



# AGENDA

## ORDINARY COUNCIL MEETING

### 24 MAY 2021

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

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

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#### PRAYER:

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

#### ACKNOWLEDGEMENT OF COUNTRY:

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

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**CCL21/91 LEAVE OF ABSENCE (ID21/777)**

**CCL21/92 PUBLIC FORUM (ID21/778)**

**CCL21/93 CONFIRMATION OF MINUTES (ID21/825)** 5  
Confirmation of the minutes of the proceedings of the Ordinary Council Meeting held on 4 May 2021 and Extraordinary Council Meeting held 17 May 2021.

#### MATTERS CONSIDERED BY COMMITTEES:

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The Council had before it the report of the Dubbo Regional Council Solar and Wind Farm Consultative Committee meeting held 4 May 2021.

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- CCL21/95 INDEPENDENT INVESTIGATOR (ID21/820)** 9  
Council had before it a Notice of Motion dated 10 May 2021 from Deputy Mayor S Lawrence regarding the Independent Investigator
- CCL21/96 TEMPORARY POLICY PENDING CODE OF CONDUCT PROCESSES UPON THE MAYOR'S RETURN TO OFFICIAL DUTIES (ID21/819)** 11  
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- CCL21/97 RECRUITMENT - CHIEF EXECUTIVE OFFICER (ID21/770)** 13  
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- CCL21/98 ABORIGINAL ELECTORAL ENGAGEMENT STRATEGY 2021 (ID21/698)** 14  
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- CCL21/99 MARCH 2021 QUARTERLY BUDGET REVIEW STATEMENTS (ID21/740)** 17  
The Council had before it the report dated 6 May 2021 from the Chief Executive Officer regarding March 2021 Quarterly Budget Review Statements.
- CCL21/100 ATTENDANCE AT 2021 NSW LOCAL ROADS CONGRESS (ID21/729)** 21  
The Council had before it the report dated 5 May 2021 from the Governance and Internal Control Manager regarding Attendance at 2021 NSW Local Roads Congress.

|                  |  |    |
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| <b>CCL21/101</b> | <b>INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT - APRIL 2021 (ID21/623)</b>   | 23 |
|                  | The Council had before it the report dated 3 May 2021 from the Chief Financial Officer regarding Investments Under Section 625 of the Local Government Act - April 2021.                                 |    |
| <b>CCL21/102</b> | <b>RATES HARMONISATION COMMUNITY REFERENCE GROUP REPORT (ID21/678)</b>   | 29 |
|                  | The Council had before it the report dated 5 May 2021 from the Revenue Accountant regarding Rates Harmonisation Community Reference Group Report.  |    |
| <b>CCL21/103</b> | <b>BUILDING SUMMARY - APRIL 2021 (ID21/673)</b>  | 33 |
|                  | The Council had before it the report dated 29 April 2021 from the Director Development and Environment regarding Building Summary - April 2021.  |    |
| <b>CCL21/104</b> | <b>CONSOLIDATED DUBBO REGIONAL LOCAL ENVIRONMENTAL PLAN (ID21/581)</b>   | 36 |
|                  | The Council had before it the report dated 11 May 2021 from the Manager Growth Planning regarding Consolidated Dubbo Regional Local Environmental Plan.  |    |
| <b>CCL21/105</b> | <b>POST EXHIBITION - NANIMA VILLAGE SEWAGE TREATMENT PLANT PLANNING PROPOSAL (ID21/271)</b>  | 43 |
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| <b>CCL21/106</b> | <b>DRTCC PHOTOGRAPHY POLICY REVIEW (ID21/447)</b>  | 54 |
|                  | The Council had before it the report dated 15 March 2021 from the Manager Dubbo Regional Theatre and Convention Centre regarding DRTCC Photography Policy Review.  |    |
| <b>CCL21/107</b> | <b>LIFTING OF WATER RESTRICTIONS (ID21/641)</b>  | 60 |
|                  | The Council had before it the report dated 19 April 2021 from the Manager Water Supply and Sewerage regarding Lifting of Water Restrictions.   |    |

- CCL21/108 WELLINGTON PEDESTRIAN FOOTBRIDGE - FUNDING AND DESIGN (ID21/664)** 64  
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- CCL21/109 REQUEST FOR WAIVING OF SPORTING ORGANISATION FEES AND CHARGES (ID21/821)** 69  
The Council had before it the report dated 19 May 2021 from the Recreation Coordinator regarding Request for Waiving of Sporting Organisation Fees and Charges.
- CCL21/110 CROWN LAND REVIEW - OPERATIONAL LAND REPORT FOLLOWING PUBLIC EXHIBITION (ID21/663)** 73  
The Council had before it the report dated 25 April 2021 from the Liveability Projects Officer regarding Crown Land Review - Operational Land Report Following Public Exhibition.
- CCL21/111 COMMENTS AND MATTERS OF URGENCY (ID21/790)**
- CCL21/112 COMMITTEE OF THE WHOLE (ID21/818)**



## Confirmation of Minutes

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 4 May 2021 and the Extraordinary Council Meeting held on 17 May 2021.

### RECOMMENDATION

**That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 4 May 2021 and the Extraordinary Council meeting held 17 May 2021 comprising pages as attached as Appendix 1 be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.**

Appendices:

- |   |                                      |
|---|--------------------------------------|
| 1⇒ Minutes - Ordinary Council Meeting - 04/05/2021      | <i>Provided under separate cover</i> |
| 2⇒ Minutes - Committee of the Whole - 04/05/2021        | <i>Provided under separate cover</i> |
| 3⇒ Minutes - Extraordinary Council Meeting - 17/05/2021 | <i>Provided under separate cover</i> |



**DUBBO REGIONAL  
COUNCIL**

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**Report of the Dubbo Regional Council  
Solar and Wind Farm Consultative  
Committee - meeting 4 May 2021**

**AUTHOR: Administration Officer - Governance and  
Internal Control**

**REPORT DATE: 19 May 2021**

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The Committee had before it the report of the Dubbo Regional Council Solar and Wind Farm Consultative Committee meeting held 4 May 2021.

**RECOMMENDATION**

**That the report of the Dubbo Regional Council Solar and Wind Farm Consultative Committee meeting held on 4 May 2021, be adopted.**



**REPORT  
DUBBO REGIONAL COUNCIL SOLAR AND  
WIND FARM CONSULTATIVE COMMITTEE  
4 MAY 2021**

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**PRESENT:** Councillors A Jones, J Ryan, the Director Development and Environment and the Director Liveability.

**ALSO IN ATTENDANCE:**

The Community Services Manager, the Executive Officer Liveability.

Councillor J Ryan assumed chairmanship of the meeting.

The meeting commenced at 4.00 pm.

**SWF21/1 APOLOGIES (ID21/709)**

An Apology was received from the Chief Executive Officer who was absent from this meeting for personal reasons, whilst Councillor B Shields was previously granted a leave of absence from this meeting by Council (refer Clause CCL21/53).

**SWF21/2 REPORT OF THE DUBBO REGIONAL COUNCIL SOLAR AND WIND FARM CONSULTATIVE COMMITTEE - MEETING 14 OCTOBER 2021 (ID21/710)**

The Committee had before it the report of the Dubbo Regional Council Solar and Wind Farm Consultative Committee meeting held 14 October 2020.

**OUTCOME**

**That the report of the Dubbo Regional Council Solar and Wind Farm Consultative Committee meeting held on 14 October 2020, be adopted.**

**SWF21/3 ACKNOWLEDGEMENT AND REVIEW OF THE COMMUNITY CONSULTATIVE COMMITTEE'S RECOMMENTATIONS FOR GRANT FUNDING - BODANGORA WIND FARM COMMUNITY BENEFIT FUND - ROUND 6 2020/2021 (ID21/708)**

The Committee was addressed by the Manager Community Services regarding this matter.

The Committee agreed with the Bodangora Wind Farm Community Consultative Committee (CCC) recommendation including feedback related to acquittals.

**OUTCOME**

1. That the successful applications as listed below be submitted to Council for determination:
  - Wellington Junior Rugby \$10,000
  - Gollan Hall Trust \$5,000
  - Wellington Senior Rugby \$5,134
  - Wellington Historical Society \$3,000
  - Cudgegong Jump Club Inc. \$5,740
  - Wellington Bowling Club \$10,000
  - Mid Macquarie Landcare Inc \$4,126
2. That unsuccessful applicants with outstanding acquittal submissions from previous rounds will be ineligible for future funding unless all funds have been expended within 12 months and completed acquittals are received by Council.

*Councillor A Jones declared a non-pecuniary, but significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor A Jones' husband, Peter Perry, is a trustee of the Gollan Hall Trust.*

The meeting closed at 4.27 pm.

.....  
CHAIRMAN





DUBBO REGIONAL  
COUNCIL

## NOTICE OF MOTION: Independent Investigator

REPORT DATE: 10 May 2021

FILE: ID21/820

Council had before it a Notice of Motion dated 10 May 2021 from Deputy Mayor S Lawrence regarding the Independent Investigator as follows:

*"Council, at its meeting held 4 May 2021, resolved, in part:*

- 4. That council seeks urgent advice from Local Government NSW on options for an independent and pro-active approach to ensuring that alleged breaches of the Council's Code of Conduct are able to be made with confidence that they will be properly considered and managed in accordance with the Procedures for the Administration of the Model Code of Conduct.*

*I would like to move forward on the appointment of an independent investigator to inquire into matters of concern to councillors and report on systemic issues in a way consistent with the Code of Conduct.*

*I have resolved*

- 1. That council appoints under a contract for services a person, to be called 'the independent investigator' to be nominated by the CEO of Local Government NSW.*
- 2. That the independent investigator be tasked to audit past code of conduct complaints over the term of council to ascertain that the processes adopted complied with the relevant code of conduct processes.*
- 3. That the independent investigator seek to interview all councillors, all directors and other staff and community members as they see fit, and prepare a report for the July meeting (or such later meeting as is agreed with council) addressing whether council is and has been over the term of council compliant with its legal and regulatory obligations and to report on any systemic issues arising from the investigation such as might require possible reforms to council policies.*
- 4. That the independent investigator process is to be separate from and not inconsistent with the relevant code of conduct processes.*
- 5. That council reserves its right to promulgate further terms of reference for the independent investigator. "*

### RECOMMENDATION

- 1. That council appoints under a contract for services a person, to be called 'the independent investigator' to be nominated by the CEO of Local Government NSW.**

2. That the independent investigator be tasked to audit past code of conduct complaints over the term of council to ascertain that the processes adopted complied with the relevant code of conduct processes.
3. That the independent investigator seek to interview all councillors, all directors and other staff and community members as they see fit, and prepare a report for the July meeting (or such later meeting as is agreed with council) addressing whether council is and has been over the term of council compliant with its legal and regulatory obligations and to report on any systemic issues arising from the investigation such as might require possible reforms to council policies.
4. That the independent investigator process is to be separate from and not inconsistent with the relevant code of conduct processes.
5. That council reserves its right to promulgate further terms of reference for the independent investigator.

*Councillor S Lawrence*  
Deputy Mayor

Appendices:

1⇒ Clr Lawrence - Independent Investigator -  
10/05/2021

***Provided under separate  
cover***



## NOTICE OF MOTION: Temporary Policy Pending Code of Conduct Processes Upon the Mayor's Return to Official Duties

REPORT DATE: 10 May 2021  
FILE: ID21/819

Council had before it a Notice of Motion dated 10 May 2021 from Deputy Mayor S Lawrence regarding the Temporary Policy Pending Code of Conduct Processes Upon the Mayor's Return to Official Duties as follows:

*"That council notes and endorses the following policy created under section 226(d) of the Local Government Act 1993 (NSW) by Acting Mayor Stephen Lawrence on 6 May 2021.*

### ***Temporary Policy Pending Code of Conduct Processes Upon the Mayor's Return to Official Duties.***

*Concerned at a large number of allegations against the Mayor involving [REDACTED]*

*Concerned that a number of the allegations involve the alleged use of a [REDACTED]*

*Concerned that one allegation involved the [REDACTED]*

*Concerned at the Mayor's planned return to official duties on 6 May 2021 following a [REDACTED]*

*I have resolved:*

- 1. That the CEO implement the following policy, should the Mayor return to official duties, to be applied until all outstanding code of conduct allegations against the Mayor are finalised.*
- 2. That the Mayor be provided with suitable facilities to allow him to work from home.*
- 3. That the Mayor only be allowed to access the mayor's office in the Central Administration Building if in the presence of a staff member at the level of director or higher.*
- 4. That the mayor be accompanied by a staff member at all time while on official duties outside of council premises.*
- 5. That the mayor not be in the [REDACTED] at any time.*
- 6. That all letters and emails sent by the mayor in his official capacity be checked [REDACTED]*

- ██████████ by the CEO prior to transmission.
7. That the mayor only engage in telephone communications with members of the community for official purposes from council premises and always in the presence of a staff member.
  8. That the Policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors be amended (in a way I consider not to be substantial) to remove the mayor's entitlement to a ██████████."

**RECOMMENDATION**

1. That the CEO implement the following policy, should the Mayor return to official duties, to be applied until all outstanding code of conduct allegations against the Mayor are finalised.
2. That the Mayor be provided with suitable facilities to allow him to work from home.
3. That the Mayor only be allowed to access the mayor's office in the Central Administration Building if in the presence of a staff member at the level of director or higher.
4. That the mayor be accompanied by a staff member at all times while on official duties outside of council premises.
5. That the mayor not be in the ██████████ at any time.
6. That all letters and emails sent by the mayor in his official capacity be checked ██████████ by the CEO prior to transmission.
7. That the mayor only engage in telephone communications with members of the community for official purposes from council premises and always in the presence of a staff member.
8. That the Policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors be amended (in a way I consider not to be substantial) to remove the mayor's entitlement to ██████████.

*Councillor S Lawrence*  
Deputy Mayor

Appendices:

- 1⇒ Clr Lawrence - Notice of Motion - Temporary Policy *Provided under separate cover*  
Pending Code of Conduct Processes Upon the  
Mayor's Return to Official Duties - 10/05/2021



DUBBO REGIONAL  
COUNCIL

## NOTICE OF MOTION: Recruitment - Chief Executive Officer

REPORT DATE: 10 May 2021

FILE: ID21/770

Council had before it a Notice of Motion dated 10 May 2021 from Councillor K Parker regarding the Recruitment - Chief Executive Officer as follows:

*"I would like to place the following notice of motion to be presented to the next earliest Ordinary meeting of Council.*

- 1. Council move to Recruitment of Permanent position of Chief Executive Officer Dubbo Regional Council.*
- 2. The recruitment process to be managed by Local Government Solutions or as determined by Council"*

### RECOMMENDATION

- 1. That Council move to recruitment of permanent position of Chief Executive Officer Dubbo Regional Council.**
- 2. That the recruitment process be managed by Local Government Solutions or as determined by Council.**

*Councillor Kevin Parker*  
Councillor

Appendices:

- 1** ⇒ Notice of Motion - Clr K Parker - 24/05/2021 -  
Recruitment of Permanent CEO

***Provided under separate cover***



DUBBO REGIONAL  
COUNCIL

## REPORT: Aboriginal Electoral Engagement Strategy 2021

**AUTHOR:** Chief Executive Officer  
**REPORT DATE:** 18 May 2021  
**TRIM REFERENCE:** ID21/698

### EXECUTIVE SUMMARY

At its meeting held 23 March 2020, Council resolved, in part:

- “3. That due to the comparatively low rate of Aboriginal people enrolled to vote and the current lack of Aboriginal councillors, the Chief Executive Officer prepare in consultation with the Aboriginal community and the Dubbo Aboriginal Community Working Party an ‘electoral engagement strategy’ to be presented at the April 2020 Council meeting, focusing on candidacy in the 2020 NSW Local Government elections and ensuring Aboriginal voter enrolment in the region is equal with the broader community.”*

With the postponement of the Local Government elections due to the COVID-19 pandemic, Council, at its meeting held 25 January 2021, resolved:

- “1. That Council engage Women for Election and offer their “Politics in Colour” program to Indigenous Women in the Local Government Area.*
- 2. That the Chief Executive Officer seek support from the LGNSW President to make representations to the Minister for Local Government regarding appropriate education programs being created and made available to Indigenous community members in respect of the upcoming local government election.*
- 3. That the Election Engagement Strategy be developed and available for Council in March 2021.”*

This report discusses the draft strategy.

### FINANCIAL IMPLICATIONS

Costs involved with running workshops identified in the Strategy will be made available from the current 2021 Local Government Election budget.

### POLICY IMPLICATIONS

There are no policy implications arising from this report.

**RECOMMENDATION**

- 1. That the report of the Chief Executive Officer, dated 18 May 2021, be noted.**
- 2. That the Draft Aboriginal Electoral Engagement Strategy 2021, as attached at Appendix 1, be endorsed by Council.**

*Dean Frost*  
Chief Executive Officer

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REPORT

At Council's meeting held on 23 March 2020, Council resolved, in part:

- "3. That due to the comparatively low rate of Aboriginal people enrolled to vote and the current lack of Aboriginal councillors, the Chief Executive Officer prepare in consultation with the Aboriginal community and the Dubbo Aboriginal Community Working Party an 'electoral engagement strategy' to be presented at the April 2020 Council meeting, focusing on candidacy in the 2020 NSW Local Government elections and ensuring Aboriginal voter enrolment in the region is equal with the broader community."*

With the postponement of the Local Government elections due to the COVID-19 pandemic, Council, at its meeting held 25 January 2021, resolved:

- "1. That Council engage Women for Election and offer their "Politics in Colour" program to Indigenous Women in the Local Government Area.*
- 2. That the Chief Executive Officer seek support from the LGNSW President to make representations to the Minister for Local Government regarding appropriate education programs being created and made available to Indigenous community members in respect of the upcoming local government election.*
- 3. That the Election Engagement Strategy be developed and available for Council in March 2021."*

The Draft Aboriginal Electoral Engagement Strategy 2021, as attached as **Appendix 1**, incorporates all elements of the above resolution as Actions to work towards one of three identified key goals:

1. Increase the Indigenous Enrolment rate in the Dubbo Region;
2. Increase indigenous voter participation in the Dubbo Region; and
3. Reduce obstacles to indigenous representation on Dubbo Regional Council.

The Draft Strategy was shared with the Dubbo Aboriginal Community Working Party on 3 May 2021, and was also on their meeting agenda on 11 May 2021. However, no feedback was received by the date of this Report being finalised.

## SUMMARY

The Draft Aboriginal Electoral Engagement Strategy 2021 has been developed to achieve the main goals of increasing the Indigenous Enrolment rate, increasing indigenous voter participation, and increasing indigenous representation to Council in the Dubbo Region.

Appendices:

- [1](#) ➔ Draft Aboriginal Electoral Engagement Strategy - May 2021

***Provided under separate cover***





DUBBO REGIONAL  
COUNCIL

## REPORT: March 2021 Quarterly Budget Review Statements

AUTHOR: Chief Executive Officer  
REPORT DATE: 6 May 2021  
TRIM REFERENCE: ID21/740

### EXECUTIVE SUMMARY

Council has been preparing and responding to the COVID-19 pandemic as it evolves and applying the restrictions announced by Federal and State Governments. In direct response to the pandemic, a COVID-19 financial reserve has been set up to help meet shortfalls in Council's revenues that cannot be offset by reductions in expenditure and a 2020/2021 COVID-19 preliminary budget review was completed and adopted at the August 2020 Ordinary Council meeting.

The quarterly financial review for the period ending 31 March 2021 of Council's 2020/2021 Budget Statements shows the current financial position estimated to be a balanced budget after utilising \$4.23M of the COVID-19 reserve.

### FINANCIAL IMPLICATIONS

In accordance with the requirements of Clause 203(2) of the Local Government (General) Regulations 2005, I now advise that the Chief Financial Officer, as the Responsible Accounting Officer of Dubbo Regional Council, has reported that they consider the attached Quarterly Operational Plan Review Statements indicate that the financial position of the Council is satisfactory. This is on the basis that the "**result**" for the year is a balanced budget after utilising \$4.23M of the COVID-19 reserve.

### POLICY IMPLICATIONS

There are no policy implications arising from this report.

**RECOMMENDATION**

- 1. That the Quarterly Budget Review Statements as at 31 March 2021, as attached to the report of the Chief Executive Officer dated 6 May 2021, be adopted and such sums voted for such purpose.**
- 2. That the Statement of the Responsible Accounting Officer that Council is in a satisfactory financial position as at 31 March 2021 after utilising \$4.23M of the COVID-19 reserve, be noted.**

*Dean Frost*  
Chief Executive Officer

## BACKGROUND

The Local Government (General) Regulation 2005 requires the Responsible Accounting Officer to submit, on a quarterly basis to Council, a budget review statement that shows a revised estimate of the income and expenditure for the year as follows:

Clause 203 of the Local Government (General) Regulation 2005 provides as follows:

- (1) *“Not later than two months after the end of each quarter, the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council’s revenue policy including in the Operational Plan for the relevant year, a revised estimate of the income and expenditure for that year.*
- (2) *A budget review statement must include or be accompanied by:*
  - (a) *a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure; and*
  - (b) *if that position is unsatisfactory, recommendations for remedial action.*
- (3) *A budget review statement must also include any information required by the Code to be included in such a statement.”*

## REPORT

The Responsible Accounting Officer has reported in respect of the March 2021 Quarterly Review of Council’s Budget as follows:

*“In accordance with the requirements of Clause 203(2) of the Local Government (General) Regulations 2005, I now advise that, as the Responsible Accounting Officer of Dubbo Regional Council, it is considered that the attached Quarterly Financial Review Statements indicate that the financial position of the Council is satisfactory. This is on the basis that the forecast **“result”** for the year is a balanced budget after utilising \$4.23M of the COVID-19 reserve.”*

The recent code of conduct complaints will cost Council in excess of \$75,000. Given the current challenges faced in the draft 2021/2022 budget and forward budgets, there will be a need to fund this by either adjusting projects, or see a slight reduction in existing services.

Notable adjustments have been made to the following income items:

- Water consumption income has been decreased. Recent rainfall and cooler conditions than expected has seen the need for less water consumption.
- A reduction in capital grant income due to grant funding tied to projects, mainly the non-potable water main pipeline project, that will be finalised next financial year.

The capital expenditure summary for 31 March 2021 is attached (**Appendix 1**). A thorough and detailed review of anticipated capital expenditure to 30 June 2021 was performed and adjustments were made to projects that are not anticipated to be completed by the end of the financial year. The major projects and adjustments to projects are as follows:

|                                 | <b>September<br/>Annual<br/>Forecast</b> | <b>December<br/>Adjustment</b> | <b>March<br/>Adjustment</b> | <b>Current<br/>Annual<br/>Forecast</b> |
|---------------------------------|--|--------------------------------|-----------------------------|--|
| Burrendong Bridge No 2          | 2,117,500                                | (1,268,750)                    | (568,750)                   | 280,000                                |
| Boundary Rd Extension Stage 2   | 6,050,127                                | (1,227,627)                    | (2,975,774)                 | 1,846,726                              |
| Old Mendooran Rd Seal Extension | 1,946,800                                | 173                            | (1,546,700)                 | 400,273                                |
| Upgrading of Sewer R            | 6,500,000                                | 6,013                          | (1,998,050)                 | 4,507,963                              |
| Groundwater Infrastructure      | 13,857,630                               | (10,069,272)                   | (1,618,047)                 | 2,167,443                              |
| Pipelines - Obley/Newell (C)    | 4,000,000                                | (798,469)                      | (1,499,691)                 | 1,701,840                              |

Appendices:

1⇒ QBRS - Quarterly Budget Review Statements -  
March 2021

*Provided under separate cover*



DUBBO REGIONAL  
COUNCIL

## REPORT: Attendance at 2021 NSW Local Roads Congress

**AUTHOR:** Governance and Internal Control  
Manager  
**REPORT DATE:** 5 May 2021  
**TRIM REFERENCE:** ID21/729

### EXECUTIVE SUMMARY

The 2021 NSW Local Roads and Transport Congress will be held in Sydney on 7 June 2021. Attendance this year is limited due to COVID-19 so it recommended that Councillor Greg Mohr, as the Chairperson on the Local Traffic Committee, attend along with Council's Director Infrastructure.

Attendance at conferences is an important learning and networking opportunity for Councillors to expand their knowledge of relevant issues and to establish contacts to discuss matters with.

Sessions that will be conducted at this year's Congress include: road safety statistics for local roads, national and NSW road strategy and local government, road classification review, resilience in NSW in building resilient communities, among other items. The conference program is attached to this report as **Appendix 1**.

In accordance with Council's Policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors, Clause 3.2 indicates that "attendance at conferences are to be approved by the Council with the Chief Executive Officer to approve attendances at seminars and conferences by staff." Accordingly, this request is now referred to Council for consideration.

### FINANCIAL IMPLICATIONS

Funding has been provided in the Governance budget to enable Councillors to attend conferences as approved by Council.

### POLICY IMPLICATIONS

This request is in accordance with Council's Policy titled Payment of Expenses and Provision of Facilities for the Mayor and Councillors. This policy states that attendance at conferences must be approved by Council (Clause 3.2).

**RECOMMENDATION**

**That approval be granted for Councillor G Mohr to attend the 2021 NSW Local Roads Congress to be held in Sydney on 7 June 2021.**

*Susan Wade*

Governance and Internal Control Manager

Appendices:

1⇒ Draft 2021 NSW Local Roads Congress Agenda ***Provided under separate cover***



DUBBO REGIONAL  
COUNCIL

## REPORT: Investments Under Section 625 of the Local Government Act - April 2021

AUTHOR: Chief Financial Officer  
REPORT DATE: 3 May 2021  
TRIM REFERENCE: ID21/623

### 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 April 2021.

Investments, when placed, have been done so in accordance with the Local Government Act, Local Government Regulations and Council's Investment Policy and Strategy. Interest on investments for the month of 30 April 2021 has been accounted for on an accrual basis. This report details investments and annualised returns for the month of April 2021.

### FINANCIAL IMPLICATIONS

Interest earned on investments has been included within Council's 2020/2021 Operational Plan, with total income generated from the Investment Portfolio forecast to be in excess of \$2,500,000.

### POLICY IMPLICATIONS

There are no policy implications arising from this report.

### RECOMMENDATION

**That the information contained within the report of the Chief Financial Officer dated 3 May 2021 be noted.**

*Michael Howlett*  
Chief Financial Officer

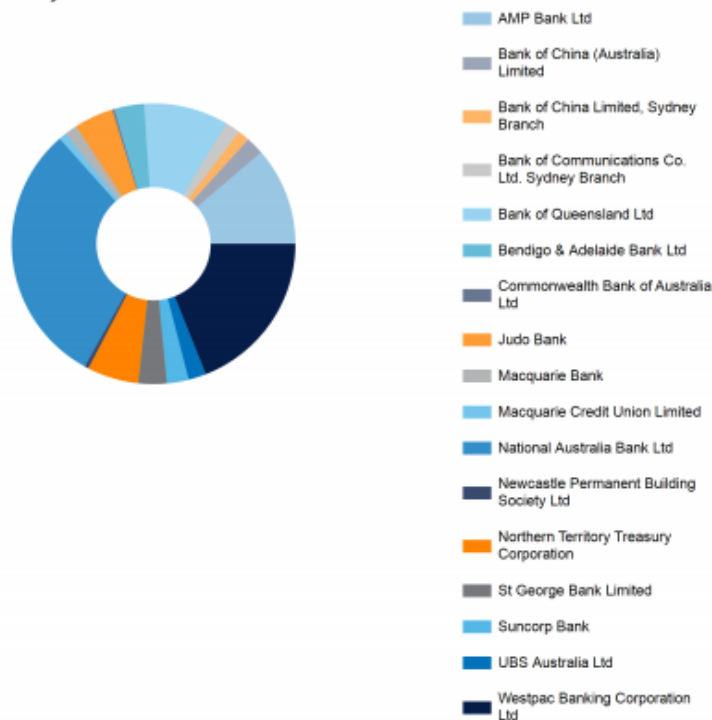
PORTFOLIO OVERVIEW

The below table details Council’s current investment portfolio:

| Issuer  | Market Value          | % Total Value  |
|---|-----------------------|----------------|
| AMP Bank Ltd                                  | 25,065,359.97         | 11.31%         |
| Bank of China (Australia) Limited             | 4,508,710.25          | 2.03%          |
| Bank of China Limited, Sydney Branch          | 3,001,890.00          | 1.35%          |
| Bank of Communications Co. Ltd. Sydney Branch | 3,771,712.50          | 1.70%          |
| Bank of Queensland Ltd                        | 21,410,159.36         | 9.66%          |
| Bendigo & Adelaide Bank Ltd                   | 7,559,595.23          | 3.41%          |
| Commonwealth Bank of Australia Ltd            | 504,383.56            | 0.23%          |
| Judo Bank                                     | 10,007,389.00         | 4.52%          |
| Macquarie Bank                                | 3,082,710.00          | 1.39%          |
| Macquarie Credit Union Limited                | 2,002,528.76          | 0.90%          |
| National Australia Bank Ltd                   | 67,432,948.09         | 30.42%         |
| Newcastle Permanent Building Society Ltd      | 1,010,590.00          | 0.46%          |
| Northern Territory Treasury Corporation       | 13,023,730.00         | 5.88%          |
| St George Bank Limited                        | 7,189,906.83          | 3.24%          |
| Suncorp Bank                                  | 5,502,700.00          | 2.48%          |
| UBS Australia Ltd                             | 4,481,100.00          | 2.02%          |
| Westpac Banking Corporation Ltd               | 42,085,514.87         | 18.99%         |
| <b>Portfolio Total</b>                        | <b>221,640,928.41</b> | <b>100.00%</b> |

^Portfolio overview represents total market value. Investment face value is \$220,777,437.56.

Market Value by Issuer



^ NAB is inclusive of Councils cash account.

^AMP is inclusive of Councils 31 day notice saver account.



## INVESTMENT COMPLIANCE

The following table shows that Councils investments are compliant with the revised Investment Policy that was adopted at the Ordinary Council meeting held 22 March 2021.

Issuer Limits As at Wednesday, 30 April 2021



## INTEREST INCOME

The below table details payments of interest paid to Council between 1 April and 30 April 2021:

| Security                            | Issuer                                   | Income Expense Code | Settlement Date | Face Value (Basis of Interest Calculation) | Consideration Notional |
|-------------------------------------|--|---------------------|-----------------|--|------------------------|
| NAB 3.02 02 Apr 2021 1096DAY TD     | National Australia Bank Ltd              | IEI159483           | 2 Apr 2021      | 2,000,000.00                               | 60,400.00              |
| CBA 4 20 Apr 2021 1826DAY FD        | Commonwealth Bank of Australia Ltd       | IEI160978           | 20 Apr 2021     | 1,000,000.00                               | 3,057.53               |
| Westpac 1.61 21 Oct 2022 1096DAY TD | Westpac Banking Corporation Ltd          | IEI161178           | 21 Apr 2021     | 20,000,000.00                              | 79,397.26              |
| NPBS 1.65 24 Jan 2022 FRN           | Newcastle Permanent Building Society Ltd | IEI161598           | 26 Apr 2021     | 1,000,000.00                               | 4,139.38               |
| NAB At Call In                      | National Australia Bank Ltd              | IEI162266           | 30 Apr 2021     |  | 23,323.04              |
|                                     |  |                     |                 |  | <b>170,317.21</b>      |

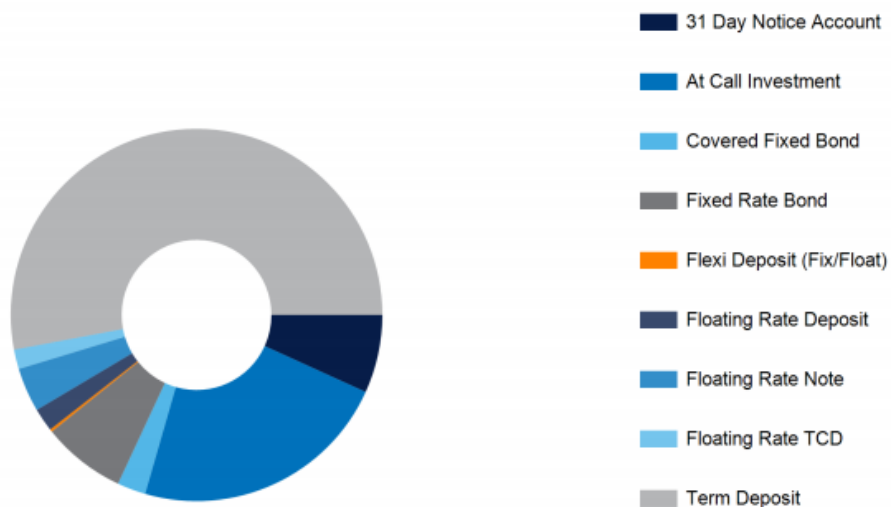
<sup>^</sup> Interest received consists of payments made to Council's allocated bank account and are exclusive of accruing interest.

INVESTMENT BY ASSET CLASS

The following table details Councils investment holdings by investment type:

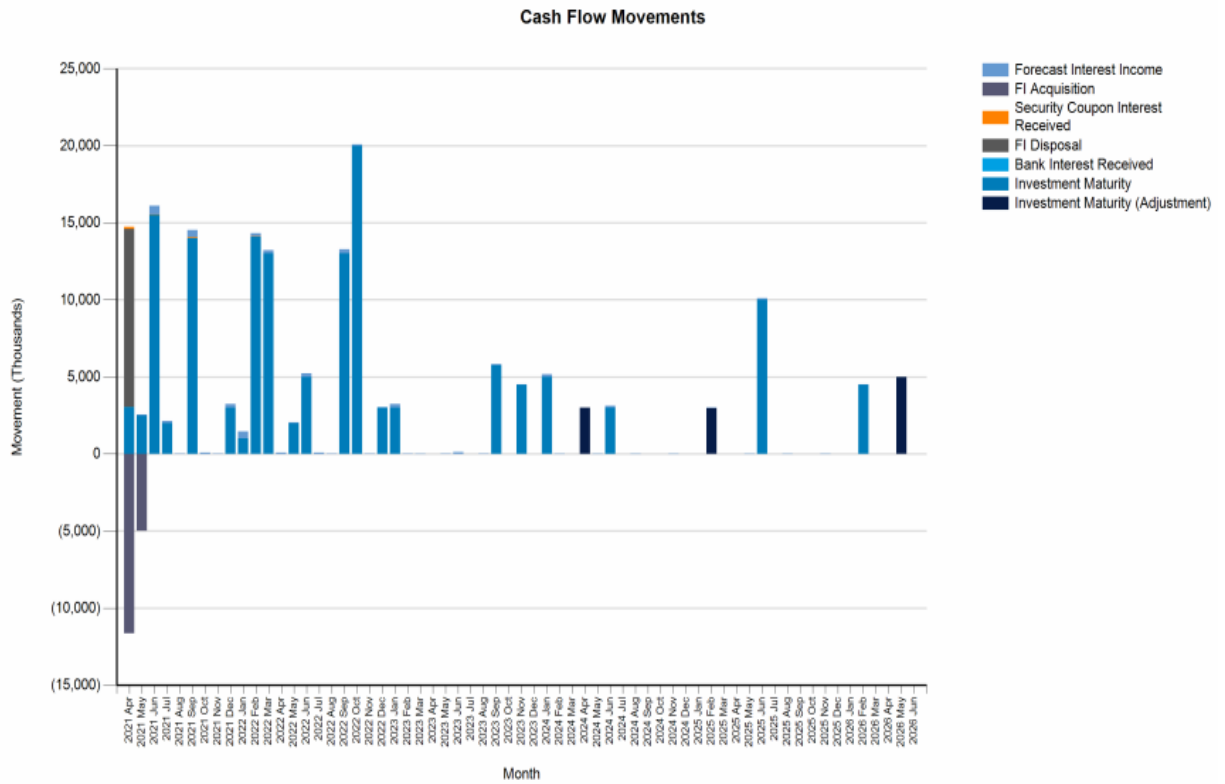
| Security Type             | Market Value          | % Total Value  |
|---------------------------|-----------------------|----------------|
| 31 Day Notice Account     | 15,050,750.38         | 6.79%          |
| At Call Investment        | 50,259,308.33         | 22.68%         |
| Covered Fixed Bond        | 5,502,700.00          | 2.48%          |
| Fixed Rate Bond           | 16,106,440.00         | 7.27%          |
| Flexi Deposit (Fix/Float) | 504,383.56            | 0.23%          |
| Floating Rate Deposit     | 4,508,710.25          | 2.03%          |
| Floating Rate Note        | 8,493,580.00          | 3.83%          |
| Floating Rate TCD         | 3,771,712.50          | 1.70%          |
| Term Deposit              | 117,443,343.39        | 52.99%         |
| <b>Portfolio Total</b>    | <b>221,640,928.41</b> | <b>100.00%</b> |

Market Value by Security Type

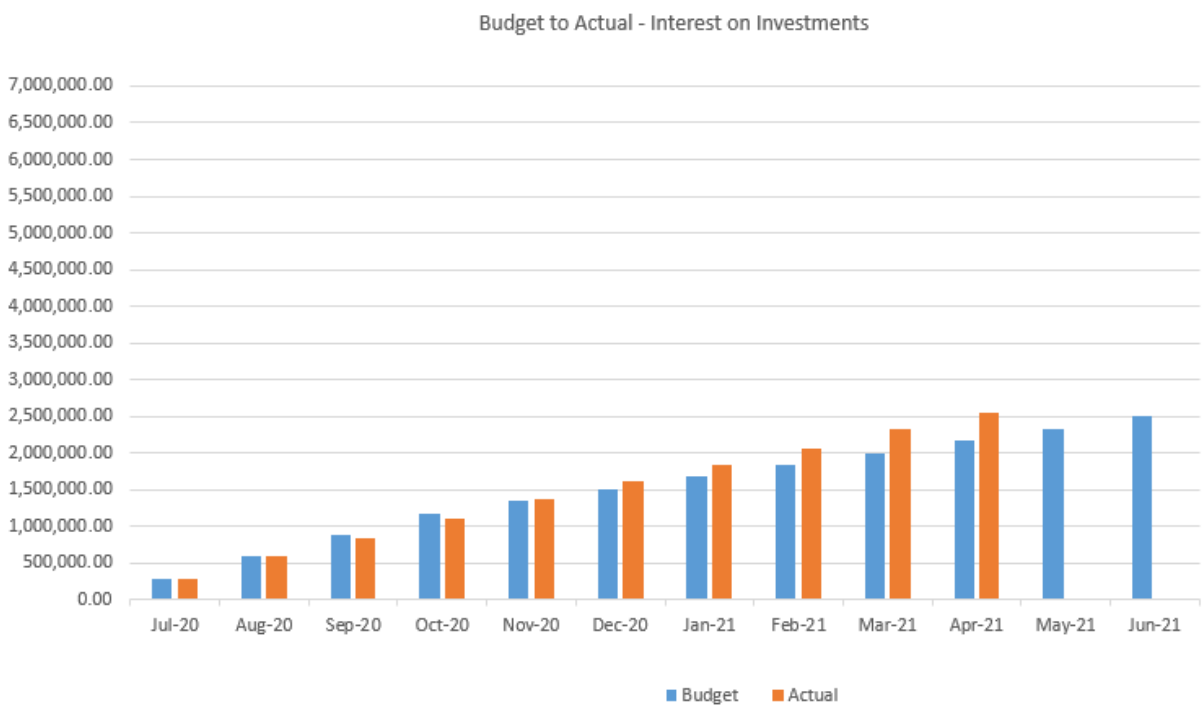


**FUTURE MATURITY CASHFLOW**

The below table details the expected cash flow of future investment maturity:



**BUDGET TO ACTUAL – INTEREST ON INVESTMENTS**



**SUMMARY**

**Cash Account**

Council outperformed the 11am Official Cash Rate market benchmark for one month annualised return of 0.10%, achieving a return of 0.50% for its At Call investments for the month of April 2021.

**Investment Portfolio**

Council outperformed the one month annualised Bloomberg AusBond Bank Bill Index of 0.00%, with an average return of 1.39% for its overall portfolio return.



DUBBO REGIONAL  
COUNCIL

## REPORT: Rates Harmonisation Community Reference Group Report

**AUTHOR:** Revenue Accountant  
**REPORT DATE:** 5 May 2021  
**TRIM REFERENCE:** ID21/678

### EXECUTIVE SUMMARY

As part of Council's Rates Harmonisation Community Engagement Plan, Council, at its meeting held 25 January 2021, resolved (in part):

- "4. That as part of the comprehensive community engagement process Council establish a Rates Harmonisation Reference Group.*
- 5. That Council authorise the Chief Executive Officer and Mayor to select the committee membership of the Rates Harmonisation Reference Group.*
- 6. That the Mayor, Chief Executive Officer, Deputy Mayor and two Chairmen of Council's Standing Committees be authorised to select the Committee membership of the Rates Harmonisation Reference Group and that membership include one Councillor."*

The purpose of the 2021/2022 Rates Harmonisation Community Reference Group was to inform and seek feedback from community representatives about the proposed rating structure that forms part of the 2021/2022 Draft Operational Plan.

As per the Rates Harmonisation Community Reference Group Terms of Reference, this report provides feedback to Council on the newly proposed harmonised rates structure.

### 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 report of the Revenue Accountant, dated 5 May 2021, be noted.**
- 2. That the outcome and final report of the Rates Harmonisation Community Reference Group engagement undertaken on the options for rates harmonisation, as attached at Appendix 1 be noted.**
- 3. That Council note that the group gave support of the proposed Draft Rate Structure to be included in the 2021/2022 Draft Operational Plan.**
- 4. That Council note that the group agreed to Rates Harmonisation Phase 2 being undertaken to give further consideration to Council's rating structure.**
- 5. That the members of the group be thanked for their input and contributions to the Rates Harmonisation Reference Group.**

*Bronwyn Maxwell*  
Revenue Accountant

## BACKGROUND

The rating structures for Dubbo City Council and Wellington Council were required to be maintained for four rating years due to the Rates Path Freeze.

As a merged Council, Dubbo Regional Council is required to establish a new, equitable rating structure, and have the rates structure harmonised by 1 July 2021.

## REPORT

As part of Councils Rates Harmonisation Community Engagement Plan, Council at its meeting held 25 January 2021 resolved in part;

- “4. That as part of the comprehensive community engagement process Council establish a Rates Harmonisation Reference Group.*
- 5. That Council authorise the Chief Executive Officer and Mayor to select the committee membership of the Rates Harmonisation Reference Group.*
- 6. That the Mayor, Chief Executive Officer, Deputy Mayor and two Chairmen of Council’s Standing Committees be authorised to select the Committee membership of the Rates Harmonisation Reference Group and that membership include one Councillor.”*

Eight community members were selected following an expression of interest process. The selected group members represented a range of ratepayer groups including:

- Business ratepayers
- Residential ratepayers
- Farmland ratepayers
- Former Dubbo City Council ratepayers
- Former Wellington Council

The group met three times during April 2021, commencing 5 April 2021 and concluding 20 April 2021. Council staff facilitated the workshops, providing background information and details of analysis undertaken in developing the preferred rates structure options. The group were given a summary of the proposed topic for each workshop as well as a copy of the Terms of Reference for the group.

The first workshop provided the group with in-depth rates harmonisation information including NSW State Government rating legislation and guidelines requiring all merged Councils in NSW to establish a new, equitable rating structure and transition to it by 1 July 2021.

The second workshop provided the group with briefings of the analysis undertaken in developing the preferred rating structure and detailed the impacts on ratepayers within each rate category should the recommended structure be adopted by Council.

The final workshop provided the group with a brief review of the prior workshops and discussion of the five key decision points made by Council in determining the proposed harmonised rate structure. A discussion was also held on the possibility of a phase two review of Council's rates structure to seek feedback from the group about what this might cover and the next steps, should phase two be undertaken.

A draft report outlining the Group's views on the key considerations made by Council in developing the proposed harmonised rate structure was prepared by a Council staff member as per the Terms of Reference. The draft report was circulated on 27 April 2021 requesting the Group members review the report, confirm what was discussed at each of the workshops and provide any additional feedback on the draft report by close of business 3 May 2021. No additional feedback or comments were submitted by 3 May 2021. The report was finalised and circulated to the group.

### SUMMARY

As per the Terms of Reference for the Rates Harmonisation Community Reference Group, a report providing feedback from the Rates Harmonisation Community Reference Group on the proposed harmonised rates structure is attached for Council's consideration as part of consideration of the 2021/2022 Draft Operational Plan and Revenue Policy.

Appendices:

- 1⇒ Rates Harmonisation Community Reference Group *Provided under separate cover*  
report





DUBBO REGIONAL  
COUNCIL

## REPORT: Building Summary - April 2021

**AUTHOR:** Director Development and  
Environment  
**REPORT DATE:** 29 April 2021  
**TRIM REFERENCE:** ID21/673

### EXECUTIVE SUMMARY

Information has been prepared on the statistics of the number of dwellings and other residential development approved in the Dubbo Regional Local Government Area (LGA) together with statistics for total approved Development Applications for the information of Council.

**Appendix 1** relates specifically to residential approval figures, and includes both historical and current financial year data relating to the Dubbo Regional LGA. **Appendices 2 to 5** include both the current and retrospective figures for all development types approved within the Dubbo Regional LGA for the financial years stated.

All development applications, construction certificates and complying development certificates can be tracked online at <https://planning.dubbo.nsw.gov.au/Home/Disclaimer>.

### FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

### POLICY IMPLICATIONS

There are no policy implications arising from this report.

### RECOMMENDATION

**That the information contained within the report of the Director Development and Environment, dated 29 April 2021, be noted.**

*Stephen Wallace*

Director Development and Environment

## REPORT

Provided, for information, are the latest statistics (as at the time of production of this report) for Development Applications for Dubbo Regional Council.

### 1. Residential Building Summary

Dwellings and other residential developments approved during April 2021 were as follows:

#### April

|                               |    |
|-------------------------------|----|
| Single dwellings              | 27 |
| Other residential development | 5  |
| (No. of units)                | 9  |

For consistency with land use definitions included in the Local Environmental Plan (LEP), residential development has been separated into 'Single Dwellings' (defined in the LEP as 'dwelling house') and 'Other residential development' (comprising 'dual occupancies', 'secondary dwellings', 'multi dwelling housing', 'seniors housing', 'shop top housing' and 'residential flat buildings').

These figures include development applications approved by private certifying authorities (in the form of Complying Development Certificates).

A summary of residential approvals for the former Dubbo City Council area since 2011-2012 is included in **Appendix 1**. However, it should be noted that the figures from July 2017 onwards include the approvals within the former Wellington Local Government Area as a consequence of the commencement of the merged application system.

### 2. Approved Development Applications

The total number of approved Development Applications (including Complying Development Certificates) for April 2021, a comparison with figures 12 months prior and the total for the respective financial years, are as follows:

|                     | <u>1 April 2021 – 30 April 2021</u> | <u>1 April 2020 to 30 April 2020</u> |
|---------------------|-------------------------------------|--------------------------------------|
| No. of applications | 81                                  | 37                                   |
| Value               | \$19,562,767                        | \$6,698,766                          |
|                     | <u>1 July 2020 – 30 April 2021</u>  | <u>1 July 2019 – 30 April 2020</u>   |
| No. of applications | 792                                 | 577                                  |
| Value               | \$169,845,782                       | \$132,867,673                        |

A summary breakdown of the figures is included in **Appendices 2-5**.

3. Online Application Tracking

All development applications, construction certificates and complying development certificates are tracked online and can be accessed at any time. A link is available on Councillor iPads for assistance (<https://planning.dubbo.nsw.gov.au/Home/Disclaimer>).

What information is available?

- All development applications, construction certificates and complying development certificates submitted from 1 November 2015 will provide access to submitted plans and supporting documents as well as tracking details of the progress of the application.
- More limited information is provided for applications submitted from 1 January 2001 to 31 October 2015.
- Occupation certificates (where issued) are provided from 2010.

What information is not available?

- Application forms.
- Floor plans for residential dwellings.
- Documentation associated with privately certified applications.
- Internal reports.

Councillors are welcome to contact me should they require further information in respect of outstanding Development Applications emanating from the online tracking system.

The information included in this report is provided for notation.

Appendices:

|  |                                      |
|--|--------------------------------------|
| 1⇒ Building Summary - April 2021                       | <i>Provided under separate cover</i> |
| 2⇒ Approved Applications - April 2021                  | <i>Provided under separate cover</i> |
| 3⇒ Approved Applications - April 2020                  | <i>Provided under separate cover</i> |
| 4⇒ Approved Applications - 1 July 2020 - 30 April 2021 | <i>Provided under separate cover</i> |
| 5⇒ Approved Applications - 1 July 2019 - 29 April 2020 | <i>Provided under separate cover</i> |



DUBBO REGIONAL  
COUNCIL

## REPORT: Consolidated Dubbo Regional Local Environmental Plan

**AUTHOR:** Manager Growth Planning  
**REPORT DATE:** 11 May 2021  
**TRIM REFERENCE:** ID21/581

### EXECUTIVE SUMMARY

Dubbo Regional Council's planning controls are currently divided into two separate local environmental plans, the Dubbo Local Environmental Plan 2011 and the Wellington Local Environmental Plan 2012.

Following the amalgamation of the former Dubbo City and Wellington Local Government Areas in May 2016, the NSW State Government are requiring all merged Councils to work towards harmonisation of planning controls through the development of a new Comprehensive Local Environmental Plan and associated documents.

Council, at its meeting held 19 March 2018, considered a report in respect of the Dubbo Regional Local Environmental Plan. In consideration of the report, Council resolved as follows:

- "1. That Council endorse the draft Comprehensive Dubbo Regional Local Environmental Plan for the purposes of seeking a Gateway Determination from the State Government Department of Planning and Environment;*
- 2. That following receipt of Gateway Determination, that a further report be provided to Council for reconsideration including the draft Comprehensive Local Environmental Plan and draft mapping suitable for public exhibition purposes;*
- 3. That Council support a minimum 28 day public exhibition period for the Planning Proposal;*
- 4. That it be noted that Council cannot use its delegation to process the Planning Proposal as the Department of Planning and Environment does not permit delegation of Comprehensive Plans to Councils; and*
- 5. That following completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal."*

The State Government Department of Planning, Industry and Environment (DPIE) issued a conditional Gateway Determination on 26 July 2018 in respect of the Planning Proposal. In response, Council provided an amended Planning Proposal and a draft consolidated local environmental plan to the Department of Planning, Industry and Environment, on 8 April 2021, for further assessment.

Council, on 29 April 2021, received an altered Gateway Determination to extend the timeframe for completion of the Planning Proposal to 26 September 2021. The correspondence also advised that condition 1 of the initial Gateway Determination has been satisfied.

The purpose of this report is to provide Council with the amended Planning Proposal and associated documentation, including the draft Dubbo Regional Local Environmental Plan, and request that they be endorsed for the purposes of public exhibition. A copy of the amended Planning Proposal and associated documentation is provided as **Appendix 1**.

### **FINANCIAL IMPLICATIONS**

The cost implications associated with the public and stakeholder consultation process are available in the Growth Planning budget to accommodate this expenditure.

### **POLICY IMPLICATIONS**

There are no policy implications arising from this report.

### **RECOMMENDATION**

- 1. That the report from the Manager Growth Planning, dated 11 May 2021, be noted.**
- 2. That Council endorse the amended Planning Proposal, draft Dubbo Regional Local Environmental Plan and associated documentation, provided as Appendix 1, for the purposes of public exhibition.**
- 3. That Council support a minimum 28 day public exhibition period for the Planning Proposal.**
- 4. That it be noted that Council cannot use its delegation to process the Planning Proposal as the Department of Planning, Industry and Environment does not permit delegation of Consolidated Local Environmental Plans to Councils.**
- 5. That following completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition period and for further consideration of the Planning Proposal.**
- 6. That a review of the proposed Dubbo Regional Local Environmental Plan 2021 be undertaken one year following gazettal of the new instrument. The review will address any operational or administrative issues that may arise during the new Plan's initial working period.**

*Steven Jennings*  
Manager Growth Planning

## BACKGROUND

Dubbo Regional Council's planning controls are currently divided into two separate local environmental plans, the Dubbo Local Environmental Plan 2011 and the Wellington Local Environmental Plan 2012.

Council is currently undertaking a planning proposal to consolidate the existing local environmental plans into a single Dubbo Regional Local Environmental Plan (LEP).

Council, at its meeting held 19 March 2018, considered a report in respect of the Dubbo Regional Local Environmental Plan. In consideration of the report, Council resolved as follows:

- “1. That Council endorse the draft Comprehensive Dubbo Regional Local Environmental Plan for the purposes of seeking a Gateway Determination from the State Government Department of Planning and Environment;*
- 2. That following receipt of Gateway Determination, that a further report be provided to Council for reconsideration including the draft Comprehensive Local Environmental Plan and draft mapping suitable for public exhibition purposes;*
- 3. That Council support a minimum 28 day public exhibition period for the Planning Proposal;*
- 4. That it be noted that Council cannot use its delegation to process the Planning Proposal as the Department of Planning and Environment does not permit delegation of Comprehensive Plans to Councils; and*
- 5. That following completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal.”*

The purpose of this report is to provide Council with the amended Planning Proposal and associated documentation, including the draft Dubbo Regional Local Environmental Plan, and request that they be endorsed for the purposes of public exhibition. Council staff could not progress the Consolidated LEP as a pure combination of both existing Local Environmental Plans. This issue is further discussed in the Gateway Determinations section of the report, particularly regarding the 'rationalisation criteria.'

A copy of the amended Planning Proposal and associated documentation is provided as **Appendix 1**.

## REPORT

### 1. Gateway Determination

Council received a conditional Gateway Determination from the DPIE in July 2018 in respect of the Planning Proposal. A copy of the Gateway Determination is provided here in **Appendix 2**.

Of particular consideration is condition 1 of the Gateway Determination:

- “1. Prior to undertaking community consultation, Council is to update the planning proposal to:*
- Add additional text to Statement of Objectives to clearly identify this is a consolidation of existing planning instruments and not a comprehensive review of planning controls;*
  - Reflect and clarify Council’s rationalisation criteria which will guide the drafting of a single consolidated Local Environmental Plan.*
  - Update the planning proposal to include additional information to adequately demonstrate consistency (following rationalisation of the Local Environmental Plans) with Section 9.1 Directions and relevant State Environmental Planning Policies.*

*The amended planning proposal is to be submitted to the Department of Planning and Environment for approval prior to undertaking community consultation.”*

The DPIE also prescribed a 28 day public exhibition period for the Planning Proposal.

The rationalisation criteria as suggested by the DPIE included the following:

- Consistent approach to zone objectives, principles and application across the local government area.
- Consistency in permissible land uses across similarly zoned lands within the former Dubbo and Wellington local government areas.
- Retention of appropriate development standards as mapped within the Dubbo LEP 2011 and the Wellington LEP 2012.
- Retention of additional permitted uses that exist within the Dubbo LEP 2011 and the Wellington LEP 2012.
- The retention of land use permissibility through additional permitted uses where the use will become prohibited under the consolidated draft Dubbo Regional LEP.
- The review and update of clauses to address current planning issues.

In response, Council provided the amended Planning Proposal, draft Dubbo Regional Local Environmental Plan and associated documentation to the DPIE, on 8 April 2021, for further assessment.

Council received an altered Gateway Determination on 29 April 2021 which included an extension to the time frame for completing the LEP to 26 September 2021.

The DPIE has also advised the following:

*“...In relation to condition 1 of the initial Gateway determination the information provided by Council on 7 April 2021 has been reviewed and I am satisfied that satisfactory information has been provided to allow Council to proceed to community consultation...”*

*...Comprehensive communication engagement should be undertaken to ensure that all landowners affected by the consolidated LEP are notified. Please ensure the intent of the proposed LEP changes are clearly conveyed to the community while noting that the final instrument and mechanisms to achieve the outcomes will be subject to legal drafting and are subject to change..."*

## **2. Draft Dubbo Regional Local Environmental Plan**

In accordance with the Gateway Determination, Council has prepared a draft version of an amended Planning Proposal which demonstrates rationalisation and consolidation of the former Dubbo Local Environmental Plan 2011 and Wellington Local Environmental Plan 2012. To ensure consistency has been maintained throughout the process, the consolidation has been undertaken in accordance with the following planning principles:

- Principle 1: Consistent approach to zone objectives across similarly zoned lands
- Principle 2: Consistent approach to land use permissibility across similarly zoned lands
- Principle 3: Retain appropriate development standards
- Principle 4: Retain all existing zones within the DLEP and WLEP
- Principle 5: Retain existing additional permissible uses
- Principle 6: Retain existing permissible land uses through additional permitted uses
- Principle 7: Review and update clauses to address current planning issues

The amended Planning Proposal, as attached at **Appendix 1**, includes further consideration of applicable 9.1 Ministerial Directions and State Environmental Planning Policies.

The amended Planning Proposal also includes an assessment of the LEP's zone objectives, land use permissibility and clauses.

The rationalisation process included direct consolidation of planning provisions wherever possible. Conflicting provisions have been consolidated through strategic justification and alignment with the Central West and Orana Regional Plan 2036. Where existing land uses were operational and would become prohibited as a result of the Planning Proposal, additional permitted use provisions have been created for the subject sites.

Council has undertaken a preliminary review of development approvals and conducted site visits with a focus on the potential prohibition of land uses in Wellington's urban areas. To ensure that the permissibility of identified land uses is maintained, additional permitted use (APU) mapping is proposed for the relevant areas and specific sites. The purpose of the APU mapping is to maintain existing land use permissibility on a particular parcel of land or area.

## **3. First Year Review of LEP**

Council proposes that a review of the new Local Environmental Plan be undertaken following the first year of operation. This approach will enable users the opportunity to identify any concerns that may arise as a result of the changes and ensure that any issues are addressed where necessary.



#### **4. Mapping**

Council is currently working with the DPIE's GIS team to prepare the mapping for the consolidated local environmental plan. Council anticipates that the draft mapping will be completed in time for consideration by Council at its meeting prior to endorsement of the Planning Proposal for plan drafting.

The majority of the proposed mapping amendments will involve a direct merge and update of existing provisions. Where considered necessary, Council will prepare additional draft mapping for public exhibition purposes to ensure clarity for the general public and relevant stakeholders throughout the process. Council anticipates that this will be the case for any proposed additional permitted use mapping required as a result of the Planning Proposal.

#### **5. Community Engagement Strategy**

The changes resulting from the consolidated LEP process will impact the majority of property owners across the Dubbo Regional LGA. Although the intent of the Planning Proposal is to undertake the administrative process of merging and rationalising the existing Dubbo and Wellington LEPs, there may be instances whereby the community may seek to maintain an existing provision.

To ensure that all landowners affected by the consolidated LEP are notified, the following consultation efforts will be undertaken:

- Display of Planning Proposal at Dubbo and Wellington Civic Administration Building, Dubbo and Wellington branch of the Macquarie Regional Library;
- Advertisement of the Planning Proposal in the local print media;
- Display of the Planning Proposal on Council's website;
- Media Release in Daily Liberal;
- Notify on Council's Facebook page;
- Notification letter to landowners; and
- Information session in Wellington.

A key message of the consultation process will be to ensure that landowners recognise their land use zone and some basic information.

#### **6. Future Direction**

The intent of the subject Planning Proposal is to consolidate the existing Dubbo LEP 2011 and Wellington LEP 2012 to provide developers, Council staff and the community with a single LEP which is representative of the amalgamated Dubbo Region.

Council anticipates that a review of the proposed Dubbo Regional Local Environmental Plan 2021 will need to be undertaken one year following gazettal of the new instrument. The review will address any operational or administrative issues that may arise during the first one year period.

Council also seeks to commence the Comprehensive LEP process within the next two years following a review of Council's local land use strategies. This process will be informed by the strategic findings of the review and may result in further changes to land zoning, land use permissibility, or other planning controls.

### SUMMARY

Council received a conditional Gateway Determination from the DPIE on 26 July 2018, in respect of the Planning Proposal. Council provided an amended Planning Proposal and a draft Consolidated Local Environmental Plan to the Department of Planning, Industry and Environment for further assessment.

Council, on 29 April 2021, received an altered Gateway Determination to extend the timeframe for completion of the Planning Proposal to 26 September 2021. The correspondence also advised that condition 1 of the initial Gateway Determination has been satisfied.

The purpose of this report is to provide Council with the amended Planning Proposal and associated documentation, including the draft Dubbo Regional Local Environmental Plan, and request that they be endorsed for the purposes of public exhibition.

#### Appendices:

- |   |   |
|---|---|
| 1⇒ Amended Planning Proposal and Associated Documentation | <b><i>Provided under separate cover</i></b> |
| 2⇒ Gateway Determination                                  | <b><i>Provided under separate cover</i></b> |



## REPORT: Post Exhibition - Nanima Village Sewage Treatment Plant Planning Proposal

**AUTHOR:** Growth Planning Projects Leader -  
Digital Futures  
**REPORT DATE:** 23 April 2021  
**TRIM REFERENCE:** ID21/271

### EXECUTIVE SUMMARY

Council at its meeting held on 26 October 2020, considered a report in respect to a Planning Proposal pertaining to the existing sewage treatment plant site at No. 300 Nanima Village Road, Wellington. Council, (in part) resolved as follows:

- "2. That the Planning Proposal provided here in Appendix 1 be submitted to the NSW Department of Planning, Industry & Environment for a Gateway Determination to rezone part of Lot 244 DP 756920 from RU5 Village to SP2 Infrastructure."

A conditional Gateway Determination was issued by the Department of Planning, Infrastructure and Environment (DPIE) on 2 December 2020 (**Appendix 1**).

The Planning Proposal was updated to reflect the 1.78 Ha area proposed to be rezoned (**Appendix 2**) in accordance with the Gateway Determination and was exhibited from 27 January 2021 to 26 February 2021. Land owners in the vicinity of the proposal and relevant Government agencies were also consulted in accordance with the Gateway Determination. No submissions from the public were received. Two submissions from Government agencies were received (**Appendix 3**).

The purpose of this report is to provide Council with a post exhibition report and to seek Council's approval to exercise its delegation in finalising the Planning Proposal.

### FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

### POLICY IMPLICATIONS

The Planning Proposal, if gazetted, will amend the landuse zoning map of the Wellington Local Environmental Plan (LEP) 2012.

**RECOMMENDATION**

- 1. That the report of the Growth Planning Projects Leader – Digital Futures, dated 23 April 2021, be noted.**
- 2. That Council approve the Planning Proposal for No. 300 Nanima Village Road, Wellington as shown at Appendix 2, to be made as an amendment to the Wellington Local Environmental Plan 2012 under Section 3.36 of the Environmental Planning and Assessment Act 1979.**
- 3. That Council delegates authority to the Chief Executive Officer to make minor amendments to the draft Planning Proposal to correct any minor errors or omissions prior to finalisation.**

*Carmel O'Connor*

Growth Planning Projects Leader - Digital Futures

## BACKGROUND

### *Council Meeting*

Council, at its meeting on 26 October 2020, considered a Planning Proposal, which sought to rezone the site (Figure 1) of the existing Nanima Sewage Treatment Plant (STP) from RU5 Village to SP2 Infrastructure (Figure 2) in accordance with the Wellington LEP 2012. The purpose of the Planning Proposal is to facilitate the upgrade/augmentation of the existing STP.

In consideration of the report, Council resolved as follows:

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

Figure 1. Subject Site



Source: DPIE – Water, 2020

Figure 2. Proposed Rezoning



Source: DPIE – Water, 2020

## REPORT

### 1. Planning Proposal

A Planning Proposal seeking to rezone the existing Nanima STP site from RU5 Village to SP2 – Infrastructure was submitted to Council by the DPIE - Water on behalf of the Wellington Local Aboriginal Land Council. The purpose of the Planning Proposal is to facilitate the upgrade and augmentation of the existing STP.

A report regarding the Planning Proposal was considered by Council on 26 October 2020. At this meeting Council resolved, amongst other things to forward the Planning Proposal to the DPIE for Gateway Determination.

### 2. Gateway Determination

The subject Planning Proposal (**Appendix 2**) was forwarded to the DPIE for Gateway Determination. A conditional Gateway Determination dated 2 December 2020 was issued by the DPIE (**Appendix 1**). The Planning Proposal was updated in accordance with the Gateway Determination to reflect the area of land proposed to be rezoned.

The Gateway Determination required consultation with the DPIE Biodiversity Conservation Science Directorate (BCSD), the NSW Rural Fire Service (RFS), the Environment Protection Authority (EPA), NSW Health and the Wellington Aboriginal Land Council.

The Gateway correspondence also required consultation with the BCSD regarding inconsistencies with Ministerial Directions *4.3 Planning on Flood Prone Land* and the RFS regarding inconsistencies with Ministerial Direction *4.4 Planning for Bushfire Protection*.

### 3. Public Exhibition

The amended Planning Proposal was placed on public exhibition from 27 January 2021 to 26 February 2021. Advertisements were placed in the local newspaper, Wellington and Dubbo Libraries and Council administration buildings. Adjoining neighbours were also invited to make a submission.

Government agencies including NSW Health, the EPA, RFS, BCSD and the Wellington Aboriginal Land Council were notified of the proposal and also invited to make a submission via the NSW Government's Planning Portal during this time.

After it was apparent that several Government agencies were not utilising the Planning Portal and were therefore unaware of the subject Planning Proposal, the Wellington Local Aboriginal Land Council, NSW Health, RFS and BCSD were invited via email to make a submission.

Specifically, the RFS was also contacted via email on 15 March 2021 and invited to make a submission during the notification period from 15 March 2021 to 5 April 2021.

No submissions were received from the public and two submission were received from Government agencies (**Appendix 3**). A summary of the agency submissions and responses to issues raised is provided in Table 1. No objections were raised in relation to the Proposal.

Table 1. Agency Submissions

| Agency   | Comment   | Response  |
|--|---|---|
| EPA  | EPA have already discussed the Planning Proposal and future upgrade of the existing STP with DPIE Water. No objection is raised.  | Noted.  |
| DPIE Biodiversity, Conservation and Science Directorate (BCSD) | <p>The project site is partially within the 1% Annual Exceedance Probability Flood Planning Level. The impact of the STP upgrade is expected to be insignificant, however the <i>Layout Design</i> shows a set of treatment ponds with several inlet/outlet hydraulic structures to control the operational flows.</p> <p>It is recommended in the next Planning Stage to incorporate the FPA into the Design Layout to ensure critical infrastructure is placed away from flood risk areas. Also, it is necessary to undertake</p> | <p>Noted.</p> <p>Noted, the design layout and the impact of earthworks on flooding in the Macquarie River can be addressed at the</p> |

|  |  |  |
|--|--|--|
|  | a flooding assessment of the expected earthworks embankments related to the treatment ponds to ensure a safe passage of flood waters in the Macquarie River. | detailed design stage of the proposal. |
|--|--|--|

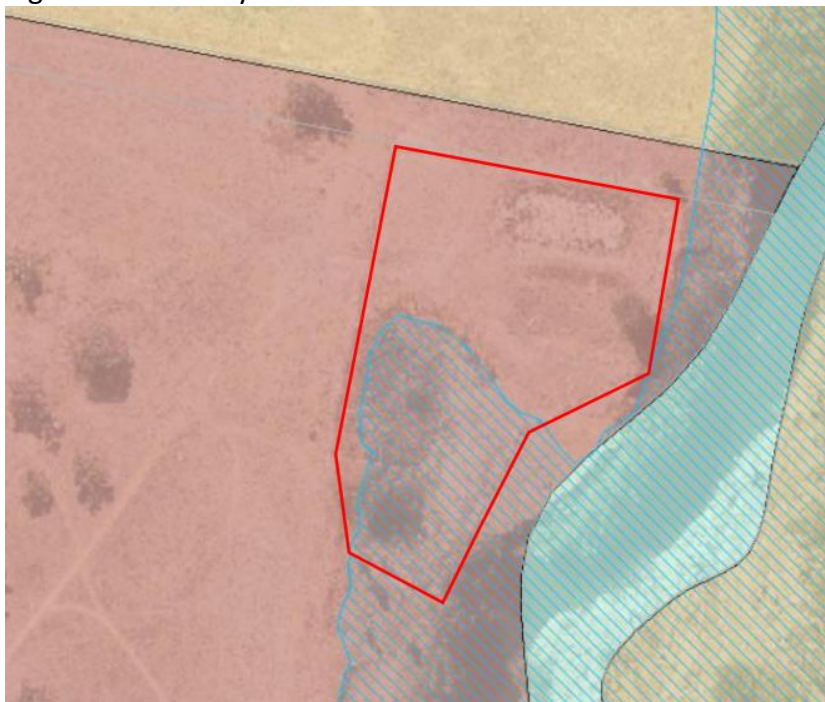
#### 4. Ministerial Directions

The subject proposal presents a minor inconsistency with Section 9.1 Ministerial Direction 4.4 *Planning in Bushfire Prone Areas* and also Direction 4.3 *Planning in Flood Prone Areas*. As such, the Gateway correspondence from the DPIE requires Council to consult with BCSD and the RFS regarding these directions respectively.

##### *Ministerial Direction 4.3 Flood Prone Land*

The subject site is identified on Council’s internal mapping as being partially within the Flood Planning Level (FPL), as such Ministerial Direction 4.3 *Flood Prone Land* Applies. The Direction provides a number of requirements for Planning Proposals, however also allows for minor inconsistencies where the Planning Proposal is *in accordance with the NSW Floodplain Development Manual 2005 or the provisions of the Planning Proposal that are inconsistent are of minor significance*. Table 2 provides an outline of the specific requirements of the Direction, responses for each requirement and the BCSD response where applicable.

Figure 3. 1 in 100 year ARI +500m freeboard level



Source: Public Works Advisory, 2020



Table 2. Ministerial Direction 4.3 Flood Prone Land

| No. | Requirement  | Council Response  |
|-----|--|---|
| 4   | The Planning Proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual.   | The Planning Proposal will not alter the existing flood provisions of Wellington LEP 2012.  |
| 5   | Not rezone land within the flood planning areas from Special Use, Special Purpose, Recreational, Rural or Environmental Protection to a Residential, Business, Industrial, Special Use or Special Purpose Zone.  | <p><i>Minor inconsistency</i></p> <p>The Planning Proposal seeks to rezone approximately 1.78 Ha from RU5 Village to a SP2 Special Uses.</p> <p>This inconsistency is considered to be minor as the site is already zoned RU5 Village which permits a range of landuses including Centre-based child care facilities; Community facilities; Dwelling houses; Light industries; Neighbourhood shops; Recreation areas and facilities, Roads; and Schools.</p> <p>In addition, the site is only 1.78 Ha and is the site of the existing Nanima STP.</p>   |
| 6   | <p>A Planning Proposal must not contain provisions that apply to flood planning areas which:</p> <ul style="list-style-type: none"> <li>- Permit development in floodway areas,</li> <li>- Permit development that will result in significant flood impacts to other properties,</li> <li>- Permit a significant increase in the development of the land,</li> <li>- Are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</li> <li>- Permit development to be carried out without development consent except for the purpose of agriculture, roads or exempt development.</li> </ul> | <p><i>Minor Inconsistency</i></p> <p>The Planning Proposal would permit development in the Flood Planning Area and would facilitate the development of the site for an STP through Part 5 of the Environmental Planning and Assessment Act 1979.</p> <p>This inconsistency is considered to be minor as the site is already zoned RU5 Village which permits a range of landuses including Centre-based child care facilities; Community facilities; Dwelling houses; Light industries; Neighbourhood shops; Recreation areas and facilities, Roads; and Schools.</p> <p>In addition, the site is only 1.78 Ha and is the site of the existing</p> |

|   |  |  |
|---|--|--|
|   |  | <p>Nanima STP.<br/>Further, these issues can be addressed at the detailed design stage of the proposal as provided by BCSD that recommended;</p> <p><i>.. in the next Planning Stage to incorporate the FPA into the Design Layout to ensure critical infrastructure is placed away from flood risk areas. Also, it is necessary to undertake a flooding assessment of the expected earthworks embankments related to the treatment ponds to ensure a safe passage of flood waters in the Macquarie River.</i></p> |
| 7 | A Planning Proposal must not impose flood related development controls above the residential flood planning level for residential development on the land unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director General.   | NA. The proposal does not propose to alter the existing flood related development controls.  |
| 8 | For the purposes of a Planning Proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure to the satisfaction of the Director General. | NA. No change to the existing FPL is proposed.   |

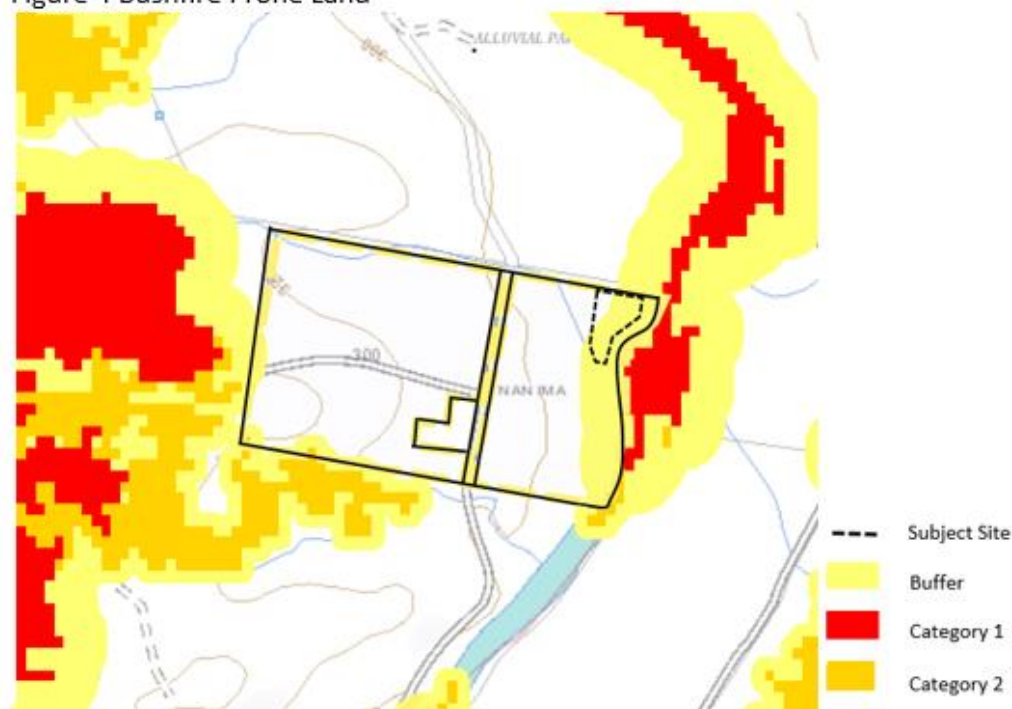
It is considered that the subject inconsistencies are of a minor nature and can be addressed at the detailed design stage of the proposal as advised by BCSD.

*Ministerial Direction 4.4 Planning for Bushfire Protection*

The subject site is identified as partially bushfire prone (Figure 4), as such Ministerial Direction 4.4 *Planning for Bushfire Protection* applies to the Planning Proposal.

This Direction provides several requirements for Planning Proposals, however allows inconsistencies where the planning authority can *satisfy the Director General of the Department of Planning that Council has obtain written advice from the Commissioner of the RFS, to the effect the notwithstanding the noncompliance, the NSW Rural Fire Service does not object to the progression of the Planning Proposal.* The requirements of the Direction are detailed in Table 3.

Figure 4 Bushfire Prone Land



Source: DRC. 2021

Table 3. Planning for Bushfire Protection Requirements

| No | Requirement   | Council Response  |
|----|---|---|
| 5  | <p>In the preparation of a Planning Proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination under Section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of Schedule 1, Clause 4 of the Act, and take into account any comments so made.</p> | <p>In accordance with the Gateway Determination and associated correspondence, the RFS was invited to make a submission to the Planning Proposal via the Planning Portal and also invited via email to make a submission from 15 March 2021 to 5 April 2021. No such submission has been received.</p> <p>The DPIE Western Region Office has advised that given the bushfire issues are 'likely of a minor nature' and in light of there being no submission from the RFS, the proposal can still proceed to Council.</p> |
| 6  | <p>A Planning Proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <p>ii. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land</p>  | <p><i>Minor Inconsistency</i></p> <p>A portion of the subject site is identified as being within the 'bushfire buffer'. However the site accommodates an existing STP, upgrade works facilitated by the Planning Proposal will allow for bushfire issues to be</p>  |

|  |   |  |
|--|---|--|
|  | <p>intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>iii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road.</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the Planning Proposal Permit Special Fire Protection Purposes (as defined under Section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which link to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p> | <p>addressed in the detailed design of the proposal.</p> <p>In addition, NSW Public Works has consulted with the RFS as part of the Review of Environmental Factors consultation process (letter on 17/12/20).</p> <p>The RFS verbally advised Public Works that the RFS didn't have any specific issues or requirements with the proposed upgrade associated with bushfire risk as the new infrastructure was limited to the new pond and pond upgrades – i.e. below ground infrastructure and no new STP buildings were being constructed.</p> |
|--|---|--|

It is considered that the subject inconsistencies are minor and can be addressed at the detailed design stage of the proposal if required.

The RFS was notified of the proposal and was invited to make a submission from 27 January 2021 to 26 February 2021 via the NSW Planning Portal. The RFS subsequently advised that they do not use the Planning Portal for Planning Proposals and as such they were notified of the proposal via email on 15 March 2021 and formally invited to make a submission during the notification period from 15 March 2021 to 5 April 2021. However no submission has been received.

The DPIE Western Regional Office has advised the following:

*'..in light of no response from RFS as well as that the outstanding bushfire issue is likely of a minor nature, concurrence from DPIE is not essential'*

The DPIE also advised that the Planning Proposal can proceed to Council provided that the notification to the RFS is detailed and any outstanding matters in terms of compliance with Ministerial Directions are addressed.

## 5. Finalisation of the Planning Proposal

The Gateway Determination at **Appendix 1** includes authorisation for Council to exercise its delegation of the Minister's Functions under Section 3.36 of the *Environmental Planning and Assessment Act 1979*. The documentation will be forwarded to the Office of Parliamentary

Council to draft the LEP to seek an Opinion that the draft Plan can be made. A copy of the request will be forwarded to the DPIE – Western Region. Following receipt of the Opinion and lodgement and approval of the amendment map on the Planning Portal, a request that the LEP amendment be notified will be made.

#### **SUMMARY**

In accordance with the Council resolution of 26 October 2020, a Planning Proposal seeking to rezone the existing site of the Nanima STP site from RU5 Village to SP2 – Infrastructure was forwarded to the DPIE for Gateway Determination. The purpose of the Planning Proposal is to facilitate the upgrade/augmentation of the existing facility.

A conditional Gateway Determination was issued by the DPIE (see above for Gateway conditions) on 2 December 2020. The Planning Proposal was updated and exhibited in accordance with the Gateway Determination.

No public submissions were received during the public exhibition phase and two submissions were received from Government agencies.

The recommendation of staff is to proceed with the finalisation of the Planning Proposal which will involve an amendment to the landuse zoning map.

#### Appendices:

- |  |                                      |
|--|--------------------------------------|
| 1⇒ Gateway Determination                                     | <i>Provided under separate cover</i> |
| 2⇒ Planning Proposal - Nanima Village Sewage Treatment Plant | <i>Provided under separate cover</i> |
| 3⇒ Government Agency Submissions                             | <i>Provided under separate cover</i> |



DUBBO REGIONAL  
COUNCIL

## REPORT: DRTCC Photography Policy Review

**AUTHOR:** Manager Dubbo Regional Theatre and  
Convention Centre  
**REPORT DATE:** 15 March 2021  
**TRIM REFERENCE:** ID21/447

### EXECUTIVE SUMMARY

Dubbo Regional Theatre and Convention Centre (DRTCC) was officially opened in July 2010. The facility has become known for its total quality management and best practice within the events and arts industry by winning the coveted Drovers' Award for Best Performing Arts Facility in Australia in 2019.

Procedures and policies have been developed and reviewed to ensure a safe, efficient and pleasant environment for visitors, staff and all other users of the facility.

A Photography Policy was developed in 2013 due to the high volume of children that perform in the centre. The policy outlines specific locations where photography is permitted which includes front-of-house and back-of-house locations. All hirers of the facility are made aware of the policy through various communication channels.

Whilst the majority of hirers are compliant to the policy, there have been a number of policy breaches resulting in the current review. The review has identified that the policy does not include specific penalties for breaching the Photography Policy therefore, in some cases, non-compliance has continued.

The review recommends that the Photography Policy includes a potential ban from using the DRTCC for a maximum of 14 months for a policy breach. Legal advice has confirmed that Council is within its rights to include a penalty for a policy breach.

It should be noted that this is a DRTCC operational policy not Council policy however legal advice has recommended the policy, signage and penalty be passed as a council resolution.

Attached as Appendix 1, the revised Photography Policy includes specific penalties for a policy breach which will provide an additional level of due diligence for the safety of performers, staff and visitors to the facility.

### FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

**POLICY IMPLICATIONS**

The report recommends that the DRTCC Photography Policy (attached as Appendix 1) be updated to include penalties for policy breaches.

**RECOMMENDATION**

- 1. That the report from Manager Dubbo Regional Theatre and Convention Centre dated 15 March 2021, be noted.**
- 2. That the DRTCC Photography Policy be updated to reflect a penalty for policy breaches to a maximum of 14 month ban for the use of the DRTCC.**
- 3. That communication with hirers be undertaken to advise of the policy breach penalties, and DRTCC hire agreements be updated to reflect this change.**
- 4. That signage is erected in identified areas as per the Photography Policy specify that penalties apply.**

*Linda Christof*

Manager Dubbo Regional Theatre and Convention Centre

## BACKGROUND

The DRTCC Photography Policy was developed in 2013. At the time there were four dance businesses operating in Dubbo with an average 150 students performing in individual concerts and the City of Dubbo Eisteddfod attracting in excess of 5000 young performers from New South Wales each year. There was a need for a blanket policy regarding photography and filming. Initially filming and photography were permitted in the back stage corridor and public areas such as foyers and external to the building. Clients were also able to photograph and film their performance or rehearsal from an approved area in the auditorium for archival purposes, marketing and for commercial gain.

The Photography Policy was communicated to clients and users of the facility by the following methods:

- Venue Hire Agreement signed by the client
- Signage upon entry to stage door and in dressing rooms and corridor
- Inductions by staff and confirmed by an induction form signed by the client/representatives

The current Photography Policy states that photography and filming can occur in the following areas:

- Backstage - in front of the designated selfie wall
- From the auditorium to film or photograph the performance
- In all public areas such as the foyers and external to the building

Photography and filming is not permitted in the following areas:

- Backstage (with exception of the selfie wall)
- Onstage
- The wings
- In dressing rooms

Dubbo Regional Council is exempt from the Photography Policy, in order to, from time to time convey to ratepayers information about their facility. For example; filming a story for social media about a staff member and their role in the organisation or an interview of a celebrity in the Green Room.

## REPORT

The increased popularity of on-line platforms and social media has been problematic for two reasons. One being images taken 'in the moment' and uploaded to social media whether intentionally or not have the potential to inadvertently display an inappropriate image and the other being intentional photography and filming to promote one's business and to have a competitive advantage over others.

It is not appropriate for our male technical team to be responsible to monitor backstage for breaches. The responsibility is on the hirer to comply with the Photography Policy, venue hire agreement, signage and to communicate the house rules to their group.

A survey conducted in 2017 with NSW theatre managers showed 43.75% had a No Photography Backstage Statement with 9% stating it was developed due to an incident. A



number of theatre managers said the survey prompted them to review their obligation to ensure best practice. Comments were made by theatre managers that it is difficult to monitor photography, particularly with local dance and theatre groups.

At DRTCC, there have been a number of incidences highlighting the need to review and tighten the photography and filming policy. Images have been uploaded to social media platforms taken from unauthorised areas with inappropriate content in the background.

The policy was reviewed after concerns were raised by parents, staff and management on photos being taken in the backstage corridor, dressing rooms, stage wings and on stage contrary to the policy. The policy was updated to nominate one specific area in the backstage corridor where photos and film can be taken. This nominated area had a higher level of security and provided safety for performers and staff.

The majority of hirers have welcomed the photography policy and the increased security the policy provides to performers and staff. However, there has been some opposition to the policy by hirers resulting in DRTCC staff being subjected to aggressive behaviour on numerous occasions when trying to implement the policy. The DRTCC Manager provided formal correspondence to relevant hirers on 31 January 2020 regarding the Photography Policy and the importance of complying with the regulations outlined in the signed venue agreement.

DRTCC staff have made reasonable attempts to address any concerns raised by hirers, however, providing flexibility undermines the intent of the policy. One venue hirer has vocally resisted the photography policy through formal communication to the Director Culture and Economy, and was provided opportunity to voice concerns through a number of meetings with the Manager Regional Events. In October 2020, the hirer was offered a number of options of a photography area that was not in breach of the policy, however, the options were deemed unacceptable by the hirer. A further meeting was held with the hirer and staff and a secondary backstage location was offered as a trial location. It was made clear to the hirer that any deviation to the locations offered would be a breach of the policy. The policy was breached again in December 2020 with 38 images uploaded to social media from prohibited areas. As a result, legal advice was sought in order to include specific consequences for breaches to the policy.

Legal advice received stated that venues are considered private property even where they are owned by a local council or other government organisation so Council or DRTCC may generally regulate the terms of hire, use and access. The rights are contractual in nature and should ultimately be enforceable before the courts on that basis.

Legal advice received also states that to maximise enforceability regarding compliance with the policy and signage DRTCC should:

- (a) Ensure that the policy and any signs are the subject of appropriate and specific Council ordinance (resolution);
- (b) Erect signs in relation to No Photography which clearly indicate that:
  - (i) The signs are pursuant to Council ordinance; and

- (ii) Specify that penalty applies; and
- (c) Ensure the signs are clearly and prominently on display at entry points to the facility and at the specified photograph points such as the selfie wall.

Recommended changes to the Policy

Attached as Appendix 1 DRTTC Photography Policy identified amendments in red recommended by Council's legal advisors.

It is recommended that a designated area of the stage 'crossover' be included as an approved photography/filming location. In addition, the inclusion of the following wording:

*The Hirer acknowledges and agrees that Council notices are regulated under s. 632 of the NSW Local Government Act 1993. Failure to comply may result in a penalty.*

*The Owner is entitled to injunctive relief (as appropriate) as a remedy for any breach or threatened breach by the Hirer, in addition to any other remedies available at law or in equity and may seek to prevent publishing material or the removal of published material including social media, internet and web pages.*

*The Hirer will take all reasonable steps to:*

- *Ensure all attendees are made aware of and comply with Council's policy;*
- *Assist Council to investigate and resolve any breach of the policy.*

*Failure to comply with the policy by the Hirer or its attendees or to assist Council may result in:*

- a) *The Owner declining further applications for hire from the Hirer for a period of up to fourteen months; and/or*
- b) *Prohibitions on individuals attending events without limiting any other indemnity, the Hirer indemnifies Council for costs of any breach, investigation and enforcement, including legal costs on an indemnity basis, arising from any breach of the policy.*

Unless there are accepted extenuating circumstances as to why a breach of the Policy has occurred, it is proposed that no warnings be provided to hirers and that future Hire applications not be accepted (ban) for up to a period of 14 months be applied. This is on the basis that the Policy and its intent in protecting all users and staff has been in place for eight years, and all hirers will be made explicitly aware of their responsibilities in accordance with this policy as part of the Hire agreement.

A breach of Policy would be identified through a report of the Manager DRTCC, reviewed by the Director Culture and Economy, Internal Ombudsman, for final decision of the Chief Executive Officer. A request to review any decision would remain open to any hirer to dispute the breach and to be considered by the CEO. Penalties and investigation remain discretionary to the CEO to take into account any mitigating circumstances or unfair impact on a particular hirer.

## SUMMARY

In 2013, the DRTCC identified a need for a Photography/Filming Policy to ensure the safety of performers, staff and visitors to the facility. This policy outlined areas where photography and filming are permitted being the selfie wall backstage, from the auditorium onto the stage and all public areas. The policy also includes prohibited areas including dressing rooms, backstage corridor, wings and on stage. This information is also included in the venue hire agreement signed by hirers and reiterated at backstage inductions and wall signage.

Management and staff have regularly reviewed the policy and consulted with the hirers to ensure a fair and reasonable arrangement regarding photography and filming locations. Whilst the majority of hirers abide by the policy, there are incidents where the policy is consistently breached. It has become apparent that without ramifications for a breach of policy, some hirers will continue to extend the boundaries and behave aggressively to staff who are required to monitor the policy. Council aim to be fair and equitable to all clients which has been undertaken through client consultation and policy review.

Attached as Appendix 1, this report recommends the inclusion for a penalty for policy breaches to a maximum of 14 month ban for the use of the DRTCC. The penalty has been reviewed by a legal contractor and has been deemed appropriate. The inclusion of the penalty will encourage compliance and represent a fair, equitable and safe environment for all hirers of the DRTCC.

Appendices:

1 ➡ Photography Policy - Draft ***Provided under separate cover***



## REPORT: Lifting of Water Restrictions

**AUTHOR:** Manager Water Supply and Sewerage  
**REPORT DATE:** 19 April 2021  
**TRIM REFERENCE:** ID21/641

### EXECUTIVE SUMMARY

Dubbo Regional Council, in response to the worst drought on record, implemented water restrictions on 1 June 2019. As drought conditions worsened, Council then implemented Level 3 water restrictions on 1 October 2019, followed by Level 4 on 1 November 2019.

In July 2020, due to the inflow received into Burrendong Dam, Council eased the water restriction level to Level 1.

Burrendong Dam levels have increased from 24.45% in July 2020 to the current level of 57% following significant rain events in March 2021. The Macquarie Regulated River Drought Stage has now reduced from Level 3 to normal operation, being no restrictions in allocations.

The NSW Department of Primary Industries (DPIE) drought information has reported that 96% of NSW is in the recovery or non-drought categories. Currently all of the Central West is in this the non-drought category. Based on the information from Water NSW, DPIE and Council's Drought Contingency and Water Emergency Response Plan, this report recommends the lifting of water restrictions throughout the Local Government Area (LGA).

### FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

### POLICY IMPLICATIONS

The Drought Contingency and Water Emergency Response Plan (DCWERP) was adopted by Council in July 2020. The adoption of the plan by Council provides guidance on the implementation and easing of water restriction during periods of reduced supply.

Dubbo Regional Council is empowered to restrict water supply under Local Government (General) Regulations 2005. The regulation states:

***“137 Water supply may be restricted if there is a shortage of supply***

- (1) *A council that considers the available stored water in a water supply system supplying its area, or the available capacity of supply from that system, to be insufficient to allow the unrestricted consumption of water for purposes other than domestic purposes may, by notice published in accordance with this clause, restrict—*
- (a) *the purposes for which the water can be used, or*
  - (b) *the times when the water can be used, or*

- (c) the methods by which the water can be used, or*
    - (d) the quantities of the water that can be used.*
  - (2) The council may, by notice published in accordance with this clause, place the same sort of restrictions as are referred to in subclause (1) on the use of water from such a water supply system for any purposes (including domestic purposes)—*
    - (a) if there is a drought, or*
    - (b) if the available stored water, or the available capacity of supply, is so limited as to make extraordinary measures necessary in the general interest of water consumers.*

**RECOMMENDATION**

- 1. That the information contained within the report 19 April 2021 of the Manager Water Supply and Sewerage, dated 19 April 2021, be noted.**
- 2. That Council remove the current Level 1 water restrictions for the Dubbo Local Government Area.**
- 3. That continued education and communication initiatives be implemented with regard to water conservation throughout the Local Government Area.**

*Stephen Carter*  
Manager Water Supply and Sewerage

**BACKGROUND**

Dubbo Regional Council, in response to the worst drought on record, implemented water restrictions on 1 June 2019. As drought conditions worsened, Council then implemented Level 3 water restrictions on 1 October 2019, followed by Level 4 on 1 November 2019. As drought conditions have eased and Council has been allocated 100% of its entitlement for the 2020/2021 water year, water restrictions were eased to Level 1 in July 2020.

**REPORT**

At the time Dubbo Regional Council introduced water restrictions, Burrendong Dam continued to experience record low inflows, with dam storage levels falling to 1.49% in February 2020.

Since this time, there has been significant rain events in the Burrendong Dam catchment resulting in the current dam level being 57%. Good rainfalls have also been recorded throughout the Macquarie Valley.

In the 2020/2021 water year Council received 100% allocation of its Local Water Utilities licence, for both surface and groundwater, this was a total of 10,800ML of surface water (river) and 3850ML of ground water. With this, indications are that full allocations can be expected for all licence holders in the 2021/2022 water year.

Currently, Council has Level 1 restrictions in place. According to the current Drought Contingency and Water Emergency Response Plan (DCWERP) Level 1 restrictions are implemented at a Stage 3 criticality (refer to Figure 1 below).

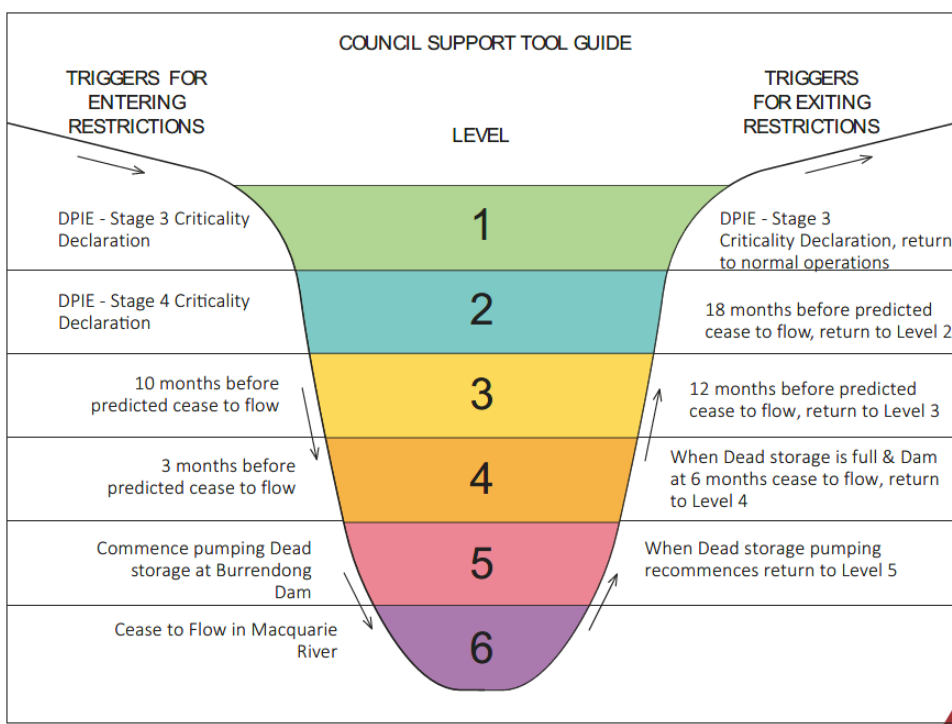


Figure 1: Dubbo Regional Council Triggers for Water Restrictions

The Macquarie Regulated River Water Source has improved from Drought Stage 3 to Normal Operations, and water sharing plan restrictions have been eased to make more available for release.

Based on this information, there is no current situation within the LGA to have water restrictions implemented according to DCWERP Section 2.5.2 Operation Triggers. With the lifting of all restrictions Council needs to maintain a measured and cautious approach to its current water and drought management circumstances, noting conditions have certainly improved. With this in mind, water restrictions can be lifted throughout the LGA.

Importantly the Dubbo, Wellington, Geurie and Mumbil communities have responded to the call to conserve water through the period of extreme water shortage. This is confirmed by a significant decrease in daily demand throughout the LGA of approximately 30% since the implementation of Level 1 restrictions compared to the same period in 2018 and 2019.

#### **SUMMARY**

This report recommends that water restriction levels throughout the LGA be lifted, with emphasis being communicated to the community of the need to be water wise.



DUBBO REGIONAL  
COUNCIL

## REPORT: Wellington Pedestrian Footbridge - Funding and Design

AUTHOR: Director Liveability  
REPORT DATE: 25 April 2021  
TRIM REFERENCE: ID21/664

### EXECUTIVE SUMMARY

Designs, costings, flood study information and environmental impact assessments for construction of a pedestrian footbridge spanning the Bell River between Cameron Park and Pioneer Park in Wellington, have been sourced. Information was sought for a suspension bridge and a truss arch bridge option. Council's grant funding permits construction of a truss arch bridge and prohibits construction of a suspension bridge.

### FINANCIAL IMPLICATIONS

Council has received \$738,000 from the Australian Government Local Roads and Community Infrastructure Phase 2 funding. The funding permits construction of a truss arch bridge design, to the value of \$774,000, inclusive of site preparatory works.

Council has also allocated \$100,000 as a part of the draft 2021/2022 budget, to enable demolition of the majority of the existing obsolete timber bridge, inclusive of make safe approaches and some heritage retention approaches.

### POLICY IMPLICATIONS

Construction of the Wellington pedestrian footbridge is consistent with the Community Strategic Plan 2040, particularly Infrastructure 2.3 "Infrastructure meets the current and future needs of our community"; 2.5.3 "A high level of pedestrian accessibility is provided"; Liveability 5.1 "Our city, town and villages are well-maintained, welcoming, showcase their heritage and what they have to offer"; 5.3 "The lifestyle and social needs of the community are supported"; and 5.5 "The community has the opportunity to participate in a diverse range of lifestyle, sporting and passive recreational pursuits".



**RECOMMENDATION**

1. That the report of the Director Liveability, dated 25 April 2021, be noted.
2. That the truss arch bridge design be formally adopted for installation at the Bell River crossing, between Cameron Park and Pioneer Park.

*Skye Price*

Director Liveability

## BACKGROUND

Following a structural assessment, the Bell River pedestrian bridge linking Cameron Park and Pioneer Park was closed during 2017 and identified for demolition. The bridge forms an integral link to recently installed path network by Dubbo Regional Council, both at Cameron Park on the eastern bank and to Brennan's Way, at the foot of Mt Arthur.

The Wellington community expressed a desire to have the bridge replaced. This resulted in \$30,000 being allocated to the Recreation and Open Space Department for shovel ready designs to be completed, enabling grant chasing, as relevant grant opportunities were identified.

Subsequently, a quotation document was prepared, identifying a suspension bridge as preferred design. An expression of interest process for detailed design of a Bell River pedestrian cycleway bridge in Wellington was advertised from 30 June until 28 July 2020, with a mandatory site meeting being held on 8 July 2020. Submissions were received from 10 organisations. All submissions were deemed to comply, with six companies also providing alternate design options. Teleo was identified as the preferred supplier based on an assessment criteria related to price and former bridge design experience, for both the conforming design criterion and an alternative design option.

## REPORT

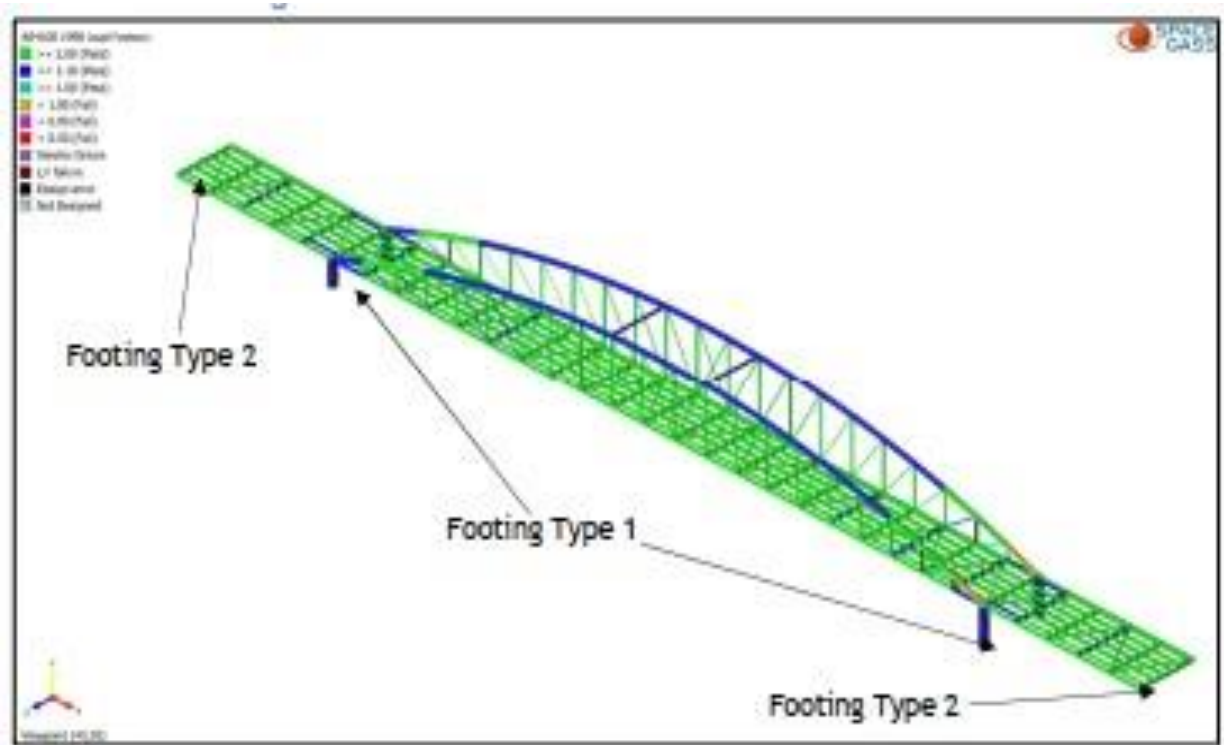
More recently, Council applied for Australian Government Local Roads and Community Infrastructure Program Phase 2 funding and was successful in being allocated \$738,000 for a pedestrian bridge. The works schedule stipulates that the project must be complete by 31 December 2021.

Of the proposed bridge options provided by Teleo, the arch truss bridge option with longer ramp arrangement, has been identified as the preferred design. This design elevates the bridge deck to at least the 1:20 year flood level, it spans the 42 metre river bed, with an arch support on four piers; whilst suitably fulfilling AS1428.1 Mobility and Access standards.

The truss arch bridge is modular in design. As such, it can be constructed off site and installed in a less time and labour intensive manner. This also permits Council to uphold Australian Government Local Road and Community Infrastructure Program timelines pertaining to a 31 December 2021 completion date.

Adoption of the truss arch bridge design ensures that Council has sufficient funding to complete the project. It also ensures functionality and safety, with aesthetically appealing features.

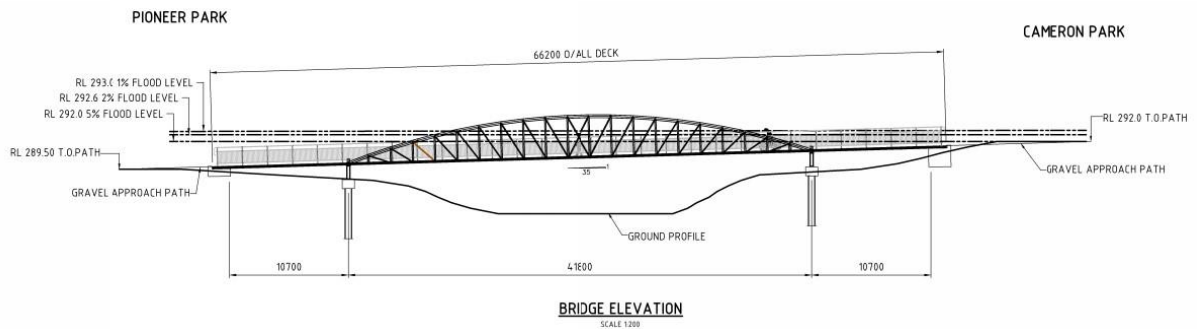
42 metre arch truss bridge and strength results



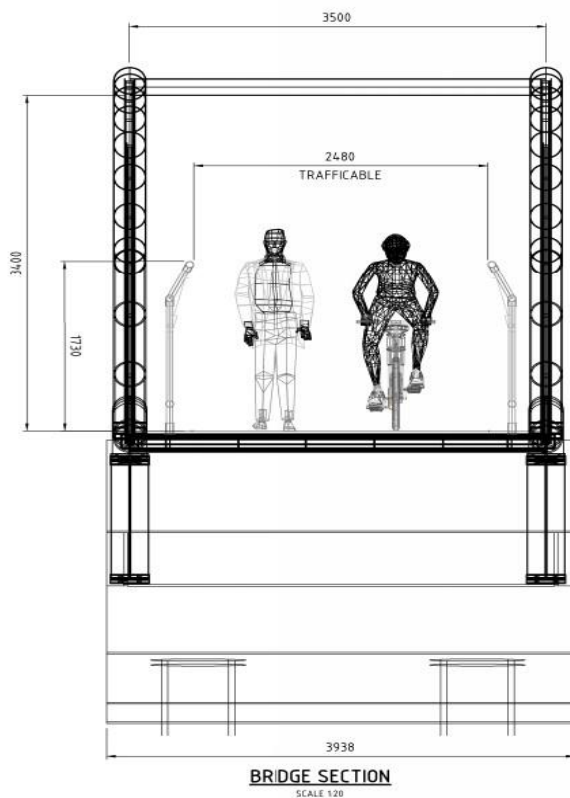
Truss arch bridge artist's impression



Truss arch bridge elevation



Truss arch bridge section



SUMMARY

Council has received detailed technical designs, costings, flood study information and environmental impacts for construction of a pedestrian footbridge spanning the Bell River between Cameron Park and Pioneer Park in Wellington.

Council has also received grant funding from the Australian Government Local Roads and Community Infrastructure Phase 2 program. \$738,000 permits a truss arch bridge design construction, with a prescribed project delivery deadline of 31 December 2021.



DUBBO REGIONAL  
COUNCIL

## REPORT: Request for Waiving of Sporting Organisation Fees and Charges

**AUTHOR:** Recreation Coordinator  
**REPORT DATE:** 19 May 2021  
**TRIM REFERENCE:** ID21/821

### EXECUTIVE SUMMARY

On an annual basis sporting clubs are required to review their current sport specific preparation agreed briefs and the associated sporting organisation fees and charges in preparation for the adoption of the Dubbo Regional Council Revenue Policy.

Dubbo Regional Council was successful in \$450,000 Stronger Country Communities grant funding for the purchase and installation of two new modular amenity blocks, the renewal of the change rooms as well as the renewal and expansion to the canteen at Kennard Park Wellington. Dubbo Regional Council will contribute a further \$200,000 to the project.

The Kennard Park project has been delayed which has resulted in low-level inconvenience for the Wellington Cowboys Rugby League Football Club and Wellington Cowboys Junior Rugby League Football Club. To overcome the inconvenience, Dubbo Regional Council have organised temporary change rooms and canteen for the 2021 winter season at a cost of \$3,484.63.

Wellington Cowboys Rugby League Football Club have requested that the sporting organisation fees and charges for the Wellington Cowboys Rugby league Football Club and Wellington Cowboys Junior Rugby League Football Club be waived due to the inconvenience of the Kennard Park Project.

The Kennard Park Project will provide a significant improvement to the standards of the Kennard Park sporting facilities, and thus long term will be of substantial benefit to both clubs. Thus it is recommended that a decision be made to uphold Wellington Cowboys Rugby League Football Club and Wellington Cowboys Junior Rugby League Football Club sporting organisation fees and charges as per the Dubbo Regional Council 2021/2022 Revenue Policy once adopted.

### FINANCIAL IMPLICATIONS

The 2021/2022 Sporting budget revenue would be reduced by \$2,002 should a decision be made to waive the Wellington Cowboys RLFC and Wellington Cowboys JRLFC sporting organisation fees and charges.

### **POLICY IMPLICATIONS**

Potential waiver of Wellington Cowboys Rugby League Football Club and Wellington Cowboys Junior Rugby League Football Club sporting association fees and charges is related to the *2040 Community Strategic Plan*, Community Leadership theme, 4.3 “the resources of Council are appropriately managed” and 4.3.2 “the system of raising revenue is regarded as equitable and revenue from grants and other income sources is maximised”; as well as Liveability theme 5.5 “the Community has the opportunity to participate in a diverse range of lifestyle, sporting and passive recreational pursuits”; and 5.5.4, “Our sporting facilities are recognised as catering for a wide range of local, regional and state sporting events and opportunity.”

### **RECOMMENDATION**

- 1. That the report from the Recreation Coordinator, dated 19 May 2021, be noted.**
- 2. That a decision be made to uphold the Wellington Cowboys Rugby League Football Club and Wellington Cowboys Junior Rugby League Football Club sporting organisation fees and charges as per the Dubbo Regional Council 2021/2022 Revenue Policy, once adopted.**
- 3. That the Recreation Coordinator advise the Wellington Cowboys Rugby League Football Club and Wellington Cowboys Junior Rugby League Football Club of the Council resolution.**

*Tracey Whillock*  
Recreation Coordinator

## BACKGROUND

In 2018 a review of the sporting organisation fees and charges was undertaken. Sporting clubs were required to review their current sport specific preparation agreed briefs and the recalculation of the associated sporting organisation fees and charges occurred. Council, at its meeting held 19 February 2018, resolved (in part):

*“4. That a thirty percent (30%) blanket subsidy be applied to all sporting organisation sporting ground preparation fees and charges excluding litter control and included in the 2018/2019 Draft Dubbo Regional Council Revenue Policy.”*

Subsequently an annual review of the sport specific preparation agreed brief and associated sporting organisation fees and charges is carried out in preparation for the Revenue Policy adoption each year.

## REPORT

Dubbo Regional Council (DRC) was successful in Stronger Country Communities grant funding for additional amenities at Kennard Park, Wellington. The Kennard Park Project will include the purchase and installation of two new modular amenity blocks, the renewal of the change rooms as well as the renewal and expansion to the canteen. The Kennard Park project is being jointly funded with the Stronger Country Communities Fund contributing \$450,000 and DRC contributing a further \$200,000.

The Kennard Park Amenities Project was delayed due to further negotiations required with sporting organisations and has resulted in a low level of inconvenience for the user groups including Wellington Cowboys Rugby League Football Club and Wellington Cowboys Junior Rugby League Club.

The project is proposed to commence on Monday, 2 August 2021 and conclude by 31 October 2021, which aligns with the grant funding deadline. To overcome the inconvenience, DRC have organised five marquees with sides for set up as temporary change rooms as well as a temporary canteen for the final two rounds' games of the 2021 winter season. The \$3,484.63 cost of the temporary facilities is being funded by DRC.

The sporting organisation fees and charges for Wellington Cowboys Junior Rugby League Football Club and Wellington Cowboys Rugby League Football Club as per the 2021/2022 Dubbo Regional Council Revenue Policy, currently on public exhibition and yet to be adopted by Council, are \$618.81 and \$1,383.20 respectively. These fees and charges cover costs associated with sport specific preparation of Kennard Park, including line marking and bin collection. These sporting organisation fees and charges are scheduled to be invoiced in the 2021/2022 financial year, once the Revenue Policy is adopted.

Due to the perceived inconvenience of the Kennard Park Project, Wellington Cowboys Rugby League Football Club have requested that the sporting organisation fees and charges for the

Wellington Cowboys Rugby league Football Club and Wellington Cowboys Junior Rugby League Football Club be waived.

The Kennard Park Project will provide a significant improvement to the standards of the Kennard Park sporting facilities, and thus be of substantial benefit to both Wellington Cowboys Rugby League Football Club and Wellington Cowboys Junior Rugby League Football Club who are the two main user groups of the sporting facility.

**SUMMARY**

It is recommended that a decision be made to uphold Wellington Cowboys Rugby League Football Club and Wellington Cowboys Junior Rugby League Football Club sporting organisation fees and charges as per the Dubbo Regional Council 2021/2022 Revenue Policy, once adopted.





## REPORT: Crown Land Review - Operational Land Report Following Public Exhibition

**AUTHOR:** Liveability Projects Officer  
**REPORT DATE:** 25 April 2021  
**TRIM REFERENCE:** ID21/663

### EXECUTIVE SUMMARY

On 1 July 2017 the *Crown Land Management Act, 2016* (CLM Act) came into force. Under the new Act, Dubbo Regional Council was identified as the trustee of 193 Crown Land Reserves. As part of the new Act, Plans of Management are required for all Crown Land reserves classified as “Community” land. As part of the Plans of Management program, a review was carried out on the reserves ascribed to Council, for management to determine if these reserves were operational land.

The review identified 32 reserves as being operational land.

To request Ministerial consent for land to be categorised as operational, Dubbo Regional Council must support its review.

At council’s meeting held 14 September 2020, a report was tabled recommending that the Crown Land Review - Operational Land documentation be placed on public exhibition, for a minimum of 28 days. In accordance with the CLM Act, a further 14 days for submissions was required. The Crown Land Review - Operational Land report was placed on public exhibition 1 February 2020, with written and electronic submissions being permitted until 12 March 2020. At the close of this period Council had received two submissions.

A review of the two submissions found that there was no basis to remove any of the reserve parcels identified as a part of submissions, as operational land.

### FINANCIAL IMPLICATIONS

The classification of Crown reserves as operational land is not envisaged to provide any substantial savings. Classifying land as operational will mean these Crown reserves will not require a plan of management, which will result in some minor savings.

### POLICY IMPLICATIONS

Crown Land management is defined under the CLM Act and the *Local Government Act 1993* (LG Act). NSW Legislation allows for the delivery and implementation of strategic planning and capital works programs under the CLM Act, LG Act, and *Environmental Planning & Assessment Act, 1979*.

This program is consistent with the Community Strategic Plan theme of Liveability:

5.3 The lifestyle and social needs of the community are supported.

5.10 The quality of our environment and lifestyle is enhanced by the provision of environmental education and regulation.

5.10.1 Land use management improves and sustains the built and natural environment.

#### RECOMMENDATION

1. That the report from the Liveability Projects Officer, dated 25 April 2021, be noted.
2. That following the mandatory public exhibition, the Crown Land Review – Operational Land Report, August 2020, be adopted.
3. That the adopted Crown Land Review - Operational Land Report August 2020 be sent to the Minister for the CLM Act, requesting ministerial consent to formally classify the 32 reserves as operational land.
4. That community members who contributed submissions during the public exhibition period be sent formal correspondence and acknowledged for providing their respective feedback.

*Peter Christie*  
Liveability Projects Officer

## REPORT

On 1 July 2017 the Crown Land Management Act (CLM Act) came into force. Under the new Act Dubbo Regional Council was identified as the trustee of 193 Crown land reserves. As part of the new Act Plans of Management are required for all Crown land reserves classified as "Community" land. Through the Crown Lands Plans of Management program a review was carried out on all reserves ascribed to Dubbo Regional Council to determine which reserves were managed as operational land. Operational land does not require a plan of management.

Crown Land has provided the following advice regarding land classification:

*There are two scenarios where land may be vested as operational land under the Local Government Act. The first will be where the relevant land is already being used for a truly operational purpose and is not being used by the broader community. In most cases this will be where land is used to support council services, such as works depots. The second will be where categorisation as operational is required to allow the current land use to continue. This is required in some important circumstances such as where Crown land is being used for long-term residential accommodation and cemeteries. As these uses support the community, it is in the public interest to allow the land to continue to be used in this manner.*

The CLM Act provides that Crown land managed by Council managers as public land must be managed as if it were community land, unless the minister administering the CLM Act has given written consent to classify the land as operational. Where the minister has given written consent to classify land as if it were operational land, the Council manager of the land has all the functions that a local Council has under the Local Government Act in relation to operational land.

Council Land Managers cannot sell the land without further ministerial consent nor do anything that contravenes:

- any condition of the council's appointment instrument as a Crown land manager
- the *Crown Land Management Regulation, 2018*
- any applicable Crown land management rule
- any applicable plan of management adopted under Division 3.6 of the CLM Act.

In accordance with Section 3.22 (5) of the CLM Act, the NSW Department of Planning, Industry and Environment — Crown Lands (the Department) will only issue ministerial consent to manage land as operational where a council manager can demonstrate that either the land:

- does not fall within any of the categories for community land under the LG Act, or
- could not continue to be used and dealt with as it currently can, if it were required to be used and dealt with as community land.

These are reproduced verbatim (no alterations have been made):

1. *In relation to "Public Reserve at the end of Coreena Road", can the public gain access to this reserve? Is it being used by any nearby resident for any purpose? Could it be developed as another public area on the river?*

Response:

The reserve at the end of Coreena Road is presently only accessible from the Macquarie River. A paper road exists which has been incorporated into the surrounding property and is managed as an area of irrigation.

2. *I'd encourage council to look at installing solar panels on as many facilities as possible to offset use across all facilities, but to also add alternative revenue streams well into the future.*

Response:

The suggestion to increase the installation of solar panels is noted.

## SUMMARY

An assessment of all Crown Land reserves under trusteeship of Dubbo Regional Council has been undertaken to ascertain whether those parcels are required for council's current and future needs, or surplus to council requirements.

A total of 32 reserves were identified as being operational land. The Management of Crown land Operational Reserves Report 13 August 2020 was placed on public exhibition, enabling community feedback and input to Council's final determination. Following the close of the public exhibition period, Council had received two submissions. These have been reviewed and it is recommended that the report be adopted.

Appendices:

- |   |                                      |
|---|--------------------------------------|
| 1⇒ Crown Operational Land Review - Reduced -<br>13/08/2020  | <i>Provided under separate cover</i> |
| 2⇒ Operational Land Classification Request 26 April<br>2021 | <i>Provided under separate cover</i> |