. The most accurate way to find out whether a material contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos such as an occupational hygienist. It can be unsafe for an unqualified person to take a sample of asbestos. Licensed asbestos removalists can be found by using the telephone directory.

Council encourages residents to ask the contractor for a copy of their licence prior to engaging them. Residents can then check with SafeWork NSW NSW (phone 13 10 50) to confirm the contractor has the appropriate class of licence for the asbestos removal job.

## 2. Where is asbestos found?

Asbestos can be found where it occurs naturally and in a variety of materials (from prior to 2004) in residential, commercial and industrial premises and on public and private land.

### 2.1 Naturally occurring asbestos

Naturally occurring asbestos refers to the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

Asbestos is found as a naturally occurring mineral in many areas of NSW. Asbestos may occur in veins within rock formations. The map provided in Appendix L gives an indication of areas in NSW known to have naturally occurring asbestos. Note whether council is aware of areas of naturally occurring asbestos within the LGA and if so the general location and information on situation eg the asbestos is underground and does not present a high risk to public health. Naturally occurring asbestos may be known of from previous mining operations or from being uncovered during road construction and other civil works.

Work processes that have the potential to inadvertently release naturally occurring asbestos into the air include:

- Agriculture
- Forestry
- Landscaping
- Mining
- Other excavation or construction activities
- Pipe works and telecommunications works
- Road construction and road works.

Further information can be found in this policy under section 5 and in the *Naturally-occurring asbestos fact sheet* published by SafeWork NSW, which provides a photograph of naturally occurring asbestos.

### 2.2 Residential premises

As a general rule, a house built:

- Before the mid 1980s – is highly likely to contain asbestos containing products.
- Between the mid 1980s and 1990 – is likely to contain asbestos containing products.

- After 1990 – is unlikely to contain asbestos containing products. However, some houses built in the 1990s and early 2000s may have still used asbestos cement materials until the total ban on any activity involving asbestos products became effective from December 2003.

Pipelines installed prior to 1992, particularly black surface coated and grey surface pipes, may contain asbestos.

It is important to note, the most accurate way to find out whether a material contains asbestos is by engaging a licensed asbestos removalist or occupational hygienist to inspect and arrange testing where necessary.

Fibre cement sheeting, commonly known as 'fibro', 'asbestos sheeting' or 'AC sheeting' (asbestos containing sheeting) is the most commonly found legacy asbestos material in residential premises. Other asbestos containing materials were used in 'fibro' houses but also found in brick and timber housing stock from that period. Asbestos materials were sold under a range of commercial names. Some asbestos containing materials found in New South Wales domestic settings are listed in Appendix J.

Common places where asbestos is likely to be found in and around homes include:

#### *Outside*

- Backyard garden sheds, carports, garages and dog kennels
- Electrical meter boards
- Imitation brick cladding
- Lining under eaves
- Wall and roof materials (flat, patterned or corrugated asbestos sheeting).

#### *Inside*

- Insulation materials in heaters and stoves
- Interior walls and sheeting
- Sheet materials in wet areas (bathroom, toilet and laundry walls, ceilings and floors)
- Vinyl floor tiles, the backing to cushion vinyl flooring and underlay sheeting for ceramic tiles including kitchen splashback. 37

Asbestos can also be found in:

- Angle mouldings (internal and external)
- Board around windows and fireplaces
- Brake pads and clutch pads to vehicles
- Buried and dumped waste materials
- Carpet underlay

- Ceilings (ceiling tiles or sprayed coatings or loose in the ceiling cavity)
- Cement flooring
- External toilets
- Fencing
- Guttering, downpipes and vent pipes
- Inside appliances eg irons, whitegoods
- Gable ends
- Outbuildings
- Ridge capping
- Swimming pools – reinforcing marble swimming pools
- Ventilators – internal and external.

Other places asbestos can be found are listed in Appendix J.

### 2.3 Commercial and industrial premises

In commercial and industrial premises, asbestos may be found in the abovementioned places and also:

- Asbestos rope or fabric in expansion joints (for example exhaust flues) and insulation
- Bituminous waterproof membrane on flat roofs
- Brake disc pads and brake linings
- Cloth, tapes, ropes and gaskets for packing
- Electrical switchboards and duct heater units
- Fillers and filters
- Fire doors
- Lagging on pipes such as heater flues
- Lift motor rooms
- Pipes, casing for water and electrical/ telecommunication services
- Rubber, plastics, thermosetting resins, adhesives, paints, coatings, caulking compounds and sealants for thermal, electrical and insulation applications
- Structural beams of buildings
- Yarns and textiles eg fire blankets.

Other places asbestos can be found are listed in Appendix J.

## 2.4 Sites contaminated with asbestos

Contamination of soils from asbestos or asbestos containing materials can present a risk in urban and rural environments if the asbestos can give rise to elevated levels of airborne fibres that people can breathe. Whilst buried material may not give rise to airborne asbestos fibres if securely contained, inappropriate disturbance of this waste could give rise to harmful levels of asbestos fibres in air. Activities such as those listed in section 3 of this Appendix have the potential to encounter and disturb asbestos waste or contamination, particularly where the contamination is not known to be present at the site or has not been appropriately considered.

### 2.4.1 Situations where asbestos contamination may occur

Situations where asbestos contamination may occur include:

- Industrial land, eg, asbestos-cement manufacturing facilities, former power stations, and rail and ship yards, especially workshops and depots
- Waste disposal or dumping sites, including sites of illegal dumping eg, building waste
- Sites with infill or burial of asbestos waste from former asbestos mining or manufacture processes
- Buildings or structures damaged by fire or storm (particularly likely for those with pre-1980s building materials but also possible for those with materials from prior to 2004)
- Land with fill or foundation material of unknown composition
- Sites where buildings or structures have been constructed from asbestos containing material or where asbestos may have been used as insulation material, eg, asbestos roofing, sheds, garages, reservoir roofs, water tanks, boilers and demolition waste has been buried onsite
- Sites where buildings or structures have been improperly demolished or renovated, or where relevant documentation is lacking (particularly likely for those with pre-1980s building materials but also those with materials from prior to 2004)
- Disused services with asbestos containing piping such as water pipes (including sewage systems, water services and irrigation systems), underground electrical and telephone wires and telecommunications trenches or pits (usually within 1 metre of the surface).

### 2.4.2 Significantly contaminated land

For sites that are significantly contaminated, the EPA and SafeWork NSW are the lead regulatory authorities. The Contaminated Land Management Act 1997 applies to significantly contaminated land. In general, significant contamination is usually associated with former asbestos processing facilities or where large quantities of buried friable asbestos waste has been uncovered and is giving rise to measureable levels of asbestos



fibres in air. Such sites require regulatory intervention to protect community health where the source of the contamination is not being addressed by the responsible person. The Environment Protection Authority has details of sites that have been nominated as significantly contaminated on its Public Register at: <http://www.epa.nsw.gov.au/clm/publiclist.htm>

If land is contaminated but not determined to be 'significant enough to warrant regulation' then the Contaminated Land Management Act 1997 does not apply. In such cases the provisions within the planning legislation and/or the Protection of the Environment Operations Act 1997 may be the appropriate mechanism for management of such contamination.

Guidance on assessing land can be found in the document: Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997.

### 3. Potentially hazardous activities

A number of activities could cause asbestos to be inadvertently disturbed and consequently create a health risk.

Before undertaking any of the activities listed below, it should be considered whether asbestos containing materials may be present. If asbestos is present, these activities may be illegal or certain precautions may be required, or an appropriately licensed person may be required to undertake the activity.

Members of the public could inadvertently disturb asbestos through activities including:

- Renovations, refurbishments or repairs particularly those involving power tools, boring, breaking, cutting, drilling, grinding, sanding or smashing asbestos containing materials
- Sealing, painting, brushing and cleaning asbestos cement products
- Demolitions of homes or other structures (dismantling or destruction)
- Relocating a house, building or structure
- Using compressed air on asbestos containing materials
- Water blasting asbestos containing materials
- Cleaning gutters on asbestos cement roofs
- Handling asbestos cement conduits or boxes
- Maintenance work such as plumbing and electrical work on or adjacent to asbestos containing materials such as working on electrical mounting boards
- Maintenance or servicing of materials from vehicles, plant or equipment.

Council could inadvertently disturb asbestos through activities such as:

- Abovementioned activities
- Asset and building maintenance
- Certifying
- Inspections of sites and premises
- Transport and disposal of illegally dumped materials
- Collection, transport and disposal of incorrectly disposed of materials.

Naturally occurring asbestos and contaminated sites could be inadvertently disturbed during:

- Road building
- Site and construction work
- Other excavation activities
- Vehicle movements.

Natural processes can create a risk of exposure to asbestos including:

- Extensive fire or storm damage to asbestos cement roofs or building materials
- Extensive weathering and etching of unsealed asbestos cement roofs.

In addition, work that intentionally disturbs asbestos, such as sampling or removal, should be conducted by a competent person and in accordance with the relevant codes of practice and legislation.

#### **4. Health hazards**

Asbestos fibres can pose a risk to health if airborne, as inhalation is the main way that asbestos enters the body. The World Health Organisation has stated that concentrations of asbestos in drinking water from asbestos cement pipes do not present a hazard to human health.

Breathing in asbestos fibres can cause asbestosis, lung cancer and mesothelioma. The risk of contracting these diseases increases with the number of fibres inhaled and the risk of lung cancer from inhaling asbestos fibres is greatly increased if you smoke. Small fibres are the most dangerous and they are invisible to the naked eye. People who are at most risk are those who have been exposed to high levels of asbestos for a long time. The symptoms of these diseases do not usually appear for some time (about 20 to 30 years) after the first exposure to asbestos.

Asbestosis is the irreversible scarring of lung tissue that can result from the inhalation of substantial amounts of asbestos over a period of years. It results in breathlessness that may lead to disability and, in some case, death.

Lung cancer can be caused by asbestos. Lung cancer is related to the amount of fibre that is breathed in and the risk of lung cancer is greatly increased in those who also smoke tobacco.

Mesothelioma is a cancer of the pleura (outer lung lining) or the peritoneum (the lining of the abdominal cavity). Mesothelioma rarely occurs less than 15 years from first exposure, and most cases occur over 30 years after first exposure. Accordingly, the rates of malignant mesothelioma (an incurable cancer) are expected to rise from the year 2012 to 2020 and are expected to peak in this time.

If asbestos fibres are in a stable material, for example bonded in asbestos-cement sheeting (such as fibro), and these materials are in good condition they pose little health risk. However, where fibro or other non-friable asbestos sheeting is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health. Disturbing or removing asbestos containing materials unsafely can create a hazard.

The occupational standard for asbestos is 0.1fibre/ml of air and the environmental standard is 0.01fibre/ml in air.

When someone has potentially been exposed to asbestos, or receives or expects they may receive a diagnosis of an asbestos-related disease, they may experience psychological distress, including anxiety and may be in need of support. Their family and those around them may also be vulnerable to psychological distress.

## Appendix B – Further information

### Aboriginal communities

Illegal dumping prevention and clean-up. Handbook for Aboriginal communities, 2008 (EPA)

<http://www.epa.nsw.gov.au/wastetools/local-councils.htm>

### Asbestos contractors

A search of SafeWork NSW licenced contractors is available at

<http://www.safework.nsw.gov.au/information-searches/asbestos-demolition-licence-holders>

or by contacting the Asbestos Removal Contractors Association NSW (ARCA) [www.arcansw.asn.au](http://www.arcansw.asn.au) Phone: (02) 8586 3521.

An asbestos removal contractor's licence can be verified by contacting the SafeWork NSW NSW's Certification Unit on 13 10 50.

Demolition and Contractors Association (DCA) NSW

[www.demolitioncontractorsassociation.com.au](http://www.demolitioncontractorsassociation.com.au)

### Asbestos waste

Crackdown on Illegal Dumping: A Handbook for Local Government, 2007 (EPA)

<http://www.epa.nsw.gov.au/wastetools/local-councils.htm>

Management of asbestos in recycled construction and demolition waste, 2010 (SafeWork NSW), (WC02772)

<http://www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos/asbestos-resources-and-networks>

Safely disposing of asbestos waste from your home, 2009 (EPA) <http://www.epa.nsw.gov.au/managewaste/house-asbestos.htm>

For information on illegal dumping and safely disposing of asbestos waste visit the EPA website: <http://www.epa.nsw.gov.au/waste/asbestos.htm>

### Contaminated land

Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997, 2009 (EPA):

<http://www.epa.nsw.gov.au/clm/guidelines.htm>

Managing land contamination: Planning guidelines SEPP 55 – Remediation of land, 1998 (Department of Planning and Infrastructure and EPA):-

<http://www.epa.nsw.gov.au/clm/planning.htm>

### Environmental risk assessment

Environmental health risk assessment: Guidelines for assessing human health risks from environmental hazards, 2002 (Commonwealth of Australia) -

[www.nphp.gov.au/enhealth/council/pubs/pdf/envhazards.pdf](http://www.nphp.gov.au/enhealth/council/pubs/pdf/envhazards.pdf)

### Health

Asbestos and health risks fact sheet, 2007 (Ministry of Health) –

<http://www.health.nsw.gov.au/environment/factsheets/Pages/asbestos-and-health-risks.aspx>

Further advice concerning the health risks of asbestos can be obtained from your local public health unit. Contact details for public health units may be found at:

[www.health.nsw.gov.au/publichealth/infectious/phus.asp](http://www.health.nsw.gov.au/publichealth/infectious/phus.asp)

### Renovation and development

Asbestos: A guide for householders and the general public, 2012 (Commonwealth of Australia) –

<http://www.health.gov.au/internet/main/publishing.nsf/Content/ohp-enhealth-asbestos-may2012.htm>

Choosing and working with a principal certifying authority: A guide for anyone planning to build or subdivide, 2011 (Building Professionals Board) –

<http://bpb.nsw.gov.au/engage-certifier/working-certifier>

Think asbestos website, 2011 (Asbestos Education Committee) (and Printable Website Handbook) –

[www.asbestosawareness.com.au](http://www.asbestosawareness.com.au)

### Practical guidance

Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by SafeWork NSW

Code of practice on how to safely remove asbestos (catalogue no. WC03561) published by SafeWork NSW –

<http://www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos/asbestos-resources-and-networks>

### Tenants

Tenants rights Fact sheet 26 Asbestos and lead, 2010 (Tenants NSW) –

<http://www.tenants.org.au/factsheet-26-asbestos-and-lead>

Tenants – Housing NSW tenants. Asbestos fact sheet, 2010 (Housing NSW) –

[http://www.housing.nsw.gov.au/\\_data/assets/pdf\\_file/0014/330062/Asbestos.pdf](http://www.housing.nsw.gov.au/_data/assets/pdf_file/0014/330062/Asbestos.pdf)

### Appendix C – Definitions

The terms used in the policy are defined as below, consistent with the definitions in the:

- Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by SafeWork NSW
- Code of practice on how to safely remove asbestos (catalogue no. WC03561) published by SafeWork NSW
- Contaminated Land Management Act 1997
- Environmental Planning and Assessment Act 1979
- Emergency Pollution and Orphan Waste Clean-Up Program Guidelines 2008
- Protection of the Environment Operations Act 1997
- Waste classification guidelines part 1 classifying waste 2008
- NSW Work Health and Safety Act 2011
- NSW Work Health and Safety Regulation 2011.

**accredited certifier** in relation to matters of a particular kind, means the holder of a certificate of accreditation as an accredited certifier under the Building Professionals Act 2005 in relation to those matters.

**airborne asbestos** means any fibres of asbestos small enough to be made airborne. For the purposes of monitoring airborne asbestos fibres, only respirable fibres are counted.

**asbestos** means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including the following:

- a. Actinolite asbestos
- b. Grunerite (or amosite) asbestos (brown)
- c. Anthophyllite asbestos
- d. Chrysotile asbestos (white)
- e. Crocidolite asbestos (blue)
- f. Tremolite asbestos
- g. A mixture that contains 1 or more of the minerals referred to in paragraphs (a) to (f).

**asbestos containing material (ACM)** means any material or thing that, as part of its design, contains asbestos.

**asbestos-contaminated dust or debris (ACD)** means dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos.

**asbestos-related work** means work involving asbestos that is permitted under the Work Health and Safety Regulation 2011, other than asbestos removal work.

**asbestos removal licence** means a Class A asbestos removal licence or a Class B asbestos removal licence.

**asbestos removal work** means:

- a. work involving the removal of asbestos or asbestos containing material, or
- b. Class A asbestos removal work or Class B asbestos removal work.

**asbestos removalist** means a person conducting a business or undertaking who carries out asbestos removal work.

**asbestos waste** means any waste that contains asbestos. This includes asbestos or asbestos containing material removed and disposable items used during asbestos removal work including plastic sheeting and disposable tools.

**certifying authority** means a person who is authorised by or under section 85A of the Environmental Planning and Assessment Act 1979 to issue complying development certificates, or is authorised by or under section 109D of the Environmental Planning and Assessment Act 1979 to issue part 4A certificates.

**Class A asbestos removal licence** means a licence that authorises the carrying out of Class A asbestos removal work and Class B asbestos removal work by or on behalf of the licence holder.

**Class A asbestos removal work** means the removal of friable asbestos which must be licensed under clause 485 of the Work Health and Safety Regulation 2011. This does not include: the removal of ACD that is associated with the removal of non-friable asbestos, or ACD that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

**Class B asbestos removal licence** means a licence that authorises the carrying out of Class B asbestos removal work by or on behalf of the licence holder.



**Class B asbestos removal work** means the removal of more than 10 square metres of non-friable asbestos or asbestos containing material work that is required to be licensed under clause 487, but does not include Class A asbestos removal work.

**competent person** means: a person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds:

- a. A certification in relation to the specified VET course for asbestos assessor work, or
- b. A tertiary qualification in occupational health and safety, occupational hygiene, science, building, construction or environmental health.

**complying development** is a fast track, 10 day approval process where a building meets all of the predetermined standards established in either a state or local council planning document. A complying development certificate can be issued by either a local council or an accredited certifier.

**complying development certificate**

**contaminant** means any substance that may be harmful to health or safety.

**contamination of land** means the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment

**control measure**, in relation to a risk to health and safety, means a measure to eliminate or minimise the risk.

**demolition work** means work to demolish or dismantle a structure, or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure, but does not include:

- a. The dismantling of formwork, falsework, or other structures designed or used to provide support, access or containment during construction work, or
- b. The removal of power, light or telecommunication poles.

**development** means:

- a. The use of land
- b. The subdivision of land
- c. The erection of a building
- d. The carrying out of a work
- e. The demolition of a building or work

- f. Any other act, matter or thing referred to in section 26 of the Environmental Planning and Assessment Act 1979 that is controlled by an environmental planning instrument.

**development application** means an application for consent under part 4 of the Environmental Planning and Assessment Act 1979 to carry out development but does not include an application for a complying development certificate.

**emergency service organisation** includes any of the following:

- a. The Ambulance Service of NSW
- b. Fire and Rescue NSW
- c. The NSW Rural Fire Service
- d. The NSW Police Force
- e. The State Emergency Service
- f. The NSW Volunteer Rescue Association Inc
- g. The NSW Mines Rescue Brigade established under the Coal Industry Act 2001
- h. An accredited rescue unit within the meaning of the State Emergency and Rescue Management Act 1989.

**exempt development** means minor development that does not require any planning or construction approval because it is exempt from planning approval.

**exposure standard for asbestos** is a respirable fibre level of 0.1 fibres/ml of air measured in a person's breathing zone and expressed as a time weighted average fibre concentration calculated over an eight-hour working day and measured over a minimum period of four hours in accordance with the Membrane Filter Method or a method determined by the relevant regulator.

**friable asbestos** means material that:

- a. Is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry
- b. Contains asbestos.

**health** means physical and psychological health.

**health monitoring**, of a person, means monitoring the person to identify changes in the person's health status because of exposure to certain substances.

**independent**, in relation to clearance inspections and air monitoring means:

- a. Not involved in the removal of the asbestos

- b. Not involved in a business or undertaking involved in the removal of the asbestos, in relation to which the inspection or monitoring is conducted.

**in situ asbestos** means asbestos or asbestos containing material fixed or installed in a structure, equipment or plant, but does not include naturally occurring asbestos.

**licence holder** means: in the case of an asbestos assessor licence – the person who is licensed:

- a. To carry out air monitoring during Class A asbestos removal work
- b. To carry out clearance inspections of Class A asbestos removal work
- c. To issue clearance certificates in relation to Class A asbestos removal work, or
  - In the case of an asbestos removal licence – the person conducting the business or undertaking to whom the licence is granted, or
  - In the case of a major hazard facility licence – the operator of the major hazard facility to whom the licence is granted or transferred.
  - Licensed asbestos assessor means a person who holds an asbestos assessor licence.

**licensed asbestos removalist** means a person conducting a business or undertaking who is licensed under the Work Health and Safety Regulation 2011 to carry out Class A asbestos removal work or Class B asbestos removal work.

**licensed asbestos removal work** means asbestos removal work for which a Class A asbestos removal licence or Class B asbestos removal licence is required.

**NATA** means the National Association of Testing Authorities, Australia.

**NATA-accredited laboratory** means a testing laboratory accredited by NATA, or recognised by NATA either solely or with someone else.

**naturally occurring asbestos** means the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

**non-friable asbestos** means material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.

**Note.** Non-friable asbestos may become friable asbestos through deterioration (see definition of friable asbestos).

**occupational hygienist** means a person with relevant qualifications and experience in asbestos management who is a full member of the Australian Institute of Occupational Hygienists (AIOH).

**occupier** includes a tenant or other lawful occupant of premises, not being the owner.

**officer** means an officer as defined in the NSW Work Health and Safety Act 2011

**orphan waste** means materials that have been placed or disposed of on a premises unlawfully that may have the potential to pose a risk to the environment or public health.

**person conducting a business or undertaking** a 'person' is defined in laws dealing with interpretation of legislation to include a body corporate (company), unincorporated body or association and a partnership.

**personal protective equipment** means anything used or worn by a person to minimise risk to the person's health and safety, including air supplied respiratory equipment.

**respirable asbestos fibre** means an asbestos fibre that:

- a. Is less than three micrometres wide
- b. More than five micrometres long
- c. Has a length to width ratio of more than 3:1.

**specified VET course** means:

- a. In relation to Class A asbestos removal work – the following VET courses:
  - Remove non-friable asbestos
  - Remove friable asbestos, or
- b. In relation to Class B asbestos removal work – the VET course Remove non-friable asbestos, or
- c. In relation to the supervision of asbestos removal work – the VET course Supervise asbestos removal, or
- d. In relation to asbestos assessor work – the VET course Conduct asbestos assessment associated with removal.

**structure** means anything that is constructed, whether fixed or moveable, temporary or permanent, and includes:

- a. Buildings, masts, towers, framework, pipelines, transport infrastructure and underground works (shafts or tunnels)
- b. Any component of a structure
- c. Part of a structure
- d. Volunteer means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses).

**waste** includes:

- Any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or
- Any discarded, rejected, unwanted, surplus or abandoned substance, or

- Any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or
- Any process, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or
- Any substance prescribed by the regulations made under the Protection of the Environment Operations Act 1997 to be waste.

**waste facility** means any premises used for the storage, treatment, processing, sorting or disposal of waste (except as provided by the regulations).

**worker** a person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:

- a. An employee, or
- b. A contractor or subcontractor, or
- c. An employee of a contractor or subcontractor, or
- d. An employee of a labour hire company who has been assigned to work in the person's business or undertaking, or
- e. An outworker, or
- f. An apprentice or trainee, or
- g. A student gaining work experience, or
- h. A volunteer, or
- i. A person of a prescribed class.

**workplace** a workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. Place includes: a vehicle, vessel, aircraft or other mobile structure, and any waters and any installation on land, on the bed of any waters or floating on any waters.

**Appendix D – Acronyms**

ACD	Asbestos Containing Dust (an acronym used in the legislation)
ACM	Asbestos Containing Material (an acronym used in the legislation)
ARA	Appropriate Regulatory Authority (an acronym used in the legislation)
DA	Development Application
EPA	Environment Protection Authority
JRPP	Joint Regional Planning Panel
LGA	Local Government Area
NATA	National Association of Testing Authorities
NSW	New South Wales
SEPP	State Environmental Planning Policy
VET	Vocational Education and Training

## Appendix E – Relevant contacts

### Western Plains Regional Council

Street address: Civic Administration Building  
Church Street  
DUBBO NSW 2830

Postal address: PO Box 81  
DUBBO NSW 2830

Telephone: 02 6801 4000  
Fax: 02 6801 4259  
Email: [dcc@dubbo.nsw.gov.au](mailto:dcc@dubbo.nsw.gov.au)  
Website: [www.dubbo.nsw.gov.au](http://www.dubbo.nsw.gov.au)  
Office hours: 9 am to 5 pm, Monday to Friday

### NSW Ministry of Health (via Public Health Units)

Dubbo Regional Office: 02 6841 5569

Public Health Officer  
(on call 24 hours): 0418 866 397

### Waste facilities

Whylandra Waste Depot  
Cooba Rd (15km west of Dubbo off Mitchell Hwy)  
Telephone: 02 6887 3382  
Hours: 8 am to 5 pm weekdays  
9 am to 5 pm on weekends.

### Asbestos Diseases Foundation Australia Inc

Phone: (02) 9637 8759  
Helpline: 1800 006 196  
Email: [info@adfa.org.au](mailto:info@adfa.org.au)  
Website: [www.adfa.org.au](http://www.adfa.org.au)

### Asbestos Diseases Research Institute

Phone: (02) 9767 9800  
Email: [info@adri.org.au](mailto:info@adri.org.au)  
Website: [www.adri.org.au](http://www.adri.org.au)

## Australian Institute of Occupational Hygienists Inc.

Phone: (03) 9336 2290  
Email: [admin@aioh.org.au](mailto:admin@aioh.org.au)  
Website: [www.aioh.org.au](http://www.aioh.org.au)

## Dust Diseases Board

Phone: (02) 8223 6600  
Toll Free: 1800 550 027  
Email: [enquiries@ddb.nsw.gov.au](mailto:enquiries@ddb.nsw.gov.au)  
Website: [www.ddb.nsw.gov.au](http://www.ddb.nsw.gov.au)

## Environment Protection Authority (EPA)

Phone: (02) 9995 5000  
Environment line: 13 15 55  
Email: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au)  
Website: [www.environment.nsw.gov.au/epa](http://www.environment.nsw.gov.au/epa)

## Licensed Asbestos Contractors

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages website: [www.yellowpages.com.au](http://www.yellowpages.com.au) or contact:

## SafeWork NSW

Address: Level 2, 1 Church Street, Dubbo  
Phone: 13 10 50 or (02) 6841 7900  
Website: <http://www.safework.nsw.gov.au/information-searches/asbestos-demolition-licence-holders>

## Asbestos Removal Contractors Association NSW (ARCA)

Phone: (02) 9642 0011  
Email: [email@arcansw.asn.au](mailto:email@arcansw.asn.au)  
Website: [www.arcansw.asn.au](http://www.arcansw.asn.au)

## Civil Contractors Federation (CCF)

Phone: (02) 9009 4000



Email: [mtearle@civilcontractors.com](mailto:mtearle@civilcontractors.com)  
Website: [www.civilcontractors.com](http://www.civilcontractors.com)

Demolition and Contractors Association (DCA) NSW

Phone: (02) 8586 3555  
Email: [demolitionassn@bigpond.com](mailto:demolitionassn@bigpond.com)  
Website: [www.demolitioncontractorsassociation.com.au](http://www.demolitioncontractorsassociation.com.au)

Local Government and Shires Associations of NSW (LGSA)

Phone: (02) 9242 4000  
Email: [lgsa@lgsa.org.au](mailto:lgsa@lgsa.org.au)  
Website: [www.lgsa.org.au](http://www.lgsa.org.au)

NSW Ombudsman

Phone: (02) 9286 1000  
Toll free (outside Sydney metro): 1800 451 524  
Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)  
Website: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

Training providers (non-exhaustive)

TAFE NSW

Phone: 1300 131 499  
Website: [www.tafensw.edu.au](http://www.tafensw.edu.au)

Housing Industry Association (HIA)

Phone: (02) 9978 3333  
Website: [www.hia.com.au](http://www.hia.com.au)

Local Government Training Institute

Phone: (02) 4922 2333  
Website: [www.lgti.com.au](http://www.lgti.com.au)

Comet Training

Phone: (02) 9649 5000  
Website: [www.comet-training.com.au/site](http://www.comet-training.com.au/site)

Masters Builders Association (MBA)

Phone: (02) 8586 3521  
Website: [www.masterbuilders.com.au](http://www.masterbuilders.com.au)

Asbestos Removal Contractors Association NSW (ARCA)

Phone: (02) 9642 0011  
Website: [www.arca.asn.au](http://www.arca.asn.au)

SafeWork NSW

SafeWork NSW Information Centre  
Phone: 13 10 50  
Website: [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)

Dubbo Office  
Address: Level 2, 1 Church Street, Dubbo  
Phone: (02) 6841 7900

**Appendix F – Waste management facilities that accept asbestos wastes**

Waste management facilities that can accept asbestos waste may be operated by council, the State Government or private enterprise. The fees charged by the facility operators for waste received are determined by the facility.

Not all waste management centres accept asbestos waste from the public. Management of asbestos waste requires special precautions such as a separate disposal location away from other general waste and controls to prevent the liberation of asbestos fibres, such as the immediate covering of such waste.

A list of licensed landfills that may accept asbestos waste from the public is available on the EPA website at:

<http://www.epa.nsw.gov.au/managewaste/house-asbestos-land.htm>

Some of the landfills may accept non-friable asbestos waste but not friable asbestos waste. Some landfills may not accept large quantities of asbestos waste.

Always contact the landfill before taking asbestos waste to a landfill to find out whether asbestos is accepted and any requirements for delivering asbestos to the landfill. EPA does not endorse any of the landfills listed on the website or guarantee that they will accept asbestos under all circumstances.

**Appendix G – Asbestos-related legislation, policies and standards**

- Australian Standard AS 2601 – 2001: The demolition of structures
- Contaminated Land Management Act 1997
- Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by SafeWork NSW
- Code of practice on how to safely remove asbestos (catalogue no. WC03561) published by SafeWork NSW
- Code of practice for demolition work published by Safe Work Australia, 2012
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Local Government Act 1993
- Local Government (General) Regulation 2005
- Protection of the Environment Operations (General) Regulation 2009
- Protection of the Environment Operations (Waste) Regulation 2014
- Protection of the Environment Operations Act 1997
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- NSW Work Health and Safety Act 2011
- NSW Work Health and Safety Regulation 2011
- Workers' Compensation (Dust Diseases) Act 1942.

## **Appendix H – Agencies roles and responsibilities**

### **NSW organisations**

#### *Department of Planning and Environment (DP&E) and the Building Professionals Board (BPB)*

DP&E's primary role in the management of asbestos relates to administration of State Environmental Planning Policies, and the Environmental Planning and Assessment Act 1979 (and associated Regulation).

Whilst DP&E does not have an operational role in the management of asbestos, it has a regulatory function and provides policy support relating to asbestos and development. In assessing proposals for development under the Environmental Planning and Assessment Act 1979, consent authorities are required to consider the suitability of the subject land for the proposed development. This includes consideration of the presence of asbestos and its environmental impact.

Where asbestos represents contamination of the land (ie it is present in excess of naturally occurring levels), State Environmental Planning Policy No. 55 – Remediation of Land imposes obligations on developers and consent authorities in relation to remediation of the land and the assessment and monitoring of its effectiveness.

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 enables exempt and complying development across the State. While this includes demolition and the removal of asbestos, the Environmental Planning and Assessment Regulation 2000 specifies particular conditions that must be contained in a complying development certificate in relation to the handling and lawful disposal of both friable and non-friable asbestos material under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

The Building Professionals Board (BPB) which reports to the Minister for Planning, also has a role in the management of asbestos. The BPB's role involves providing practice advice and educational programs to assist certifying authorities (private and council) in carrying out their role and this includes education in relation to managing asbestos. The BPB certifies and audits both private and council certifiers. Further information about the BPB may be found at: [www.bpb.nsw.gov.au](http://www.bpb.nsw.gov.au)

#### *Dust Diseases Board (DDB)*

The DDB provides a system of no fault compensation to people who have developed a dust disease from occupational exposure to dust as a worker in New South Wales and to their dependants. The DDB's statutory function is to administer the Workers' Compensation (Dust Diseases) Act 1942. Services include:

- Payment of compensation benefits to eligible workers and dependants
- Co-ordination and payment of medical and related health care expenses of affected
- Medical examination of workers exposed to dust in the workplace
- Information and education.

#### *Environment Protection Authority (EPA)*

EPA's role is to regulate the classification, storage, transport and disposal of waste in NSW, including asbestos waste. The waste regulatory framework includes the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 2014. Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2014 sets out the special requirements relating to the transportation and disposal of asbestos waste.

EPA is the appropriate regulatory authority for activities that require an environment protection licence or are carried out by public authorities such as local councils, the Roads and Traffic Authority and Sydney Water. Local councils are the appropriate regulatory authority for activities that are not regulated by the EPA, which typically include building demolition, construction sites, residential properties, commercial sites and small to medium sized industrial facilities.

EPA is responsible for assisting councils in fulfilling their regulatory responsibilities. EPA has developed resources to assist Local Government to regulate asbestos waste incidents and prevent illegal dumping. Website links to these resources are provided in Appendix B.

The EPA maintains the regulatory framework for the remediation of contaminated land (the Contaminated Land Management Act 1997) and actively regulates land that is declared to be 'significantly contaminated' under the Contaminated Land Management Act 1997.

#### *Heads of Asbestos Coordination Authorities (HACA)*

The HACA is chaired by the Chief Executive Officer of SafeWork NSW with senior officials from:

- Department of Planning and Environment
- Department of Trade and Investment, Regional Infrastructure and Services
- Division of Local Government
- Dust Diseases Board
- Environment Protection Authority
- Local Government and Shires Association of NSW
- Ministry for Police and Emergency Services

#### *Ministry of Health*

The HACA group will improve the management, monitoring and response to asbestos issues in NSW by developing coordinated prevention programs. These programs include a comprehensive public awareness campaign to promote the safe handling of asbestos and help prevent the risk of exposure to asbestos-related diseases in the NSW community. Further information about the HACA can be found on the SafeWork NSW website: [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au).

#### *Local Government Association of NSW (LGA)*

The Local Government Association of NSW represents 152 general purpose councils, 12 special purpose councils and the NSW Aboriginal Land Council.

The Association represents the views of these councils by:

- Presenting councils views to governments
- Promoting Local Government to the community
- Providing specialist advice and services.

The Association holds annual conferences where members are able to vote on issues affecting Local Government. The Annual Conference is the supreme policy making events.

In 2012, the Association commenced a project funded by SafeWork NSW NSW to assist councils to adopt and implement a model asbestos policy. The project is outlined at: [www.lgsa.org.au/key-initiatives/asbestos](http://www.lgsa.org.au/key-initiatives/asbestos)

#### *NSW Ministry of Health*

The NSW Ministry of Health does not have express statutory responsibilities for managing asbestos-related risks and incidents in NSW. The Ministry provides an expert advisory service to other governmental agencies on public health issues. This service may include technical information or assistance to prepare public health information bulletins.

#### *NSW Ombudsman*

The NSW Ombudsman is an independent and impartial watchdog body. The NSW Ombudsman is responsible for ensuring that public and private sector agencies and employees within its jurisdiction fulfil their functions appropriately. The NSW Ombudsman assists those agencies and their employees to be aware of their responsibilities to the public, to act reasonably and to comply with the law and best administrative practice.

#### *SafeWork NSW*

SafeWork NSW is responsible for the issuing and control of licences that are issued to all asbestos removal and demolition contractors. SafeWork NSW works with the employers,

workers and community of NSW to achieve safer and more productive workplaces, and effective recovery, return to work and security for injured workers.

SafeWork NSW administers work health and safety, injury management, return to work and workers compensation laws, and manage the workers compensation system. SafeWork NSW's activities include: health and safety, injuries and claims, licensing for some types of plant operators, registration of some types of plant and factories, training and assessment, medical and healthcare, law and policy.

The SafeWork NSW website provides a wide range of asbestos resources, support networks and links at:

<http://www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos>

### **National organisations**

#### *National Association of Testing Authorities (NATA)*

This body has the role of providing accreditation to firms licensed to remove asbestos.

NSW (Head Office) and ACT Phone: (02) 9736 8222 National Toll Free: 1800 621 666  
Website: [www.nata.asn.au](http://www.nata.asn.au)

#### *Environmental Health Committee (enHealth)*

The Environmental Health Committee (enHealth) is a subcommittee of the Australian Health Protection Committee (AHPC). enHealth provides health policy advice, implementation of the National Environmental Health Strategy 2007-2012, consultation with key players, and the development and coordination of research, information and practical resources on environmental health matters at a national level.

Website: [www.health.gov.au/internet/main/publishing.nsf/content/ohp-environ-enhealth-committee.htm](http://www.health.gov.au/internet/main/publishing.nsf/content/ohp-environ-enhealth-committee.htm)

#### *Safe Work Australia*

Safe Work Australia is an Australian Government statutory agency established in 2009, with the primary responsibility of improving work health and safety and workers' compensation arrangements across Australia.

Phone: (02) 6121 5317  
Email: [info@safeworkaustralia.gov.au](mailto:info@safeworkaustralia.gov.au)  
Website: [www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au)



### Appendix I – Scenarios illustrating which agencies lead a response in NSW

The following tables show which agencies are responsible for regulating the following scenarios in NSW:

#### Emergency management

Scenario	Lead organisation	Other regulators
Emergency response	Emergency services	Fire and Rescue (Hazmat) SafeWork NSW
Handover to Local council, owner of property or NSW Police – crime scene following a minor incident	Local Council NSW Police	Recovery Committee Local Council EPA SafeWork NSW
Handover to Recovery Committee following a significant incident	Recovery Committee (formed by State Emergency Recovery Controller)	Local Council EPA SafeWork NSW
Remediation not requiring a licensed removalist	Local Council	Principal Certifying Authority SafeWork NSW (workers)
Remediation requiring licensed removal work	SafeWork NSW	Local Council Principal Certifying Authority
Clearance Certificate issued by an Asbestos Assessor	SafeWork NSW	Principal Certifying Authority

**Naturally occurring asbestos**

<b>Scenario</b>	<b>Lead organisation</b>	<b>Other regulators</b>
Naturally occurring but will be disturbed due to a work process including remediation work	SafeWork NSW	Local council, EPA (Protection of the Environment Operations Act 1997 Scheduled Activities Public Authorities)
Naturally occurring asbestos part of a mineral extraction process	Department of Trade and Investment, Regional Infrastructure and Services SafeWork NSW	Local council, EPA (Protection of the Environment Operations Act 1997 Scheduled Activities Public Authorities)
Naturally occurring but will remain undisturbed by any work practice	Local council	EPA (Protection of the Environment Operations Act 1997 Scheduled Activities Public Authorities) SafeWork NSW NSW (workers)
Soil contaminated with asbestos waste and going to be disturbed by a work practice	SafeWork NSW	EPA (Protection of the Environment Operations Act 1997 Scheduled Activities Public Authorities, declared contaminated land sites)
Soil contaminated with asbestos waste but will remain undisturbed by any work practice	Local council	EPA (Protection of the Environment Operations Act 1997 Scheduled Activities Public Authorities, declared contaminated land sites) SafeWork NSW (workers on site)

Scenario	Lead organisation	Other regulators
Potential for exposure on public land	EPA (Protection of the Environment Operations Act 1997 Scheduled Activities Public Authorities)	Local council SafeWork NSW (workers on site)
Soil contaminated with asbestos waste but at a mine site	Department of Trade and Investment, Regional Infrastructure and Services EPA (Protection of the Environment Operations Act 1997 Scheduled Activities Public Authorities)	Local council

#### Residential settings

Scenario	Lead organisation	Other Regulators
Safe Management of asbestos including: <ul style="list-style-type: none"> <li>• Identification</li> <li>• In situ management</li> <li>• Removal requirements</li> <li>• Disposal requirements.</li> </ul>	Local council Private Certifiers	SafeWork NSW EPA
Site contaminated due to past uses	Local council	SafeWork NSW EPA
Licensed removal work required	SafeWork NSW	Local council Private Certifiers
Removal does not require a licensed removalist	Local council Private Certifiers	SafeWork NSW (workers)
Transport or waste disposal	Local council	EPA

Scenario	Lead organisation	Other Regulators
issues		
Derelict property with fibro debris	Local council or Multi-agency	Multi-agency

#### Site contamination

Scenario	Lead Organisation	Other regulators
Asbestos illegally dumped	Local council	EPA SafeWork NSW
Site contamination at commercial premises	See Workplaces	See Workplaces
Site contamination at residential premises	See Residential settings	See Residential settings

#### Waste

Scenario	Lead Organisation	Other regulators
Waste temporarily stored on-site	SafeWork NSW (worksites) EPA and Local council (non-worksites)	
Waste transported by vehicle	EPA	SafeWork NSW
Waste disposed of onsite	Council or EPA as illegal dumping or pollution of land if no valid council development consent	Local council (consent required to dispose onsite) (section 149 property certificate and development assessment process)
Waste going to landfill site	EPA (advice)	Local council (if managing)

Scenario	Lead Organisation	Other regulators
		licensed landfill)
Waste to be transported interstate	EPA	
Waste for export	Australian Customs and Border Protection Service	SafeWork NSW Department of Education, Employment and Workplace Relations

### Workplaces

Scenario	Lead organisation	Other regulators
Asbestos installed/supplied after 2003 (illegally)	SafeWork NSW	Australian Customs and Border Protection Service Australian Competition and Consumer Commission (Imported Goods)
Risks to the health of workers	SafeWork NSW	
Asbestos management and asbestos going to be removed	SafeWork NSW Department of Trade and Investment, Regional Infrastructure and Services (mine sites)	
Risks to the health of the public from worksites	SafeWork NSW (Risks to workers) Local council (Risks to the wider public)  Department of Planning and Infrastructure (part 3A approvals)  EPA (Protection of the Environment Operations Act 1997 licensed sites)	

Scenario	Lead organisation	Other regulators
Waste stored temporarily on-site at worksites	SafeWork NSW	
Transport or waste disposal issues	EPA	SafeWork NSW Local council
Asbestos contaminated clothing going to a laundry	SafeWork NSW	EPA Local council
Contaminated land not declared under the Contaminated Land Management Act 1997	Local council	EPA
'Significantly contaminated' land declared under the Contaminated Land Management Act 1997	EPA	Local Council

Further details are provided in the Asbestos Blueprint: A guide to roles and responsibilities for operational staff of state and local government, 2011 (NSW Government).

### Appendix J – Asbestos containing materials

Some asbestos containing materials found in New South Wales domestic settings (non-exhaustive list)

Asbestos containing materials	Approximate supply dates
Cement sheets	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Cement roofing / lining slates	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Mouldings and cover strips	Available by 1920s and 1930s
Super-six (corrugated) roofing	Available by 1920s and 1930s –1985
'Tilex' decorative wall panels	Available by 1920s and 1930s
Pipes and conduit piping	Available by 1920s and 1930s
Motor vehicle brake linings	Available by 1920s and 1930s
Striated sheeting	Available from 1957
'Asbestolux' insulation boards	Available from 1957
'Shadowline' asbestos sheeting for external walls, gable ends and fences	Available from 1958 – 1985
Vinyl floor tiles impregnated with asbestos	Available up until 1960s
Asbestos containing paper backing for linoleum	Available up until 1960s
'Durasbestos' asbestos cement products	Available up until 1960s
'Tilex' marbled decorative wall panels	Available from early 1960s
'Tilex' weave pattern decorative wall panels	Available from early 1960s
'Hardiflex' sheeting	Available from 1960s –1981
'Versilux' building board	Available from 1960s –1981
'Hardiplank' and 'Hardigrain' woodgrain sheeting	Available from mid 1970s –1981

<b>Asbestos containing materials</b>	<b>Approximate supply dates</b>
Loose-fill, fluffy asbestos ceiling insulation	Supplied from 1968 – 1978 by a Canberra contractor and believed to be generally restricted to houses in the Australian Capital Territory with some materials supplied to the Queanbeyan area and some south coast towns
Asbestos rope gaskets for wood heaters. Heater and stove insulation	Dates of supply availability unknown but prior to 31 December 2003
Compressed fibro-cement sheets	Available from 1960s –1984
Villaboard	Available until 1981
Harditherm	Available until 1984
Highline	Available until 1985
Coverline	Available until 1985
Roofing accessories	Available until 1985
Pressure pipe	Available until 1987

Source: NSW Government, 2011, Asbestos Blueprint: A guide to roles and responsibilities for operational staff of state and local government.



**Asbestos containing materials that may be found in various settings (non-exhaustive list)****A**

Air conditioning duct, in the exterior or interior acoustic and thermal insulation

Arc shields in lift motor rooms or large electrical cabinets

Asbestos-based plastics products as electrical insulates and acid resistant compositions or aircraft seats

Asbestos ceiling tiles

Asbestos cement conduit

Asbestos cement electrical fuse boards

Asbestos cement external roofs and walls

Asbestos cement in the use of form work for pouring concrete

Asbestos cement internal flues and downpipes

Asbestos cement moulded products such as gutters, ridge capping, gas meter covers, cable troughs and covers

Asbestos cement pieces for packing spaces between floor joists and piers

Asbestos cement (underground) pit as used for traffic control wiring, telecommunications cabling etc

Asbestos cement render, plaster, mortar and coursework

Asbestos cement sheet

Asbestos cement sheet behind ceramic tiles

Asbestos cement sheet over exhaust canopies such as ovens and fume cupboards

Asbestos cement sheet internal walls and ceilings

Asbestos cement sheet underlay for vinyl

Asbestos cement storm drain pipes

Asbestos cement water pipes (usually underground)

Asbestos containing laminates, (such as Formica) used where heat resistance is required

Asbestos containing pegboard

Asbestos felts

Asbestos marine board, eg marinate

Asbestos mattresses used for covering hot equipment in power stations

Asbestos paper used variously for insulation, filtering and production of fire resistant laminates

Asbestos roof tiles

Asbestos textiles

Asbestos textile gussets in air conditioning ducting systems

Asbestos yarn

Autoclave/steriliser insulation

## **B**

Bitumen-based water proofing such as malthoid (roofs and floors, also in brickwork)

Bituminous adhesives and sealants

Boiler gaskets

Boiler insulation, slabs and wet mix

Brake disc pads

Brake linings

## **C**

Cable penetration insulation bags (typically Telecom)

Calorifier insulation

Car body filters (uncommon)

Caulking compounds, sealant and adhesives

Cement render

Chrysotile wicks in kerosene heaters

Clutch faces

Compressed asbestos cement panels for flooring, typically verandas, bathrooms and steps for demountable buildings

Compressed asbestos fibres (CAF) used in brakes and gaskets for plant and automobiles

## **D**

Door seals on ovens

## **E**

Electric heat banks – block insulation

Electric hot water services (normally no asbestos, but some millboard could be present)

Electric light fittings, high wattage, insulation around fitting (and bituminised)

Electrical switchboards see Pitch-based

Exhausts on vehicles

## **F**

Filler in acetylene gas cylinders

Filters: beverage wine filtration

Fire blankets

Fire curtains

Fire door insulation

Fire-rated wall rendering containing asbestos with mortar

Fire-resistant plaster board, typically on ships

Fire-retardant material on steel work supporting reactors on columns in refineries in the chemical industry

Flexible hoses

Floor vinyl sheets

Floor vinyl tiles

Fuse blankets and ceramic fuses in switchboards

## **G**

Galbestos™ roofing materials (decorative coating on metal roof for sound proofing)

Gaskets: chemicals, refineries

Gaskets: general

Gauze mats in laboratories/chemical refineries

Gloves: asbestos

## **H**

Hairdryers: insulation around heating elements

Header (manifold) insulation

## **I**

Insulation blocks

Insulation in electric re-heat units for air conditioner systems

**L**

Laboratory bench tops

Laboratory fume cupboard panels

Laboratory ovens: wall insulation

Lagged exhaust pipes on emergency power generators

Lagging in penetrations in fireproof walls

Lift shafts: asbestos cement panels lining the shaft at the opening of each floor and asbestos packing around penetrations

Limpet asbestos spray insulation

Locomotives: steam, lagging on boilers, steam lines, steam dome and gaskets

**M**

Mastik

Millboard between heating unit and wall

Millboard lining of switchboxes

Mortar

**P**

Packing materials for gauges, valves, etc can be square packing, rope or loose fibre

Packing material on window anchorage points in high-rise buildings

Paint, typically industrial epoxy paints

Penetrations through concrete slabs in high rise buildings

Pipe insulation including moulded sections, water-mix type, rope braid and sheet

Plaster and plaster cornice adhesives

Pipe insulation: moulded sections, water-mix type, rope braid and sheet

Pitch-based (zelemite, ausbestos, lebah) electrical switchboard

**R**

Refractory linings

Refractory tiles

Rubber articles: extent of usage unknown

**S**

Sealant between floor slab and wall, usually in boiler rooms, risers or lift shafts

Sealant or mastik on windows  
Sealants and mastik in air conditioning ducting joints  
Spackle or plasterboard wall jointing compounds  
Sprayed insulation: acoustic wall and ceiling  
Sprayed insulation: beams and ceiling slabs  
Sprayed insulation: fire retardant sprayed on nut internally, for bolts holding external building wall panels  
Stoves: old domestic type, wall insulation

**T**

Tape and rope: lagging and jointing  
Tapered ends of pipe lagging, where lagging is not necessarily asbestos  
Tilux sheeting in place of ceramic tiles in bathrooms  
Trailing cable under lift cabins  
Trains: country – guards vans – millboard between heater and wall  
Trains – Harris cars – sprayed asbestos between steel shell and laminex

**V**

Valve and pump insulation

**W**

Welding rods  
Woven asbestos cable sheath

**Source:** Environmental health notes number 2 guidelines for local government on asbestos, 2005 (Victorian Department of Human Services) –

[www.health.vic.gov.au/environment/downloads/hs523\\_notes2\\_web.pdf](http://www.health.vic.gov.au/environment/downloads/hs523_notes2_web.pdf)

### Appendix K – Asbestos licences

Type of licence	What asbestos can be removed?
Class A	<p>Can remove any amount or quantity of asbestos or asbestos containing material, including:</p> <ul style="list-style-type: none"> <li>• Any amount of friable asbestos or asbestos containing material</li> <li>• Any amount of asbestos containing dust</li> <li>• Any amount of non-friable asbestos or asbestos containing material.</li> </ul>
Class B	<p>Can remove:</p> <ul style="list-style-type: none"> <li>• Any amount of non-friable asbestos or asbestos containing material</li> </ul> <p>Note: A Class B licence is required for removal of more than 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material but the licence holder can also remove up to 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material.</p> <ul style="list-style-type: none"> <li>• Asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material.</li> </ul> <p>Note: A Class B licence is required for removal of asbestos containing dust associated with the removal of more than 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material but the licence holder can also remove asbestos containing dust associated with removal of up to 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material.</p>
No licence required	<p>Can remove:</p> <ul style="list-style-type: none"> <li>• Up to 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material</li> <li>• Asbestos containing dust that is: <ul style="list-style-type: none"> <li>- Associated with the removal of less than 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material</li> <li>- Not associated with the removal of friable or non-friable asbestos and is only a minor contamination.</li> </ul> </li> </ul>

An asbestos removal contractor's licence can be verified by contacting SafeWork NSW's Certification Unit on 13 10 50.

**WESTERN  
PLAINS  
REGIONAL  
COUNCIL**

Incorporating the former  
Dubbo City & Wellington councils

## **REPORT: Quarterly Economic Development Action Plan Report**

**AUTHOR: Director Corporate Development**

**REPORT DATE: 14 July 2016**

**TRIM REFERENCE: ID16/1327**

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### **EXECUTIVE SUMMARY**

This is a progress report on activities outlined in the 2015/2016 Economic Development Action Plan, adopted by the former Dubbo City Council in July 2015, for the period April to June 2016. As the final report for the year it also includes previous quarter notations.

### **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 this report be noted.**

*Ken Rogers*

Director Corporate Development

## BACKGROUND

The four-year Dubbo Economic Development Strategy was adopted by the former Dubbo City Council in September 2011 following extensive input from community, industry, government and business representatives.

The Strategy is supported by 12-month Action Plans. The 2015/2016 Economic Development Action Plan was adopted by the former Dubbo City Council in July 2015. Progress is reported quarterly to the former Economic Development Advisory Committee (EDAC) and the Executive Staff Committee before presentation to Council for adoption.

This report is an update on the progress of projects and activities of the 2015/2016 Economic Development Action Plan, undertaken by Council and key stakeholders between April – June 2016. As the final report for the year it also includes previous quarter notations.

## REPORT

Highlights for the quarter include:

- The State Government has announced funding of \$25M for the start of stages 3 and 4 of the hospital redevelopment in its forthcoming budget.
- Dubbo City NBN roll out complete.
- Successful RFDS grant application for flight simulator and extensions.
- Fly Pelican flights announced to Newcastle. Flights to commence 18 July 2016.
- Jet Go flight change from Essendon from Avalon Airport.
- Great Western Plains Destination Management Action Plan updated for 2016/2017.
- Partnered with NSWTrains to support a \$40,000 digital campaign.
- Successful grant application for Ignite Program \$40,000 and Agri Tourism Tours \$20,000.
- Digital sign tender appointed. Sign due for installation mid July 2016.
- Supported Roads and Maritime Department consultation in respect of an additional bridge over the Macquarie River in Dubbo.
- Tourism Tribe digital training sponsored.
- New Evocities creative and website launched.
- Your Dubbo 'in focus' workshops delivered May 2016.

## SUMMARY

The quarterly progress report on the 2015/2016 Economic Development Action Plan is presented to Council for notation.

Appendices:

- 1 Economic Development Action Plan Quarter Four Report



# Economic Development Action Plan 2015-2016

## Quarter Four Report

### 1. Infrastructure Development

1.1. Monitor the infrastructure needs of local industry and business sectors and encourage the private sector and all other levels of government to prioritise and align infrastructure implementation programs and funding to key economic development and employment projects for the region

Action	Progress	Accountable / Responsible	QTR
Implement the detailed long-term Infrastructure Strategy for the City.	<p>Widening of the Wheelers Lane level crossing to four lanes is now 80% completed. It will be completed during Q1 2016/17.</p> <p>The Troy Junction Railway Deviation Project opened to traffic on 29 September 2015. Earthworks for the Saleyards Effluent Management Scheme were completed during Q3.</p> <p>Upgrade of the Obley Road between the Newell Highway and Toongi is presently being designed in detail by consultants for AZL. Council staff are assisting with this process as required.</p> <p>Design work is well advanced for the Boundary Road Extension Project between Wheelers Lane and Sheraton Road. Construction of the first 300 metres east from Wheelers Lane to link up with Alexandrina Avenue is scheduled for Q1 and Q2 2016/17.</p> <p>Council staff are in close contact with RMS staff from the Wagga Wagga Office charged with completing the necessary preconstruction investigations and designs for the LH Ford Bridge Duplication. A joint standing steering committee has set up with the RMS to assist with their investigations. This investigation by the RMS will be broad-ranging and cover such issues as <b>highway traffic flows through Dubbo, whether a "ring road" might also be</b> built sooner as part of any second high level bridge crossing of the Macquarie River being now considered; and all feasible new bridge locations in addition to right beside the LH Ford Bridge.</p> <p>The northern leg of the proposed freight way ring road is under review by Stapleton Transportation and Planning P/L in response to the proposal to duplicate the LH Ford Bridge and changed growth projections for East and West Dubbo over the next 30 years and beyond since their earlier traffic study was undertaken and presented to Council. Negotiations have commenced with one landowner in this section of the proposed Freight way Ring Road.</p>	Technical Services	Q1, Q2, Q3, Q4
Undertake forums and initiate	Involvement with RDA Orana Infrastructure Plan has continued. Major	Technical Services	Q1, Q2, Q3,

discussions with government infrastructure providers to pursue future infrastructure needs and funding requirements.	freight routes in the Dubbo LGA were identified as part of the OROC response to PWC. Council's proposed organic waste collection service (third bin) is still under active consideration, which included a trial run during Q3 involving around 300 households in the Eastridge area.		Q4
Undertake forums and initiate discussions with government infrastructure providers to pursue future infrastructure needs and funding requirements.	Approach made for relocation of RFDS Headquarters to Dubbo. Approach made to State Government for possible new Centre of Excellence - SafeWork NSW. EDAC used as a forum for discussion on city infrastructure in health in October 2015. EDAC used as a forum for discussion on tourism infrastructure as part of destination management in March 2016.	Corporate Development	Q1, Q2, Q3
Undertake forums and initiate discussions with government infrastructure providers to pursue future infrastructure needs and funding requirements.	Involvement with RDA Orana Infrastructure Plan has continued. Major freight routes in the Dubbo LGA were identified as part of the OROC response to PWC. Council's proposed organic waste collection service (third bin) is still under active consideration, with a trial to be run in Q3 involving around 300 households in the Eastridge area. Still under consideration.	Technical Services	Q1, Q2, Q3, Q4
Actively monitor the Local Land <b>Service's Built and Natural</b> environment initiatives and provide input as appropriate. (2.1.2.7)	Dubbo City Council has worked closely with Local Land Services for initiatives such as travelling stock route litter control. Council has nominated for the regional LLS Weeds Committee. This is to ensure Council as a Local Control Authority is an active participant in setting the regional weed management priorities.	Parks & Landcare Services	Q1, Q2
1.2. Foster opportunities for joint infrastructure projects in cooperation with business and industry groups, government agencies and other local government			
Action	Progress	Accountable / Responsible	QTR
Gain support from the NSW and Australian Governments for the ongoing staged development of the Dubbo Hospital facility. (1.1.2.1)	The State Government has announced funding of \$25M for the start of stages 3 and 4 of the hospital redevelopment in its forthcoming budget. This will establish a new emergency department with imaging facilities, a new medical inpatient unit, an expanded ambulatory oncology (chemotherapy) unit, a new interventional cardiology unit and an ambulatory care unit.	Community Services	Q1, Q2, Q3, Q4
Promote infrastructure advantages and opportunities available for further growth of the City.	All meetings with prospective developers include promotion of the infrastructure advantages of the city including NBN and airport. NBN rollout information included in invest in Dubbo webpages on Dubbo's City website. Ongoing communications with NBN's Community Liaison Officer and appropriate information and collateral shared via social media and regular newsletter communications. NBN construction photos taken as part of the development of the investment image library development for use in marketing and communications	Corporate Development	Q1, Q2, Q3, Q4

	collateral as required. DCD and General Manager met with NBN Account Manager Greg Clifford and General Manager of NBN on March 31 to discuss roll out at Dubbo City Regional Airport. Dubbo City NBN roll out complete.		
Seek and support the development joint infrastructure projects that support economic growth of the City.	Dubbo City Regional Airport partnered with the RFDS and ELBIT Systems in a bid to expand the General Aviation Area and the RFDS Base. Supported the connection of private operators to investors. Supported two tourism infrastructure projects. Submitted a further grant application through the National Building Stronger Regions Fund for Airport infrastructure development projects. This grant funding was submitted on 14 March 2016. Successful RFDS grant application for flight simulator and extensions. Supported RMS communications of third bridge consultation.	Corporate Development	Q1, Q2, Q3, Q4
Seek and support the development joint infrastructure projects that support economic growth of the City.	Support provided when opportunities present.	Environmental Services	Q1, Q2, Q3, Q4
Free Wi-Fi in CBD	Free Wi-Fi provided within the Rotunda area of the CBD. Wi-Fi restricted to business hours.	Organisational Services	Q1, Q2, Q3, Q4
1.3. Ensure adequate supply of available land for residential, commercial and industrial purposes that supports a diverse local and regional economy and promotes economic growth			
Action	Progress	Accountable / Responsible	QTR
Liaise with the NSW Real Estate Institute (Orana), the Dubbo Chamber of Commerce and Industry Inc. and development industry on locational demands and development types affecting the City. (2.4.3.1)	Developer Forum held 31 August 2015 and also 9 December 2015 and 4 May 2016	Environmental Services	Q1, Q2, Q3, Q4
Maintain a comprehensive database of property market statistics and indicators from which to monitor the Dubbo market for residential and industrial development. (4.4.2.1)	Database is maintained and available through the Dubbo Data Centre on the City website. Median house \$328,000 and median unit \$261,000 as March 2016.	Corporate Development	Q1, Q2, Q3, Q4
<b>Review and report on Council's property portfolio in respect of</b>	A review of Council's property portfolio is undertaken on a regular basis.	Corporate Development	Q1, Q2, Q3

property development, acquisitions and disposals. (4.4.2.4)			
Monitor, review and adjust planning imperatives, where possible, to aim for an <b>adequate 'supply versus demand' balance for residential, commercial and industrial land in the City.</b>	Land supply monitor report in respect of residential land presented to ESCM in August 2015. Commercial/Industrial land monitors was reviewed in April 2016.	Environmental Services	Q1, Q2, Q3, Q4
1.4. Encourage sustainable development and environmentally friendly business practices which protect and maintain the local natural environment and existing infrastructure, facilities and amenity			
Action	Progress	Accountable / Responsible	QTR
Undertake an annual review of the Economic Profile of the City. (2.4.1.2)	Online profile update completed in line with data releases from ABS and Tourism Research Australia.	Corporate Development	Q1, Q2, Q3, Q4
Undertake an annual review of the Education for Sustainability Strategy. (2.1.3.1)	Review undertaken November 2015.	Environmental Services	Q1, Q2, Q3, Q4
Prepare and formulate the State of the Environment report in accordance with the requirements of the Local Government Act 1993. (2.1.2.5)	Completed in October 2015.	Environmental Services	Q1, Q2, Q3, Q4
Review the implementation of and monitor the Dubbo Environmental Management Plan with respect to all identified environmental sectors. (2.1.1.1)	Review completed November 2015	Environmental Services	Q1, Q2, Q3, Q4
Undertake an annual review of the Development Control Plan to ensure relevance and compatibility with changing needs and ecologically sustainable development principles. (2.2.3.5)	Prepare draft for presentation by May 2016. Review of Development Control Plan proposed to commence in first half of 2016/2017 with consideration to the new Council entity.	Environmental Services	Q1, Q2, Q3, Q4
Facilitate and / or coordinate information flows (including	Information and education is ongoing.	Environmental Services	Q1, Q2, Q3, Q4

events) designed to educate the community regarding the benefits of sustainable development.			
1.5. Promote alternative energy sources and infrastructure			
Action	Progress	Accountable / Responsible	QTR
Facilitate alternative energy / technology business opportunities in partnership with relevant industry sectors and State Government - to support initiatives that attract low carbon investment in Dubbo.	Support provided.	Environmental Services	Q1, Q2, Q3, Q4
1.6. Monitor the availability of infrastructure and facilities which may influence the ability to attract and retain businesses and population across the region			
Action	Progress	Accountable / Responsible	QTR
Industry representative bodies to provide feedback to Council regarding emerging threats and opportunities in respect of the availability of infrastructure and facilities.	Mayoral Developer Forum held 31 August and 9 December 2015. EDAC used as a forum for discussion on City infrastructure in health in October 2015. EDAC used as a forum for discussion on tourism infrastructure as part of destination management in March 2016.	Corporate Development	Q1, Q2, Q3
Implement rolling program to improve known deficiencies in existing drainage schemes. (1.5.8.1)	Stage 2 of the North Dubbo Drainage Project has been completed.	Technical Services	Q1, Q2, Q3
Review and establish priorities for urban and rural road construction/re-construction for input into the annual Business Plans. (3.1.4.1)	As a result of the NSW Government decision to duplicate the LH Ford Bridge, and changed detailed growth projections for the City between East and West Dubbo over the last 5 years, Stapleton Transportation and Planning P/L have been re-engaged to check the results previously used to create the Dubbo Transportation Strategy to 2045. Initial results from Q2 were refined during Q3 and Q4 to facilitate detailed discussions with the RMS.	Technical Services	Q1, Q2, Q3, Q4
Seek additional water resources to cater for the growth of the City. (3.2.2.1)	In addition to the a concept design work for a water main between Burrendong Dam and Dubbo, Council has been seeking approval from DPI Water to enter the water market as a temporary trader of town water supply allocations and to possibly share the licences of other Councils within the Lower Macquarie Water Utilities Alliance. Positive indications have been	Technical Services	Q1, Q2, Q3

	received from DPI Water during Q1 and Q2.		
Implement a master plan for the Showground. (4.4.5.4)	Masterplan being implemented as adopted by Council in March 2015.	Corporate Development	Q1, Q2, Q3
1.7. Research critical infrastructure needs for key growth industries in the region and identify and prioritise immediate infrastructure deficiencies			
Action	Progress	Accountable / Responsible	QTR
Establish a mechanism to monitor industry and commerce to identify deficiencies and opportunities.	Economic Development Advisory Committee (EDAC) provides advice in this regard. Due to amalgamation of councils in May EDAC is no longer active.	Corporate Development	Q1, Q2, Q3, Q4
1.8. Develop criteria for determining the priority projects for infrastructure spending in the region giving consideration to those which will boost economic activity (such as jobs growth, developing external markets and productivity improvements)			
Action	Progress	Accountable / Responsible	QTR
Maintain a list of strategic priority projects for infrastructure.	List of strategic priority project applications maintained. Restart NSW Regional Tourism Grant application for strengthening of runway at Dubbo Regional Airport was successful with \$7.46 million approved. Upgrade of cattle yards commenced in the 3rd quarter.	Corporate Development	Q1, Q2, Q3
1.9. Pursue improvements to, and application of communication technology in the region and encourage all new developments to have advanced communications/technological infrastructure available such as the National Broadband.			
Action	Progress	Accountable / Responsible	QTR
Ensure that opportunities for economic growth of the City, associated with the implementation of the National Broadband project, are realised.	Potential investors are advised of NBN within the City and its advantages. Positive relationships maintained with NBN. Accommodation Network Group provided with presentation on NBN roll out and changing over business systems in accordance with NBN uptake. NBN included in investment collateral and online information.	Corporate Development	Q1, Q2, Q3, Q4

<p>Investigate opportunities for Dubbo to take advantage of technological opportunities associated with business and community</p>	<p>As part of "Your Dubbo" business development training program, "Your Digital Space" business development workshop was held 29 September 2015.                  Opportunities investigated at opportunity.                  On line business training calendar maintained.                  Evocities jobs platform maintained.                  Sponsored tourism Tribe digital workshops for accommodation and attraction operators.</p>	<p>Corporate Development</p>	<p>Q1, Q2, Q4</p>
<p>Investigate opportunities for Dubbo to take advantage of technological opportunities associated with business and community</p>	<p>Currently investigating options for vehicle charging stations in the city.</p>	<p>Environmental Services</p>	<p>Q1, Q2, Q3, Q4</p>
<p>Investigate opportunities for Dubbo to take advantage of technological opportunities associated with business and community</p>	<p>Opportunities investigated as appropriate.                  As part of "Your Dubbo" business training program, "Your Digital Space" business development workshop was held 29 September 2015.                  Charging stations in the CBD and applicable grants investigated as part of Ignite Program.                  Digital promotional signage project progressing for installation at Elston Park in fourth quarter. Tenders have closed, pending adoption by Council in March.                  Dubbo Stock and Station Agents investigating upgrades for hardware and software for digital recording of cattle sales at the Dubbo Regional Livestock Markets.                  Emergency sheep ear tags being recorded and transmitted from Dubbo Regional Livestock Markets to LLS digitally.                  DCD and General Manager met with NBN Account Manager Greg Clifford and General Manager of NBN on March 31 to discuss roll out at Dubbo City Regional Airport.                  Digital signage complete. Installation scheduled for mid-July 2016.                  Tourism operators provided Digital Training membership delivered by industry expert Tourism Tribe. The membership will maintain progressive city profile through up skilling and ensuring high level of positive digital engagement within the accommodation and attraction sector.                  Successful grant application from Murray Darling Basin Energise Enterprise Fund of \$40,000 for the Ignite Program.                  Four industry specific Your Dubbo training workshops delivered as follow up to business development program.</p>	<p>Corporate Development</p>	<p>Q1, Q2, Q3, Q4</p>
<p>1.10. Promote the development of airport infrastructure at the Dubbo City Regional Airport as an opportunity for business expansion in the aviation related industry and to support other business/industry expansion/investment</p>			
<p>Action</p>	<p>Progress</p>	<p>Accountable / Responsible</p>	<p>QTR</p>

<p>Continue to develop and promote the Dubbo City Regional Airport as an opportunity for business expansion for aviation related industry.</p>	<p>Two grant applications were submitted to Restart NSW Regional Tourism Infrastructure - Airports. Application to strengthen the runway and upgrade Lighting to the value of \$7.46M was successful. Expansion to the general aviation area to the value of \$6.45M is pending advice from Infrastructure NSW. Consultancy engaged to develop feasibility cost analysis of main runway extension. Consultancy engaged to develop business case study for presentation to airlines for routes between Dubbo and major centres other than Sydney. Consultancy engaged to develop five year price path for Airport.</p> <p>Both projects aim to increase visitation and provide for business expansion. Dubbo City Regional Airport now provides 166 flights per week (including new Melbourne flights in October), linking Dubbo with Sydney, Brisbane, Melbourne, Broken Hill and Cobar.</p> <p>Rehbein Airport Consulting have been engaged to undertake costings for extending the runway, and a report will be tabled for the April 2016 Working Party Meeting.</p> <p>The "Let's Fly" positioning statement has been adopted for use in promotional activity.</p> <p>Advertising and editorial of the Airport was included in the RDA Orana Region Prospectus released November 2015.</p> <p>YTD passenger numbers to June 2016 was 203,294 passengers.</p> <p>Fly Pelican flights announced to Newcastle. Flights to commence 18 July.</p> <p>Jet Go flight change from Essendon from Avalon.</p>	Corporate Development	Q1, Q2, Q3
1.11. Encourage and promote partnerships with State and Federal governments and agencies in respect of infrastructure needs of local businesses and for future investment in infrastructure (such as transport links, roads, broadband access and phone coverage)			
Action	Progress	Accountable / Responsible	QTR
Undertake forums and initiate discussions with government infrastructure providers to pursue future infrastructure needs and funding requirements.	<p>Mayor and GM meet generally on a monthly basis with Member for Dubbo and Deputy Premier, the Hon Troy Grant in Q1 and Q2, no meeting was held in Q3. Main infrastructure focus has been the duplication of the LH Ford Bridge with discussion proceeding with RMS in respect of the project.</p> <p><b>Council's applications under the Tourism Infrastructure Grant Program in respect of the Dubbo City Regional Airport was successful with \$7.46 million in funding secured.</b></p>	General Manager	Q1, Q2



	Mayor meets with Federal Member for Parkes, Mark Coulton, generally every two months. Council has been successful in obtaining Federal Government funding in the amount of \$3.3m under the National Stronger Regions Fund for the DRLM cattle selling Pens upgrade.		
Gain support from the NSW and Australian Government agencies for the need for an additional flood free bridge across the Macquarie River at Dubbo. (3.1.3.1)	The need for an additional flood free bridge at Dubbo is now accepted. However the RMS are required to undertake their own due diligence studies as to where best such a bridge should be located. The LH Ford Bridge duplication is one obvious option, but there are significantly more expensive options between there and the Talbragar River confluence which might be physically feasible in conjunction with the accelerated construction of a highway bypass around West Dubbo. RMS presented options to Council meeting March 2016.	Technical Services	Q1, Q2
Gain support for continuation of the Inland Rail Project.(3.1.9.2)	Council continues to support the Inland Rail Project. The Australian Government is already spending \$300 million on preconstruction investigations, including substantial sums north and south of Narromine, which will be on the route when built.	Technical Services	Q1, Q2
Completion of the Dubbo Regional Livestock Markets facilities upgrade. (4.4.3.7)	Masterplan being implemented as adopted by Council in March 2015.  Quotations and tenders for the Weighbridge Project including weighbridge and gates and fencing and water reticulation for the holding yards have been let. Construction due to commence in April 2016. Construction commenced in May 2016 and is on-going	Corporate Development	Q1, Q2, Q3, Q4
Continue to seek Government funding to undertake the construction of a new headquarters building for the Dubbo Local State Emergency Services Unit as secondary stage of the new Rural Fire Service Zone Centre development at Dubbo Airport. (1.5.5.5)	There has been no progress on funding a new SES Centre for Dubbo. The Dubbo Unit is currently very happy with its Depot Road premises.	Technical Services	Q1, Q2

## 2. Mining and Mining Services Expansion

### 2.1. Provide support including networking on specific business development issues

Action	Progress	Accountable / Responsible	QTR
Support the development of the Cobbora Coal Mine project and	Met with Alkane 10 July 2015, Alkane presented to Accommodation Group Meeting 21 July 2015.	Corporate Development	Q1, Q2, Q3, Q4

the Toongi Zirconia Mine project. (2.2.5.5)	<p>Attend NSW Mining Health Safety and Environment Conference 30 August to 1 September 2015.</p> <p>Facilitated Alkane presentation at Economic Development Advisory Committee meeting 14 October 2015.</p> <p>Promoted Alkane community information session 28 October 2015 and promoted through eblast and twitter.</p> <p>Attended Alkane community information session 28 October 2015.</p> <p>Supported communications of Environmental Assessment Progression (now approved) through social media.</p> <p>Began development of two specific workforce development programs focused on manufacturing and mining sector.</p> <p>In collaboration with Dubbo Chamber of Commerce and NSW Trade and Investment, Economic Development provided support and assistance to METS NSW (Mining Equipment and Technology Services) Information Session and Industry Panel Workshops delivered in Dubbo in May 2016. The Hunternet Group were engaged by METS NSW improve business capabilities and marketing efforts to suit mining and manufacturing supply chains.</p>		
Continue to support the Dubbo <b>Zirconia Mine's proposal</b> to reopen the Dubbo-Toongi railway line as its preferred haulage route. (3.1.10.3)	Council has been co-operating fully with Alkane's consultants drawing up plans to upgrade the Obley Road. The VPA between Council and Alkane provides that Alkane will fund this upgrade.	Technical Services	Q1, Q2, Q3, Q4
Promote business opportunities for, and provide support to, the mining industry	<p>Mining Services Action Plan in place.</p> <p>Article published in The Weekender - Mining Under our Nose 14 August 2015.</p> <p>Engagement of sector in Toongi Development including eblast of information and portion of community meeting.</p>	Corporate Development	Q1, Q2

Promote business opportunities for, and provide support to, the mining industry	<p>Mining Services Action Plan in place.</p> <p>Article published in The Weekender - Mining Under our Nose 14 August 2015.</p> <p>Supported communications of Environmental Assessment Progression (now approved) through social media.</p> <p>Began development of two specific workforce development programs focused on manufacturing and mining sector.</p> <p>Engagement of sector in Toongi Development including eblast of information and promotion of community meeting.</p> <p>Facilitated the delivery of Industry Capability Panel Sessions to businesses looking to strengthen and improve mining and manufacturing supply chains. Four Dubbo businesses participated in the Supply Chain Participation Program held in Dubbo in May 2016. The Hunternet Group were engaged by METS NSW improve business capabilities and marketing efforts to suit mining and manufacturing supply chains.</p>	Corporate Development	Q1, Q2, Q3, Q4
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2.2. Ensure appropriate infrastructure investment and planning, including investment in both hard and soft infrastructure for business and the community

Action	Progress	Accountable / Responsible	QTR
Develop and implement a Mining and Mining Services Strategy that identifies needs and opportunities likely to be associated with the expansion of mining in the region to ensure adequate land, services and facilities are available to support the industry.	Mining Services Action Plan being implemented.	Corporate Development	Q1, Q2, Q3, Q4
Undertake a review of the social and economic impacts of mining within the region.	The review has been completed, and the mining Infrastructure and Services Impact Model developed.	Environmental Services	Q1, Q2, Q3, Q4

2.3. Promote Dubbo as the premier mining service centre

Action	Progress	Accountable / Responsible	QTR
Work closely with industry organisations to further <b>highlight Dubbo's key</b> geographical positioning and to encourage mining sector business growth within the	<p>Met with NSW Minerals Council twice.</p> <p>Attended 2015 NSW Mining Health and Safety Conference in Hunter.</p> <p>Bid made for NSW Minerals Council 2016 conference.</p> <p>Attended Austmine Forum - Connecting Industry Business Forum in Orange 25 November 2015.</p> <p>Met with Austmine in Dubbo 16 December 2015 including introduction to</p>	Corporate Development	Q1, Q2, Q3, Q4

region.	Chamber President. Development of the 2016 Economic Prospectus currently underway with delivery planned in fourth quarter. Maintained communication with Austmine and met with Department of Industry Senior Project Officer, METS. 2016 Economic Prospectus delayed due to Amalgamation, due Mid-August. Economic profiling information updated to reflect new LGA area.		
2.4. Ensure adequate land is available to support investment and to provide accommodation options			
Action	Progress	Accountable / Responsible	QTR
In conjunction with the annual review of the Dubbo Local Environmental Plan ensure adequate, appropriately zoned land is available to support the mining industry.	Land monitors undertaken.	Environmental Services	Q1, Q2, Q3, Q4
2.5. Support micro-enterprise initiatives that support and service the mining sector and its employees			
Action	Progress	Accountable / Responsible	QTR
Ensure that the Economic Development Services Delivery Program provides support to the mining industry.	Economic Development provides support to mining industry as required, Mining Services Action Plan in place. Alkane presented to Dubbo Accommodation Group on being mine ready. Mine advised of Dubbo based company specialising in pipeline construction. Industry consultation occurring on a regular basis. Communications support provided through social media sharing and sharing of Alkane and mining related media releases through channels as appropriate. The Hunternet Group were engaged by METS NSW to deliver Information Evening to engage industry and provide opportunity to improve business capabilities and marketing efforts to suit mining and manufacturing supply chains.	Corporate Development	Q1, Q2, Q3, Q4
Work closely with industry organisations and other stakeholders to further develop small business opportunities related to growth of the mining sector within the region.	Engaged with Chamber highlighting the importance of mining in our region. Numerous meetings with small business with mining opportunities and importance in region highlighted. Alkane presentation to Accommodation Group Meeting 18 August 2015. Met and introduced Austmine to Chamber President 16 December 2015. Provided feedback on Price Waterhouse Cooper report on release of Containerised Cargo Demand Assessments. Facilitated and promoted two workforce development programs focused on manufacturing and mining sector.	Corporate Development	Q1, Q2, Q3, Q4

## 2.6. Encourage and support the provision of the specialised training and education within Dubbo

Action	Progress	Accountable / Responsible	QTR
Actively participate in and support the establishment of specialised training and education facilities within Dubbo.	Met with State Operation Manager Mines Rescue - RTO August 2015 and subsequent contact September 2015.  Update provided to CSU on mining in area and contact details shared of Alkane.	Corporate Development	Q1, Q2

## 3. Tourism Destination Development

## 3.1. Establish a tourism destination development strategy to enable market gaps and opportunities to be formally identified and provide relevant fact based information for future development/investment consideration

Action	Progress	Accountable / Responsible	QTR
Implement the Destination Management Plan (DMP).	Plan being implemented. Great Western Plains, Great Big Adventures campaign launched on 16 September 2015. Working Group meeting held in Dubbo on 16 September 2015. Working Group Meeting held 18 November in Gilgandra. Win a Great Big Adventure consumer competition launched. Regional Event Action Plan finalised.  The regional Destination Management group continue to meet each quarter, with meetings held in September (Dubbo), November (Gilgandra), April (Narromine) & June (Warren). The group offered to partner with NSW Business Chamber to undertake recreational vehicle traveller/free Camper research to identify the value of the market group. Meeting held 27 April 2016 in Narromine. Meeting held 22nd June In Warren. Group unanimously agreed to keep working together collaboratively despite the foreseeable closure of Inland NSW RTO. Great Western Plains Destination Management Action Plan updated for 2016/17. Great Western Plains regional guide in design and due to be in market August 2016.	Corporate Development	Q1, Q2, Q3, Q4

## 3.2. Encourage diversification through tourism product development based on the cultural, natural and built assets of the region

Action	Progress	Accountable / Responsible	QTR
Implement components of the Wirradjuri Park Masterplan including sourcing external funding opportunities. (1.3.3.4)	Additional components of the Masterplan have been implemented with capital work completion of the Wiradjuri Park pontoon, lighting, fencing and access road with new entrance from Thompson Street. Grant funding was sourced from RMS for \$24,500 to contribute to the project and was completed in October 2015.	Parks & Landcare Services	Q1, Q2

Liaise with Minokamo for advice and assistance in maintaining authenticity of Shoyoen. (2.2.4.6)	The specialist Japanese Horticultural skills training program continued with the assistance of 1 gardener from Minokamo in September 2015. Three Parks and Landcare Operations staff received training in Japanese gardening techniques during the Minokamo Gardener's visit. <b>June saw the planning for the next visitation by Minokamo landscapers being undertaken.</b>	Parks & Landcare Services	Q1, Q2, Q4
Submit an annual application to Roads and Maritime Services for cycleway funding. (3.1.13.1)	Council has been co-operating fully with Alkane's consultants drawing up plans to upgrade the Obley Road. The VPA between Council and Alkane provides that Alkane will fund this upgrade.	Technical Services	Q1, Q2, Q3, Q4
Submit an annual application to Roads and Maritime Services for cycleway funding. (3.1.13.1)	An application was submitted in August for projects in the next three financial years: 2016/17 – Cycleway in Troy Gully Reserve Stage 1; 2017/18 – Cycle lane marking in Sheraton Rd, Myall St & Hawthorn St. 2018/19 – Cycleway in Troy Gully Stage 2. Work is also under way on a new Footpaths and Cycleway Strategy for the City.	Technical Services	Q1, Q2, Q3, Q4
Promote the natural, cultural and built assets of the City.	Great Western Plains campaign launched. Campaign promotes nature and family adventures, including Taronga Western Plains Zoo, Old Dubbo Gaol, Macquarie River, Warrumbungles National Park, Wellington Caves and Narromine Gliding. Dubbo + Great Western Plains, <b>Great Big Adventures 2015/16: The 'Win a Great Big Adventure' competition was completed. 3,652 entrants to the competition opted-in to receive further communication about Dubbo + Great Western Plains.</b> A six-week email marketing campaign was undertaken in the lead up to the Autumn school holidays to encourage visitation to the region. An \$180,000 TV campaign took place from 28 February 2016 – 2 April 2016 on Prime7 Newcastle, Tamworth and Orange to encourage visitation to the region in the lead up to the Autumn school holidays. Dubbo City Council in partnership with Inland NSW Tourism and Bauer Media submitted an application for funding to Destination NSW under the Regional Visitor Economy Fund for the Dubbo + Great Western Plains destination appeal campaign 2016/17. Application was unsuccessful. Campaign activity in 2016/2017 will be implemented in cooperation with corporate partners and city development partners. Dubbo City Council has partnered with Taronga Western Plains Zoo, Old Dubbo Gaol, Dundullimal Homestead, Western Plains Cultural Centre, Dubbo Regional Botanic Gardens and the Wellington Caves to undertake a direct marketing campaign to target the 2,500 NSW schools in March-April 2016. Branch supported NSWTrains \$40,000 Digital campaign through content creation, development of campaign landing page and promotion of packages and train tickets. School holiday communication and promotion undertaken by Visitor Centre. RiverSmart Gold membership maintained.	Corporate Development	Q1, Q2, Q3, Q4
Promote the natural, cultural	Parks and Landcare continues to support promotion of quality recreation	Parks & Landcare Services	Q1, Q2, Q3,

and built assets of the City.	infrastructure and public amenities such as Barden Park, Dubbo Apex Club's Caltex Park and other regional assets such as the Dubbo Regional Botanic Garden. Continued promotion of riverbank foreshore and river activities for increased usage will be maintained. This has been enhanced by the construction of new riverside shared pathways through Regand Park in south Dubbo. In terms of promotion of sporting assets the SBS NITV National Television coverage of the 2015 Koori Rugby League Knockout held at Dubbo Apex Club's Caltex Park was a highlight this quarter. In Q4 Council is working with state and national sporting associations to bring major carnivals and events to Dubbo. Staff are meeting the Member for Dubbo and the Minister for Sport at Caltex Park and Barden Park.		Q4
Facilitate and support the development of new tourism related business ventures, and the expansion of existing tourism related business ventures.	Detailed concept designs have been developed for the regional botanic play space at Dubbo Regional Botanic Garden, Elizabeth Park. This is the next phase of the Master Plan implementation.	Parks & Landcare Services	Q2, Q4
Implement a biennial touring program for Western Plains Cultural Centre curated exhibition. (1.3.1.12)	Theme and art collection items determined - Emma Thompson Photography Exhibition. Galleries to host exhibition confirmed. Tour scheduled for late 2016.	Community Services	Q1, Q2, Q3, Q4
Include a full carved Aboriginal trees display at the Western Plains Cultural Centre. (1.3.3.7)	Discussions being held with the Dubbo Aboriginal Community Working Party regarding making a submission to the Australian Museum to repatriate carved trees in its collection to Dubbo.	Community Services	Q1, Q2, Q3, Q4
Complete capital projects at the Old Dubbo Gaol funded by the Cobbora Transition Grant to \$1M and Heritage Council of NSW to \$150,000. (1.3.7.5)	Watchtower and Infirmary Block restoration projects completed. Repairs to salinity damage in masonry walls completed. Report on priority projects to complete with remainder of grant funds submitted to the Old Dubbo Gaol Working Party in November 2015. Front entry works commenced including wooden block paver replacement. Front entry signage project in progress and awaiting design approval before commencing installation.	Community Services	Q1, Q2, Q3, Q4
<b>3.4. Utilise the region's</b> natural and cultural environment as tourist attractions in collaboration with tourism industry stakeholders to benefit from the \$24 Billion Australian Nature Tourism industry.			
Action	Progress	Accountable / Responsible	QTR
Investigate and pursue opportunities for further industry growth.	High end City Chinese tour conducted in August with success. Funding application for rail trail under restart NSW Tourism has been shortlisted. Rail trail project reviewing regulations, this may open up opportunities for rail trail product in the Western Plains region in the future. Development of Agri-Tourism product to diversify agricultural businesses into the tourism sector. Product being developed to leverage regional Agri-Tourism primary product across eight local government areas with Dubbo as	Corporate Development	Q1, Q2, Q3

	anchor destination.		
City Promotions Strategy and other associated programmes and strategies to include activities that support local promotion and community pride on being home of the TWPZ. (4.3.2.1)	Taronga Western Plains Zoo included in Great Western Plains TV commercial. A short video promoting a day of adventure at TWPZ has been created. TWPZ featured strongly in redeveloped website greatwesternplains.com.au Supported insert into Western Sydney Newspapers in December 2015. Supported and communicated TWPZ wins at NSW Tourism Awards. TWPZ school holiday activities promoted. VIC continues to support familiarisations to TWPZ. TWP included in cooperative partnership with NSW trains. Rhino entry project developed and due to commence July 2016.	Corporate Development	Q1, Q2, Q3, Q4
3.5. Maintain and develop quality recreation infrastructure and public amenities which support tourism offerings (such as recreation areas, accommodation, cultural facilities, tourism information facilities, service areas, signage and tourist trails)			
Action	Progress	Accountable / Responsible	QTR
Implement the Dubbo City Strategic Open Space Master Plan	Further development of Regand Park pathways and cycle ways has continued in accordance with the Open Space Master Plan, which is due to be completed in October. In addition, design and documentation for Victoria Park No 1 Oval removal of cycleway and subsequent upgrading of the Oval has commenced. Keswick development of Open Space Masterplan is continuing along with completion of works at Wiradjuri Park. Further work has been completed on the Urban Forest and strategic tree planning. Council has adopted the revised masterplan in March 2016.	Parks & Landcare Services	Q1, Q2, Q3
In conjunction with sporting groups seek external funding to assist in the upgrade of tennis facilities to a regional standard. (1.4.6.19)	No external funding opportunities have been identified for grant applications to assist with the upgrade of tennis facilities.	Parks & Landcare Services	Q1, Q2, Q3
Implement the Public Art Strategy. (2.6.2.1)	The Public Art Register website now running. Two rounds of nominations of works to go onto the Register approved.	Community Services	Q1, Q2, Q4
Review the Program for the provision of public transport infrastructure and consult with the Dubbo Transport Working Group. (3.1.14.1)	This Working Group ceased to exist because there is no longer a Dubbo-based TNSW representative. However the Infrastructure Review will be undertaken in 2016.	Technical Services	Q2, Q3, Q4
Identify specific tourism infrastructure and amenities considered important to servicing a current or emerging tourism segment not currently	Continue to work with TASAC through the DMP process. Contact made with TASAC regarding regional signage program and requested opportunity to discuss program policies. TASAC attended Destination Management meeting in November. Old Dubbo Gaol and Elizabeth Park held discussion with Tourism NSW and	Corporate Development	Q1, Q2, Q3, Q4



available in the City.	Inland NSW in regards to accessing product development funding in 2016. Still awaiting outcome of application to RVEF for Elizabeth Park. Agri - Tour product scoped and surrounding LGAs engaged with product development. Product due in market January 2017. Digital event sign created - installation due mid-July.		
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**3.6. Utilise the City's assets to attract business tourism and major events to the region, and through collaboration attract high quality and high yield events**

Action	Progress	Accountable / Responsible	QTR
City Events Strategy implemented. (4.2.1.2)	Strategy being implemented. Exhibited at The Event Show in Sydney. Work currently being undertaken to help secure events for the City that request financial assistance from Council. <b>Staff attended sponsorship symposium and are currently developing "City Sponsorship for Events" framework.</b> Regional events strategy included in the regions destination management plan.	Corporate Development	Q1, Q2, Q4
Develop a capital upgrade programme with cost estimates to modernise the Convention Centre component of the Dubbo Regional Theatre and Convention Centre. (1.3.1.7)	Perumal Pedavoli Architects commissioned to do feasibility study and concept designs. Concept designs with cost estimates submitted to Council in December 2015. Council staff now prioritising staged developments to undertake the work in financially manageable packages.	Community Services	Q1, Q2
Monitor commercial accommodation occupancy rates for trends. (4.2.2.6)	Monthly reports being developed and distributed. Quarterly visitor statistics being received by Tourism Research Australia and included online.	Corporate Development	Q1, Q2, Q3, Q4

**3.7. Establish an identity for Dubbo that reflects the community's aspirations and provides a platform for marketing and promotion of the City whilst identifying the City's unique selling points and year round tourism offer**

Action	Progress	Accountable / Responsible	QTR
All key promotional activities reflect the City Brand and support key brand messages. (4.3.1.1)	All signage, online and advertising activities reflecting City Brand. New destination brand - Great Western Plains Great Big Adventures launched including a website, TV commercial and videos. City brand reflected in Smile its Christmas activities, destination marketing activities and new city merchandise at Visitor Information Centre. New digital event sign reflects City branding.	Corporate Development	Q1, Q2, Q3, Q4
Implement City Signage Strategy. (4.2.1.7)	City entry signage maintenance program currently in development to be implemented in quarter four. New digital information sign installed at the Dubbo City Holiday Park. Tenders for the events and promotions digital sign have closed, pending	Corporate Development	Q1, Q2, Q3, Q4

	adoption by Council in March. Digital Sign due for installation mid July 2016.		
Undertake a monthly rolling visitor satisfaction survey.(4.1.2.9)	Surveys being conducted. Currently 99.60% satisfaction with quality of information and 100% satisfaction with service. (June 2016)	Corporate Development	Q1, Q2, Q3, Q4
Conduct an annual City Promotions Program Customer Satisfaction Survey. (4.2.2.7)	Surveys being conducted. Currently 99.60% satisfaction with quality of information and 100% satisfaction with service. (June 2016)	Corporate Development	Q1, Q2, Q3, Q4

### 3.8. Support and encourage cooperative marketing and product development initiatives

Action	Progress	Accountable / Responsible	QTR
Communicate with industry to provide information on co-operative campaign/promotional opportunities. (4.1.2.4)	City Development Partners and local operators provided with information and opportunity to support content for Great Western Plains website, support media famil from Travel In editor, promote their business on Travel in websites, and receive on line bookings through Travel in and Great Western Plains website. Local operators included in the NSW Train cooperative promotion.	Corporate Development	Q1, Q2, Q3, Q4
Deliver two (2) major campaigns targeting key tourism markets annually. (4.1.2.6)	Dubbo and Great Western Plains, Great Big Adventures campaign launched on 16 September. Six month campaign currently in market and includes TV and digital advertising, a website, social media, a consumer competition and use of mini videos promoting key attractions and events. NSW Tourism \$40,000 digital campaign supported. Direct marketing campaign to school completed.	Corporate Development	Q1, Q2, Q3, Q4
Dubbo City Partnerships Program is maintained. (4.2.1.6)	City Development Partnership Program currently has 215 partners.	Corporate Development	Q1, Q2, Q3, Q4

### 3.9. Provide quality information to enhance visitor experiences and attract visitation through a broad spectrum of mediums whilst identifying **and responding to Dubbo's key tourism market segments**

Action	Progress	Accountable / Responsible	QTR
Provide a quality information service electronically.	dubbo.com.au being maintained. Support being provided to the ongoing development of Travelln, a new digital travel platform commissioned by Inland NSW. Visitor enquires managed online. Dubbo City Guide provided in online flipbook. Visitors enquires responded to via social media. Service agreement made with Bauwer Media to create Great Western Plains site as part of the Travelln platform in 2016/17	Corporate Development	Q1, Q2, Q3, Q4
Provide an effective City information service that	Dubbo Visitors Information Centre remains Level 1 accredited. VIC currently has a 99.60% customer satisfaction with quality of service. 100%	Corporate Development	Q1, Q2, Q3, Q4

promotes the City and its various attractions and services. (4.2.2.1)	satisfaction with quality of information The Dubbo Visitors Centre represented both Dubbo and New South Wales in the Visitor Services Category at the National Tourism Awards held at the Melbourne Convention Centre in early February 2016.		
3.10. Support and encourage cooperative marketing and product development initiatives			
Action	Progress	Accountable / Responsible	QTR
Develop and implement a program for all permanent staff and Ambassadors of the Visitor Information Centre (VIC). (4.2.2.2)	Ongoing, 12 Ambassadors maintained.	Corporate Development	Q1, Q2, Q4
Review service levels and Capital Works Program to ensure that the VIC maintains its Visitor Information Network Accreditation. (4.2.2.3)	Services levels review ongoing. Capital Works Program reviewed with Manager Commercial Facilities August 2015.	Corporate Development	Q1, Q2, Q3, Q4
Undertake monthly and quarterly reviews and updates of key information and promotional material. (4.2.2.4)	Reviews being undertaken on dubbo.com.au, investindubbo.com.au, information signs, Australian Tourism Data Warehouse listing and regional posters updated. Dubbo City Guides and Dubbo Investment Prospectus currently in development for 2016. All key information updated to reflect amalgamated LGA. Prospectus in Development – delayed due to Amalgamation, updated prospectus to include key elements/factors of new LGA due mid-August VisitNSW website reviewed. Content updated due to be completed by Destination NSW in July / August 2017.	Corporate Development	Q1, Q2, Q3, Q4

## 4. Transport & Distribution Expansion

### 4.1. Expand and strengthen Dubbo's role as a 'hub' for transportation and service operations

Action	Progress	Accountable / Responsible	QTR
Promote Dubbo as the 'hub' for transportation and service operations by ensuring appropriately zoned land and information via the Strategic Land Use and Infrastructure Strategies.	Appropriately zoned land and information via the Strategic Land Use and Infrastructure Strategies provided.	Environmental Services	Q1, Q2, Q3, Q4

Promote Dubbo as the 'hub' for transportation and service operations by ensuring appropriately zoned land and information via the Strategic Land Use and Infrastructure Strategies.	Council continues to promote Dubbo as a transport hub as part of the current RDA Orana Infrastructure Study and by completing infrastructure such as the rail deviation project at Troy Junction and gazettal during Q2 of Bunglegumbie/Troy Bridge Roads as a road train and HML route which facilitates heavy vehicle connectivity between the highways focused on Dubbo, and into Dubbo itself from those same highways.	Technical Services	Q1, Q2, Q3, Q4
Continue to gain support from NSW and Australian Governments and utilise the resources of the Australian Airport Association to ensure continued viable access to Kingsford Smith Airport for regional airlines. (3.1.18.1)	Access to Kingsford Smith Airport is being maintained. Australian Airport Associations Operations Forum in May 2016 to be attended by Manager Airport Operations.	Corporate Development	Q1, Q2, Q3
Facilitate and support initiatives that will assist with positioning Dubbo as the 'hub' for transportation and service operations in Western NSW.	Jetgo Brisbane flights commenced July 2015. Jetgo flights to Melbourne commenced October 2015. State Government evaluating proposals for western air spoke based out of Dubbo. Submission made to Fly Pelican for RPTs to Newcastle from Dubbo City Regional Airport. Airport Association Operations Forum in May to be attended by Manager Airport Operations. Fly Pelican due to start mid July 2016 for RPTs to Newcastle from Dubbo City Regional Airport. Cooperative promotions with Newcastle Council promoting both destinations created and due in market early July 2016.	Corporate Development	Q1, Q2, Q3, Q4

#### 4.2. Promote and market Dubbo as a major transport and logistics 'hub' to support the mining sector

Action	Progress	Accountable / Responsible	QTR
Promote Dubbo as the transportation and logistics 'hub' for all mining and mining services in western NSW.	Inland Rail Regional Impact Snap Shot shared with Federal Member. Transport Flagged as a key area of Mining Services Action Plan. Price Waterhouse Coopers (PWC) Containerised Cargo Demand Assessments - Central West and Northern NSW read and feedback provided. Prospectus in Development – delayed due to Amalgamation, updated prospectus to include key elements/factors of new LGA due mid-August	Corporate Development	Q1, Q2, Q3, Q4

#### 4.3. Expand and promote Dubbo's role as a major road/rail interchange centre

Action	Progress	Accountable / Responsible	QTR
As a result of defined strategies and forward planning, establish	Inland Rail Regional Impact Snap Shot shared with Federal Member. Transport Flagged as a key area of Mining Services Action Plan.	Corporate Development	Q1, Q2, Q3, Q4

and promote Dubbo as a major road and rail interchange, due to its strategic location.	Dubbo City Prospectus currently in development for delivery in the fourth quarter. Prospectus in Development – delayed due to Amalgamation, updated prospectus to include key elements/factors of new LGA due mid-August		
4.4. Promote Dubbo as an air transport link for interstate business and travel			
Action	Progress	Accountable / Responsible	QTR
<b>Promote Dubbo as the 'hub' for domestic and business travel and air logistics operations.</b>	Dubbo City Regional Airport worked with City Promotions to develop the "Let's Fly" positioning statement which has been adopted for use in promotional activity. Advertising and editorial of the Airport was included in the RDA Orana Region Prospectus released November 2015. YTD passenger numbers to February 133,496 Prospectus in Development – delayed due to Amalgamation, updated prospectus to include key elements/factors of new LGA due mid-August <b>The total number of passengers flying to and from Dubbo in the 12 months of the 2015/2016 financial year was 203,294 eclipsing the previous record set in 2007/2008 by more than 10,000 people.</b>	Corporate Development	Q1, Q2, Q3, Q4
Encourage increased air linkages to other centres such as Newcastle, Melbourne and Brisbane.	JETGO new Brisbane flights commenced July four days per week and increased to six days per week in November 2015, and introduced services to Melbourne, three days per week in October 2015. <b>Council has engaged Eliot's to prepare a business case for</b> regular passenger transport to further grow and develop our service areas. Submission made to Fly Pelican for RPTs to Newcastle from DCRA. Successful application for Fly Pelican for RPTs to Newcastle from Dubbo City Regional Airport commencing mid July 2016.	Corporate Development	Q1, Q2, Q3, Q4
4.5. Plan/design efficient road and rail access to complement requirements of industrial and agricultural expansion			
Action	Progress	Accountable / Responsible	QTR
Ensure that the long-term Infrastructure Strategy provides for efficient transport facilities.	Funding for works identified within the Road Transport Strategy for the financial years up to and including 2019/2020 has been provided within the adopted Council budget.	Organisational Services	Q1, Q2, Q3, Q4
Undertake regular liaison and initiate discussions with government infrastructure providers – to pursue future infrastructure needs and	Council staff are in regular contact with the RMS staff at Wagga Wagga undertaking preconstruction investigations and design for the LH Ford Duplication project. Regular 6 monthly meetings with RMS staff from Parkes and Dubbo took place on 9 July, 2 December, 16 February and 27 April. Council has had very close liaison with TNSW, John Holland Rail and ARTC	Technical Services	Q1, Q2, Q3, Q4

funding requirements.	personnel on a variety of issues during Q1, Q2 and Q4, particularly with respect to level crossing upgrades at Yarrandale Road and Wheelers Lane.		
Develop plans and implement the relocation of the Troy Junction Rail Level Crossing at the Boothenba Road/Newell Highway intersection to enable road train access. (3.1.10.9)	This project opened to rail and road train traffic on 29 September. Only minor works to do with the Saleyards effluent management system remain to be completed in Q3.	Technical Services	Q1, Q2
Implement the new Road/Rail Interface Agreements with Australian Rail Transport Corporation (ARTC) and the John Holland Group. (3.1.4.3)	This Working Group ceased to exist because there is no longer a Dubbo-based TNSW representative. However the Infrastructure Review will commence in 2016. Implementation of the agreements is proceeding.	Technical Services	Q2, Q3, Q4
Implement the new Road/Rail Interface Agreements with Australian Rail Transport Corporation (ARTC) and the John Holland Group. (3.1.4.3)	Implementation of the agreements is proceeding.	Technical Services	Q1, Q2, Q3, Q4
4.6. Promote partnerships with and encourage NSW and Australian Governments, agencies and industry in respect of the transport infrastructure needs of local businesses and the need for future investment in infrastructure			
Action	Progress	Accountable / Responsible	QTR
Meet regularly with NSW and Australian Governments to discuss strategic priorities for the City and the region.	Regular meetings held with State and Federal members to discuss strategic priorities for the City. As part of OROC, Council has funded and provided input to the development of a Regional Infrastructure Plan. Draft plan received and reviewed, comments and observations submitted and highlighted for General Manager to update 4/7/16	General Manager	Q1, Q2, Q3, Q4
Facilitate meetings with relevant government agencies, stakeholders and developers to discuss partnerships in respect of the transport needs of local businesses.	Meetings have been held with the RMS on 9 July and 2 December (regular six monthly meeting). Council has also contributed to the RDA Orana Infrastructure Study with respect to transport issues.	Technical Services	Q1, Q2
Facilitate meetings with relevant government agencies, stakeholders and developers to discuss partnerships in respect of the transport needs of local businesses.	No meetings held. Roads and Maritime Department surveyed the public in May/June 2016 in respect of an additional bridge over the Macquarie River in Dubbo.	Environmental Services	Q1, Q2, Q3, Q4
Lobby for additional turning	The GM and DTS met with RMS representatives on 24 November to provide	Technical Services	Q1, Q2, Q3

and overtaking lanes on the Mitchell and Newell Highways. (3.1.9.1)	input to the RMS Route Strategy being devised for the entire length of the Mitchell Highway from Bathurst to the Qld border. Additional overtaking lanes, especially west of Dubbo, was a major issue raised. Council has also requested the RMS to consider turning lanes into the eastern end of Yarrawonga Estate in relation to a recent DA determined by the Council in that area.		
4.7. Ensure adequate high quality land is available to support demand for transport and distribution developments			
Action	Progress	Accountable / Responsible	QTR
In conjunction with the annual review of the Dubbo Local Environmental Plan ensure adequate appropriately zoned land is available to support the transport and logistics industry.	Land monitors reviewed and adequate appropriately zoned land is available.	Environmental Services	Q1, Q2, Q3, Q4

## 5. Agricultural Sustainability & Diversification

5.1. Maintain and develop Dubbo as the premier centre for regular commercial fat and store sheep and cattle sales and the indoor show and sales centre for stud cattle, sheep and horses in NSW			
Action	Progress	Accountable / Responsible	QTR
Promote the Dubbo Regional Livestock Markets.	<p>Dubbo Regional Livestock Markets were successful in securing \$3.29M from National Stronger Regions Round One funding, which will be matched by Dubbo City Council. The total \$6.58M will be spent on upgrading the cattle selling facilities to include an additional weighbridge, wagon wheel delivery pen, additional feed yards, additional selling yards and double deck loading ramps, all with the objective to facilitate efficient stock flow movements, quicker, safer loading and unloading to ease congestion and improve animal welfare and worker safety.</p> <p>Two feature advertisements and one media release promoting the livestock markets have been released.</p> <p>Advertising and editorial of the Dubbo Regional Livestock Markets was included in the Orana Region Prospectus released November 2015.</p> <p>Current throughput numbers YTD, cattle 192,181, sheep 1,067,638 and goats 10,075.</p> <p>Tenders and quotations have been let for the weighbridge project including the weighbridge and gates and fencing and water reticulation for the holding yards project. Construction commenced in April 2016.</p>	Corporate Development	Q1, Q2, Q3, Q4

	Throughput YTD at June 2016, Cattle 236,651, Sheep 1,382,335 and Goats 12,181.		
Develop and implement a detailed master plan for the Dubbo Show Ground to provide for further development and improvements to maintain and <b>enhance Dubbo's position as a premier centre for indoor show and sales centre for stud cattle, sheep and horses in NSW.</b>	The master plan was adopted by Council in March 2015. The strategic review program is being implemented. Upgrades to the website have been undertaken to allow access to the event calendar. Analysis of overnight stabling revenue and feasibility of stabling facility undertaken, all grant opportunities will be utilised for funding. Front entrance upgrade has been completed. Sheep panels have been re-engineered to reduce setup time by two thirds.	Corporate Development	Q1, Q2, Q3
5.2. Expand Dubbo as a major food processing centre			
Action	Progress	Accountable / Responsible	QTR
Facilitate and support business investment and attraction and business retention and expansion initiatives that focus on the expansion of Dubbo City as a major food processing centre.	Support given to seven agricultural operators since January 2016. Your Dubbo grant winner using funds to help develop their food manufacturing business through the expansion of their warehousing capabilities. Discussions held with major potential intensive agricultural business (from outside LGA) with expansion plans. Leveraging local primary produced food product through the development of an Agri-Tourism product.	Corporate Development	Q1, Q2, Q3
Facilitate and support business investment and attraction and business retention and expansion initiatives that focus on the expansion of Dubbo City as a major food processing centre.	Support provided.	Environmental Services	Q1, Q2, Q3, Q4
Promote Dubbo as the regional service centre for agriculture based manufacturing and supply.	Invest in Dubbo DVD features Roger Fletcher, promoting Dubbo as a regional service centre for agricultural based manufacturing and supply. Discussions held with in regard to possible feed mill facility with potential sites identified. Discussions held in regards to possible new processing plant. Investment Prospectus currently in development due to be delivered in fourth quarter. Prospectus delayed due to Amalgamation, due mid-August. Promotion of Dubbo as the anchor destination in the development of an Agri-Tourism product trail through the Region. Successful Murray Darling Basin Energise Enterprise Fund application of \$20,000 for regional Agri Tourism guide due in market December 2016. Prospectus in Development – delayed due to Amalgamation, updated	Corporate Development	Q1, Q2, Q3, Q4



prospectus to include key elements/factors of new LGA due mid-August.

### 5.3. Position Dubbo as a centre for agriculture based manufacturing and service centre

Action	Progress	Accountable / Responsible	QTR
Establish and promote Dubbo as a centre for diverse sustainable farming practices.	Continue to liaise with NSW WorkCover and NSW Farmers in regards to planning of Orana Farm Safety Day for 2016. Encourage diversification of the agricultural sector into tourism development through the development of a regional Agri-Tourism produce trail. Successful Murray Darling Basin Energise Enterprise Fund of \$20,000 for regional Agri Tourism guide due in market December 2016.	Corporate Development	Q1, Q2, Q3, Q4
Explore opportunities for expanded agricultural and research development.	Opportunity for Dubbo to become Centre of Excellence in regards to agricultural / farm safety investigated. Continue to support the Orana Farm Safety Days in Dubbo.	Corporate Development	Q1, Q2, Q3

### 5.4. Establish and promote Dubbo as a centre for diverse sustainable farming practices

Action	Progress	Accountable / Responsible	QTR
Explore opportunities and undertake activities to support development of industry and related practices.	Support the Canadian Limousin Association Tour, to review genetics and links to Australian studs. NSW Farmers provided information support, for annual Young Farmers conference to be held in Dubbo 2016. Distributed Mobile Black Spot Programme Round 2 and encouraged black nominations for rural area to West of Dubbo. Supporting the development of AusIndustry and Industry Skills Fund workshop focusing on the agricultural sector in Dubbo and the Region. The workshop will aim to help producers through the process to upskill in their business and provide information on government incentives and rebates regarding agricultural business and best practice training. Workshop delayed due to federal election.	Corporate Development	Q1, Q2, Q3, Q4
Explore opportunities and undertake activities to support development of industry and related practices.	Support provided.	Environmental Services	Q1, Q2, Q3, Q4

### 5.5. Encourage the expansion of agricultural education and research and development

Action	Progress	Accountable / Responsible	QTR
Promote roll out of the NBN to support the expansion of education, business and	Contact maintained with NBN. Webpage developed on Council website. Media releases from NBN supported via social media.	Corporate Development	Q1, Q2, Q3

research opportunities.			
Research and develop the Business Case for Dubbo to be recognised as an ideal location for carbon trading / sequestration and offsets.	Since repeal of Carbon Tax and no ETS in place commercial opportunities limited. Recent Government announcement regarding clean energy programs being maintained has been communicated through the Economic Development Newsletter. Monitoring continues.	Corporate Development	Q1, Q2, Q3, Q4
5.6. Promote Dubbo as a cost effective and central location for food and product transport and distribution			
Action	Progress	Accountable / Responsible	QTR
Facilitate and support business investment and attraction and business retention and expansion promotions that focus on the diversity of <b>Dubbo's agricultural base and opportunities for future investment.</b>	Strength of and position of Dubbo's agricultural base used to advantage in consideration of attracting a Centre of Excellence to Dubbo. Investment Prospectus currently in development to be produced in fourth quarter. Prospectus in Development – delayed due to Amalgamation, updated prospectus to include key elements/factors of new LGA due mid-August	Corporate Development	Q1, Q2, Q3, Q4
5.7. Position Dubbo as an ideal location for carbon trading/sequestration and offsets			
Action	Progress	Accountable / Responsible	QTR
Develop materials that promote City as ideal location.	Since repeal of Carbon Tax limited opportunities. Importance of agriculture in economy highlighted in The Weekender article dated 14 August 2015. Dubbo Investment Prospectus drafted. Delayed due to Amalgamation, updated prospectus to include key elements/factors of new LGA due mid-August Economic profiling on new LGA area made available.	Corporate Development	Q1, Q2, Q3, Q4
<b>5.8. Promote the diversity of Dubbo's agriculture base and the opportunities available for agricultural investment at any scale</b>			
Action	Progress	Accountable / Responsible	QTR
Develop materials that promote <b>diversity of Dubbo's agriculture base.</b>	Importance of agriculture in economy highlighted in The Weekender article dated 14 August 2015 and again in December with reference to Gina Rinehart agricultural investment in region. Development of an Agri-Tourism product currently underway with outcome to promote diversity of regional produce, leverage primary produce retail sales and diversify the sector into a tourism product for sustainability. Tailored material provided as required. Successful Murray Darling Basin Energise Enterprise Fund of \$20,000 for	Corporate Development	Q1, Q2, Q3, Q4

	regional Agri Tourism guide due in market December 2016.		
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## 6. Regional Service Centre Development

### 6.1. Improvements to and within the health services sector

Action	Progress	Accountable / Responsible	QTR
Continue to support the Western NSW Local Health Network to attract general and specialist medical practitioners to Dubbo including community health staff. (1.1.1.1)	Regular discussions take place with the Western NSW Local Health District and Local Member of State Parliament regarding medical staffing.	Community Services	Q1, Q2, Q3, Q4
Monitor the impact on Dubbo of the management/ operations of the Western NSW Local Health Network. (1.1.1.3)	No adverse impacts by decisions to date by the Health District apart from the determination to close Playmates Cottage Child Care Centre which is being resolved with the relocation of the Centre to another site.	Community Services	Q1, Q2, Q3, Q4
In conjunction with Sydney University and Charles Sturt University gain support from the Australian Government for health tertiary courses and training courses and facilities in the City. (1.1.3.1)	One meeting to date with Sydney University and three meetings to date with Charles Sturt University.	Community Services	Q1, Q2, Q3, Q4
Encourage increased air linkages to other centres such as Newcastle, Melbourne and Brisbane	JETGO introduced flights to Brisbane in July 2015. Flights to Melbourne three days per week commenced in October 2015. Deloitte's are currently undertaking a business case for Regular Passenger Transport in order to increase growth and services to other cities. Application made to Fly Pelican for RPTs from Dubbo City Regional Airport to Newcastle. Successful application for Fly Pelican for RPTs to Newcastle from Dubbo City Regional Airport commencing mid July 2016.	Corporate Development	Q1, Q2, Q3, Q4

### 6.2. Improvements in education and amenity

Action	Progress	Accountable / Responsible	QTR
Hold an annual meeting with the Dubbo Office of the	No meeting held to date. Meeting scheduled for May 2016 as last meeting was held in May 2015.	Community Services	Q1, Q2

Department of Education to discuss primary and secondary education in Dubbo. (1.1.5.3)	No meeting held to date.		
Monitor Federal Budget outcomes in regards to education implications.	Monitoring ongoing. Additional funding for preschools and outside school hours care made available.	Community Services	Q1, Q2
Encourage and support as required the migration to enhanced digital educational content and expanded eLearning.	"Your Dubbo" business development workshop held. Presentation provided to the Accommodation Network Group on migration to the NBN for business.	Corporate Development	Q1, Q2, Q3
Encourage and support as required the migration to enhanced digital educational content and expanded eLearning.	Scheduled for discussion with Department of Education in May 2016.	Community Services	Q1, Q2
Monitor and increase stock of available childcare.	Discussions ongoing. Playmates Cottage Child Care Centre has had its lease on Hospital Property terminated effective end of 2016. Council owned site determined for relocation. Council and Health Infrastructure have agreed on a Heads of Agreement for Council to build a new child care centre funded by Health Infrastructure.	Community Services	Q1, Q2
6.3. Streamlined approval and information process			
Action	Progress	Accountable / Responsible	QTR

<p>Implement a streamlined approvals process with a user friendly pathway to development.</p>	<p>City development staff have supported developers and investors through active participation in pre-planning meetings. Continue to liaise with developers and business owner managers through the Ignite Program to help stream line the approval process and provide assistance through the stages of planning and development approvals in the CBD as appropriate. Ignite, along with Council and key stakeholders are excited to see entrepreneurial artisan pop up shops enjoy success in the CBD. One business has used the process to test the market and feasibility of establishing permanent premises. <b>A second is a "regional maker" who</b> prefers the flexibility pop up opportunities present for her business so she can concentrate on either creating her clothes or engaging with her clients. Additional activation and collaboration achieved within the Ignite program includes, but is not exclusive, the following: Fast tracked red tape for the opening of Zambrero – an Australian founded global franchise company who have grown to 110 restaurants globally in the last 10yrs.</p>	<p>Corporate Development</p>	<p>Q1, Q2, Q3, Q4</p>
<p>Implement a streamlined approvals process with a user friendly pathway to development.</p>	<p>E Planning initiatives ongoing. Tracking capability implemented November 2015 and presentation made to stakeholders including Mayoral Developers Forum in December 2015. E Planning is now hosted on Council's corporate website. E Planning in respect to E Certificates program in regarding to 2016 has been delayed due to merger.</p>	<p>Environmental Services</p>	<p>Q1, Q2, Q3, Q4</p>
<p>Provide a central point of contact for businesses to seek advice and information for investing in Dubbo.</p>	<p>Economic Development Officer and City Development Program Leader provide this advice and information. Quarterly Economic Development Newsletter distributed. Online economic data centre created and maintained.</p>	<p>Corporate Development</p>	<p>Q1, Q2, Q3, Q4</p>
<p>6.4. Promotion of a positive image through proactive public relations</p>			
<p>Action</p>	<p>Progress</p>	<p>Accountable / Responsible</p>	<p>QTR</p>
<p>Implement the adopted Marketing and Communication Program for the City. (4.1.2.2)</p>	<p>2015 City Development Delivery Plan implemented. 2016 City Development Delivery Plan implemented.</p>	<p>Corporate Development</p>	<p>Q1, Q2, Q3, Q4</p>
<p>Implement the Corporate Communications Program. (1.4.3.4)</p>	<p>2015/16 Corporate Communications program implemented. Redevelopment of Council's Corporate website is in final stages of development. Project put on hold due to amalgamation.</p>	<p>Corporate Development</p>	<p>Q1, Q2, Q3, Q4</p>

Deliver at least one major campaign/initiative promoting Dubbo City as service/retail centre. (4.1.2.7)	"Your Dubbo" program implemented. Program included consumer marketing, consumer research and business development. 'Smile it's Christmas' implemented. Campaign included street activation, business and seasonal promotion and business and community engagement activities.	Corporate Development	Q1, Q2, Q3
Provide consistent news to local and non-local media regarding <b>Dubbo's lifestyle benefits and opportunities.</b>	<b>Media communication provided through Council's Corporate Communication</b> program, and Evocities PR Officer who works in-house through Dubbo City Council).	Corporate Development	Q1, Q2, Q3, Q4
Promote Dubbo positively to local and non-local audiences.	Positive promotion occurring through media releases, social media, newsletters, tours, materials, Your Dubbo Workshops, promotional campaigns, Inland NSW industry forums presentations and interviews.	Corporate Development	Q1, Q2, Q3, Q4

## 7. Workforce & Skills Development

7.1. Improvements to and within the health services sector			
Action	Progress	Accountable / Responsible	QTR
In conjunction with Sydney University, Charles Sturt University and TAFE, gain support from the Australian Government for health tertiary courses and training courses and facilities in the City. (1.1.3.1)	One meeting to date with Sydney University and three meetings to date with Charles Sturt University.	Community Services	Q1, Q2, Q3, Q4
Make representations to the NSW and Australian Governments to increase coordinated funding for programmes to improve the education, health, employment and economic development opportunities of Aboriginal people. (1.2.5.1)	Communication maintained. Regular meetings between Mayor, General Manager and Local State and Federal Members of Parliament. The Three Rivers Regional Assembly (TRRA) has been established to coordinate the funding already being received for the Aboriginal Community. The Assembly has developed an Accord with the NSW and Federal Governments. The Accord lists the 4 main priorities that the TRRA delegates have agreed on, being Housing, Education, Employment & Economic Development & Health. The Accord recommendations include specific areas for action.	Community Services	Q1, Q2, Q3, Q4
Facilitate/develop and implement a skills development program.	"Your Dubbo" business development program in market with four workshops held in September with 87 active businesses. Your Dubbo 'in focus' workshops to be implemented in fourth quarter. Three Business Development Grants Awarded to local business in December 2015.	Corporate Development	Q1, Q2, Q3, Q4

	Two skills development workshops currently in development to be delivered in quarter four, partnering with AusIndustry, Industry Skills Fund and HunterNet targeting the agricultural, mining and manufacturing sector. Your Dubbo 'in focus' workshops implemented May 2016. METS Information Session and Supply Chain Participation Program delivered May 2016. AusIndustry Industry Skills fund information shared through quarterly economic developments newsletter.		
Deliver education and training to increase the capabilities of the community, staff and expertise allowing for general 'up-skilling' across the region.	Dubbo Business and Training Calendar maintained. Tourism Tribe digital training sponsored.	Corporate Development	Q1, Q2, Q3, Q4
7.2. Understand the nature of demand and supply by engaging with local business and understanding skills and labour needs gaps and delivery of a regular skills and labour needs survey to track skilling and workforce requirements in the region and feeding this information back to education and training providers in the region			
Action	Progress	Accountable / Responsible	QTR
Engage with local business to understand skills and labour needs gaps.	"Your Dubbo" program implemented with four workshops held Relationships maintained with Chamber of Commerce, TAFE, CSU and Western College. Accommodation Group meetings have had training elements. Meeting held with local business in regards to upskilling arts sector locally using mentor program. Provided skills gap analysis to CSU to use in lobbying for additional courses locally. Attended Chamber of Commerce, Clontarf breakfast held at Delray College in June 2016. Ongoing assistance provided to potential workforce industry skills employment provider	Corporate Development	Q1, Q2, Q3, Q4
7.3. Encourage the promotion and expansion of locally available tertiary education opportunities			
Action	Progress	Accountable / Responsible	QTR
Encourage diversification of post-school education and training, and expansion of tertiary courses in the City.	Dubbo Business and Training Calendar maintained. Support offered to University of Sydney School of Rural Health in research study in Dubbo. Provided skills gap information to CSU for use in lobbying for additional courses at the Dubbo campus. Maintained assistance to potential post high school workforce employment provider	Corporate Development	Q1, Q2, Q3, Q4
Encourage diversification of	Former Mayor is a member of the University of Sydney Advisory Committee	Community Services	Q1, Q2

post-school education and training, and expansion of tertiary courses in the City.	to make recommendations on appropriate courses for Dubbo. Mayor and Director Community Services meet quarterly with CSU to discuss matters pertaining to tertiary education in Dubbo.		
7.4. Deliver programs and initiatives that support the attraction of skilled professionals			
Action	Progress	Accountable / Responsible	QTR
Provide support to businesses / agencies endeavouring to recruit skilled workers to the City. (1.1.6.1)	Supporting businesses to utilise the evojobs employment website through evocities. Proactively promoting Dubbo jobs on evojobs website. Staff employment and engagement included in the Your Dubbo business development program. Business training and development calendar includes training for recruitment.	Corporate Development	Q1, Q2, Q3, Q4
City Marketing programmes (web, media, events, sponsorships) support the attraction of skilled professionals. (4.1.2.5)	Council is an active member of Evocities program. Program includes digital marketing, social media and Public relations activity targeting the attraction of skilled professionals. This has included assisting Western NSW Local Health Network around the Dubbo Hospital redevelopment with promotion of positions through Dubbo Jobs, building case studies for media coverage and social media. Collaboration on websites - image library, links to Evocities and Dubbo.com.au websites and linking job applicants to our relocation consultant for personal and direct relocation advice.	Corporate Development	Q1, Q2, Q3, Q4

## 8. Advocacy and Leadership development

8.1. Communication and engagement with industry, government and the community			
Action	Progress	Accountable / Responsible	QTR
Promote industry collaboration and cooperation by holding and participating in number of collaborative forums and information sharing opportunities	Smile its Christmas in market November and December 2015. Mayoral Developers Forum held 31 August 2015 and 9 December 2015. Accommodation Group meetings held regularly and well supported. Inland Forum meets regularly. Good working relationships maintained with Chamber of Commerce, RDA Orana, NSW Trade and Investment, local State and Federal MPs. Attended Economic Development Officer meetings, developers forums, Chamber of Commerce Networking Events and other industry association functions as required. Supported regional tourism development and destination management working group, Inland NSW membership and Destination NSW engagement.	Corporate Development	Q1, Q2, Q3, Q4
Gain support for infrastructure funding to support growth of	Continually monitoring potential local infrastructure development opportunities in accordance with NSW decentralisation strategy.	Corporate Development	Q1, Q2, Q3



industry sectors and improve the accessibility of the region in response to identified and prioritised needs.			
Undertake a community survey to determine community satisfaction levels of the elected Councillors. (5.2.1.1)	Community Survey completed and results presented to Council in October 2015.	Corporate Development	Q1, Q2
Develop partnerships with NSW and Australian Governments to review and improve regulations and business incentives to facilitate economic growth and diversification.	Council is an active member of Office of the Small Business Commissioner "Small Business Friendly Program". Met with the Dubbo's OSBC officer to discuss potential industry diversification opportunities, and grant application processes for economic growth and diversification. Maintained strong links with Office of Small business, submitted two successful grant Murray Darling Basin Energise Enterprise fund applications. Successful grant application for Ignite Program \$40,000 and Agri Tourism Tours \$20,000.	Corporate Development	Q1, Q2, Q3, Q4
Provide support to the Troy Landcare, Clean-up Australia Day, Adopt-a-Park Groups, Friends of the Elizabeth Park and Orchid Society. (2.2.1.2)	Your River Needs You public workshop was held in October 2015 resulting in a draft Action Plan that focuses on community wide solutions for lessening litter and changing community attitudes. High levels of community engagement arose from the meeting with Council needing to maintain the issues momentum on behalf of the community. Of note there was a number of tourism businesses that rely on the river as a source of income and as a tourism product.	Parks & Landcare Services	Q2
Implement the Noxious Weeds/Pest Species Management Program and Plans. (2.2.1.10)	Noxious Weed treatment and Inspections undertaken in accordance with plans	Parks & Landcare Services	Q2, Q3, Q4
Produce annual documentation for the development and construction industries advising of legislative changes including Building Code of Australia (BCA) amendments and <b>variations in Council's policies</b> and requirements. (2.2.3.2)	Documentation prepared and distributed as and when changes occur.	Environmental Services	Q1, Q2, Q3, Q4
Undertake an annual conference with the real estate agents, development and building industries and Chamber of Commerce on	Mayoral Development Forums held in August and December 2015 and May 2016.	Environmental Services	Q1, Q2, Q3, Q4

planning and building issues. (2.4.3.3)			
Undertake Mayoral quarterly forum with developers to discuss Council related issues. (2.4.3.5)	Forums held.	Organisational Services	Q1, Q2, Q3, Q4
Increase awareness in local community of medium density housing in the City	Information provided.	Environmental Services	Q1, Q2
Increase awareness in local community of medium density housing in the City	Met with developers in regards to future opportunity. Dubbo data centre in development including property sales and land use information with market reports regularly updated, and zoning maps, DA tracking links and relevant Council reports uploaded. Dubbo Data Centre in market and regularly updated	Corporate Development	Q1, Q2, Q3, Q4
Increase awareness in local community of medium density housing in the City	Information provided.	Environmental Services	Q1, Q2, Q3, Q4

8.2. Undertake activities to promote consolidated, united and representative action by business, industry, government and the broader community

Action	Progress	Accountable / Responsible	QTR
Develop a consolidated and united approach within Council by understanding the needs of community and developing appropriate actions, to move the region forward	Community, business, industry and government needs considered during review of the Operational Plan. Community consultation with CBD precinct plan. Economic Development Unit is maintained. Governments Fit For the Future being closely monitored and communicated as required. Response to be delivered.	Corporate Development	Q1, Q2, Q3, Q4
Pursue opportunities for strategic alliances and/or resource sharing with neighbouring councils	Council maintains strategic alliances and resource sharing with neighbouring Councils through active involvement in the BOD Alliance, the Lower Macquarie Water Utilities Alliance, Central West Salinity and Water Quality Alliance, Evocities, Murray-Darling Association, Australian Livestock Markets Association, OROC, Macquarie Regional Library and EDO network, Multi Council Green Team relation with Warren, Gilgandra and Narromine Councils. Replan training was organised for region via RDA. Regional Economic Development Officers Meeting attended 31 July and 16 December 2015. Destination management process supporting collaboration and resource sharing in regard to product development, process, policy and promotional activity e.g. Dubbo and Great Western Plains Campaign. Working closely with 8 other regional councils on the development of an Agri-Tourism product to leverage regional primary produce and diversify the agricultural market into the tourism sector.	Corporate Development	Q1, Q2, Q3

Respond to Fit for the Future decisions and outcomes	Responded to appropriately.	Corporate Development	Q1, Q2, Q3, Q4
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## 9. Business investment & Attraction

### 9.1. Development of marketing material required to promote Dubbo as a business location and to highlight the growth opportunities available

Action	Progress	Accountable / Responsible	QTR
Promote the competitive advantages of the area and reasons to invest in Dubbo in all relevant marketing materials.	Evocities program leveraged to effectively promote the City. InvestinDubbo.com.au maintained. Investment DVD activity promoted. Single point of contact maintained for investors via City Development Staff. Prospectus in Development – delayed due to Amalgamation, updated prospectus to include key elements/factors of new LGA due mid-August Dubbo data centre maintenance. Economic profiling updated to reflect new LGA.	Corporate Development	Q1, Q2, Q3, Q4

### 9.2. Execution of a business development and marketing program to identify and engage with prospective investors

Action	Progress	Accountable / Responsible	QTR
Report on the provision of and demand for child care places in Dubbo. (1.2.1.2)	The Public Art Register website now running. Two rounds of nominations of works to go onto the Register approved.	Community Services	Q1, Q2, Q4
Report on the provision of and demand for child care places in Dubbo. (1.2.1.2)	Child Care Services in the City of Dubbo now considered satisfactory with several new centres opening and in progress over recent years.	Community Services	Q1, Q2, Q4
Undertake an annual review of the procedure for processing Development Applications. (2.2.9.1)	Review carried out September 2015.	Environmental Services	Q1, Q2, Q3, Q4
Continue to implement the adopted Environmental Services Communications Strategy. (2.2.9.2)	Implementation ongoing.	Environmental Services	Q1, Q2, Q3, Q4
Undertake a biennial client survey to determine client satisfaction levels in respect of land use services. (2.2.9.3)	The Public Art Register website now running. Two rounds of nominations of works to go onto the Register approved.	Community Services	Q1, Q2, Q4
Undertake a biennial client survey to determine client	Survey undertaken October 2015 and reported to Council February 2016.	Environmental Services	Q1, Q2, Q3, Q4

satisfaction levels in respect of land use services. (2.2.9.3)			
Implement e-Services project plan to increase the extent of information available electronically. (2.2.9.7)	Tracking capability implemented November 2015. E Certificates capability to be implemented by February 2016.  CBD to discuss economic environment of retail and professional services in the precincts.  E Planning in respect to E Certificates program in regarding to 2016 has been delayed due to merger.	Environmental Services	Q1, Q2, Q3, Q4
Implement business investment and attraction activities.	Proactive, responsive City Development service to investment and expansion enquires maintained. Next phase of CBD Precincts plan draft supported. Ignite Program under development with formal program currently in draft. Ignite coordinator appointed. Mining Services action plan progressing positivity with opportunities identified.	Corporate Development	Q1, Q2, Q3
Encourage business to network and engage with specific prospective investors to discuss the benefits of locating to Dubbo.	Dubbo Chamber of Commerce activity supported. Accommodation Group meetings maintained. Numerous discussions with potential investors in the City including a major retailers, major property developers and significant intensive agricultural developments well supported.	Corporate Development	Q1, Q2, Q3

## 10. Business Retention & Expansion

### 10.1. Execute a business expansion and retention program

Action	Progress	Accountable / Responsible	QTR
Support and promote local business development activities, such as development programmes, seminars and business awards. (4.1.3.4)	"Your Dubbo" business development program completed with four workshops held in September. Your Dubbo 'in focus' workshops due to be held in fourth quarter. Business Training and Events Calendar maintained. Rhino Awards Finalist Function support and attended. Rhino awards dinner sponsored and attended.	Corporate Development	Q1, Q2, Q3
Promote the City through an extensive marketing campaign to assist with business expansion and retention (e.g. online retail).	Proactive, responsive City Development service to investment and expansion enquires maintained. Next phase of CBD Precincts plan draft developed. Mining Services action plan progressing positivity with opportunities identified. Smile its Christmas in market November and December 2015. Dubbo Investment Prospectus currently in development to be produced in fourth quarter.	Corporate Development	Q1, Q2, Q3, Q4

	Prospectus in Development – delayed due to Amalgamation, updated prospectus to include key elements/factors of new LGA due mid-August		
Engage with existing businesses to better understand the challenges for business and to provide information.	Signed up to Small Business Friendly Program with the NSW Office of the Small Business Commissioner. Continue to work with Dubbo Chamber of Commerce. Accommodation Group meetings well supported. Continued focus on CBD precinct with Ignite Program currently in development and several one on one business meetings held with key stakeholders in the CBD to discuss economic environment of retail and professional services in the precincts.	Corporate Development	Q1, Q2, Q3
Support events and seminars for local business to assist communication and promote collaborative opportunities and partnership development.	Support given to 20th year of Chamber of Commerce Business Awards. Your Dubbo business development program well supported with 'in focus' workshops to be held in the fourth quarter. Dubbo Accommodation Group meetings continue to be well supported. Your Dubbo workshops completed in May 2016.	Corporate Development	Q1, Q2, Q3
Undertake an annual review of the Urban Land Monitors. (2.4.1.1)	Review undertaken September and November 2015.	Environmental Services	Q1, Q2, Q3, Q4
Ensure that commercial and industrial land use planning and regulations are streamlined to facilitate and promote business expansion and investment.	E Planning initiatives ongoing. Tracking capability implemented November 2015 and now currently hosted on Council's Corporate website.  E Planning in respect to E Certificates program in regarding to 2016 has been delayed due to merger.	Environmental Services	Q1, Q2, Q3, Q4
10.2. Undertake a local business skills development program			
Action	Progress	Accountable / Responsible	QTR
Facilitate business support and training initiatives to the Dubbo business community to increase general business skills and improve general functionality and competitiveness of the Dubbo business community.	"Your Dubbo" business development workshops held, three \$10,000 business grants awarded and customer award granted. 'In focus' workshops to be held in the fourth quarter. Accommodation Group Meetings held on a monthly basis. Two business training development workshops planned for delivery in the fourth quarter - currently in development in partnership with AusIndustry, Industry Skills Fund and HunterNet. Your Dubbo 'in focus' workshops delivered May 2016. METS Information Session and Supply Chain Participation Program delivered May 2016. AusIndustry Industry Skills fund information shared through quarterly economic development newsletter.	Corporate Development	Q1, Q2, Q3, Q4
Facilitate supply chain matching to support emerging alternative energy industry growth.	Provided information and data to possible bio hub and ethanol producer considering Dubbo as a location and subsequent referral to RDA. Proposed Dubbo Solar Hub information session promoted.	Corporate Development	Q1, Q2, Q3

	Conducted meeting with Dubbo Solar Hub to discuss the possibility of small business co-op buying of green energy in Dubbo - not viable alternative at this stage.		
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**REPORT: Purchase by Council of Lot 8  
Section 76 DP 759073, 1A Warne Street  
Wellington**

**AUTHOR:                   Manager Commercial Facilities  
REPORT DATE:       12 July 2016  
TRIM REFERENCE: ID16/1314**

**EXECUTIVE SUMMARY**

The subject site was acquired by the former Wellington Council to recover unpaid rates from the then property owner. Council subsequently sold the land to Mr Van Tonder in April 2011 for \$6,000. Mr Van Tonder proceeded to lodge a development application for horse stabling and on-site accommodation. This application was originally refused by the former Wellington Council with such approach endorsed by the Western Plains Regional Council at its meeting of 22 June 2016 due to flooding implications and other matters relating to the proposed development.

The owner agreed to sell the land back to Council rather than appeal the Council planning decision through the Land and Environment Court. An independent valuation was arranged by Council and a sale price of \$7,500 was agreed between Mr Van Tonder and Council.

**FINANCIAL IMPLICATIONS**

The property acquisition will be funded from the Wellington Branch Budget.

**POLICY IMPLICATIONS**

There are no policy implications arising from this report.

**RECOMMENDATION**

- 1. That Council purchase Lot 8 Section 76 DP 759073, 1A Warne Street Wellington, for \$7,500 plus GST (where GST is applicable).**
- 2. That the sale be subject to vacant possession and the vendor is to remove all waste and other items presently stored on the property prior to settlement.**
- 3. That upon acquisition by Council, the land be classified as 'operational' in accordance with the Local Government Act 1993.**
- 4. That any necessary documents be executed under the Common Seal of the Council.**

*Simon Tratt*  
Manager Commercial Facilities

## BACKGROUND

The subject site was acquired by the former Wellington Council to recover unpaid rates from the then property owner. Council subsequently sold the land to Mr Van Tonder in April 2011 for \$6,000.

Mr Van Tonder lodged a development application with Wellington Council in September 2014 for horse stabling and on-site accommodation. The development application was originally refused by the former Wellington Council with such approach endorsed by the Western Plains Regional Council at the meeting of 22 June 2016 on a number of grounds including insufficient information in the application to enable detailed assessment of the development's impacts, and the flood risk associated with the site.

Council subsequently offered to purchase the property back from Mr Van Tonder, at current market value, due to the incompatibility of the site for commercial or residential purposes. Mr Van Tonder agreed to sell the property to Council for \$7,500 (plus GST, where applicable) as per the independent valuation report by Opteon Property Group.

## REPORT

The property straddles the Bell River and the building area is located on the southern side of the River within the floodplain. The parcel has an area of 6,841 m<sup>2</sup> with an indirect frontage to Warne Street. An aerial view of the property is located in **Figure 1**.



**Figure 1.** Lot 8 Section 76 DP 759073, 1A Warne Street, Wellington



The property is zoned RU1 Primary Production, is mapped as flood planning area and is bisected by the Bell River. All of the site is identified within the 'high hazard' category in accordance with Council's adopted Wellington Flood Plain Risk Management Study, August 2013. This Study is understood to have been adopted by the Council as a further tool to detail requirements and recommended procedures for development on land mapped as flood planning area. As a general principle, the Study cautions against additional development in the high hazard areas.

**SUMMARY**

The purchase of 1A Warne Street by Council will ensure that no unsuitable development will be attempted on the land, given the zoning and flooding implications of the site.

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**REPORT: Lease of Land by Royal Flying  
Doctor Service for Multi-purpose  
Aeromedical, Aviation and Tourism  
Facility**

**AUTHOR: Airport Operations Manager**

**REPORT DATE: 6 July 2016**

**TRIM REFERENCE: ID16/1292**

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**EXECUTIVE SUMMARY**

Following the Council decision on 25 May 2016 to grant an area of land for development, the Royal Flying Doctor Service has lodged a Development Application to construct a Multi-purpose aeromedical, aviation and tourism facility at the Dubbo City Regional Airport. It is necessary for a lease of this land be entered into by the Western Plains Regional Council and the Royal Flying Doctor Service. As with the other long term lease held by the Royal Flying Doctor Service, a subdivision (boundary adjustment) will also be required.

**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 enter into a lease for 20 years commencing on 1 September 2016.
2. That the lease fee commence at \$55,100 ex GST in the first year, which includes the current Lot 13 DP 1191075 having an area of 6,772 m<sup>2</sup>, as well as stage 1 of the RFDS extension having an approximate area of 7,000 m<sup>2</sup>, calculated at \$4 ex GST per square metre where CPI Index is to be applied annually to the lease fee.
3. That the subdivision (boundary adjustment) of Lot 13 DP 1191075 be carried out by Council to be reimbursed by Royal Flying Doctor Service.
4. That the Royal Flying Doctor Service provide evidence of Public Liability Insurance Cover of \$20,000,000.
5. That any necessary documents be executed under the Common Seal of the Council.
6. That the documents and considerations in regard to this matter remain confidential to Council.

*Lindsay Mason*  
Airport Operations Manager

## REPORT

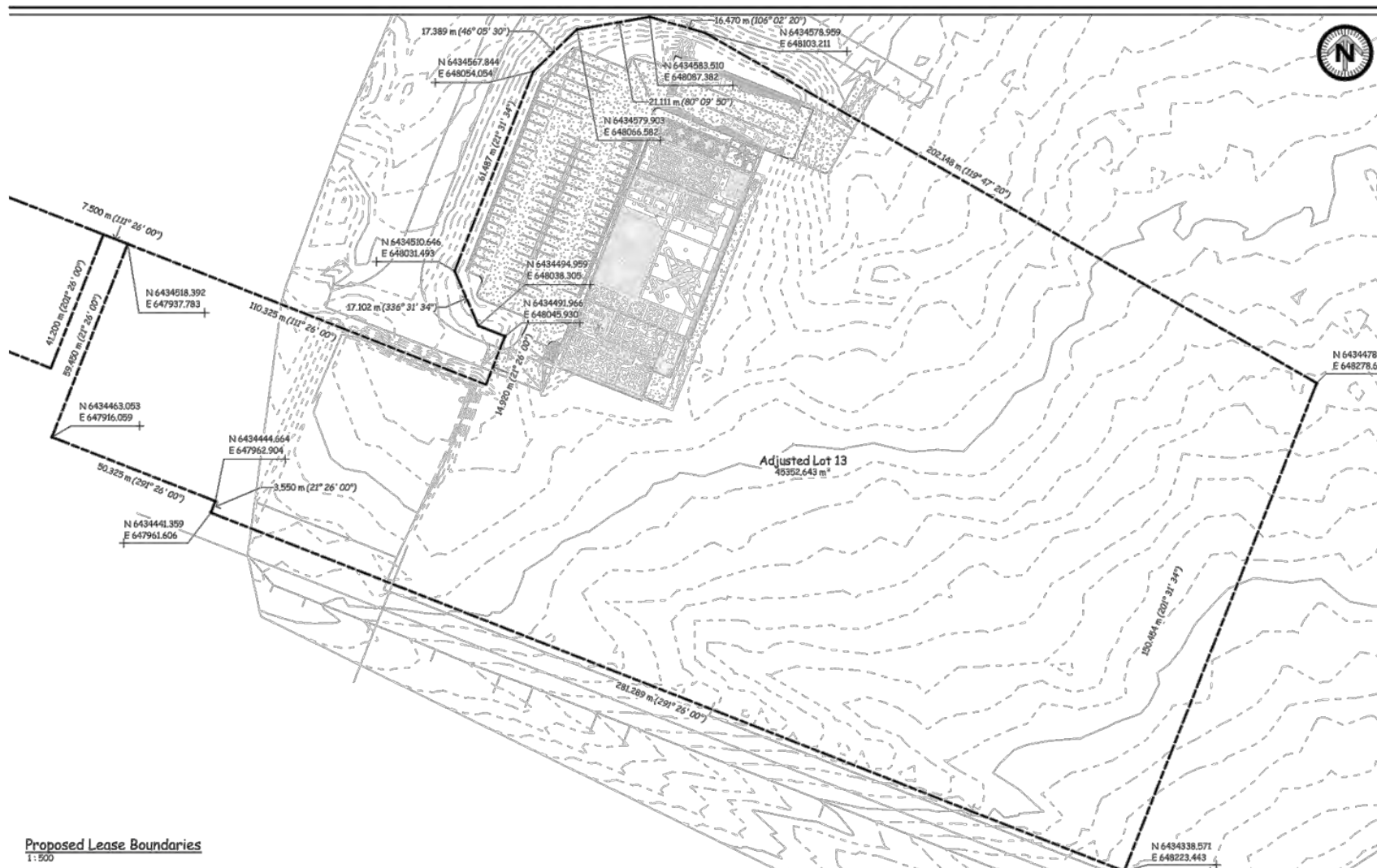
The Royal Flying Doctor Service has lodged a Development Application to construct a Multi-purpose aeromedical, aviation and tourism facility at the Dubbo City Regional Airport. This is a total investment in infrastructure at the Dubbo City Regional Airport of \$18 million and forms stage 1 of the total aeromedical precinct as previously endorsed by Council at its meeting on 25 May 2016.

Council staff have been consulting with staff from the Royal Flying Doctor Service for the last three years in relation to the concept of the aeromedical precinct, including the Multi-purpose aeromedical, aviation and tourism facility. This precinct formed part of the Royal Flying Doctor Service Dubbo Master Plan and has been incorporated into the Dubbo City Regional Airport Master Plan 2036. Stage 1 of the development includes a full flight simulator for Kingair 200 aircraft, aeromedical training areas to simulate working in aircraft and at remote hospitals by medical staff, a visitors centre, observation deck and café. This will be a dual purpose centre for training and tourism for Dubbo.


The Royal Flying Doctor Service have requested a long term tenure on the land, which is consistent with their previous lease with the former Dubbo City Council. This will require a subdivision (boundary adjustment) of Lot 13 DP 1191075 on which the current leased area is located. A valuation of the total area has been undertaken by Option Property Group who are registered valuers to calculate a value on the new development. For leasing purposes of Stage 1 of the development, the registered valuer has provided a pro-rated m<sup>2</sup> amount to enable Council to charge the Royal Flying Doctor Service for the land that they will occupy initially, and not the total area for development until it is developed in the future. The plans of the proposed boundary adjustment and developments are attached to this report. It is proposed that the lease fee commence at \$55,100 ex GST in the first year, which includes the current Lot 13 DP 1191075 having an area of 6,772 m<sup>2</sup>, as well as stage 1 of the RFDS extension having an approximate area of 7,000 m<sup>2</sup>, calculated at \$4 ex GST per square metre where CPI Index is to be applied annually to the lease fee.

### Appendices:

- 1 Boundary Adjustment
- 2 Staged Development Plan



Proposed Lease Boundaries  
1:500

	HEAD OFFICE 1/120 Campbell Street TOOWOOMBA QLD 4350 AU PHONE 1300 900 333 FAX 1300 400 666 EMAIL admin@bettabuilt.com WEB www.bettabuilt.com	This drawing is to be read in conjunction with general building drawings, specifications and other construction drawings applicable to this project. All figured dimensions are to be checked prior to the commencement of work. Immediately notify Bettabuilt Pty Ltd of any discrepancies. This drawing is copyright and is the property of Bettabuilt Pty Ltd and must not be retained copied or used without their authority.	PROJECT RFDS SE Development	LOCATION Dubbo Airport	0 5 10 15 20 25 30 35 40 45 50 1:1 @ A1
			CLIENT Royal Flying Doctor Service	DRAWING TITLE Proposed Lease Boundaries	C For approval B For approval A For discussion REV DESCRIPTION
					CEW CEW MJG 17-05-16 CEW CEW MJG 03-05-16 CEW CEW MJG 28-04-16 DRN DES APP DATE
					PROJECT NO DWG NO REV 228-02 LEASE-01 C
					0 5 10 15 20 25 30 35 40 45 50 1:1 @ A3



## **REPORT: Review and streamlining of Council's Financial and In-kind Funding Assistance Program**

**AUTHOR:** City Promotions and Events Supervisor  
**REPORT DATE:** 15 July 2016  
**TRIM REFERENCE:** ID16/1329

### **EXECUTIVE SUMMARY**

Across Western Plains Regional Council, consisting of the former Dubbo City and Wellington councils, there are 10 channels of funding providing cash and in-kind support to the community. Funding is provided based on a range of desired outcomes from enhancing community well-being through to driving economic benefits.

The intent of this report is two-fold:

- 1) Create a formal framework - 'Major Events Sponsor Program' - to provide in-kind service support to major events held in the Local Government Area (LGA) that are considered high-yielding market segments.
- 2) Streamline the channels of funding currently managed by Western Plains Regional Council and reflect these changes in the relevant Council Policy.

Western Plains Regional Council LGA offers above standard sporting facilities, state-of-the-art conference venues, a recreation lake, plenty of space for festivals, as well as ample accommodation, accessibility, location and unique visitor experiences.

The creation of a Major Events Sponsor Program and its place alongside the LGA's value propositions will help create partnerships, build reputation, minimise risk of losing events to "higher or cash bidders" and, as a result attract and retain events that drive positive economic outcomes.

It is proposed that Council's Financial and In-kind Assistance Program be streamlined to reflect the amalgamated Council, and previous Council funding commitments and include a new channel of support, Major Events Sponsor Program.

### **FINANCIAL IMPLICATIONS**

Funding for events and sponsorships is allocated in various operational budgets across the Organisation. If the proposed Major Events Sponsor Program is endorsed, the Organisation will need to identify and consolidate \$177,000. This amount is currently being expended by various Council divisions.

**POLICY IMPLICATIONS**

Council's Financial and In-Kind Assistance Policy (**Appendix 1**) has been updated to reflect the proposals in this report. Should the Financial and In-Kind Assistance Policy be adopted, it will become a policy of Council.

**RECOMMENDATION**

- 1. That a Major Events Sponsor Program be established and appropriate funding allocated.**
- 2. That the channels of assistance of the former Dubbo and Wellington councils be consolidated.**
- 3. That the attached draft Financial and In-kind Funding Assistance Policy be adopted.**

*Lana Willetts*

City Promotions and Events Supervisor



## BACKGROUND

Western Plains Regional Council, formerly Dubbo City and Wellington council's currently offers assistance through the following funding channels:

### Funding channels - Events

<i>Chapter</i>	<i>Channel</i>	<i>Funding</i>	<i>Provided as</i>
Dubbo	<b>Event Development Fund</b>	Stream 1 \$10,000	Cash/in-kind
		Stream 2 \$30,000	
Wellington	<b>Major Local Event Funding</b>	\$10,000 new event support; \$6,000 existing event support; \$2,000 established village events	Cash/in-kind
Dubbo	<b>Major Sporting Events</b>	\$10,000*	In-kind
Dubbo	<b>Parks and Landcare Services</b>	\$200,000	In-kind 2015/2016
<b>TOTAL ALLOCATED</b>		<b>\$268,000</b>	

\*currently allocated 7.08 Recreation Services - 01.00835.2326 - Contribution to major sporting events - \$10,000 – 2016/2017, 2017/2018, 2018/2019, 2019/2020 : Contribution to major sporting events

### Funding channels – Community Organisations

<i>Chapter</i>	<i>Channel</i>	<i>Funding</i>	<i>Provided as</i>
Wellington	<b>Donations</b>	\$10,000	In-kind
Dubbo	<b>Financial Assistance Program</b>	Round 1 \$15,000	Cash
		Round 2 \$15,000	
<b>TOTAL ALLOCATED</b>		<b>\$40,000</b>	

### Funding Channels - Other

<i>Chapter</i>	<i>Channel</i>	<i>Funding</i>	<i>Provided as</i>
Dubbo	Sponsorship	Across various operational budgets	Cash/In-kind
Dubbo	Community Service Obligations	Across various operational budgets	Cash/ inkind
Dubbo	Determination of Council and identified as budgeted line item	Various	Cash
Dubbo	Mayor's Discretionary Fund	Various	Cash

Refer to **Appendix 2** for further details of each channel of funding.

Last financial year, in-kind support and services in the amount of approximately \$200,000 were provided by the Director Parks and Landcare to increase the likelihood of securing sporting events that provide a high-yield return for the City. Based on visitor nights and expected numbers of visitors, as well as the likelihood of the event returning in subsequent years, the Director has provided in-kind funding to assist in securing events and maintain the City's competitiveness in the event attraction market. Similarly, Council's Community Services Division pledged funding towards a National arts conference that will attract delegates from across Australia. In addition, the City Development and Communications Branch provide high level in kind services to support the attraction and success of major events including creation of partnerships, promotion and strategic planning. This in-kind expense is not included in the figures provided and is delivered as part of Council's commitment to economic development.

Recent examples of major event support include:

	<b><i>Parks and Landcare Division</i></b>		<b><i>Community Services Division</i></b>
	<b><i>2014 Country v City fixture</i></b>	<b><i>2015 NSW Aboriginal Rugby League Championships</i></b>	<b><i>Artlands 2016</i></b>
Audience	9,637	10,000	900
Economic value*	\$254,393	\$5.26M	\$360,000
In-kind support	\$98,000	\$52,820	50,000 +50,000 cash
Economic benefit: Return on Council's investment	\$1.60 : \$1	\$98.58 : \$1	\$2.60 : \$1

\* calculated on percentage of visitors to the event that would have stayed in Dubbo overnight = average night stay x \$151 per night.

The events listed above and attached evidence show clear economic outcomes for the community, centred solely on economic returns for the LGA, it is proposed that a Major Events Sponsor Program be established.

The Program, if endorsed, will be based on a sponsorship model, cover in-kind services only and sit within Council's Financial and In-Kind Assistance Policy. The Program would be administered through Council's City Development and Communications Branch whom also oversee the Event Development Fund and the corporate sponsorship process.

## REPORT

It is the intent of this report to streamline the 10 existing channels of funding and create a framework for the in-kind support of high-yield events based on a rationale that will generate economic returns for the Local Government Area.

It is proposed that the following channels of funding be established by Western Plains Regional Council and access be made available to the new local government area.

<i>Channel</i>	<i>Stream</i>	<i>Funding</i>	<i>Provided as</i>	<i>Variance</i>	<i>\$ transferred from</i>	<i>Required from Organisation*</i>
<b>Event Development Fund</b>	1	\$15,000	Cash	↑ \$5,000	\$5,000 Wellington Major Event Support Fund (Wellington)	Nil
	2	\$30,000				
<b>Major Events Sponsor Program</b>	1	\$20,000	In-kind	NEW	\$10,000 - Dubbo Major Sporting Events (Community Services)	\$10,000*
	2	\$80,000	In-kind	NEW	\$13,000 Wellington Major Support Fund (Wellington)	\$67,000*
	3	\$100,000	In-kind	NEW		\$100,000*
<b>Total</b>		<b>\$245,000</b>				<b>\$177,000</b>

\*these costs are being currently absorbed or funds allocated in various ways across various budgets

<i>Channel</i>	<i>Round</i>	<i>Allocated</i>	<i>Provided as</i>	<i>Variance</i>	<i>\$ transferred from</i>
<b>Financial Assistance Program</b>	1	\$20,000	Cash	↑ \$10,000	\$10,000 Wellington Donation Fund (Wellington) \$30,000 Financial Assistance Program (Community Services)
	2	\$20,000			
<b>Total</b>		<b>\$ 40,000</b>			

<i>Channel</i>	<i>Allocated</i>
<b>Sponsorship</b>	Various
<b>Community Service Obligations</b>	
<b>Determination of Council and budgeted line item</b>	
<b>Mayor's Discretionary Fund</b>	

Refer to **Appendix 3** for further details of each channel of funding.

In reference to the proposed new Major Events Sponsor Program, the following is proposed:

<b>Stream</b>	<b>Funding allocated</b>	<b>Applications open for</b>	<b>Applications apply</b>	<b>Determination</b>
1	\$20,000	\$2,000 or less	Financial Year	City Promotions and Events Supervisor
2	\$80,000	\$2,001 to \$10,000	Calendar year	Recommendation by Director Corporate Development to General Manager
3	\$100,000	No application process. Funding determined and allocated based on strategic event attraction outcomes		Recommendation by Director Corporate Development to General Manager

It is proposed that the process for the Western Plains Regional Council channels be reflective of the former Dubbo City Council policy. A draft updated policy is attached – refer **Appendix 1** Event Attraction, Support and Delivery Policy (amended to include new Major Events Sponsor Program)

It should be noted that Council has submitted a bid to host the 2017 Country v City fixture. If the bid is successful, and based on the level of support provided in 2014, an amount of circa \$90,000 will be required to provide in-kind services.

### **SUMMARY**

The establishment of a Major Events Sponsor Program will support Council’s event attraction initiatives, create an additional value proposition for the LGA, provide a transparent and open application process, and help capture the actual value of support provided to events by Western Plains Regional Council.

It is proposed the Major Events Sponsor Program be created under Council’s Financial and In-kind Assistance Policy which consolidated funding channels under the former Dubbo City and Wellington Councils.

Appendices:

- 1** Draft Financial and Inkind Assistance Policy 2016 - Council
- 2** Current Channels Funding - Council
- 3** New Channels Funding - Council

**DRAFT**

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**Council Policy**

# Corporate Financial and In-kind Assistance Policy

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Financial and In-kind Assistance Policy

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## 1. Introduction

Western Plains Regional Council provides and seeks a variety of assistance to community and industry groups, organisations and individuals.

Assistance can be financial (cash) or in kind (like discounted fees or no charge services).

Council has a responsibility to ensure that all assistance provided is managed through a transparent process, that the community is aware of the right channels to make requests through, and that all agreements are managed effectively.

This Policy aims to

- increase transparency around the level of assistance provided
- provide clear communication of a process for applying for assistance
- apply a more consistent approach in responding to all assistance requests

This Policy ensures that no assistance is to be provided from Western Plains Regional Council outside the channels and processes listed here.

### 1.1 Scope

This Policy applies to all financial and in-kind assistance by or on behalf of Western Plains Regional Council. It applies to Councillors, and all Council divisions, businesses and facilities.

### 1.2 Related Policies and documents

- Western Plains Regional Council Sponsorship Guidelines and Processes
- Western Plains Regional Council Sponsorship Guidelines, Application Form and activities report
- Event Development Fund Guidelines and Application Form
- Community Assistance Program Application Form
- Event Attraction, Support and Delivery Policy
- Western Plains Regional Council Advertising Policy
- Western Plains Regional Council's Tender Management Policy
- Western Plains Regional Council's Quotation Management Policy
- Independent Commission Against Corruption (ICAC) Sponsorship in the Public Sector 2006

## 2. Purpose and objectives

### 2.1 Purpose of policy

The Corporate Financial and In-kind Assistance Policy ensures a consistent, coordinated and transparent approach to the way Council provides assistance.

It provides a framework for decision-making in regards to how the Organisation approaches support, and is underpinned by detailed guidelines to assist Council officers administer effective assistance programs including appropriate reporting and approval procedures. It ensures that Council takes into account ICAC probity issues including:

- Transparency of process
- Accountability and monitoring, and
- Obtaining value for money.

This Policy also ensures applicants are provided optimal opportunity to seek assistance through the most appropriate channels, and maximising success through completion of appropriate application forms.

### 2.2 Limitations

Financial or in-kind assistance will not be provided to:-

- Events and activities that do not have appropriate approvals (i.e. street trading, road closure, development consent)
- Organisations or individuals involved in the manufacture, distribution and wholesaling of tobacco and tobacco related products.
- Organisations or individuals involved in the manufacture, distribution and wholesaling of pornography related products.
- Organisations or individual whose services or products are injurious to health, or are perceived to be in conflict with Council's policies and responsibilities to the community.
- Sponsorships that imply that Council supports the excessive consumption of alcohol or gambling
- Political or religious activities
- Programs that denigrate, exclude or may offend minority community groups
- Programs that do not reflect community standards.
- Agreements which require or imply the City's endorsement of commercial products, services, companies or individuals. *Note: whilst all sponsorships represent a partnership that comes with a level of endorsement from both parties Logo placement with a 'proudly supported by' tagline does not classify as an endorsement of a business. An image of Councillors using the product saying it is the best would be seen as endorsement.*
- Programs which personally benefit individual employees/Councillors or their family/friends
- Agreements which give the sponsor influence over the Council and access to restricted information
- Agreements which imply City endorsement of contentious community issues
- Persons or organisations who are in breach of regulations or ordinances administered by Council
- Persons or organisations who are under investigation by the ICAC or any other authority
- Persons or organisations who have not provided an acquittal for funding previously allocated under the policy.

Alcohol related sponsorship can be accepted providing such sponsorship is not directly linked to activities, assets, facilities or services for young people under the age of eighteen (18).



### 3. Channels for assistance

There are four key channel community and industry groups, organisations and individuals can access to gain financial or in kind assistance from Western Plains Regional Council:

- 3.1 Event Development Fund
- 3.2 Major Event Sponsor Fund
- 3.3 Financial Assistance Program
- 3.4 Sponsorship
- 3.5 Community Service Obligations
- 3.6 Determination of Elected Members

#### **3.1 Event Development Fund**

The Event Development Fund acts essentially as an 'incubation fund' where not for profit organisations conducting events can apply for cash or in-kind services from Council.

Events can apply for funding- cash only - up to \$1000 and over \$1001 – with a different application process for each.

Events receiving assistance from the EDF would need to recognise that Western Plains Regional Council supported the event, but the application will not be judged on 'sponsor' benefits to Council (e.g. logo inclusion in advertising).

\$15,000 cash is allocated annually to assistance requests under \$1000. This process is open to applications all year round. Applications are determined by a Council Officer.

\$30,000 cash be allocated for applications over \$1,000. This process open to applications once a year from September. Applications are determined by panel review.

Successful applicants have to spend the funding within the next calendar year.

Events can only apply for support for any individual event once a year via either of the EDF processes. For example, event ABC could not receive \$5000 worth of support / funding and then apply for an additional support (cash or in-kind) through another process/channel.

There are conditions to funding which are outlined in the Event Development Fund Guidelines and applicants must complete an 'Event Development Fund Application form.

### **3.2 Major Event Sponsor Program**

The Major Event Sponsor Program is an event attraction initiative aimed at securing high-yielding target markets: conferences; sporting events and festivals. No cash is provided – only in-kind Council services (eg reduced hire fees, linemarking etc)

Events can apply under two streams of funding Stream 1 (up to \$2,000) and Stream 2 (up to 10,000). Only not-for-profit events are eligible to apply and applications will be assessed based on the economic return. As the Program is based on a sponsorship model, Council will need to be acknowledge across various platforms and as funding is only provided in-kind, an acquittal process will not apply. Stream 3 is quarantined for high-level, strategic event attraction initiatives.

Stream 1: up to \$2,000 [allocation \$20,000] – open for financial year period – determination by representative of Director Corporate Development

Stream 2: up to \$80,000 [allocation \$80,000] – invited September – determination by Director Corporate Development and approval by General Manager

Stream 3: \$100,000 allocated with recommendations to Director Corporate Development for determination by General Manager

### **3.3 Financial Assistance Program**

An amount of \$40,000 is allocated to the program that aims to ease the financial burden of not-for-profit organisations that contribute to the Dubbo community. The application process is open twice a year, with \$20,000 on offer in each round. Applications open in February and July each year.

Applicant must complete a Financial Assistance Program Application Form. Recommendation by the Director Community Services is made to Council for determination.

### **3.4 Sponsorships**

A sponsorship is a commercial arrangement in which Western Plains Regional Council provides a contribution in money or in-kind to support to an activity in return for certain specified benefits.

Sponsorships, by their nature imply a level of partnership and mutual endorsement however Council must be careful not to enter sponsorship agreements which require or imply the City's endorsement of commercial products, services, companies or individuals.

Applicants must complete a Sponsorship Application Form to 'pitch' to Council for sponsorship. The applicant needs to clearly outline what Council / the City would receive in return for sponsorship. Council officers make the decision to sponsor initiatives on the basis of the application, and alignment to the Corporation's goals, objectives and responsibilities.

All sponsorships should provide a clear benefit to Council. Sponsorship agreements entered into by Council should have the objective to benefit or support the community in which it operates, to benefit Council as an organisation and are worthwhile commercial investment.

Any Organisation receiving \$5,000 or more is required to submit an activities report to Council no later than 60 days following the completion of the event/ project.

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Financial and In-kind Assistance Policy

Consideration of all sponsorship proposals should follow the internal Sponsorship Approval Process - included in the Sponsorship Guidelines and Procedures' document.

All sponsorship agreements are to be approved by the General Manager.

### **3.5 Community Service Obligations**

All Divisions of Council have some resources available to meet a level 'Community Service Obligations' and assistance is applied for in accordance with the same process for Sponsorship.

Any request for assistance must articulate some level of benefit to Council – i.e. recognition of support, but the decision to provide assistance is not based on 'sponsor' benefits to Council, rather alignment to Council meeting a critical or strategic community need.

All Community Service Obligation agreements are to be approved by the General Manager.

### **3.6 Determination by elected members**

In addition to the five primary assistance channels listed above assistance may be provided based on direct representation to Council and a determination made via resolution of Council; or funding provided under the Mayor's Discretionary Fund.

Note: these should not be considered primary channels for accessing assistance from Council.

## 4. Roles and responsibilities

### 4.1 Staff

The staff member of Council responsible for managing the request for assistance is required to;

- Ensure appropriate application form has been completed
- Consider all applications on merit and alignment to Corporation goals, objectives and responsibilities
- Gain appropriate approval Manager or Director.
- Gain approval by the General Manager.
- Advise corporate communications staff of any agreements involving Media.
- Ensure any agreement has been carried out in accordance with the application.
- Ensure any organisation receiving \$5,000 submits an activities report (where appropriate)
- Ensure any agreement is listed in the central database of inward and outgoing assistance maintained by the City Development and Communications Branch.
- Ensure any materials developed in relation to the sponsorship agreement adhere to the Corporate Image Policy.

### 4.2 City Development and Communications Branch

Staff of the City Development and Communications Branch are responsible for maintaining an annual database of incoming and outgoing assistance and reporting those to Executive Staff.

If required, Council staff are able to consult with Communication officers prior to seeking or entering sponsorship agreements.

All requests for Sponsorships are to be directed in the first instance to the Corporate Communications Supervisor who will consider the proposal and make a recommendation to the appropriate officer.

Recommendations could include:

- benefits / limitations / concerns of sponsorship offer
- extending/expanding the opportunity
- communicating the sponsorship
- quality and transparency of a sponsorship proposal

Staff in the City Development and Communications Branch can also provide advice to staff seeking sponsorship.

Including:

- the most opportune time to approach potential sponsors
- the target markets that are most susceptible to messages from DCC
- the types of businesses that would partner well with the facility/program
- key selling points that should be included in sponsorship proposals
- how much financial input a sponsorship could be worth to a sponsor
- communicating the sponsorship
- quality and transparency of a sponsorship proposal

The City Development and Communications Branch is not be responsible for ensuring sponsorships have been carried out in accordance with agreements.

#### 4.3 Director Community Services

The Director Community Services is responsible for the administering Council's Financial Assistance Program and making recommendations to Council for final determination. \$40,000 is allocated and applications open each February and July.

#### 4.4 Director Corporate Development

The Director Corporate Development is responsible for the Organisation's event attraction, support and delivery initiatives. An amount of \$45,000 is allocated under Council's Event Support and Development Fund; and an amount of \$200,000 allocated to the Major Event Sponsor Program. Where applicable, support to events is recommended by the Director Corporate Development to the General Manager for determination.

#### 4.4 General Manager

The General Manager is the authority for final approval on all outgoing and inward sponsorships, Community Service Obligations and funding to events over the amount of \$1,000 (Event Development Fund ) and \$2,000 (Major Event Sponsor Program).

Proposed agreements are to be provided to the General Manager via the application/consideration process.

The General Manager is also the authority for refusal of sponsorships or funding cash and in-kind.

Staff are to advise the General Manager before a refusal letter is sent.

## **5. Principles of Policy**

#### 5.1 Conflicts of interest

Staff considering requests for assistance should be independent and unbiased. In accordance with Council's Code of Conduct and the Local Government Act any conflict of interest needs to be declared prior to the production or consideration of proposals. Staff should declare any conflict of interest to the General Manager. The General Manager will advise if the staff member is to be removed from the decision or negotiation process.

#### 5.2. Targeting proposals

There may be occasions where Council communicates and negotiates directly with a particular potential sponsoring partner. This may be because of a number of reasons;

- there is a niche opportunity that aligns to a specific or small number of businesses
- there is a logical extension/ partnership opportunity from an existing or previous sponsorship arrangement
- there has been insufficient or unsatisfactory interest from an expression of interest process.

Reasoning for any direct targeted approach needs to be provided to the General Manager.

Any incoming or outgoing approaches should be guided by Principle 7 of the Corporate Sponsorship and Process Guidelines:

*'To maintain open and transparent operations, Council should make its plans to seek or provide sponsorship widely known and records need to be kept on these individual dealings.'*

5.3 Media sponsorships

All inward or outgoing sponsorship proposals that involve media partnerships including discounted media space, special features, and contra or advertorial is to be communicated to the City Development and Communications Branch.

## ANNEXURE 2: FUNDING CHANNELS CURRENTLY MANAGED ACROSS DUBBO AND WELLINGTON CHAPTERS

FUNDING CHANNELS – EVENTS					
Intent	Channel	Stream	Allocated	Key guidelines	Determination
Develop and strengthen the local events industry	Event Development Fund (D)	1	\$10,000	Not for profit events held in Western Plains Regional Council	Applications assessed and determined by City Promotions and Events Supervisor
		2	\$30,000		Panel comprising Director Corporate Development, Director Parks and Landcare Services and Director Community Services. Final approval from General Manager
	Major Local Event Funding (W)	n/a	\$18,000		\$10,000 new event support; \$6,000 existing event support; \$2,000 established village events
Support sporting events	Major sporting events (budget line – Community Services) (D)	n/a	\$10,000	Funding determined by the Organisation	Funding determined by the Organisation
Attract and retain sporting events	Parks and Landcare Services (D)	n/a	n/a	Based on current financial year and projected support for the 2016/2017 Financial Year an amount in the vicinity of \$200,000 is expended by the Organisation via Parks and Landcare Services	

FUNDING CHANNELS – COMMUNITY ORGANISATIONS					
Intent	Channel	Stream	Allocated	Key guidelines	Determination
Support initiatives to improve well-being of the community	Donations (W)		\$10,000	Must demonstrate value to the community	Funding via application
	Financial Assistance Program (D)	Round 1 Round 2	\$15,000 \$15,000		Report from the Director Community Services to Council

FUNDING CHANNELS – OTHER					
Intent	Channel	Allocated	Key guidelines	Determination	
Align corporate goals, objectives and responsibilities with purpose of sponsorship	Sponsorship (D)	n/a	Application evidences outcomes of mutual benefit	Director recommendation to General Manager (if amount exceeds \$500)	
	Community Service Obligations (D)				
Source of funding for organisations that do not fit existing funding channels	Determination of Council and budgeted line item (D)				Mayoral Minute
	Mayor's Discretionary Fund (D)			Discretion of the Mayor	

**ANNEXURE C: NEW MAJOR EVENT SPONSORS PROGRAM AND STREAMLINED CHANNELS**

<b>FUNDING CHANNELS – EVENTS</b>					
<i>Intent</i>	<i>Channel</i>	<i>Stream</i>	<i>Allocated</i>	<i>Key guidelines</i>	<i>Determination</i>
Develop and strengthen the local events industry	Event Development Fund	1	\$15,000	Not for profit events held in Western Plains Regional Council	Applications assessed and determined by City Promotions and Events Supervisor
		2	\$30,000		Recommendation from the Director Corporate Development (Event Sponsor) to the General Manager.
Drive economic activity	Major Events Sponsor Program	1	\$20,000	Benchmark of \$30,000 economic injection established to qualify funding	Applications assessed and determined by City Promotions and Events Supervisor in liaison with supplier of in-kind services
		2	\$80,000		Recommendation from the Director Corporate Development (Event Sponsor) to the General Manager.
		3	\$100,000		Recommendation from relevant Director to the Director Corporate Development (Event Sponsor) Final determination by the General Manager

<b>FUNDING CHANNELS – COMMUNITY ORGANISATIONS</b>					
<i>Intent</i>	<i>Channel</i>	<i>Stream</i>	<i>Allocated</i>	<i>Key guidelines</i>	<i>Determination</i>
Support initiatives to improve well-being of the community	Financial Assistance Program	Round 1	\$20,000	Must demonstrate value to the community	Report from the Director Community Services to Council
		Round 2	\$20,000		

<b>FUNDING CHANNELS – OTHER</b>					
<i>Intent</i>	<i>Channel</i>	<i>Allocated</i>	<i>Key guidelines</i>	<i>Determination</i>	
Align corporate goals, objectives and responsibilities with purpose of sponsorship	Sponsorship	n/a	Application evidences outcomes of mutual benefit	Director recommendation to General Manager (if amount exceeds \$500)	
	Community Service Obligations				
Source of funding for organisations that do not fit existing funding channels	Determination of Council and budgeted line item				Mayoral Minute
	Mayor’s Discretionary Fund			Discretion of the Mayor	



## REPORT: Administrator Appointments

**AUTHOR:** Administrator

**REPORT DATE:** 18 July 2016

**TRIM REFERENCE:** ID16/1135

To the Council  
Ladies and Gentlemen

Office of the Administrator  
Civic Administration Building  
Church Street, Dubbo

### **20 June 2016**

- Attended meeting with applicants and Director Environmental Services, Melissa Watkins regarding a development matter in Geurie.

### **21 June 2016**

- Participated in weekly Teleconference with Department of Premier and Cabinet along with Council's Interim General Manager, Mark Riley.
- Attended meeting with Eumungerie resident.
- Attended meeting with Office of Environment and Heritage, Mr M Sullivan.
- Attended a tour with Director Environmental Services, Melissa Watkins, highlighting various areas in the Division to provide the Administrator with an overview.

### **22 June 2016**

- Attended Council briefing – Dubbo Office.
- Attended meeting with Wellington resident.
- Attended Ordinary Council meeting held at Wellington Council Chambers.

### **23 June 2016**

- Media interview – ABC
- Media interview – 2DU
- Media interview – WIN TV
- Met with Department of Premier and Cabinet, Implementation Management Liaison Officer, Ms G Cole and Council's Interim General Manager, Mark Riley.

### **24 June 2016**

- Attended Wellington Council Chambers.
- Attended meeting with Wellington Town Band Bandmaster, Mr E Smith and President Mr W Smith.
- Attended meeting with Inland Waterways Rejuvenation Association President, Mr M Hansen and M J Ryan.
- Attended meeting with Office of Environment, Dubbo Office, Mr J Duggan.

**25 June 2016**

- Attended the Rotary Club of Wellington Changeover Dinner.

**27 June 2016**

- Attended the Water Sewer Steering Committee meeting along with Council's Interim General Manager, Mark Riley and Director Technical Services, Stewart McLeod.

**28 June 2016**

- Participated in weekly Teleconference with Department of Premier and Cabinet along with Council's Interim General Manager, Mark Riley.
- Attended Wellington Council Chambers.
- Participated in teleconference call with Dubbo Developer and Council's Interim General Manager, Mark Riley and Director Environmental Services, Melissa Watkins.
- Attended meeting with Developer and Council's Interim General Manager, Mark Riley and Director Environmental Services, Melissa Watkins.
- Attended meeting with Chair for Real Estate Institute of NSW, Mr B Berry.
- Attended meeting with Dubbo residents and Council's Director Parks and Landcare, Murray Wood.

**29 June 2016**

- Attended Wellington Council Chambers.
- Attended briefing for the Extraordinary meeting of Council with Interim General Manager, Mark Riley.
- Attended an Extraordinary Meeting of Council.
- Attended meeting with Local Government Reform, Department of Premier and Cabinet's Media Advisor, Ms L Mallinson, Manager of Communications, Ms J Havilah and Council's Interim General Manager, Mark Riley.

**30 June 2016**

- Media interview – 2DU.
- Opened the Murray Darling Basin Authority Natural Resource conference.
- Attended meeting with Dubbo resident and Council's Director Environmental Services, Melissa Watkins.

**1 July 2016**

- Attended Citizenship Ceremony along with Deputy Premier and State Member for Dubbo, the Hon. Mr T Grant MP and Federal Member for Parkes, the Hon. M Coulton MP.
- Attended tour prior to opening of the refurbished Dubbo Library with Director Community Services, David Dwyer.
- Attended the Wellington Bi-centennial meeting.

**4 July 2016**

- Attended the Dubbo Aboriginal Community Working Party NAIDOC celebrations along with Council's Interim General Manager, Mark Riley.

**5 July 2016**

- Media interview – 2DU.
- Participated in weekly Teleconference with Department of Premier and Cabinet along with Council's Interim General Manager, Mark Riley.

**6 July 2016**

- Media interview – 2WEB
- Attended function hosted by Deputy Premier and State Member for Dubbo, the Hon. Mr T Grant MP along with the NSW Minister for Trade, Tourism and Major Events and Minister for Sports, the Hon Mr S Ayres.
- Attended a tour of Barden Park and Caltex Park along with Deputy Premier and State Member for Dubbo, the Hon. Mr T Grant MP along with the NSW Minister for Trade, Tourism and Major Events and Minister for Sports, the Hon Mr S Ayres and Council's Director Parks and Landcare, Murray Wood.
- Meeting held with Dubbo resident and Director Environmental Services, Melissa Watkins.

**7 July 2016**

- Attended Wellington Chambers

**8 July 2016**

- Attended meeting with Dubbo developers along with Council's Interim General Manager, Mark Riley.
- Attended Orana Regional Organisation of Councils meeting along with Council's Interim General Manager, Mark Riley.
- Attended farewell for General Manager Gilgandra Shire Council, Mr P Mann along with Council's Interim General Manager, Mark Riley.

**9 July 2016**

- Attended Dubbo Park Run's one year anniversary celebration.

**11 July 2016**

- Attended regular meeting with Deputy Premier and State Member for Dubbo, Mr T Grant MP along with Council's Interim General Manager, Mark Riley.

**12 July 2016**

- Media interview – Daily Liberal
- Meeting with Council's Manager Information Management Services, Matt Green.

**13 July 2016**

- Media interview – 2DU.
- Attended meeting with Council’s Interim General Manager, Mark Riley and Director Technical Services, Stewart McLeod concerning Councils proposed Food and Organics Collection Service.
- Attended meeting between Roads and Maritime Services and Western Plains Regional Council along with RMS Regional Manager Western, Mr P Standen, RMS Asset Manager, Mr P Stitt, Council’s Interim General Manager, Mark Riley, Director Technical Services, Stewart McLeod and Director Environmental Services, Melissa Watkins.
- Media interview (second) – 2DU.
- Attended the Local Representation Committee meeting at Wellington Council Chambers.

**14 July 2016**

- Attended Wellington Chambers.
- Attended meeting with Minister for Local Government, The Hon. Paul Toole MP in Sydney.

**15 July 2016**

- Attended the Department of Premier and Cabinet Amalgamation Implementation Forum Number 2 in Sydney along with Council’s Interim General Manager, Mark Riley and Council’s Transition Project Leader, Murray Wood.

**17 July 2016**

- Attended the Mount Arthur Challenge presentation in Wellington.

**RECOMMENDATION**

**The information contained in the Administrator Minute be noted.**

*Michael Kneipp*  
Administrator

WESTERN  
PLAINS  
REGIONAL  
COUNCIL

Incorporating the former  
Dubbo City & Wellington councils

## REPORT: Proposed Organics Processing Plant and Food and Garden Organics Collection Service

**AUTHOR:** Administrator  
**REPORT DATE:** 20 July 2016  
**TRIM REFERENCE:** ID16/1340

To the Council  
Ladies and Gentlemen

Office of the Administrator  
Civic Administration Building  
Church Street, Dubbo

The development of a proposal to introduce a kerbside organic waste collection service for the City has been under consideration since as early as 1998. However only since 2012 did this proposal gain momentum when the offer of attractive State Government funding led to the former Dubbo City Council securing a \$3.26m grant toward the construction of a regional composting plant proposed to be constructed at Whylandra Waste and Recycling Centre and \$844,122 toward the establishment of a kerbside food and garden organics collection service. With assistance from its waste management collaboration co-ordinator, NetWaste, Council has been working closely with nearby NetWaste affiliated councils, Narromine Shire and Mid-Western Regional, to develop this regional waste servicing proposal.

As part of the project development, the former Dubbo City Council has undertaken a 10 week trial of the provision of a kerbside food and garden organics collection service in a selected suburb of East Dubbo with 352 households participating. The trial sought to test not only the operational feasibility of providing the 3 bin service model but also to obtain feedback from trial participants into the service's practicality and benefit to households. Council has also obtained useful data on likely yields of organic waste that could be diverted from landfill. This information will be most valuable in helping to specify and deliver a service that optimally and efficiently meets the needs of residents.

The report from the Manager Civil Infrastructure and Solid Waste dated 4 July 2016, attached as **Appendix 1**, provides the results of this trial which confirms that a weekly food and garden organics collection service would be accepted by the majority of residents with such satisfaction improving after an initial period of familiarisation with the new routine and the provision of ongoing educational support. The key results of the trial which indicate most clearly the participants' satisfaction with the service, include;-

- The food and garden organics yield of 9kg/household/week is well in line with the average yield from other food and garden collection trials conducted across Australia where the service has been successfully introduced permanently.

- The low level of contamination detected in the collected organics which shows that the community is willing to do the right thing if provided with the relevant educational information.
- The 'pre-trial' and 'post-trial' surveys of participants which show an increase from 63% to 76% in the level of support for (and reduction in opposition to) an organics collection service, at an indicative cost of \$1.20 per week per household.

The above results indicate that the service would be regarded as a beneficial service by the clear majority of residents. Further, the service has been well patronised to the extent that if the service were implemented on a City wide scale and in the delivery model proposed, it is likely to yield the diversion rates of removing organic waste from the domestic waste stream necessary to attract private sector interest in the construction and operation of a regional composting facility at Whylandra Waste and Recycling Centre.

The funding of the \$6.9m Dubbo Regional Organics Processing Plant and the collection service will be sourced partly from grant funding of \$3.26m and \$0.88m respectively. Council will be contributing the balance of the project cost from funds held in Restricted Asset in the Other Waste Management Services Function. The grants programme which is funding the project has an acquittal deadline of 30 June 2017. Given the lead time needed to develop this project with full public engagement, Council is unlikely to meet this deadline but should be well advanced in the expenditure of the grant funding if tenders are called within the next three months. Council's decision to proceed to calling for tenders on the major components of the project will serve to signal to the funding body, the Environmental Trust, of Council's clear intent to acquit the significant grant funding that is available as early as practicable.

During the course of the project development, the merging of the former Dubbo City and Wellington councils has occurred and in doing so, has effectively expanded the area that could potentially be serviced by this proposal. As Western Plains Regional Council will be the lead council in this project, any pricing information that would come from a tendering process for the future provision of collection services should logically foreshadow the possibility of incorporating the urban areas of Wellington and Geurie into the service at some time in the future. In this regard it is concurred that the tendering for the provision of kerbside collection services as nominated by participating councils, include the servicing of the recently merged areas including Wellington and Geurie with respect to possible food and garden organics collection; and that other existing centres with existing kerbside mixed waste collection (which includes Mumbil and Stuart Town) be tendered for the provision of a fortnightly recyclables collection. This does not necessarily presuppose the outcomes of public consultation that would need to occur in these communities prior to implementation of the service(s).

Further, the specific issue regarding the cost impact of the proposed organics service through the Domestic Waste Management Charge and in particular its impact on pensioners has been previously noted by Council and is to be addressed further when drafting the 2017/2018 Revenue Policy. A pensioner rebate is already incorporated within the charging of the Domestic Waste Management Charge to pensioners and this rebate is to be reviewed with respect to increasing it to ameliorate the cost impact on those within this vulnerable sector of the community to which the new organics service would apply.

Following the success of this trial, it is recommended that Council proceed to prepare documentation and invite tenders for both the construction and operation of the Dubbo Regional Organics Processing Plant and the provision of kerbside collection services in the delivery models as required by each of the three participating councils for further consideration by each respective council.

**RECOMMENDATION**

- 1. That the report of the Manager Civil Infrastructure and Solid Waste dated 4 July 2016 – “Food and Garden Organics Collection Service Trial Results” be noted.**
- 2. That Council proceed to complete the preparation of documentation for, and call tenders for the construction and operation of the proposed Dubbo Regional Organics Processing Plant; and joint tendering for the provision of a regional food and garden organics kerbside collection service for the local government areas of Narromine Shire Council and Mid-Western Regional Council; and for the mixed waste collection in that part of the Western Plains Regional Council area to be provided with a three (3) bin collection service.**
- 3. That the tender pricing options include servicing of Wellington and Geurie townships for the provision of fortnightly kerbside recycling and weekly Food and Garden Organics collection.**
- 4. That the tender pricing options include servicing of Stuart Town and Mumbil townships for the provision of fortnightly kerbside recycling.**
- 5. That the adoption of the Domestic Waste Management Charge in 2017/2018 reflect the expanded levels of service of the three bin proposal and incorporate a pensioner rebate to those entitled to receive such rebate for the waste service charge, to be determined at the time of drafting the 2017-2018 Revenue Policy.**
- 6. That it be noted that the current Project Development Plan as amended, provides for a commencement date of the Food and Garden Organics collection service on 1 March 2018.**
- 7. That a new augmented Solid Waste Management Strategy be developed for the Western Plains Regional Council local government area with specific attention given to the future incorporation of all urban settlements and rural localities into the Strategy with a progressive implementation of the kerbside collection of mixed waste, recyclables and food and garden organics where feasible, and including appropriate engagement with the relevant Wellington communities affected.**

*Michael Kneipp*  
Administrator

Appendices:

- 1 Report from Manager Civil Infrastructure and Solid Waste**

ORDINARY COUNCIL MEETING  
27 JULY 2016

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**WESTERN  
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## **REPORT: Food and Garden Organics Collection Service Trial Results**

**AUTHOR: Manager Civil Infrastructure and Solid  
Waste**

**REPORT DATE: 4 July 2016**

**TRIM REFERENCE: ID16/1078**

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### **EXECUTIVE SUMMARY**

The development of a proposal to introduce a kerbside organic waste collection service for the City has been under consideration since as early as 1998. However only since 2012 did this proposal gain momentum when the offer of attractive State Government funding led to the former Dubbo City Council securing \$4.1m in grants toward the construction of a regional composting plant proposed to be constructed at Whylandra Waste and Recycling Centre. This proposal also includes the establishment of a kerbside collection service of food and garden organics. With assistance from its waste management collaboration agent, NetWaste, Council has been working closely with nearby NetWaste affiliated councils, Narromine Shire and Mid-Western Regional, to develop this regional waste servicing proposal.

As part of the project development, the former Dubbo City Council has undertaken a 10 week trial of the provision of a kerbside food and garden organics collection service in a selected suburb of East Dubbo with 352 households participating. The trial sought to test not only the operational feasibility of providing the 3 bin service model but also to obtain feedback from trial participants into the service's practicality and benefit to households. Council has also obtained useful data on likely yields of organic waste that could be diverted from landfill. This information will be most valuable in helping to specify and deliver a service that optimally and efficiently meets the needs of residents.

This report provides the results of this trial which confirms that a City wide weekly food and garden organics collection service would be accepted by the majority of residents with such satisfaction improving after an initial period of familiarisation with the new routine and the provision of ongoing educational support. The key results of the trial which indicate most clearly the participants' satisfaction with the service, include;-

- The food and garden organics yield of 9kg/household/week is well in line with the average yield from other food and garden collection trials conducted across Australia where the service has been successfully introduced permanently.
- The low level of contamination detected in the collected organics which shows that the community is willing to do the right thing if provided with the relevant educational information.



**ORDINARY COUNCIL MEETING  
27 JULY 2016**

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- The 'pre-trial' and 'post-trial' surveys of participants which show an increase from 63% to 76% in the level of support for (and reduction in opposition to) an organics collection service, at an indicative cost of \$1.20 per week per household.

The above results indicate that the service would be regarded as a beneficial service by the clear majority of residents. Further, the service has been well patronised to the extent that if the service were implemented on a City wide scale and in the delivery model proposed, it is likely to yield the diversion rates of removing organic waste from the domestic waste stream necessary to attract private sector interest in the establishment of a regional composting facility at Whyandra Waste and Recycling Centre.

On the strength of the success of this trial, this report recommends that Council proceed to prepare documentation to tender on the open market to receive formally priced proposals on both the construction and operation of the Dubbo Regional Organics Processing Plant and the provision of a weekly Food and Garden Waste Kerbside Collection Service to the three council areas for further consideration by each respective Council. Proceeding to tender is not only a necessary step to determine if there is interest from the private sector in the business opportunity that the project presents but will also demonstrate positive intent by Council with respect to the interest shown by the two partnering NetWaste councils in the proposal and their anticipation of the project going ahead.

**FINANCIAL IMPLICATIONS**

The funding of the Regional Organics Processing Plant and the collection service will be sourced partly from grant funding of \$3.26m and \$0.884m respectively. The grants programme which is supporting the project has an acquittal deadline of 30 June 2017. Given the time needed to develop this project with full public engagement, Council is unlikely to meet this deadline but has a very good chance of being well advanced in the expenditure of the grant funding if tenders are called within the next three months. Council's decision to proceed to calling for tenders on the major components of the project will serve to signal to the funding body, the Environmental Trust, Council's clear intent to acquit the significant grant funding that is available as early as practicable, and thereby aid in alleviating the risk of this funding being withdrawn.

**POLICY IMPLICATIONS**

There are no policy implications arising from this report.

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RECOMMENDATION

1. That the results of the recently conducted 10 week food and garden organics collection trial conducted in East Dubbo be noted.
2. That Council proceed to complete preparation of documentation and the calling of tenders for the construction and operation of the proposed Dubbo Regional Organics Processing Plant; and the joint tendering for the provision of a regional food and garden organics kerbside collection service for the local government areas of Narromine Shire Council and Mid-Western Regional Council and mixed waste collection in that part of the Western Plains Regional Council area to be provided with a three (3) bin collection service.
3. That it be noted that the current Project Development Plan as amended, provides for a commencement date of the 3 bin collection service incorporating food and garden organics, on 1 March 2018.
4. That a new augmented Solid Waste Management Strategy be developed for the Western Plains Regional Council local government area with specific attention given to the future incorporation of all urban settlements and rural localities into the Strategy with a progressive implementation of the kerbside collection of mixed waste, recyclables and food and garden organics where feasible, and including appropriate engagement with relevant Wellington communities affected.

*Stephen Clayton*  
Manager Civil Infrastructure and Solid Waste

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**BACKGROUND**

The former Dubbo City Council has been examining the benefits of a joint tender with nearby NetWaste councils, Mid-Western Regional Council and Narromine Shire Council, for the provision of a kerbside food and garden organics collection service. Integrated with this proposal is a separate proposal to construct an organics processing plant with the capacity to service the region including processing the household food and garden organics (FOGO) captured from the NetWaste 3 bin collection service. Much work has been accomplished to date in the development of the combined proposal of creating an organics processing capacity for the Dubbo region and one of 3 processing hubs proposed for the NetWaste region.

In summary the accomplishments for the project to date include;

- Establishing a site for the Organics Processing Plant at Whylandra Waste and Recycling Centre.
- Acceptance of \$3,259,000 in grant funding for the construction of the \$6.93m Processing Plant.
- Acceptance of \$844,122 in grant funding for the provision of an organics bin collection service.
- Implementation of a community engagement program and public consultation program
- Completion of an Environmental Impact Statement for the development at Whylandra Waste and Recycling Centre.
- Completion of a 10 week food and garden organics collection service trial.
- Lodgement of a Development Application for the development (currently with JRPP).
- Initial scoping for the tender documentation in terms of proposed services/service levels.

At the November 2015 Ordinary Meeting of the former Dubbo City Council, consideration was given to the report from the General Manager in respect of a Councillor Workshop of the former Dubbo City Council which was held to discuss a proposal to construct a regional organics processing facility and kerbside collection service for household food and garden waste – termed the 'Organics bin proposal'. The service is to supplement the existing garbage and recyclables collection from the kerbside via the 240 litre Mobile Garbage Bin collection system.

From this workshop a number of recommendations came forth and were subsequently amended and adopted by the former Dubbo City Council. These recommendations included:

1. *That the results of the Community Engagement Program from the Communications Supervisor for the proposed Food and Garden Waste Kerbside Collection Service be noted.*
2. *That the report commissioned by NetWaste on "A Review of Food and Garden Organics Collection Services in NSW and Australia" be noted.*

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3. *That the report of the Manager Works Services on "Potential Delivery Options for the Proposed Organics Collection and Processing Service" be noted and such report remain confidential to the Council.*
4. *That the Works Services Branch's involvement in the Proposed Organics Collection and Processing Service be assigned "Service Provider" status to the Waste Services Functions with discretion to exercise his "first right of refusal" in the proposed resourcing arrangements for the delivery of the Organics Collection and Processing Service.*
5. ***That a minimum three month trial be conducted within a selected area of the urban area to provide a proposed "three bin" service incorporating:***
  - ***Food and Garden waste collected weekly***
  - ***Recyclables collected fortnightly***
  - ***Mixed Waste collected fortnightly (plus Mixed Waste collected weekly to selected households to determine a cost comparison) and a report be submitted to Council on the trial results.***
6. *That during the trial period, Council proceed to undertake further education of the community in respect of the Food and Garden Waste Kerbside Collection Service.*
7. *That having regard to the trial results, Council determine, in consideration of such report, whether to proceed to the next stage of development to enable a call to tender process to proceed.*
8. *That Council proceed to advise the Environmental Protection Authority, with whom Council has accepted an offer of \$3.259M of funding under the Waste Less Recycle More Program to assist with the capital costs of the proposed Food and Garden Waste Service, of Council's progress in respect of the development of this project.*
9. *That NetWaste and the councils interested in participating in the organics collection service be advised in terms of Council's intended actions with respect to proceeding with a trial kerbside collection prior to considering the calling of tenders for the construction of the Dubbo Regional Organics Processing Plant.*
10. *That it be noted that Council conceptually supports the provision of a pensioner rebate in respect of the provision, by Council, of an Organic Waste Collection Service and that should Council ultimately proceed with such service, the General Manager be requested to report in respect of the various pensioner rebate scenarios prior to any determination by Council of applicable charges for such service.*
11. *That on reporting in respect of the outcome of the three month trial for a proposed "three bin" service, the General Manager be requested to also report on the operation and experiences of whole of product waste handling facilities operating in Eastern Australia as a potential alternative to the "three bin" service.*
12. *That the General Manager be requested to facilitate a visit of Councillors/staff/Netwaste to the Macarthur/Eastern Creek waste handling facilities in Western Sydney.*
13. *That formal advice be sought from the Environmental Protection Authority as to the impact on Council's existing Environmental Protection Authority grant, should Council's waste management direction be to a waste handling facility in lieu of the "three bin" option and further the possibility for extensions to the timelines in respect of the expenditure of such monies.*

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The following comments are provided with respect to the progress of implementing the above recommendations.

- No. 1 to 4 – This information has been noted and no immediate action required
- No. 5 – The 3 bin service trial has been conducted and the results are contained in this report.
- No. 6 – Additional education on the new service was provided as part of the trial roll out and more generally, at the Council stand at the 2016 Dubbo Show in May.
- No. 7 – This report considers the proposal and when to call tenders for the service.
- No. 8 – Council has communicated with the Environment Protection Authority as part of its obligation to the funding agreement to report on the achievement of project Milestones and the amendment of dates relating to the milestones including when tenders expect to be called.
- No. 9 – Council has met with the participating councils of Narromine and Mid-Western Regional in meetings and teleconferences organised through NetWaste to keep them informed with regard to the progress of project development and Council's decisions in this regard.
- No. 10 – The consideration of pensioner rebates would be done at the time of setting the Revenue Policy for the 2017-/018 Budget year when the Domestic Waste Management Charge would be set based on information arising from tender prices and any other recently developed operational estimates that would input to this charge.
- No. 11 – The report on the Australian experience with Whole of Product Waste Handling Facilities has not yet been produced but would be prepared in conjunction with the proposed tour of such facilities in Western Sydney.
- No. 12 – The proposed tour of waste handling facilities in Western Sydney which was to be held in April 2016 was postponed due to the uncertainties of the council merger process which caused Council to seek advice in regard to its ability to make decisions with regard to this project during the proposal period. This tour can be organised at any future time subject to reasonable notice being given to the facilities to be inspected.
- No. 13 – An approach to the Environment Protection Authority to enquire about a change in organics processing technology to that adopted in the approved grant application would require a fresh funding application to be submitted as Council would have to demonstrate via a fully costed business case that such technology was viable. This process took Council 6 months to accomplish in developing its funding application for the *enclosed tunnel composting* proposal. Funding application assessment criteria is heavily weighted on risk management and the use of proven technologies as well as their feasibility for use in small scale operations, is an important consideration that only composting plants of the scale of the one proposed satisfies. Further, the funding program that this project relates to is for "organics processing" whereas a 'waste handling facility' primarily processes mixed waste with the organics component being the smaller fraction and would therefore not meet the funding eligibility guidelines for the funding program under which Council has obtained its grant.

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It is considered that Council may have more chance of seeking special consideration with respect to adhering to grant acquittal timelines on the basis of the impact of the council merger process and its frustrating Council's ability to make decisions on the project within the timeframes required.

With regard to recommendation No.5, this recommendation specifically relates to conducting a trial of the proposed food and garden organics collection service. This report provides information about the trial and in particular, the results of the key performance measures that were established at the start of the trial. Council further considered it prudent to conduct a food and garden organics collection trial to identify any operational challenges that may become evident; measure the quantity of food and garden organics (per household) diverted from the waste stream; and gather feedback on the effectiveness of education and marketing actions.

**REPORT**

In response to the former Dubbo City Council's resolution of November 2015, a food and garden organics collection trial was subsequently conducted over a 10 week period commencing on 22 February 2016 and finishing on 25 April 2016 within an area of Eastridge in north-east Dubbo. The trial area covered a total of 411 households of which 352 (or 86%) volunteered to participate in the trial. The trial area was selected because it had a demographic profile broadly representative of large parts of the Dubbo urban area according to ABS data. Socioeconomic factors that were taken into consideration in selecting the trial area included household income, education status, lot size and the number of occupants in a household. Participation in the trial was not compulsory. Reasons given by those not wishing to participate included 'away on holidays, we only generate a small amount of waste, unsure as to what is involved, just not interested in participating'.

The following 3-bin kerbside collection service configuration was trialled:

- Food and Garden organics 240 litre bin collected weekly
- Garbage bin collected fortnightly with a weekly collection option by request
- Recyclables 240 litre bin collected fortnightly (as normal)

A total of 311 premises (89%) received a fortnightly garbage collection while 39 (11%) received weekly garbage collection. The weekly garbage option was generally provided to households with 3 or more people with either special nappy/incontinence aids disposal needs or were already receiving a double domestic waste collection service. The trial area was divided into two (2) zones for the purpose of trialling two types of kitchen caddies, one being a vented caddy with a roll of liners supplied and the other, an unvented caddy. Both quantitative data including food and garden organics diversion rates, contamination rates, participation rates, etc and qualitative data from surveys on the ease of use of service, support and willingness to pay for service, etc, were collected during the trial.

A detailed report on the trial has been prepared by Impact Environmental Consulting. The report is a comprehensive document which outlines the trial objectives, performance indicators and measurement methodology, results - both quantitative and qualitative and

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participant feedback from surveys. A copy of this report entitled “**Food and Garden Organics Trial, June 2016**” is attached as **Appendix 1**.

The results and feedback from the trial are summarised as follows:

Quantitative Measures:

- The average yield of the food and garden organics from the trial was 9kg/household/week. This correlated to a 35% reduction in the yield from garbage bins indicating a significant diversion of food and garden organics from household waste.
- The estimated average weekly per household yield that can be expected from a *City wide* food and garden organics service would be marginally lower at 6.75 kg/hh/wk or 350 kg/hh/yr giving a total expected annual yield of 4,500 tonnes (based on 12,850 premises). In estimating the quantities of food and garden organics that would be generated by a City wide kerbside collection service, the following adjustments were made to the food and garden organics yield from the trial:
  - *Locality adjustment (-5%)*: The trial area consisted of well-established homes with mature gardens
  - *Seasonal adjustment (-10%)*: The trial was run during the summer period where there tends to be a higher growth rate of garden organics than in winter however this was offset by the exceptionally dry conditions experienced during and prior to the trial.
  - *Clean-up opportunity adjustment (-10%)*: A number of residents indicated that they would use the trial as an opportunity to clean up their garden during the initial door to door consultation.
- Number of organics bins presented at the kerbside each week was 60% on average.
- Contamination level in organics bins was low (less than 3%).

Qualitative Measures:

- A post-trial survey indicated that 76% of residences ‘supported’ or ‘did not oppose’ the introduction of an organics collection service at an additional cost to ratepayers of \$1.20 per week. By comparison, the customer survey conducted by the Western Research Institute in March 2015, found that 63% of residents supported or didn’t oppose introducing an organics collection service at an additional cost of \$1.20 per week
- 90% of participants found the educational materials helpful (introductory letter, brochure and calendar)
- Over the duration of the trial there was a reduction from 18% to 11% in the number of households saying they could not manage with a fortnightly garbage collections
- The use of either style of kitchen caddy did not appear to have an impact on whether the residents transferred kitchen scraps to the organics bin. It would therefore be proposed that, on the basis of the service proceeding, residents be provided with vented caddies and liner bags for the following reasons:

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- During times of low garden organics generation (dry periods and winter) it would be preferable to dispose of organics using a liner bag rather than tip the moist contents of the caddy directly into a bin depleted of garden organics.
  - 36% of the households that trialled the caddy without liners expressed either concern for keeping the caddy clean or stated that they preferred liners.
  - Providing the cleanest and most convenient form of kitchen waste transferral will thereby maximise the diversion of food organics from the waste stream.
- 66% of residents experienced no problem with the organics bin.
- However, 19% found odour a problem and
  - 12% had concerns with keeping the bin clean.

It is expected that these issues would be moderated by supplying kitchen caddy liner bags to all properties and through the provision of ongoing community education on how to make best use of the service.

- When asked for ways to improve the 3-bin collection service,
- 35% were happy with the trial's 3 bin configuration,
  - 15% suggested more help with managing odours emitted from the garbage bin
  - and 31% suggested that weekly garbage collection was needed.
- No operational issues relating to organics bin collections were raised by the operators of Council's waste collection vehicles. Initial confusion among some residents as to the correct days to put each bin out for collection was alleviated by the delivery of a separate collection calendar (in fridge magnet form) to all households just prior to the second week of the trial collections.

The responses to all feedback survey questions is provided in the Trial Report. (**Appendix 1**)

Conclusions:

The results of the trial confirm that the introduction of a community wide weekly food and garden organics collection service (combined with a change in frequency of garbage collection to fortnightly for most households) would be accepted by the clear majority of residents. Such support is expected to increase further once confidence has been gained by residents in managing the change in bin collection service levels and working out the best way to manage such issues as utilising available bin capacity of respective bins and how to ameliorate generated odours. The key results of the trial that indicate this level of satisfaction and acceptance include:

- The food and garden organics yield of 9kg/household/week is well in line with the average yield from other food and garden collection trials conducted across Australia where the service has been successfully introduced permanently.
- The low level of contamination detected in the collected organics which shows that the community is willing to do the right thing if provided with the relevant educational information.



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- The 'pre-trial' and 'post-trial' surveys of participants show an increase from 63% to 76% in the level of support for (and reduction in opposition to) an organics collection service, at an indicative cost of \$1.20 per week per household.

The trial also highlighted the importance of a well-developed, comprehensive education program accompanying the introduction of an organics collection service. Experience of other councils indicates that once residents have had time to understand and use the new system, support and satisfaction levels significantly increase. This is reflected in the transition that Council experienced when introducing kerbside recycling services in 2010. Some initial adverse community reaction was encountered followed by overwhelming support once the recycling services were introduced. The above trial results gives Council the confidence that the community will readily embrace the new organics collection service and come to regard it as a natural extension of the recycling service, with which it is now well familiar.

**Proposed Service Delivery Model**

The trial results confirm that the service delivery model that should be adopted for a 3 bin domestic waste service comprises the following:

- Food and garden organics 240 litre bin collected weekly
- Recyclables 240 litre bin collected fortnightly
- Mixed Waste 240 litre bin collected fortnightly with a weekly collection option upon request, at an additional cost to the customer reflective of the higher level of service (to be determined subject to tender pricing).
- Collection service to be scheduled so that only two bins (recyclables + organics or mixed waste + organics) are placed at the kerbside in any given week.
- Households be able to apply for additional multiples of bins at additional charge providing there is a minimum of one of each of the three bins to be serviced.

The original 3 bin servicing proposal as developed by Dubbo City Council proposed servicing the urban areas of Dubbo, Wongarbron and Brocklehurst. Within these centres it is proposed to exclude Multiple Unit Development properties who will continue to receive the 2 bin service. Essentially any residential property which has its own driveway (including Duplex properties) is included. The surrounding rural areas including the rural residential estates of Firgrove and Richmond Grove plus the villages of Ballimore and Eumungerie would not be included and would continue to be provided with a 2 bin service.

**Council Merger Implications**

The area of the Western Plains Regional Council now includes the centres of Wellington and Geurie, centres which have not been part of the original organics servicing proposal. These new centres currently have a weekly kerbside collection service but it does not include recyclables collection. These centres would be sufficiently populated to justify a 2 or 3 bin service and therefore need to be considered at some point in the future for inclusion in the proposed 3 bin service. The timing of their inclusion need not be concurrent with the former Dubbo City Council scoped proposal, particularly if proper access to the former Wellington

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Council data is to be analysed and a public engagement process is to be carried out in these communities. The whole concept of integrating the waste collection services of the two former council areas needs to be the subject of a wider Solid Waste Management Strategic review and the development of a new Western Plains Regional Council Waste Management Strategy covering waste servicing of all urban settlements and rural localities. The organics proposal as currently conceived should therefore proceed while this is occurring so that the time imperatives associated with the grant funding agreement and the neighbouring council project partners are duly considered. The review and augmentation of the Solid Waste Management Strategy integrating both former local government areas is a recommendation arising from this report.

Call for Tenders

On the strength of the positive results of the community engagement and the organics collection trial it is proposed that Council proceed to the next step of inviting tenders. This step is critical to be able to evaluate the level of interest by the private sector to construct and operate an enclosed tunnel composting plant on Council's land; and to establish contractor interest in the provision of waste collection services on a regional scale. The calling of tenders on such a large contract will attract more interest if a sizeable package of servicing opportunity is presented. In this regard it is prudent to consider incorporating other servicing contracts of a similar nature to make the tender more attractive to the larger contractors with competitively priced resources at their disposal. These other services include:

- Recyclables collection and Drop Off Centre Servicing
- Bulky waste kerbside collection
- Rural Transfer Station servicing
- Public area waste management servicing

*Note: Mixed Waste collection is currently undertaken by Council Day Labour except for the Villages of Wongarbone, Ballimore and Eumungerie and some of the Rural Area which is serviced by contractor.*

All of these services (but not including the majority of mixed waste collection) are already under a contractual arrangement but each will expire at some time over the term of the proposed organics servicing contract. It is possible for the tender to be structured to provide for these other services to be incorporated into the main contract as separable parts to be commenced at the appropriate time. The important point is that a pricing opportunity is provided within the tender which gives Council the option to take up the different servicing options under the master contract if it considers them to be competitive and represent good value. In this regard, it would be prudent to include a tendering option for the servicing of urban areas within the former Wellington Council area.

**Council Merger Implications Regarding Operational Staff Retention**

Mixed waste collection is currently provided by Council day labour and its own fleet of vehicles. It is intended that this resource be retained particularly given the need to integrate the operational staff from the two former councils, post-merger. In terms of tendering

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options, it is proposed that Council day labour undertake the weekly collection of food and garden organics within the Western Plains Regional Council LGA. The servicing of fortnightly mixed waste collection is proposed to be undertaken by contract. The servicing of weekly mixed waste collection in the area not proposed to be covered by the "Organics" service will remain in its current day labour and/or Contract format as applicable. The servicing of the two other council partners (Narromine and Mid-Western) will be tendered out to their respective servicing requirements but the Manager Works Services will exercise the "Service Provider's" option to either enter into contract with an external service provider or undertake the service in-house, subject to the competitiveness of tender pricing.

Establishing the servicing options to be included in the Call for Tenders is a process which requires considerable consultation between the councils who will be party to the contract. In this regard, preparation of the tender documentation is one part of a complex procurement process which would be managed by Council's consultant and require up to three months to finalise. While some preparatory work has been done through the development of the project, it is estimated that should Council decide to proceed to call tenders, the earliest that this could go out to the market would be by the end of October 2016. The tender period would extend for three months including the Christmas holiday period and tender evaluation completed in time for the March 2017 Ordinary Meeting of Council. Extending the Project Implementation Plan out from this date would see the Food and Garden Organics Collection Service commencing on 1 March 2018.

**SUMMARY**

As part of its consideration of the merits of introducing a food and garden organics collection service, Council has recently undertaken a trial of a three bin kerbside collection service in a typical suburban area of East Dubbo servicing an area of 352 households. The trial was conducted over a period of 10 weeks utilising Council's waste collection fleet and involved collecting as much data as possible to indicate the operational feasibility of delivering the service, the effectiveness of educational information provided to household to assist them with using the service, monitoring quantities of organic material collected including the level of contamination, surveying the level of satisfaction from participants and their suggestions for what worked well and what didn't all have been considered in evaluating the overall result of the trial.

The trial has been rated as a success with respect to the key result measures that were put in place to make such evaluation. Key measures that indicated a positive result included the yield of 9kg/household per week which is regarded as being well within the range of currently operating organics collection services in NSW; a very low level of contamination in the organics; an increase in the approval level from participants toward the service over the duration of the trial to the extent where 76% were either in favour of or not opposed to the service being introduced permanently.

Given the positive results from this trial it is recommended that Council proceed to prepare documentation and invite tenders for the provision of a food and garden organics service as part of a regional joint tender involving two other local councils. Concurrently with this tender it is also recommended that tenders be invited for the construction and operation of

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the Dubbo Regional Organics Processing Plant which will provide the necessary processing capacity for the Organics bin service. The earliest that the service could commence at this point in time is 1 March 2018.

Appendices:

- 1 Western Plains Regional Council Food and Garden Trial Report



Western Plains Regional Council  
Food and Garden Organics Trial  
June 2016

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## PART 1 EXECUTIVE SUMMARY

### Objectives

Western Plains Regional Council (WPRC) along with Mid-Western Council and Narramine Shire Council are examining the benefits of a joint tender for a kerbside food and garden organics collection service. WPRC considered it prudent to conduct a food and garden organics collection trial to:

- identify any operational challenges that may become evident;
- measure the quantity food and garden organics (per household) diverted from the waste stream; and
- gather feedback on the effectiveness of education/marketing actions.

### System Parameters

- 10-week duration from 22<sup>nd</sup> of February to the 25<sup>th</sup> of April 2016.
- The following 3-bin kerbside collection service configuration was trialled within a representative area in northern east Dubbo:
  - Food and Garden waste 240 litre bin collected weekly
  - Garbage bin collected fortnightly with weekly option
  - Recyclables 240 litre bin collected fortnightly (i.e. current service continued)
- The trial area covered 411 households of which 352 (or 86%) opted to participate in the trial.
- Of the participating premises, 311 (89%) premises received a fortnightly garbage collections while 39 (11%) received weekly garbage. The weekly garbage option was generally provided to households with 3 or more people in nappies/incontinence aids or were already receiving a double domestic waste collection service.
- The trial area was divided into two zones. Each premise in zone 1 received a vented caddy with a roll of liners and each premise in zone 2 received an unvented caddy.

### Results

- Average yield of the food and garden organics bin was 9.0 kg/household/week. This equates to approx. 450 kg/household/year. Noting:
  1. A yield of 350 kg/household/year was previously assumed for a city-wide food and garden organics bin service for budgeting purposes.
  2. Normally higher than average plant growth rates during the warmer months was reduced by dry conditions. During the trial period there was only 23 mm of rain, which is 82% below the long term average.
  3. The yield would result in approximately 4,500 tonnes of organics across the LGA.
- 35% reduction in yield of garbage bins (by weight).
- Number of organics bins presented each week was 60% on average.
- Contamination levels in organics bins was low (less than 3% measured visually).
- It is recommended that should an organics service commence, residents be offered liners with their caddy. This will make food disposal more appealing during dry periods.
- Post-trial survey indicated that 76% of residences supported or did not oppose the introduction of an organics collection service at an additional cost to ratepayers of \$1.20 per week. By comparison, the customer survey conducted by WRJ in March 2015, found that 63% of residents supported or didn't oppose introducing an organics collection service at an additional cost of \$1.20 per week.
- 90% found the educational materials helpful (introductory letter, brochure and calendar).
- There was a pre-trial to post-trial reduction of 18% to 11% in the number of households saying they could not manage with a fortnightly garbage collections.

## PART 2 BACKGROUND

Western Plains Regional Council (WPRC) along with Mid-Western Council and Narromine Shire Council are examining the benefits of a joint tender for a kerbside organics collection.

The NSW Environmental Protection Authority and the NSW Environment Trust awarded a grant of \$3.3 million to WPRC under the Government's \$465.7 million 'Waste Less Recycle More' program. WPRC's grant application proposed to construct and operate an Organic Waste Composting Facility that will have a processing capacity of up to 15,000 tonnes per annum of source-separated organic wastes.

Dubbo City Council (DCC) commissioned a community waste management survey in June 2015. The work was performed by Western Research Institute. 625 households responded to the survey using the internet, by telephone and using paper. 74% of respondents supported reducing waste to landfill and just over half (53%) of respondents gave in principle support for the idea that WPRC introduce new systems that reduce waste to landfill and introduce composting.

Based on the result of the community waste management survey WPRC considered it prudent to conduct a food and garden organics trial to further quantify the degree of support for the service, operational challenges that could be encountered during a rollout and the likely tonnages available for collection.

From September 2003 to January 2004 DCC ran a 20 week kerbside garden organics trial from. Trial participants favoured a fortnightly garden organics collection. The yield rate of a fortnightly organics collection during the trial was 9.25 kg/hh/week with a presentation rate of 73%.

## PART 3 METHODOLOGY

### 3.1 OBJECTIVES

The objectives of the trial were as follows:

- identify any operational challenges that may become evident;
- measure the quantity food and garden organics (per household) diverted from the waste stream; and
- gather feedback on the effectiveness of education/marketing actions

### 3.2 TRIAL AREAS

WPRC planning staff identified an area for the trial that was representative sample of Dubbo City. Socioeconomic factors were taken into consideration which included income, education status, lot size and the household size.

An area in the north east of Dubbo was selected (see Appendix 1 for maps). The area contained 411 households split into two trial zones,

- Zone 1 trialled a vented kitchen caddy with liners and contained 171 households receiving a fortnightly garbage collection and 20 who remained weekly.
- Zone 2 trialled unvented caddies and contained 147 households receiving a fortnightly garbage collection and 14 who remained weekly.

A total of 59 households did not participate in the trial.

### 3.3 PERFORMANCE INDICATORS

To enable the performance of the trial to be evaluated the following data was collected:

Quantitative Data:

- Tonnages of food and garden waste collected. Measured as the trucks crossed the Whylandra depot weighbridge.
- Presentation rate (percentage of households who use the service) measured by the lift counter on the trucks.
- Incidents of contamination identified during the load audit.

Qualitative data:

- Composition of waste measured by visual inspection during the load audit.
- Community consultation, pre and post-trial.

### 3.4 PROGRAM

The following steps were involved in running the food and garden organics collection trial:

1. Mail out of letter advising residents of trial:  
A letter from the Mayor describing the trial was drafted by Impact and reviewed by WPRC. It was mailed to residents before the consultation commenced.

2. Pre-trial door to door consultation and survey:

Participation in the trial was voluntary. Impact undertook pre-trial consultation in the trial area over four days, beginning February 1<sup>st</sup>. Each household was visited and the purpose of the trial explained. If no one was home a brochure was left in the letterbox along with a contact number for WPRC.

Houses with no one home were assigned to a fortnightly garbage collection unless WPRC was contacted by the resident. In total IEC consulted with 160 households.

Residents were asked to answer a short survey (see Appendix 2) about the households and their perception of an organics collection. Based on the survey the resident was assigned either a fortnightly or weekly garbage collection. All survey responses were based on responses from households that elected to participate.

Residents could elect not to participate in the trial. Reasons given included: 'we will be away for holidays, we only generate a small amount of waste, unsure as to what was involved, just not interested in participating.'

3. Delivery of organics bin, kitchen caddy, bio liners and collection calendar:

Bins were delivered by WPRC works staff between the 10<sup>th</sup> and 12<sup>th</sup> of February. WPRC sourced the bins from the waste contractor JR Richards.

Residents were advised in the brochure that the bins remain the property of WPRC and would be picked up at the conclusion of the trial. The kitchen caddy and any surplus bags were to remain with the residents.

A collection calendar was provided for residents to place in the kitchen which clearly displayed the days that all three bins were to be collected.

4. Provision of collection services:

Weekly collection services commenced 22<sup>nd</sup> February 2016 and ran for a period of 10 weeks. WPRC's existing truck fleet was used to service the organics bins. Lift counters on the trucks were used to record the presentation rate. All truck loads were weighed as they entered the Whylandra Waste and Recycling Centre.

59 households chose not to participate in the trial, their collection remained unchanged for the trial.

5. Audit:

Organics loads on the 21<sup>st</sup> March and 25<sup>th</sup> April 2016 were audited by WPRC staff. Loads were tipped onto the floor of the covered area near the small vehicle transfer station at the Whylandra Waste and Recycling Centre. Contaminates were identified but not weighed.

6. Post-trial consultation and survey:

The post-trial survey took place over 4 days starting 11<sup>th</sup> April. IEC visited each household completing short electronic survey which recorded their feedback on the trial (see Appendix 2). If no one was home a slip was left in the letterbox with a link to the online survey. A prize was used to incentivise the responses from households with no one home. In total IEC received feedback from 199 households. With 95% confidence the responses received from the survey would be indicative of the Dubbo LGA with +/- 7% error.

**PART 4 RESULTS**

**4.1 QUANTITATIVE**

The average presentation rate (bins presented at the kerb on collection day) of food and garden organics bins in Figure 1 was 60% as shown below in Figure 1. During the trial the average presentation of garbage bins remained constant with an average of 89%.

The presentation rate of organics bins experienced significant spike in week 5 of the trial. A potential reason for this may have been residents performing a yard clean-up before the following Easter weekend. The drop in garbage bin presentation the following week (week 6) confirms that the organics bin increase was not an error in the data.

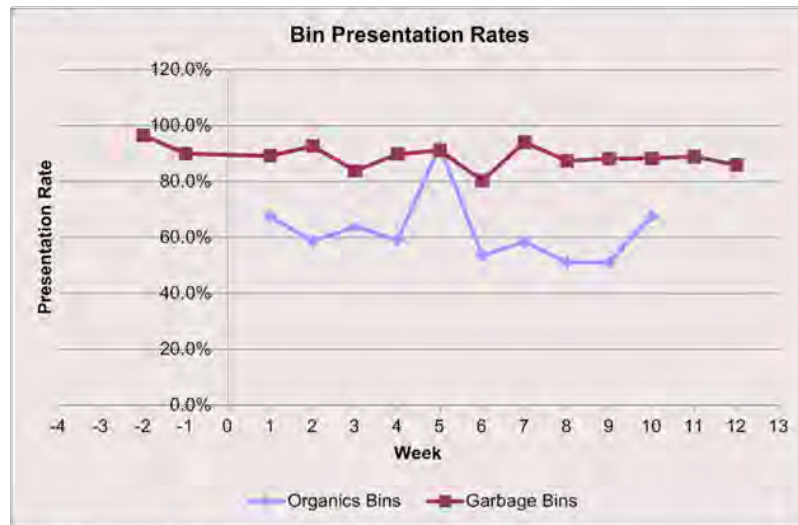


Figure 1 - Presentation Rate

The average organics presentation rate aligned with the pre-trial survey where 62%<sup>1</sup> of residents indicated they would use an organics bin regularly. Furthermore, the 2015 WRI Community Waste Management Survey found that 57% of residents indicated that they would use a green bin service, 38% would not and 5% were unsure. For comparison, the presentation rate for the fortnightly garden organics collection trialled by DCC in 2004 was 73%.

Port Macquarie Hastings Council has a fortnightly kerbside waste and recycling collection and a weekly food and garden organics collection. This was implemented in 2015, previously the organics was limited to garden waste only and was fortnightly, with the waste weekly. The table below displays that the presentation rate of organics bins in Port Macquarie was significantly higher than Dubbo trial, however this is to be expected considering the climatic differences and the fact that Port Macquarie has a mature system. Important to note is the three factors that were required for the jump in organics bin presentation from 2014 to 2015: the inclusion of food in the kerbside collection, the weekly collection of organics and fortnightly collection of waste.

<sup>1</sup> The responses were weighted with the addition of 28 to the 'I would not use the bin' to account for residents who did not wish to participate in the trial.

Table 1 - Port Macquarie Hastings Bin Presentation Rate

Kerbside Bin	2011	2014	2015
Waste	75%	79%	91%
Recycling	78%	74%	90%
Organics	-	50%	81%

Figure 2 below displays the average tonnage of organics and garbage collected in the trial area. Garbage from the 59 houses who elected not to participate is excluded for weeks 1-10 of the trial. The organics tonnages experienced a steady decline from week 1 to week 10. Week 5 displayed a large increase in organics tonnage, as discussed above this may have been due to residents tidying the yard before the following Easter weekend. The uptick in week 10 indicated that the organics yield may have stabilised.

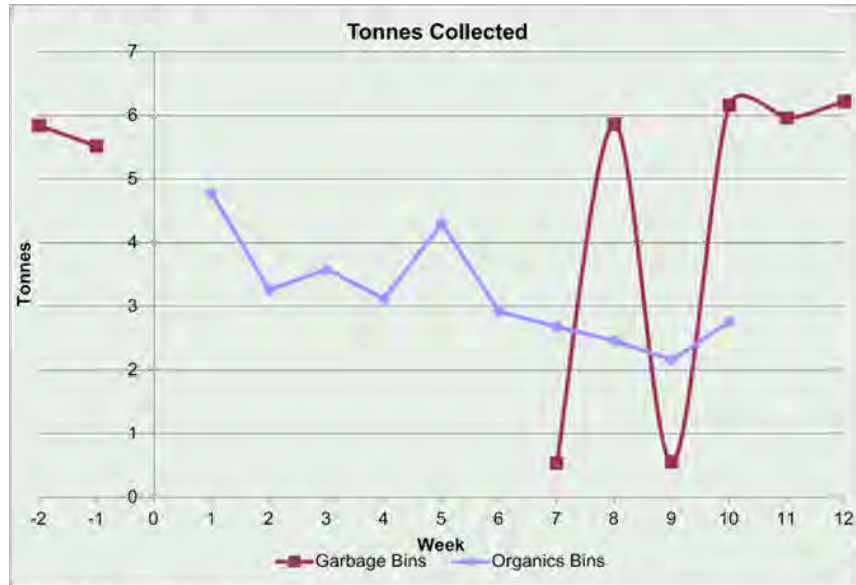


Figure 2 - Tonnes collected

Table 2 below displays the yield data averaged across the trial area. The introduction of the organics bin resulted in the average weight of garbage bins decreasing to 9.3 kg/hh/week from 14.3 kg/hh/week. This is a decrease of 35%.

Table 2 - Average yield and presentation figures

Wk	Food and Garden Organics			Garbage		
	Presentation Rate	Tonnes	Kg/hh/wk	Presentation Rate	Tonnes	Kg/hh/wk (eq <sup>A</sup> )
-2	NA	NA	NA	97%	5.84	14.2
-1	NA	NA	NA	90%	5.52	13.4
1	68%	4.78	13.2	89%	-	-
2	59%	3.26	9.0	93%	-	-
3	64%	3.58	9.9	84%	-	-
4	59%	3.12	8.7	90%	-	-
5	92%	4.3	12.0	91%	-	-
6	54%	2.92	8.2	80%	-	-
7	59%	2.68	7.5	94%	0.54	1.5
8	51%	2.46	7.0	88%	5.86	16.6
9	51%	2.16	6.1	88%	0.56	1.6
10	68%	2.76	7.8	88%	6.16	17.5
11	NA	NA		89%	5.96	14.5
12	NA	NA		86%	6.22	15.1
<b>AV G.</b>	<b>62%</b>	<b>3.20</b>	<b>9.0</b>	<b>89%</b>	<b>4.34</b>	<b>9.3 (trial), 14.3 (either side)</b>

<sup>A</sup>equivalent as there was a mixture of weekly and fortnightly collections.

The average organics yield of 9.0 kg/hh/week equates to approximately 450 kg/hh/year. This confirms that the 350 kg/hh/wk organics yield per service as assumed for budgeting purposes is a realistic estimate of the yield that would be achieved from a City wide food and garden organics collection service. It must be noted that this figure excludes the households who did not participate. As they chose not to participate it is unknown what their contribution to the yield would have been, in all likelihood it would decrease it slightly.

The above figure is in line with the 2012 Department of Sustainability, Environment, Water, Population and Communities *Best Practice Collection Manual for Food and Garden Organics*. The report compared 10 food and garden collection trials across Australia and found an average of 8.0kg/hh/week.

The WPRC food and garden trial yield was below the 2004 trial yield for fortnightly garden organics collection trial which had an average of 9.26 kg/hh/week.

The 5 kg/hh/wk drop in the weekly yield of garbage demonstrates that the majority of waste being collected in the organics bin is being diverted across from the garbage bin.

There are several factors that impacted on the Dubbo trial:

- **Climate:** The trial coincided with a period of below average rainfall in the region. Normally the average rainfall for February, March and April at the Dubbo Airport AWS totals 136.4mm<sup>2</sup>. During the trial period there was only 23 mm of rain, which is 82% below the long term average.  
The trial was run during the summer period where there tends to be a higher growth rate of garden organics than in winter. For example, the growth rate of a household lawn<sup>3</sup> is approximately 86% lower in the winter months than summer<sup>4</sup>. The dry period would have limited the growth of vegetation during the trial, however, a large number of houses use irrigation systems in Dubbo which must be considered.
- **Locality:** The trial area consisted of well-established homes with mature gardens. A number of residents during the consultation indicated that they used the trial as an opportunity to clean up their garden.

**Estimated Tonnes Available for Collection**

There are approximately 12,850<sup>5</sup> households in the Dubbo Local Government Area that would fulfil the proposed criteria for an organics collection service. These are households with individual driveways access to a public road within Dubbo, Wongarbron and Brocklehurst. Multi-unit dwellings (MUD's) including tenanted flats, retirement villages and strata units would be excluded, along with all households outside the built-up areas of Dubbo, Wongarbron and Brocklehurst.

Two collection options are available to WPRC, a blanket collection system whereby all households receive a collection, and an opt-in system where residents must nominate to receive the collection service. An opt-in system is not considered feasible as the 'per household' cost of providing the service would be prohibitive. There would also be challenges with routing trucks based on a varying demand for collection. The yield from an opt-in service was estimated by combining households who stated they supported the organics collection in the post-trial survey, this amounted to 54% of the 411 households (it was assumed that residents who did not wish to participate in the trial would also choose not to nominate for the service).

Table 3 – Food and garden tonnages available from LGA kerbside organics collection

	Blanket (tonnes)	Opt-in system (tonnes)
Households	12,850	6,900
Trial Yield	9.0 kg/hh/week	9.0 kg/hh/week
Tonnes Based on Trial	6,000	3,200
Locality Adjustment	-5%	-5%
Volunteer Adjustment	-10%	-10%
Seasonal Adjustment	-10%	-20%
Tonnage Estimate	4,500	2,400

<sup>2</sup> Bureau of Meteorology (2016), Dubbo Airport AWS.  
<sup>3</sup> Kikuyu, Buffalo and Couch grasses are classed as summer grasses.  
<sup>4</sup> <http://www.avigrazes.com.au/literary-content/regional-pasture-growth-rates/>  
<sup>5</sup> Based on DCC Local Government Organics Collection grant application.



### 4.2 QUALITATIVE

Two surveys were conducted, a pre and post-trial. The pre-trial survey was performed during the consultation and was completed by 39% of households in the trial area. The post-trial survey was only delivered to residents that had participated in the trial, of which 59% completed.

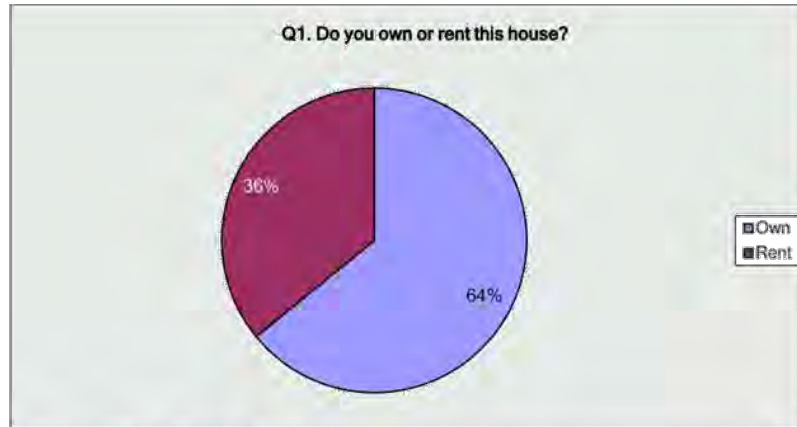


Figure 3 – Survey: Dwelling Ownership

Residents were asked whether they owned or rented the households. The response to both the pre and post-trial survey was exactly the same and aligned with the 2011 Dubbo census data which found 64% owner households, 29% renters and 7% other or not stated.<sup>6</sup>

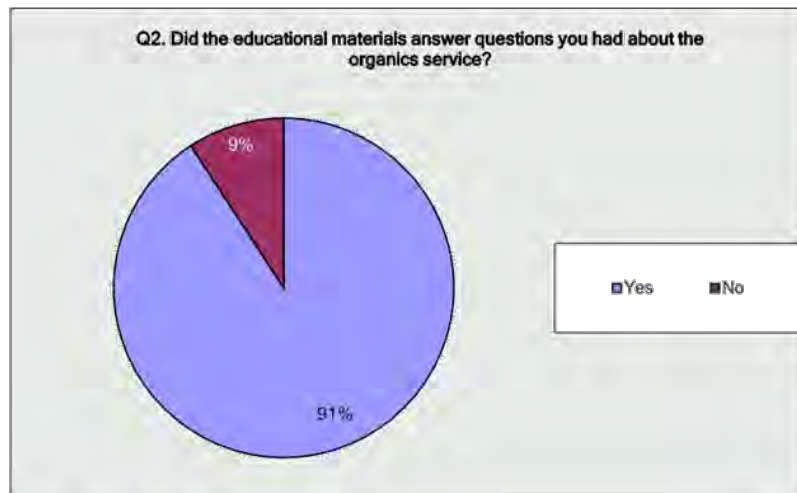


Figure 4 - Survey: Trial Educational Materials

<sup>6</sup> Profile ID, (2015), Dubbo City.

Over 90% of residents found the educational materials (introductory letter, brochure and calendar) and consultation provided by WPRC to be adequate and informative. It must be noted that the consultation included door to door visits. For the entire LGA this would be a costly exercise. Instead WPRC could create a hotline for queries.

The minority of residents who didn't find the information helpful expressed uncertainty about:

- where animal waste should be placed;
- the change to fortnightly waste for the trial; and
- the bin collection schedule.

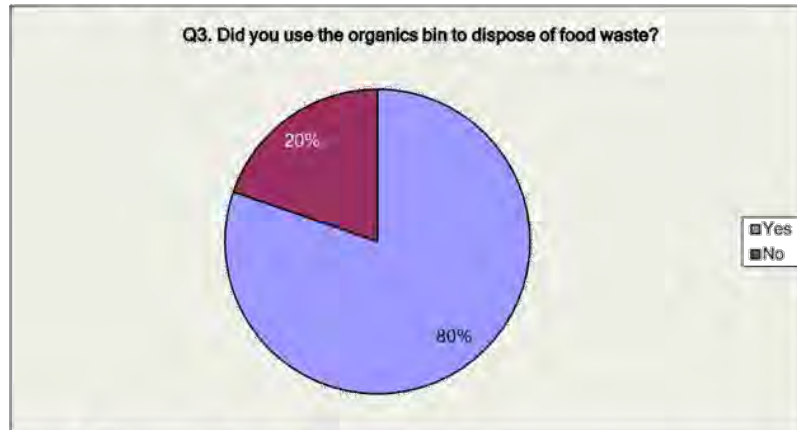


Figure 5 - Survey: Use of Organics Bin to Dispose Food Waste

In the pre-trial survey 10% of people indicated that they fed the food organics to animals and 10% composted with the remaining 80% putting it in the garbage. The disposal of food in garbage aligned with the 2015 WRI Community Waste Management Survey which found 70% of respondents put food waste in the garbage bin.

Feedback from the post-trial survey agreed with the pre-trial finding with 80% of residents using the organics bin to dispose of food.

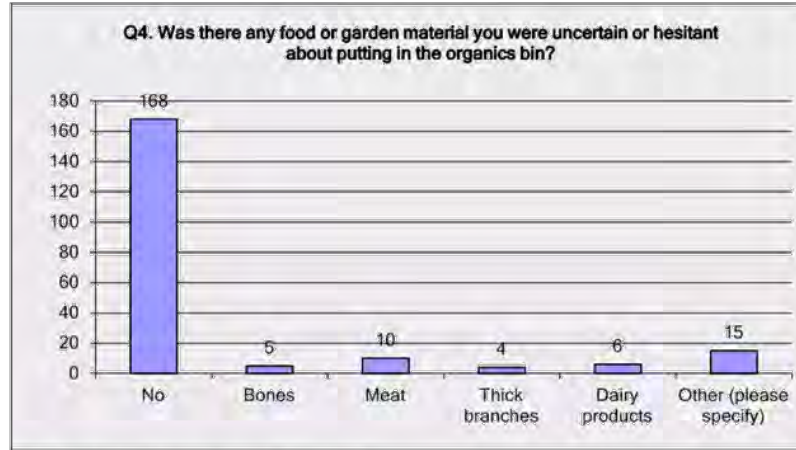


Figure 6 - Survey: Organic Material Uncertainty

Over 80% of residents were comfortable with source separating materials for the organics bin.



Figure 7 - Survey: Organics Bin Problems

68% of residents experienced no problems with the organics bin. Smell and keeping clean were the second and third most common responses. The 'other' category received the fourth responses, with the most common frustrations being hygiene and low usage.

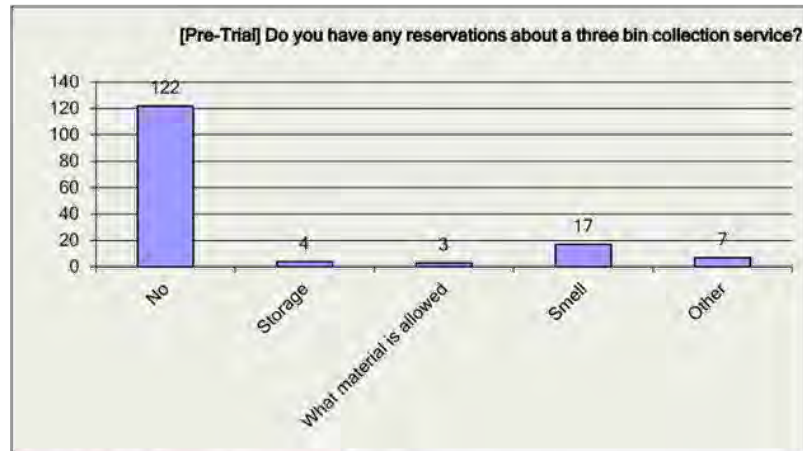


Figure 8 - Survey: Reservation about 3 Bin Collection

The amount of residents who experienced no problems (66%) was a decline from the 89% of residents in the pre-trial survey did not express reservations about a three bin collection. This displayed the importance of consultation and setting residents expectations.

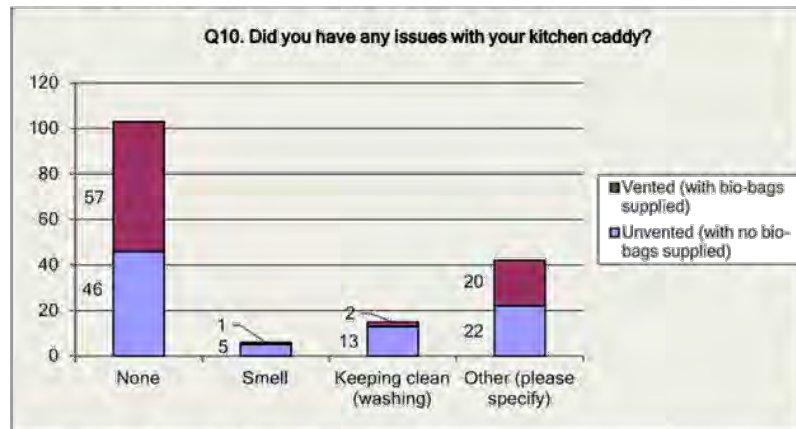


Figure 9 - Survey: Issues With Kitchen Caddy

Comparing between the vented caddy and unvented it can be seen that the number of residents who reported 'None' to issues were roughly similar. The main difference was that the unvented caddies were reported to be harder to keep clean and smellier. Under other 'Other' category 18 responses requested liners.

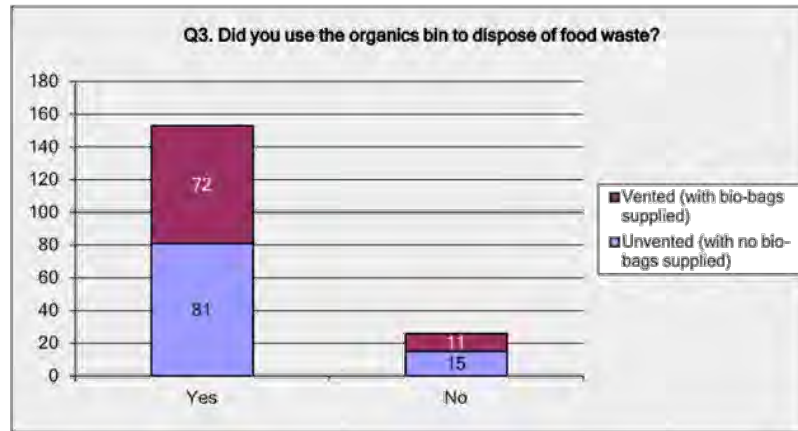


Figure 10 - Survey: Use of Kitchen Caddy

The use of either caddy did not appear to have an impact on whether the residents used the organics bin for food waste disposal.

Table 4 - Survey: How often did you empty the kitchen caddy?

1 (Daily)	2	3	4	5	6	7 (Weekly)
50	55	24	5	2	2	13
33%	36%	8%	2%	1%	1%	4%

69% of residents emptied their caddy either daily or every second day. Should WPRC elect to provide bio liners in a future rollout this usage rate must be considered.

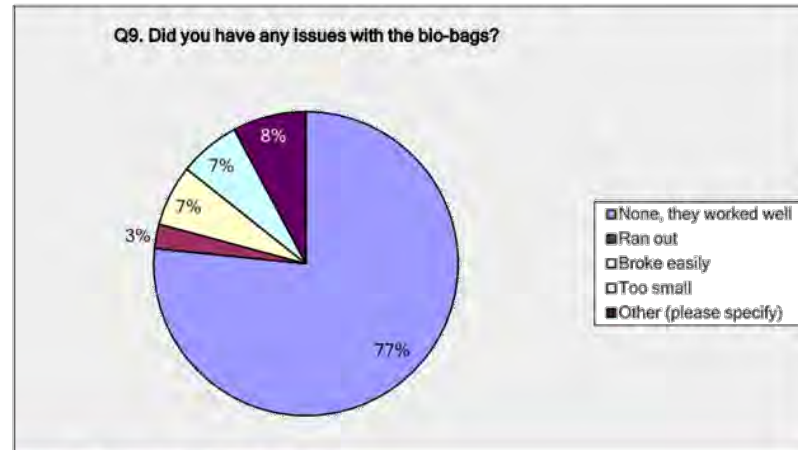


Figure 11 - Survey: Issues With Bio-Bags

The majority (77%) of residents had no issues with the bio bags. Although the use of either caddy did not appear to have an impact on whether the residents used the organics bin it is recommended that WPRC provide residents with lined caddies for the following reasons:

- During times of low garden organics generation (dry periods and winter) it would be preferable to dispose of organics using a liner rather than tip the contents of the caddy directly into the empty bin.
- Over 20% of the households in zone 2 (without liners) expressed either concern for keeping the caddy clean or stated that they desired liners.

Regarding distribution of bags, there are several options available to WPRC:

- WPRC delivers the first year of liners for free, after that it is the responsibility of the resident to purchase more. If this option is pursued then consideration must be given to using a non-vented caddy, as residents who elect not to purchase bags would be unable to use the vented.
- WPRC structures the organics collection contract so that the supply of liners is the responsibility of the contractor. Each year the contractor delivers a supply of liners to the households. This is the recommended option.

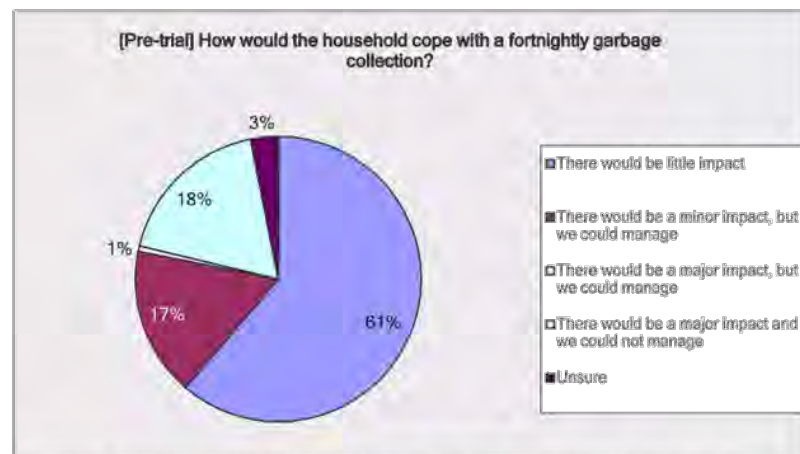


Figure 12 - Survey: How would the household cope with the change to fortnightly garbage?

The question 'How would the households cope with a fortnightly garbage collection?' was asked in both the pre and post-trial surveys. The pre-trial graph below was weighted to include households unwilling to participate in the trial as they were not captured in the initial survey. 29<sup>7</sup> responses were added to 'There would be a major impact and we could not manage.'

Over three quarters (78%) of households predicted that there would be a little or minor impact and 18% predicted that they could not manage that change.

<sup>7</sup> 50 households unwilling to participate - household response rate for pre-trial survey was 49%. 53 \* 0.49 = 26.

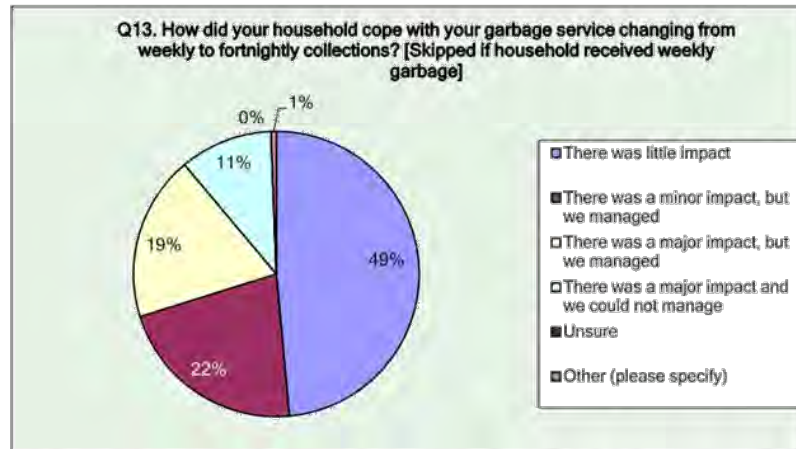


Figure 13 - How did the household cope with the change to fortnightly garbage?

Post-trial, the shift to fortnightly residual waste collection had a little or minor impact on 71% of residents. The number of households indicating there would be a 'major impact and we could not manage' dropped from 18% to 11%. Pre-trial 61% of residents expected there to be little impact, however after they had undertaken the trial this dropped to 49%.

These figures aligned with the 2015 WRI Community Survey where 73% of respondents stated they could manage the shift to fortnightly residual waste and 20% could not.

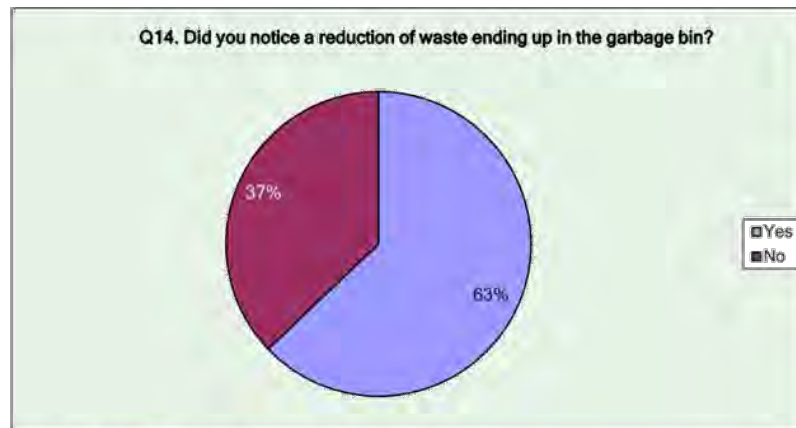


Figure 14 - Reduction in waste ending up in garbage bin

Over half (63%) of residents noticed a reduction in waste ending up in the garbage bin.

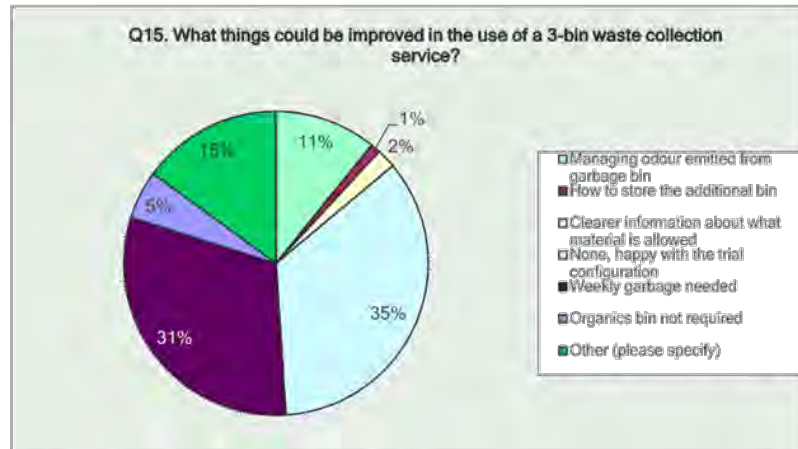


Figure 15 - Survey: Improvements for 3 bin collection

The collection system used for the trial satisfied 35% of residents who would not see any changes as necessary if the system were rolled out across Dubbo.

A large portion (31%) of residents preferred their weekly garbage service to remain if a third bin was introduced. This figure aligns with the 30% of residents who reported a major impact as a result of the change to fortnightly garbage collections.

Other issues raised in the open comments included:

- Where animal waste should be disposed
- Liners for kitchen caddy are necessary
- Organics bin only needed every fortnight
- The system should be opt in (or have the option to opt-out)
- Larger recycling bins are needed.

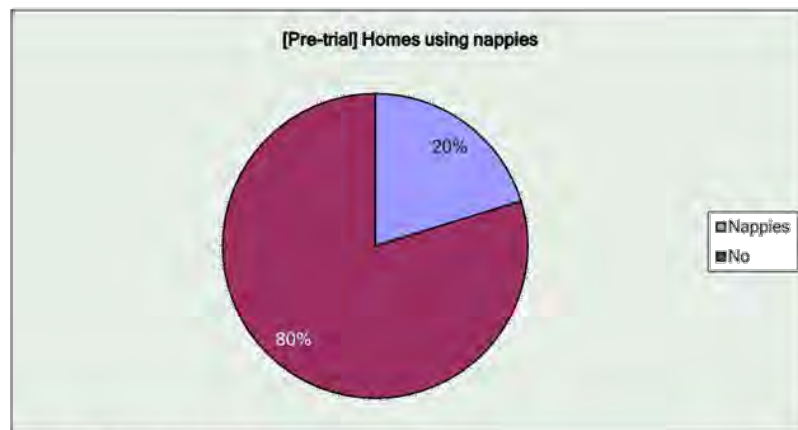


Figure 16 - Survey: Use of nappies



Nappies are often mentioned when discussing reasons why some households may need a weekly service. The pre-trial survey indicated that around 20% of households had at least one child using nappies. WPRC could consider offering a weekly garbage collection to households on an opt-in basis at an increased cost that reflects the increased operational requirements.

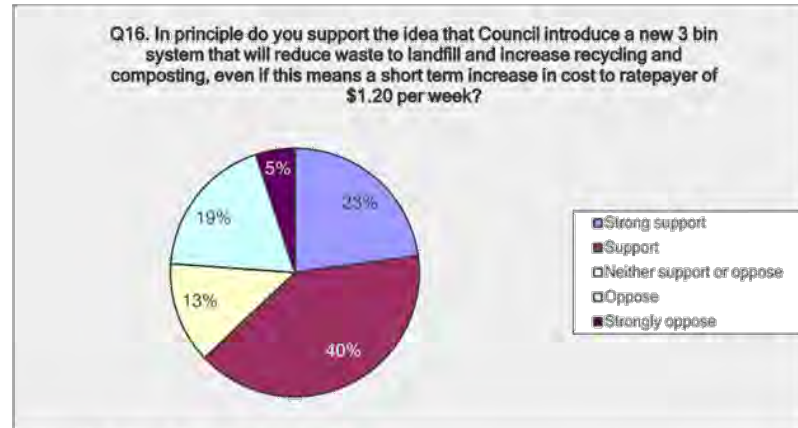


Figure 17 - Survey: Support for 3 bin system

Over half (63%) of residents who participated in the trial would support the permanent introduction of a third bin, with 76% not opposed to it.

The findings showed an increase in support based on the 2015 WRI Community Survey which asked whether residents would support WPRC introducing 'new systems to reduce waste to landfill and increase recycling and composting, even if slightly more expensive in the long term.' It found that 53% of residents supported this idea and 63% were not opposed.

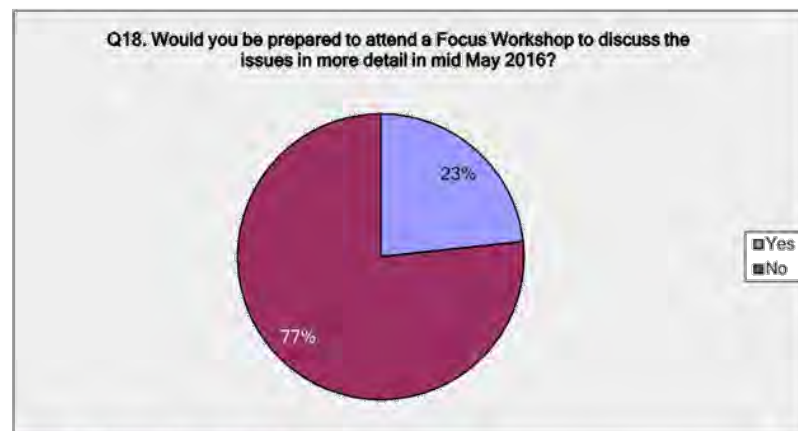


Figure 18 - Survey: Focus workshop

Should WPRC wish to run a focus workshop there would be around 20% of residents interested in attending.





**5.2 APPENDIX 2 - Surveys**

**1. Dubbo Food and Garden Organics Collection Trial - Post-Trial Survey**

Resident Address and Name  
.....

- 1. Do you own or rent this house?
  - Own
  - Rent
  
- 2. Did the educational materials answer questions you had about the organics service?
  - Yes
  - No, how could Council have answered them better?  
\_\_\_\_\_
  
- 3. Did you use the organics bin to dispose of food waste?
  - Yes
  - No
  
- 4. Was there any food or garden material you were uncertain or hesitant about putting in the organics bin? *Tick*
  - Bones
  - Meat
  - Thick branches
  - Dairy products
  - Other \_\_\_\_\_
  
- 5. Did you experience any problems with the organics bin? *Tick*
  - Size
  - Smell
  - Collection frequency
  - Weight (manoeuvrability)
  - Keeping clean (washing)
  - Other
  
- 6. Did you use the kitchen caddy?
  - Yes
  - No
  
- 7. How often would you empty the kitchen caddy? (*select one*)  
(Daily) 1 2 3 4 5 6 7 (Weekly)
  
- 8. What type of caddy do you have?
  - vented - with liners supplied
  - unvented – no liners supplied (*skip question Q9*)
  
- 9. Did you have any issues with the bio-bags?
  - They worked well
  - Ran out
  - Break easily
  - Too small
  - Other

- 10. Did you have any issues with your kitchen caddy?
  - No
  - Smell
  - Keeping clean (washing)
  - Other \_\_\_\_\_
- 11. How would you rate the ease of use of your kitchen caddy?  
(Easy) 1 2 3 4 5 (Difficult)
- 12. How often is your garbage bin emptied during the trial?
  - Fortnightly
  - Weekly (*skip Q13*)
- 13. How did your household cope with your garbage service changing from weekly to fortnightly collections?
  - There was little impact
  - There was a minor impact, but we managed
  - There was a major impact, but we managed
  - There was a major impact and we could not manage
  - Unsure
  - Other.....
- 14. Did you notice a reduction of waste ending up in the garbage bin?
  - Yes
  - No
- 15. What things could be improved in the use of a 3-bin waste collection service?
  - Managing odour emitted from garbage bin
  - How to store the additional bin
  - Clearer information about what material is allowed
  - None
  - Other.....
- 16. In principle do you support the idea that Council introduce a new 3 bin system that will reduce waste to landfill and increase recycling and composting, even if this means a short term increase in cost to ratepayer of \$1.20 per week?
  - Strong support
  - Support
  - Neither support or oppose
  - Oppose
  - Strongly oppose
- 17. Do you have any other suggestions relating to the service?  
.....
- 18. Would you be prepared to attend a Focus Workshop to discuss the issues in more detail in mid May 2016?
  - Yes
  - No

2. Dubbo Food and Garden Organics Collection Trial - Pre-Trial Survey

**SURVEY QUESTIONS FOR DUBBO HOUSEHOLD VISITS  
1-5 February 2016**

INTRODUCTION

Good Morning/Afternoon,

(Check if person is over 18 years and can accept information or make decisions on behalf of the family)

My name is.....and I am here representing Dubbo City Council about a food and garden organics collection service trial. Your residence is within an area containing 300 residences that has been identified as being representative of Dubbo to test the new service. I have brochures here that explain exactly what will be happening. (Hand over brochures and card with Council's Customer Services Centre contact details and talk through the brochures)

I also have a few initial questions to ask you if that is OK to start with?

- 1. Confirm address details.....  
....
- 2. Would it be OK if that Council's communication team contact you during the trial?

If yes, please provide a contact phone number ..... and/or email address  
.....

- 3. Do you rent or own this house?
  - a. Rent
  - b. Own
- 4. How many people will be living in this home from next week to the end of April?  
.....
- 5. How many people in this home currently use nappies or incontinence aids?  
.....

- 6. Is your home currently receiving a double waste collection service ( 2 fortnightly recycling & 2 weekly garbage collections) ? Y/N
- 7. On average how full is you garbage bin each week?
  - a. 100%
  - b. 75%
  - c. 50%
  - d. Less than 25%

(Tick the appropriate option :)

- The person is advised that their garbage bin will be collected FORTNIGHTLY during the trial
- The person is advised that their garbage bin will be collected WEEKLY during the trial

(NOTE: Residences that currently receive a double domestic waste collection service or that have 3 or more people using nappies or incontinence aids will receive a WEEKLY garbage service otherwise the default will be FORTNIGHTLY garbage collection during the trial).

- 8. Based on what I have explained to you, are you willing to participate in this trial?
  - a. Yes
  - b. Maybe (More information or consultation with someone else needed/more time to consider)
  - c. No (Why not?).....

(If Maybe" resident advised to phone Council's Customer Service Centre on (02) 6801 4000 or email [WPRC@dubbo.nsw.gov.au](mailto:WPRC@dubbo.nsw.gov.au) by Friday 5 February 2016 if they do not wish to participate in the trial)

- 9. Council is considering a kerbside food and garden waste (3<sup>rd</sup>) bin collection service. Would you use such a service if it was introduced city wide?

- Yes, I would use it regularly
- I would use it sometimes
- I would not use the bin
- Unsure

- 10. How would your household cope with your remaining garbage service changing from weekly to fortnightly collections?

- There would be little impact
- There would be a minor impact, but we could manage
- There would be a major impact, but we could manage
- There would be a major impact and we could not manage
- Unsure

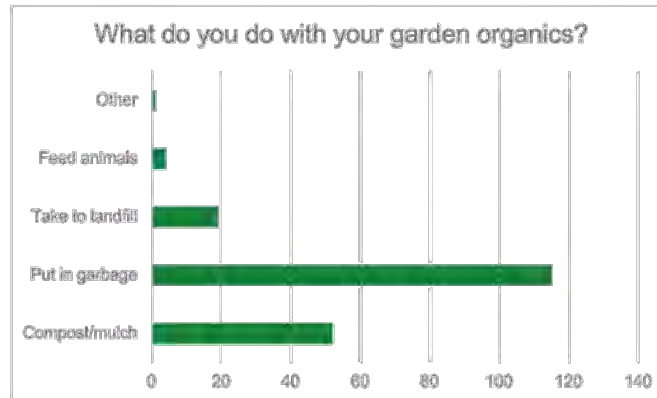
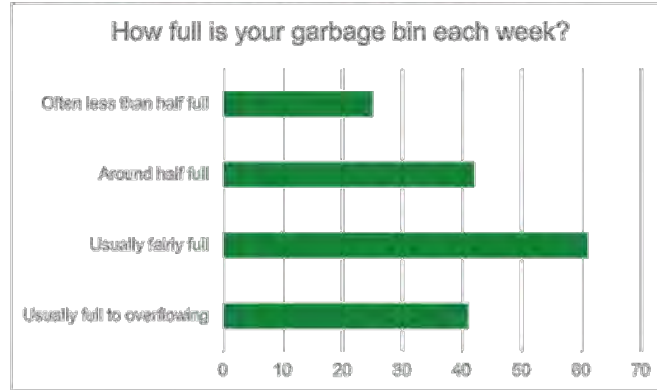
*(BELOW: Only for households with fortnightly garbage)*

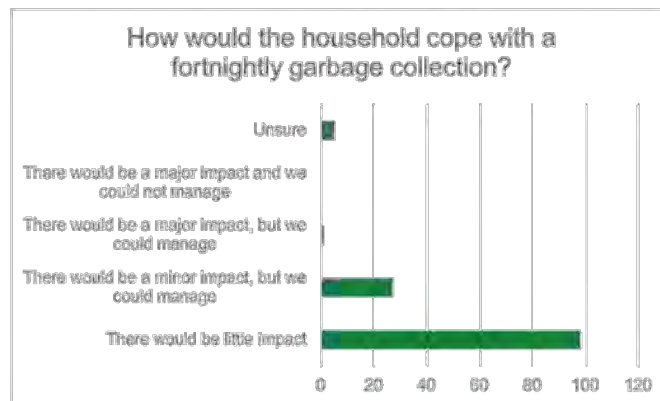
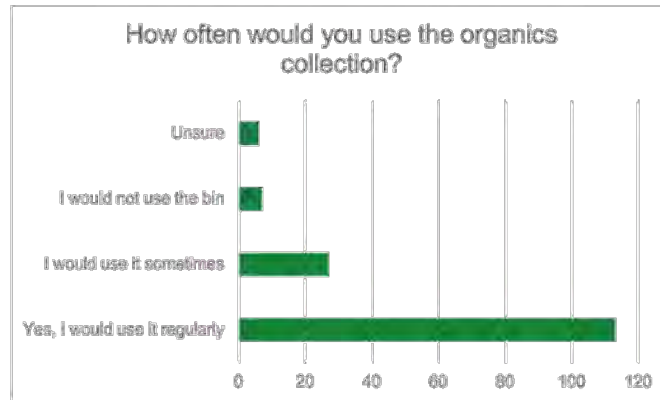
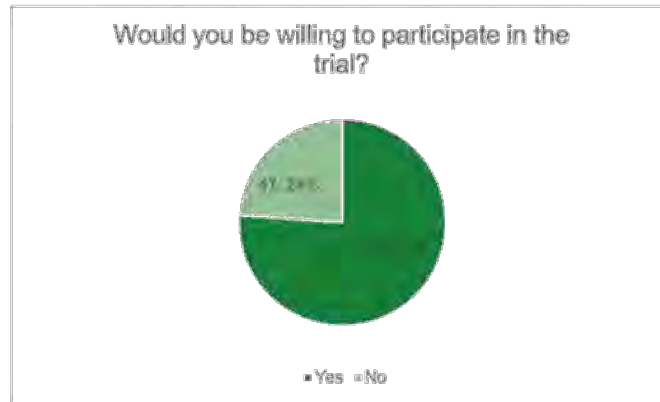
11. Do you have any reservations about using a 3-bin waste collection service (weekly organics collection/fortnightly garbage/recycling collections):

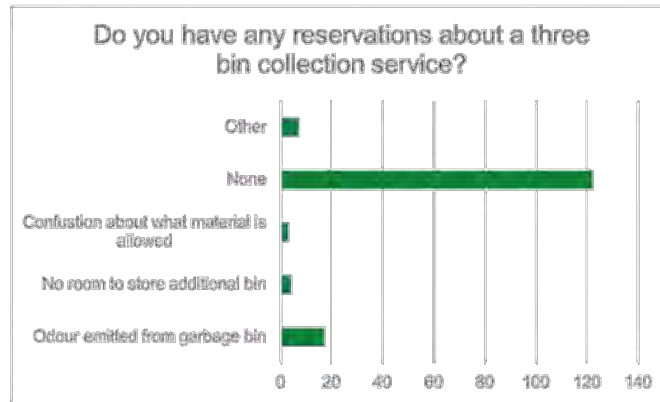
- Odour emitted from garbage bin
- No room to store additional bin
- Confusion about what material is allowed
- None
- Other.....  
.....



5.3 APPENDIX 4 - Pre Trial Survey Responses







## 5.4 APPENDIX 4 – Education Materials

FILE12/1040  
ED16/9545  
MM.V3

27 January 2016

To the Householder

Dear Sir/Madam,

### FOOD AND GARDEN WASTE KERBSIDE COLLECTION SERVICE TRIAL

Your household has been randomly selected by Dubbo City Council as one of only 300 households to participate in an important waste management trial. There is no additional waste service cost to households which participate in the trial. We would appreciate you participating in this trial so information can be gathered to help design a new (3 bin) kerbside waste collection system which is being considered by Council for possible introduction in 2017/2018. The details of this trial are summarised below:

#### TRIAL DESCRIPTION

Households in the trial will be provided with a "lime green" lidded wheelie bin and information to encourage the separation of food and garden wastes (organics) for collection in a new WEEKLY service. A small kitchen caddy will also be provided to separate food waste inside your house. Those participating in the trial will be requested to separate their food and garden wastes and place them in the lime green lidded bin.

Most premises will have their normal garbage bins collected on the usual day each FORTNIGHT during the trial period while some households will continue to receive a weekly garbage collection. This will be determined in consultation with households following discussion on the type of waste generated by each individual household.

The FORTNIGHTLY recycling collection service (yellow lidded bin) will remain unchanged.

#### LENGTH OF TRIAL

The trial will commence once the lime green lidded bins have been delivered to residents which will be completed by Friday 12 February 2016. The first Food and Garden Waste collection will be on 22 February 2016 and the last on Monday 25 April 2016, a period of just over ten (10) weeks.

**BENEFITS OF PARTICIPATING**

Dubbo City Council is considering the introduction of a garden and food organics collection service combined with the construction of a new composting facility to service the region in 2017. Your feedback from participating in this trial will assist Council in designing an appropriate community education program and also identify areas of modification for the possible delivery of the service across the whole Council area. The trial will have minimal disruption to your normal daily life but will be very beneficial to Council and the environment.

**NEXT STEPS**

If you are agreeable to participate in the trial, you need to do nothing as we will be following up with a personal visit and detailed information in the period Monday 1 February 2016 to Wednesday 3 February 2016. This information will include a brochure regarding the types of wastes which can be placed into each of the three (3) waste bins and a calendar showing the days and dates for the collection of each bin. If you do not want to participate in the trial please let us know either at the time of the personal visit, or by phoning Council's Customer Service Centre on (02) 6801 4000 or email [dcc@dubbo.nsw.gov.au](mailto:dcc@dubbo.nsw.gov.au) by Friday 5 February 2016.

**FURTHER INFORMATION**

If you require any further information about the trial please contact Council's Customer Service Centre on phone (02) 6801 4000 or email [dcc@dubbo.nsw.gov.au](mailto:dcc@dubbo.nsw.gov.au).

Yours faithfully



David Dwyer  
General Manager

**WHAT YOUR COLLECTION SERVICE WILL LOOK LIKE**

**ORGANICS COLLECTION**

**RECYCLING**

**GARBAGE**

**FAQS**

**WHAT IF I DON'T HAVE ROOM FOR MORE BINS?**

**HOW CAN I KEEP MY ORGANICS BIN CLEAN?**

**WHAT SHOULD I DO?**

**WHAT IF I ALREADY COMPOST?**

**WHAT HAPPENS TO THE BINS WHEN THE TRIAL FINISHES?**

**WHAT HAPPENS TO MY FOOD AND GARDEN WASTE?**

**FURTHER INFORMATION**

**EVERYTHING YOU NEED TO KNOW**

**WHAT YOU NEED TO KNOW**

**KEY DATES**

**WHY RUN A TRIAL?**

**TRACKING THE RESULTS**

**WHY HAVE I BEEN CHOSEN TO TAKE PART IN THIS TRIAL?**

**WHAT DOES AN 'ORGANICS COLLECTION' HEART?**

**55% OF THE AVERAGE DUBBO HOUSEHOLD'S GARBAGE BIN IS COMPOSTABLE**

# ORGANICS COLLECTION TRIAL



## TO THE HOUSEHOLDER

Council appreciates your participation in this trial so information can be gathered to help design a new (3 bin) kerbside waste collection system which is being considered for possible introduction. As a reminder of when you need to have each bin out at the kerbside for emptying during the trial, please refer to the collection calendar below.

If you require any further information about the trial please contact Council on the below details.

Yours faithfully,

Mark Riley, General Manager

FEBRUARY				
		Monday 15	Monday 22	Monday 29
		Garbage	Organics Recycling	Organics Garbage
MARCH				
	Monday 7	Monday 14	Monday 21	Monday 28
	Organics Recycling	Organics Garbage	Organics Recycling	Organics Garbage
APRIL				
Monday 4	Monday 11	Tuesday 12	Wednesday 13	Monday 18
Organics Recycling	Organics Garbage			Organics Recycling
Monday 25	Tuesday 26			
Organics Garbage				

## ORGANICS COLLECTION

The lime green lidded organics bin will be emptied on your usual collection day, each week during the trial.

## RECYCLING

Your recycling bin will be emptied on your usual collection day each fortnight during the trial.

## GARBAGE

Your garbage bin will be collected on your usual collection day fortnightly during the trial.

- Follow-up door-to-door survey
- Organics bin emptied and removed by Council

## FURTHER INFORMATION

[dubbo.nsw.gov.au](http://dubbo.nsw.gov.au)  
 E. [dcc@dubbo.nsw.gov.au](mailto:dcc@dubbo.nsw.gov.au)  
 Council's Customer Service Centre on phone 6801 4000



