



AGENDA

ORDINARY COUNCIL MEETING

23 APRIL 2018

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

The meeting is scheduled to commence at 5.30pm.

PRAYER:

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

ACKNOWLEDGEMENT OF COUNTRY:

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

Page

CCL18/47 CONFIRMATION OF MINUTES (ID18/691) 5
Confirmation of the minutes of the proceedings of the Council of the City of Dubbo at the Dubbo Regional Council meeting held on 26 March 2018.

CCL18/48 LEAVE OF ABSENCE (ID18/692)

CCL18/49 PUBLIC FORUM (ID18/693)

MAYORAL MINUTES:

CCL18/50 COAL SEAM GAS (ID18/704) 39
The Council had before it the Mayoral Minute regarding Coal Seam Gas.

CCL18/51 2017-2020 DUBBO REGIONAL COUNCIL DISABILITY INCLUSION ACTION PLAN (ID18/699) 53
The Council had before it the Mayoral Minute regarding 2017-2020 Dubbo Regional Council Disability Inclusion Action Plan.

MATTERS CONSIDERED BY COMMITTEES:

- CCL18/52 REPORT OF THE PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE - MEETING 16 APRIL 2018 (ID18/694)** 55
The Council had before it the report of the Planning, Development and Environment Committee meeting held 16 April 2018.
- CCL18/53 REPORT OF THE INFRASTRUCTURE, COMMUNITY AND RECREATION COMMITTEE - MEETING 16 APRIL 2018 (ID18/695)** 60
The Council had before it the report of the Infrastructure, Community and Recreation Committee meeting held 16 April 2018.
- CCL18/54 REPORT OF THE ECONOMIC DEVELOPMENT, BUSINESS AND CORPORATE COMMITTEE - MEETING 16 APRIL 2018 (ID18/696)** 69
The Council had before it the report of the Economic Development, Business and Corporate Committee meeting held 16 April 2018.
- EDBC18/25 PROPOSED CLOSURE OF UNFORMED ROAD AND SALE OF LAND IN MONTEFIORES, WELLINGTON (ID18/660)**
The Council had before it the report dated 10 April 2018 from the Property Development Officer regarding Proposed Closure of Unformed Road and Sale of Land in Montefiores, Wellington.

NOTICES OF MOTION:

- CCL18/55 RECREATIONAL OPPORTUNITIES IN BROCKLEHURST (ID18/698)** 74
Council had before it a Notice of Motion dated 17 April 2018 from Councillor J Diffey regarding the Recreational Opportunities in Brocklehurst.

REPORTS FROM STAFF:

- CCL18/56 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR A JONES (ID18/652)** 76
The Council had before it the report dated 9 April 2018 from the Manager Governance and Risk regarding Request for Leave of Absence - Councillor A Jones.

| | | |
|-----------------|---|-----|
| CCL18/57 | PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND COUNCILLORS (ID18/653) | 77 |
| | The Council had before it the report dated 17 April 2018 from the Manager Governance and Risk regarding Payment of Expenses and Provision of Facilities for the Mayor and Councillors. | |
| CCL18/58 | COUNCIL COMMITTEES REVIEW (ID18/654) | 108 |
| | The Council had before it the report dated 9 April 2018 from the Manager Governance and Risk regarding Council Committees Review. | |
| CCL18/59 | DRAFT PLANNING AGREEMENT - SHERATON ROAD QUARRY REGIONAL HARDROCK PTY LTD (ID18/561) | 111 |
| | The Council had before it the report dated 17 April 2018 from the Manager Strategic Planning Services regarding Draft Planning Agreement - Sheraton Road Quarry Regional Hardrock Pty Ltd. | |
| CCL18/60 | DRAFT COUNCIL POLICY - DEALING WITH DEVELOPMENT APPLICATIONS FOR COUNCILLORS AND EMPLOYEES (ID18/665) | 145 |
| | The Council had before it the report dated 12 April 2018 from the Manager Building and Development Services regarding Draft Council Policy - Dealing with Development Applications for Councillors and Employees. | |
| CCL18/61 | DRAFT COUNCIL POLICY - INCOMPLETE AND INADEQUATE DEVELOPMENT APPLICATION MANAGEMENT (ID18/673) | 153 |
| | The Council had before it the report dated 13 April 2018 from the Manager Building and Development Services regarding Draft Council Policy - Incomplete and Inadequate Development Application Management. | |
| CCL18/62 | DEVELOPMENT APPLICATION D17-415 - REGISTERED CLUB (ALTERATIONS AND ADDITIONS) PROPERTY: 82 WHYLANDRA STREET, DUBBO APPLICANT: CLUB DUBBO OWNER: WEST DUBBO BOWLING CLUB LTD (ID18/684) | 161 |
| | The Council had before it the report dated 17 April 2018 from the Senior Strategic Planner regarding Development Application D17-415 - Registered Club (Alterations and Additions). | |

- CCL18/63 RESCINDING OF LOCAL PURCHASING POLICY (ID18/690) 325**
The Council had before it the report dated 17 April 2018 from the Manager Financial Operations regarding Rescinding of Local Purchasing Policy.
- CCL18/64 COMMENTS AND MATTERS OF URGENCY (ID18/697)**
- CCL18/65 COMMITTEE OF THE WHOLE (ID18/702)**



Confirmation of Minutes

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 26 March 2018.

RECOMMENDATION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 26 March 2018 comprising pages 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

Appendices:

1 [↓](#) Minutes - Ordinary Council Meeting - 26/03/2018



REPORT

ORDINARY COUNCIL MEETING

26 MARCH 2018

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

ALSO IN ATTENDANCE:

The General Manager, the Director Corporate Services, the Manager Governance and Risk, the Team Leader Governance, the Director Economic Development and Business (N Nissen), the Stakeholder Engagement Coordinator, the Director Infrastructure and Operations, the Director Planning and Environment, the Manager Building and Development Services, the Statutory Planning Services Team Leader and the Director Community and Recreation.

Councillor B Shields assumed chairmanship of the meeting.

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

CCL18/31 CONFIRMATION OF MINUTES (ID18/530)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 26 February 2018.

Moved by Councillor G Mohr and seconded by Councillor D Gumley

MOTION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 26 February 2018 comprising pages 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the General Manager.

CARRIED

CCL18/32 LEAVE OF ABSENCE (ID18/531)

There were no requests for leave of absence recorded.

CCL18/33 PUBLIC FORUM (ID18/532)

The Council reports having met with the following people during Public Forum:

- Ms Anne Field, Chair, DREAM Festival regarding item CCL18/35 Annual report from the DREAM festival.
- Mr John Walkom, Chair, Audit and Risk Management Committee regarding item CCL18/36 - Annual Report of the Audit and Risk Management Committee for the year ended December 2017.

MAYORAL MINUTES:**CCL18/34 EROSION AT THE BELL RIVER/MACQUARIE RIVER JUNCTION AND THREATS TO INFRASTRUCTURE (ID18/526)**

The Council had before it the Mayoral Minute regarding Erosion at the Bell River/Macquarie River Junction and Threats to Infrastructure

Moved by Councillor B Shields

MOTION

1. That, as a matter of urgency, the Director Community and Recreation and the Director Infrastructure and Operations provide a report to Council that articulates a costed proposal to undertake works that prevent erosion that threatens the loss of infrastructure such as the Duke of Wellington Bridge in Wellington and recreational infrastructure in Dubbo.
2. That Council, in conjunction with the community, seek grant funding to deliver works required to ensure that erosion does not threaten the structural integrity of the Duke of Wellington Bridge in Wellington.

CARRIED

Councillor J Ryan declared a pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor J Ryan is employed by Macquarie Landcare.

**CCL18/34a PREFERRED OPTION FOR LOCATION OF THE 3RD BRIDGE PROPOSAL
(ID18/526)**

The Council had before it the Mayoral Minute regarding the Preferred Option for Location of the 3rd Bridge Proposal.

Moved by Councillor B Shields

MOTION

1. That Council thank the State Government for its willingness to commit to funding major transport infrastructure in the region.
2. That Council officially re-commit to the former Dubbo City Council's Dubbo Road Transportation Strategy to 2045 (2012) that includes the Newell Highway "ring road" as its preferred location for the 3rd bridge to manage future traffic growth.

CARRIED

INFORMATION ONLY MATTERS:**CCL18/35 ANNUAL REPORT FROM THE DREAM FESTIVAL (ID18/528)**

The Council had before it the report dated 19 March 2018 from the Director Community and Recreation regarding Annual report from the DREAM festival.

Moved by Councillor D Grant and seconded by Councillor V Etheridge

MOTION

That the information contained within the report of the Director Community and Recreation dated 26 March 2018 be noted.

CARRIED

**CCL18/36 ANNUAL REPORT OF THE AUDIT AND RISK MANAGEMENT COMMITTEE FOR
THE YEAR ENDED DECEMBER 2017 (ID18/527)**

The Council had before it the report dated 19 March 2018 from the Internal Auditor regarding Annual Report of the Audit and Risk Management Committee for the year ended December 2017.

Moved by Councillor A Jones and seconded by Councillor D Gumley

MOTION

That the Audit and Risk Management Committee (ARMC) Annual report for the year ended December 2017 by the ARMC Chair be noted.

CARRIED

MATTERS CONSIDERED BY COMMITTEES:**CCL18/37 REPORT OF THE PLANNING DEVELOPMENT AND ENVIRONMENT COMMITTEE
- MEETING 19 MARCH 2018 (ID18/533)**

The Council had before it the report of the Planning, Development and Environment Committee meeting held 19 March 2018.

Moved by Councillor S Lawrence and seconded by Councillor J Ryan

MOTION

That the report of the Planning, Development and Environment Committee meeting held on 19 March 2018, be noted.

CARRIED

**CCL18/38 REPORT OF THE INFRASTRUCTURE COMMUNITY AND RECREATION
COMMITTEE - MEETING 19 MARCH 2018 (ID18/534)**

The Council had before it the report of the Infrastructure, Community and Recreation Committee meeting held 19 March 2018.

Moved by Councillor S Lawrence and seconded by Councillor A Jones

MOTION

That the report of the Infrastructure, Community and Recreation Committee meeting held on 19 March 2018, be noted.

CARRIED

**CCL18/39 REPORT OF THE ECONOMIC DEVELOPMENT BUSINESS AND CORPORATE
COMMITTEE - MEETING 19 MARCH 2018 (ID18/535)**

The Council had before it the report of the Economic Development, Business and Corporate Committee meeting held 19 March 2018.

Moved by Councillor G Mohr and seconded by Councillor J Ryan

MOTION

That the report of the Economic Development, Business and Corporate Committee meeting held on 19 March 2018, be noted, save and except clause EDBC18/15 with such matter being dealt with separately.

CARRIED

**EDBC18/15 RURAL FIRE SERVICE TRAINING FACILITY AT DUBBO CITY REGIONAL AIRPORT
- REQUEST FOR ADDITIONAL LAND (ID18/296)**

The Council had before it the report dated 28 February 2018 from the Manager Property Assets regarding Rural Fire Service Training Facility at Dubbo City Regional Airport - request for additional land.

Moved by Councillor G Mohr and seconded by Councillor D Gumley

MOTION

1. That Council agree to the request by Rural Fire Service to secure the 1.15 ha portion of land adjoining their current development site.
2. That in consideration of Council providing to Rural Fire Service the additional 1.15 ha land parcel, Rural Fire Service will upgrade Judy Jakins Drive and upgrade the unnamed road between Judy Jakins and Arthur Butler Drive to be permanent roads capable of handling traffic to be generated by the Rural Fire Service development. Including the upgrading of stormwater infrastructure where it impacts the Rural Fire Service site.
3. That Council consult with Rural Fire Service on the naming of the internal road and that a report be provided to the Airport Working Party for consideration.
4. That Council continue to consult with the Dubbo Aero Club in regard to an appropriate alternative site within the airport grounds and Rural Fire Service reimburse Council for all expenses incurred to relocate the building.
5. That any necessary documentation in relation to this matter be executed under the common seal of Council.

CARRIED

REPORTS FROM STAFF:**CCL18/40 DUBBO REGIONAL COUNCIL DIVISIONAL AND SENIOR STAFF ORGANISATION
STRUCTURE (ID18/501)**

The Council had before it the report dated 13 March 2018 from the General Manager regarding Dubbo Regional Council Divisional and Senior Staff Organisation Structure.

Moved by Councillor D Grant and seconded by Councillor G Mohr

MOTION

1. That Council's organisational structure consist of the following five (5) Divisions.
 - Community and Recreation
 - Corporate Services
 - Economic Development and Business
 - Infrastructure and Operations
 - Planning and Environment
2. That the title of General Manager be changed to Chief Executive Officer.
3. That the Office of the General Manager be changed to Executive Services.
4. That the General Manager undertake a review of the organisational structure below

the Divisional level including an assessment of vacant positions and report back to Council.

5. That the recruitment for the position of Council's Chief Executive Officer commence in August 2018.

CARRIED

CCL18/41 MEMBERSHIP OF JOINT ORGANISATIONS (ID18/540)

The Council had before it the report dated 21 March 2018 from the General Manager regarding Membership of Joint Organisations.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

That Council not join a joint organisation at the present time for the following reasons:

1. Once Council joins a joint organisation they may not leave that joint organisation.
2. There is still much uncertainty surrounding the success and operation of joint organisations.
3. Council is still undertaking significant merger related projects and could not commit additional resources to establishing a joint organisation at this time.

CARRIED

As one or more Councillors voted against the motion, in accordance with Clause (b)(iv)(2) of Council's Code of Meeting Practice, the following votes were recorded:

| FOR | AGAINST |
|----------------------|-------------------|
| Councillor Etheridge | Councillor Diffey |
| Councillor Grant | |
| Councillor Gumley | |
| Councillor Jones | |
| Councillor Lawrence | |
| Councillor Mohr | |
| Councillor Parker | |
| Councillor Ryan | |
| Councillor Shields | |
| Total (9) | Total (1) |

CCL18/42 ADDENDUM TO PDEC17/9 DEVELOPMENT APPLICATION D2017-462 - TWO (2) SUBDIVISION, MULTI DWELLING HOUSING AND FOUR (4) LOT STRATA SUBDIVISION
PROPERTY: 197 WINGEWARRA STREET, DUBBO
APPLICANT: MR R STEVENSON
OWNER: RACEBAIL PTY LTD (ID18/511)

The Council had before it the report dated 20 March 2018 from the Statutory Planning Services Team Leader regarding Addendum to PDEC17/9 Development Application D2017-462 - Two (2) Subdivision, Multi Dwelling Housing and Four (4) Lot Strata Subdivision.

Moved by Councillor G Mohr and seconded by Councillor D Gumley

MOTION

1. That the addendum report from the Statutory Planning Services Team Leader dated 20 March 2018 be noted.
2. That D2017-462 for a two lot subdivision, multi dwelling housing and four (4) lot Strata Subdivision at 197 Wingewarra Street, Dubbo be granted deferred commencement consent as it is the opinion of the Council that the development does not constitute an over-development of the site or a risk to traffic conditions subject to compliance with the following:

STAGE 1 - DEFERRED COMMENCEMENT CONDITION:

The following deferred commencement condition must be satisfied to Council's satisfaction within six (6) months of the determination date of this consent.

(A) This approval shall not commence until the vehicle access to proposed Lot 11 is redesigned such that all vehicles can enter and exit in a forward direction. As such, details shall be provided to and approved by Council prior to Stage 1 of this Development Consent, being made operational.

{Reason: Council requirement for protection of people and the road network}

DRAFT OPERATIONAL CONDITIONS

STAGE 1 – Two (2) lot subdivision and demolition (garage)

- (1) The development shall be undertaken generally in accordance with the Statement of Environmental Effects and stamped approved plans detailed as follows except where modified by any of the following conditions:

Title: SUBDIVISION PLAN
Plan no: 01_A02A
Revision: B
Sheet no: 02A of 20
Drawn by: Geolyse
Dated: 06.10.2017

Title: TREE REMOVAL & DEMOLITION PLAN
Plan no: 01_A02
Revision: B
Sheet no: 02 of 20
Drawn by: Geolyse
Dated: 06.10.2017

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

- (2) **The drainage and plumbing installation shall comply with the provisions of the Local Government (General) Regulation, 2005 and the requirements of Council as the water and sewerage authority.**

{Reason: Statutory and Council requirement}

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

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

- (4) **The top of the existing dwelling's overflow (relief) gully shall be a minimum 75 mm above the finished surrounding ground level to prevent ingress of surface stormwater.**

{Reason: Statutory and sewerage supply authority requirement}

- (5) **The following applicable works associated with the alterations to the existing dwelling's sanitary drainage pipework, shall be inspected and passed by an officer of Council prior to them being covered. In this regard, at least 24 hours notice shall be given to Council for inspection of such works. When requesting an inspection, please quote Council's reference number located in the top left hand corner of this page.**

- **External sanitary plumbing and drainage under hydraulic test.**
- **Final inspection of the altered sanitary drainage pipework and new boundary shaft upon completion of the subdivision works.**

{Reason: Statutory provision and Council requirement being the water and sewerage authority}

- (6) **The proposed alterations to be carried out to the existing dwelling's sanitary plumbing and drainage pipe work requires the issue of a separate approval from Council prior to being installed. In this regard a Plumbing and Drainage Approval Application form is available from Council, and must be completed by the licensed plumbing and drainage contractor undertaking the work and returned to Council with the appropriate fee. Plumbing and drainage works must not be commenced until Council has issued a permit authorizing such works.**

(Reason: Statutory requirement of Local Government (General) Regulation 2005)

- (7) **The following works shall be inspected and passed by Council prior to them being covered. At least 24 hours notice shall be given to Council for inspection of such works. When requesting an inspection, please quote Council's number D2017-462.**

- **The disconnection of the existing building's sanitary drainage pipework from Council's sewer, with the exposed sewer junction provided with a proper**

blanking cap prior to the excavation being backfilled. Note: Such inspection is to be performed by an officer of Council's Infrastructure and Operations Division.

- Final inspection of the site upon completion of all demolition works, site restoration and rectification of any damage to Council property.

{Reason: To ascertain that compliance with Council's conditions of consent has been achieved}

- (8) Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (eg Environment Protection Authority, WorkCover Authority, Council, NSW Fire Brigade etc) is notified and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Note: Such materials cannot be disposed of to landfill unless the particular facilities are licensed to receive that type and class of waste.

{Reason: Ensure statutory requirements are observed and the contamination of the environment is prevented}

- (9) Demolition work shall only be carried out within the following times:

Monday to Friday: 7 am to 6 pm

Saturday: 8 am to 1 pm

Sunday or public holidays: No demolition work permitted

{Reason: Council requirement and Environment Protection Authority guidelines to reduce likelihood of noise nuisance}

- (10) At the conclusion of the demolition works the following matters/works must be undertaken, completed and maintained:

(a) The site of the demolition work is to be appropriately levelled and graded, ensuring no depressions are left in which rainwater may accumulate and stagnate; and

(b) The cleared site is maintained free of nuisance (ie dust, litter, overgrowth, ponding water).

{Reason: Requirement of Council to protect its utilities and the public amenity and prevent the creation of public nuisances}

- (11) The demolition of the subject garage shall be carried out in accordance with the applicable provisions of AS 2601 – 2001: *The Demolition of Structures*.

{Reason: Council requirement imposed in consideration of the EP&A Regulation 2000 to ensure the demolition works are undertaken in an appropriate manner}

- (12) A separate application is to be made to Council, with the appropriate fee being paid, for the provision of an additional metered water connection to service the existing dwelling and proposed Lot 12.

{Reason: Council policy in respect of residential developments}

- (13) The provision by the Developer of all sewerage junctions, main extensions and alterations, necessary to provide separate sewerage connection to service the existing

house and proposed Lot 12 to the satisfaction of Council.

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

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

{Reason: Implementation of Council Policy}

- (14) The creation by the Developer, under Section 88B of the Conveyancing Act, of a minimum 2 m wide easement in favour of Council, to be centrally located over all Council sewerage mains.

{Reason: Implementation of Council Policy No 2}

- (15) One (1) residential standard concrete vehicular cross-over, and kerb and gutter vehicle entrance, constructed in accordance with Council's standards STD 5211 and STD 5235 being provided by and at full cost to the Developer off Wingewarra Street as shown on the approved plan.

Such works shall also include the reinstatement of the redundant kerb and gutter vehicle crossing back to 'upright' kerb and gutter at full cost to the Developer. This work is to also include restoration of the road shoulder following construction in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction standards.

Prior to any construction works being undertaken on this access driveway, a detailed (fully dimensioned) site plan is to be lodged with and approved by Council prior to any construction works.

Should Council's Senior Development Engineer (or his representative) not undertake the required inspections as detailed in the abovementioned Council standards, then a detailed list of inspections undertaken by an accredited private certifier verifying compliance with the abovementioned Council standards will be required to be lodged with Council prior to the issue of the Occupation Certificate for the proposed development.

{Reason: Council policy in respect of commercial developments}

- (16) Any alterations to the footpath, kerbing and guttering, vehicular entrance(s), road or road shoulder, shall be repaired/restored at full cost to the Developer and in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction standards.

{Reason: Implementation of Council policy}

- (17) The design and construction by the Developer (at their own expense and to the satisfaction of Council) of the stormwater drainage systems for the proposed

subdivision (including all driveways, parking areas and hardstand areas), noting that development will be required to discharge flows from the land in its undisturbed/natural state for the minor storm event (1 in 20 year ARI) to the kerb and gutter in Fitzroy Street and also make provision for the major event (1 in 100 year ARI) to be safely conveyed to Fitzroy Street without impact on adjacent private property.

Note: Stormwater discharge to the gutter is limited to an amount that can be safely conveyed within the gutter, and that overall gutter flows within the street are within Auspec guidelines for gutter flow width and depth.

All works are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Design and Construction. Additionally, prior to the discharge into Council's system, the Developer will be required to install at their own expense a 'pollution control device(s)' which will collect all oil, sediment and litter from the development proposal.

{Reason: To achieve a satisfactory standard of stormwater disposal from the proposed development}

- (18) As the proposed works encroach onto the Wingewarra Street road reserve area (which includes the footpath area) and prior to any works commencing on the site, the applicant/developer is required to make a separate 'Road Opening Application' (Section 138 Application under the Roads Act, 1993) with Council's Infrastructure and Operations Division, plus payment of any appropriate fee(s).

In conjunction with the Section 138 Application, a Traffic Management Plan showing all activities for controlling pedestrian and vehicular traffic shall be prepared by a suitably accredited person, submitted to, and approved by Council's Senior Traffic Engineer, demonstrating that the proposed demolition works can be undertaken in a safe manner minimising disruption to pedestrian and vehicular traffic movement(s).

The Traffic Management Plan shall include layout plans showing temporary detours, details of arrangements for demolition work under traffic and the location, size and legend of all temporary signs and other traffic control devices and be in accordance with the WorkCover Authority requirements.

Prior to the issue of the Subdivision Certificate for the proposed Stage 1 development, the developer/applicant is to provide the Principal Certifying Authority (PCA) with written evidence/confirmation that the required Section 138 Application was lodged with Council and that any relevant condition(s) have been complied with.

{Reason: To ensure adequate safety measures are in-place for the public utilising the adjacent footpaths and roadways}

- (19) The proposed works will encroach onto the road reserve area (which includes the footpath area) and prior to any works commencing on the site, the applicant is to ensure that any sub-contractor(s) working on the site have current public liability insurance policy(ies) to cover Council to an amount of not less than \$20 M in respect of any and all actions, costs and claims for damages that may be brought or made or claimed against Council in relation to the granting of this approval. Such policy shall note the interest of Council which ensures that Council is indemnified against any possible action.

{Reason: Implementation of Council's policy}

- (20) Prior to release of the Stage 1 - Subdivision Certificate, the submission to Council of evidence that an electricity supply has been provided to each lot within the proposed subdivision by way of a Certificate of Acceptance/Notice of Arrangement as issued by the electricity supply authority (Essential Energy).
{Reason: To ensure the orderly provision of infrastructure}
- (21) Prior to any works commencing on the site, site fencing shall be erected as necessary to fully enclose the work site on all sides to prevent access by members of the public. The work site shall remain secure at all times during both the demolition phase and prior to, and in conjunction with, any proposed 'future' re-development on the site.
{Reason: To provide safety for the public during the demolition and re-construction phases}
- (22) All relevant 'easement(s)' created over the subject land shall remain in force with Stage 1 of this Development Application to subdivide.
{Reason: To ensure legal rights to infrastructure and the continuation of relevant restrictions}
- (23) All vehicles must enter and exit the subject land (which includes proposed Lots 11 and 12) and proposed development in a forward direction. No reversing of vehicles onto the public roadway system will be permitted.
{Reason: To provide safety for the travelling public utilising the public roadways}
- (24) The provision by the Developer of transparencies plus digital copies in Civilcad, Microstation or DXF Format of all engineering plans prior to release of Subdivision Linens in accordance with Clause 4 of the Subdivision Development Code.
{Reason: Implementation of Council Policy No 2}
- (25) Prior to the issue of the Stage 1 - Subdivision Certificate, the contribution by the developer of Urban Roads Headworks contributions for a sum of \$6,454.80 in accordance with Council's adopted Section 94 Contributions Plan - Roads, Traffic Management and Car Parking, Amendment No 1 adopted 25 February 2008.

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

Note 1: Council's adopted 2017/2018 financial year rate is \$586.80 per residential trip (including administration fee). The required Urban Roads Headworks contributions are calculated on 11 daily trips per lot, with an existing credit of 11 daily trips.

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

{Reason: Implementation of Council's Section 94 Contributions Plan - Roads, Traffic Management and Carparking, Amendment No 1 adopted 25 February 2008}

- (26) Prior to the issue of the Stage 1 - Subdivision Certificate, the contribution by the developer of Water Supply Headworks contributions for a sum of \$5,585.80, calculated on a per lot basis, pursuant to Section 64 of the Local Government Act

1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000, and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002.

Such contribution rate per lot is adjusted annually in accordance with Section 3 of the Combined Water Supply and Sewerage Contributions Policy becoming effective from 1 July each year and as adopted in Council's Annual Revenue Policy.

Note 1: Council's adopted 2017/18 financial year rate is \$5,585.80 per lot. A credit of one lot was applied to the contribution calculation.

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

{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}

- (27) Prior to the issue of the Stage 1 - Subdivision Certificate, the contribution by the developer of Sewerage Services Headworks contributions for a sum of \$5,585.77, calculated on a per lot basis, pursuant to Section 64 of the Local Government Act 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000, and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002.

Such contribution rate per lot is adjusted annually in accordance with Section 3 of the Combined Water Supply and Sewerage Contributions Policy becoming effective from 1 July each year and as adopted in Council's Annual Revenue Policy.

Note 1: Council's adopted 2017/18 financial year rate is \$5,585.77 per lot. A credit of one lot was applied to the contribution calculation.

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

{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}

- (28) Prior to the issue of the Stage 1 – Subdivision Certificate, the contribution by the developer of Open Space and Recreation Facilities contributions for a sum of \$3,527.50, calculated on a per lot basis, pursuant to Council's Section 94 Contributions Plan - Open Space and Recreation Facilities, December 1998 (Amended June 2008).

Such contribution will be increased in accordance with the fees, charges and contributions formula as calculated at 30 June each year.

Note: The sum was based on 2.6 persons per lot and the contribution rate at the time was \$1,360.58 per person (including administration fee).

{Reason: Implementation of Council's Section 94 Contributions Plan - Open Space and Recreation Facilities}

STAGE 1 – NOTATIONS

- (1) Following compliance with all conditions of this Development Consent the applicant should apply to Council, with lodgement of the Subdivision Certificate application and payment of the prescribed fee, for release of the Linen Plan(s) of subdivision, which will be duly released.
- (2) The development will be undertaken in accordance with Essential Energy's correspondence dated 3 October 2017 (copy attached).

STAGE 2 - DEFERRED COMMENCEMENT CONDITION:

The following deferred commencement condition must be satisfied to Council's satisfaction within six (6) months of the registration of proposed Lots 11 and 12 with NSW Land Property Information and documentation provided to Council confirming as such.

(A) This approval shall not commence until vehicle access to proposed Lot 12 is redesigned such that all vehicles can enter and exit in a forward direction and have a minimum clearance distance of 3.0 metres from any power poles. As such, details shall be provided to and approved by Council prior to Stage 2 of this Development Consent, being made operational.

{Reason: Council requirement for protection of people and the road network}

DRAFT OPERATIONAL CONDITIONS

STAGE 2 – Construction of four (4) terraces

- (1) The Construction Certificate related to Stage 2 – Construction of four (4) terraces shall not be issued until such time as proposed Lots 11 and 12 have been registered with NSW Land Property Information and documentation provided to Council confirming as such.

{Reason: To ensure that the approved development proceeds in accordance with the submitted Statement of Environmental Effects prepared by Geolyse dated September 2017}

- (2) The BASIX Certificate No.840994M issued 27 July 2017 contains discrepancies. There is a disparity between the Assessor's Certificate No., referenced on the BASIX Certificate (1011281233) and that of the Assessor's Certificate and NatHERS QR-code stamp (0001720050). Documentation shall be provided to Council resolving this inconsistency, prior to the issue of the Stage 2 – Construction Certificate.

{Reason: To ensure that the proposed development is in accordance with the requirements as stated within SEPP (Building Sustainability Index: BASIX) 2004}

- (3) The development shall be undertaken generally in accordance with the Statement of Environmental Effects and stamped approved plans detailed as follows except where modified in red and by any of the following conditions:

Title/Plan no: TREE REMOVAL & DEMOLITION PLAN/01_A02

Drawn by: Geolyse

Issue/Dated: B/06.10.2017

Title/Plan no: SITE PLAN/01_A03

Drawn by: Geolyse
Issue/Dated: B/06.10.2017

Title/Plan no: GROUND FLOOR PLAN/01_A04
Drawn by: Geolyse
Issue/Dated: B/06.10.2017

Title/Plan no: ELEVATIONS SHEET 1/01_A06
Drawn by: Geolyse
Issue/Dated: B/06.10.2017

Title/Plan no: FIRST FLOOR PLAN/01_A05
Drawn by: Geolyse
Issue/Dated: B/06.10.2017

Title/Plan no: ELEVATIONS SHEET 2/01_A07
Drawn by: Geolyse
Issue/Dated: B/06.10.2017

Title/Plan no: BASIX COMMITMENTS – SHEET 1/01_A18
Drawn by: Geolyse
Issue/Dated: B/06.10.2017

Title/Plan no: BASIX COMMITMENTS – SHEET 2/01_A019
Drawn by: Geolyse
Issue/Dated: B/06.10.2017

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

- (4) **The subject dwellings (individually) must not be provided with more than seven (7) outside light fittings, all of which must be shielded. If more than five (5) shielded outside light fittings are provided, those additional fittings must also be automatic light fittings.**

{Reason: To protect observing conditions at the Siding Spring Observatory}

- (5) **The Water Supply Headworks contribution of \$9,389.73 (1.681 ETs), calculated on a per dwelling basis, pursuant to Section 64 of the Local Government Act 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000, and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002, shall be paid by the developer on the submission of the Occupation Certificate or Stage 3 - Subdivision Certificate, whichever occurs first.**

Such contribution rate is adjusted annually in accordance with Section 3 of the Combined Water Supply and Sewerage Contributions Policy becoming effective from 1 July each year and as adopted in Council's Annual Revenue Policy.

Note 1: Council's adopted 2017/2018 financial year rate is \$5,585.80 per equivalent tenement (ET), noting the existing lot and therefore a credit of 1 ET.

Note 2: As the above contribution rate is reviewed annually the 'current contribution

rate' is to be confirmed prior to payment.

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been agreed to by Council's Infrastructure and Operations Division, such shall be provided with the lodgement of the Subdivision Certificate application.

{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}

- (6) The Sewerage Services Headworks contribution of \$9,389.68 (1.681 ETs), calculated on a per dwelling basis, pursuant to Section 64 of the Local Government Act 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000, and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002, shall be paid by the developer on the submission of the Occupation Certificate or Stage 3 - Subdivision Certificate, whichever occurs first.

Such contribution rate is adjusted annually in accordance with Section 3 of the Combined Water Supply and Sewerage Contributions Policy becoming effective from 1 July each year and as adopted in Council's Annual Revenue Policy.

Note 1: Council's adopted 2017/2018 financial year rate is \$5,585.77 per equivalent tenement (ET), noting the existing lot and therefore a credit of 1 ET.

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

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been agreed to by Council's Infrastructure and Operations Division, such shall be provided with the lodgement of the Subdivision Certificate application.

{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}

- (7) The Urban Roads Headworks contribution of \$19,364.40 (33 trips), calculated on a per dwelling basis, in accordance with Council's adopted Amended Section 94 Contributions Plan - Roads, Traffic Management and Carparking, operational 3 March 2016, shall be paid by the developer on the submission of the Occupation Certificate or Stage 3 - Subdivision Certificate, whichever occurs first.

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

Note 1: Council's adopted 2017/2018 financial year rate is \$586.80 per trip, noting the existing lot and therefore a credit of 11 trips.

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

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been

agreed to by Council's Infrastructure and Operations Division, such shall be provided with the lodgement of the Subdivision Certificate application.

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

- (8) The Open Space and Recreation Facilities contribution of \$5,170.20 (3.8 persons), in accordance with Council's Section 94 Development Contributions Plan for Dubbo Open Space and Recreation Facilities – 2016-2026, operating from 1 July 2016, shall be paid by the developer on the submission of the Occupation Certificate or Stage 3 - Subdivision Certificate, whichever occurs first.

Such contribution rate is adjusted annually in accordance with 2.17 Indexation of the Section 94 Contributions Plan becoming effective from the 1 July each year and as adopted in Council's Annual Revenue Policy.

Note: The sum was based on 1.6 persons per two (2) bedroom dwelling with a lot credit of 2.6 persons and the contribution rate at the time was \$1,360.58 (including administration fee) per person.

{Reason: Implementation of Council's Section 94 Contributions Plan for Dubbo Open Space and Recreation Facilities – 2016-2026}

- (9) Prior to the issue of the Occupation Certificate, the applicant shall make arrangements with the Council's Manager Recreation and Open Space for the removal of the existing street tree directly forward of the site within Fitzroy Street and for its replacement with a new street tree. Such works are to be undertaken at full cost of the developer.

Such works may require reshaping of the roadway including replacement seal as a consequence of the tree removal.

Note: The species of the replacement tree, its location and number will be specified by Council's Manager Recreation and Open Space.

{Reason: Council requirement to maintain the amenity of the area}

- (10) Landscape Plan, Drawing No.01_A17, drawn by Geolyse dated 06.10.2017 shall be complied with, prior to the release of the Occupation Certificate for each dwelling unit and be maintained to at least the standard specified on the Plan. The front fencing to the four (4) terraces being a mix of masonry and metal grill shall have a maximum height of 1200mm, details to be provided with the Stage 2 - Construction Certificate application.

The landscaping must be installed such that there will be no impacts on Council's infrastructure services. The developer shall liaise with Dubbo City Council's Community and Recreation Division to ensure that species selected are appropriate.

Alternative species with similar heights and visual screening abilities shall be selected if impacts on infrastructure services have the potential to occur.

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

- (11) The finished floor level of the habitable areas of the proposed dwellings shall in respect of its height above the external finished ground level:
- (a) At the location of each dwelling's overflow (relief) gully achieve:
 - (i) A minimum of 225 mm above the finished surrounding ground level; or
 - (ii) Where the overflow (relief) gully is located in a path or paved area which is finished such that surface water cannot enter it and is graded away from the building, a minimum of 150 mm above the finished surrounding path or paved area; and
 - (b) In all others areas achieve:
 - (i) A minimum of 150 mm above the finished surrounding ground level.

Any excavated areas around the perimeter of the dwellings shall be graded away from the building to ensure adequate surface drainage and prevent pondage.

{Reason: Council requirement to provide adequate stormwater free board and drainage and ensure free board provisions of sanitary drainage regulations can be achieved}

- (12) The drainage and plumbing installation shall comply with the provisions of the Local Government (General) Regulation, 2005 and the requirements of Council as the water and sewerage authority.

{Reason: Statutory and Council requirement}

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

{Reason: Council requirement to preserve public hygiene}

- (14) The sanitary, water plumbing and drainage associated with the proposed building project requires the issue of its own approval from Council prior to being installed. In this regard a Drainage and Plumbing Approval Application form is available from Council, and must be completed by the licensed plumbing and drainage contractor and returned to Council with the appropriate fee. Drainage or plumbing works must not be commenced until Council has issued a permit authorising such works.

{Reason: Statutory requirement of Local Government Act 1993}

- (15) Construction work shall only be carried out within the following times:

Monday to Friday: 7 am to 6 pm

Saturday: 8 am to 1 pm

Sunday or public holidays: No construction work permitted

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

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

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

- (17) The top of each dwelling's overflow (relief) gully shall be a minimum 150 mm below the lowest sanitary fixture serving the building.

{Reason: Statutory and sewerage authority requirement}

- (18) The top of each dwelling's overflow (relief) gully shall be a minimum 75 mm above

the finished surrounding ground level to prevent ingress of surface stormwater.

{Reason: Statutory and sewerage supply authority requirement}

- (19) Roof water not conveyed to each dwelling's rainwater tank pursuant to the approved BASIX Certificate and the overflow from the required rainwater tanks shall be conducted to the street gutter by means of appropriate drainage pipework.
{Reason: To ensure satisfactory disposal of roof water}
- (20) The hot water delivered to each dwelling's outlets of the hand-basins, showers and baths shall not exceed 50°C.
{Reason: Statutory requirement of the Plumbing Code of Australia}
- (21) Surface water shall be directed away from the building to prevent ponding near the foundations of the building whilst ensuring surface water is not diverted to the detriment of adjoining properties.
{Reason: To ensure satisfactory drainage}
- (22) The applicant shall ensure that the responsible builder or contractor submits to Council, if Council is engaged to act as the Principal Certifying Authority (PCA), a Certificate of Installation certifying that the wet areas of each dwelling have been protected by the installation of a water-proofing system conforming to AS 3740 'Waterproofing of domestic wet area'. Such Certificate must be provided prior to occupation or use of the building.
{Reason: To demonstrate the provision of an adequate moisture proofing system}
- (23) The terrace's shall not be occupied or used until the Principal Certifying Authority (PCA) has first issued an Occupation Certificate.
{Reason: Statutory requirement to ensure the building is fit for occupation}
- (24) A site rubbish container shall be provided on the site for the period of the construction works prior to commencement of any such work.
{Reason: Council requirement to prevent pollution of the environment by wind-blown litter}
- (25) All excavations associated with the erection of the building and installation of associated services must be properly guarded and protected to prevent them from being dangerous to life or property. Excavations undertaken across or in a public place must be kept adequately guarded and/or enclosed and lit between sunset and sunrise, if left open or otherwise in a condition likely to be hazardous to persons in the public place.
{Reason: Council requirement for protection of public}
- (26) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
{Reason: Prescribed statutory condition under EP&A Act}
- (27) If an excavation associated with the proposed building work extends below the surface level of an adjoining allotment of land and/or the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation; and
- (b) Where necessary underpin the adjoining premises to prevent any such damage.

For the purposes of this condition, *allotment of land* includes a public road and any other public place. This condition does not apply if the person having the benefit of the development consent owns the adjoining land, or the owner of the adjoining land has given consent in writing to this condition not applying.

{Reason: Prescribed condition pursuant to clause 98E of the EP&A Regulation 2000 and Council requirement to preserve the stability of adjoining roads/public places}

- (28) Prior to works commencing the Applicant shall ensure that a sign is erected on the work site in a prominent position at the front of the property showing:
- (a) The name, address and telephone number of the Principal Certifying Authority (PCA) for the work;
 - (b) The name of the principal contractor for the building work and a telephone number on which that person may be contacted outside of working hours; and
 - (c) Stating that unauthorised entry to the work site is prohibited.

Such sign must be maintained on the site during the course of the building work and not be removed until the work has been completed.

Note: In respect of (a) above, where Council is engaged as the Certifying Authority and appointed PCA, the Applicant can either prepare their own sign, or alternatively affix onsite the sticker that will be enclosed with the Council issued Stage 2 - Construction Certificate. A larger sign in lieu of utilising the sticker is available upon request from Council's Civic Administration Building.

{Reason: Statutory condition imposed by clause 98A of the EP&A Regulation 2000}

- (29) The person having the benefit of this Development Consent, must unless that person is the principal contractor, ensure that the principal contractor has been notified of the critical stage inspections and any other inspections that are specified by the appointed Principal Certifying Authority (PCA) to be carried out.

Note: The 'principal contractor' is the person responsible for the overall coordination and control of the carrying out of the building work.

{Reason: Statutory requirement imposed by the EP&A Act 1979}

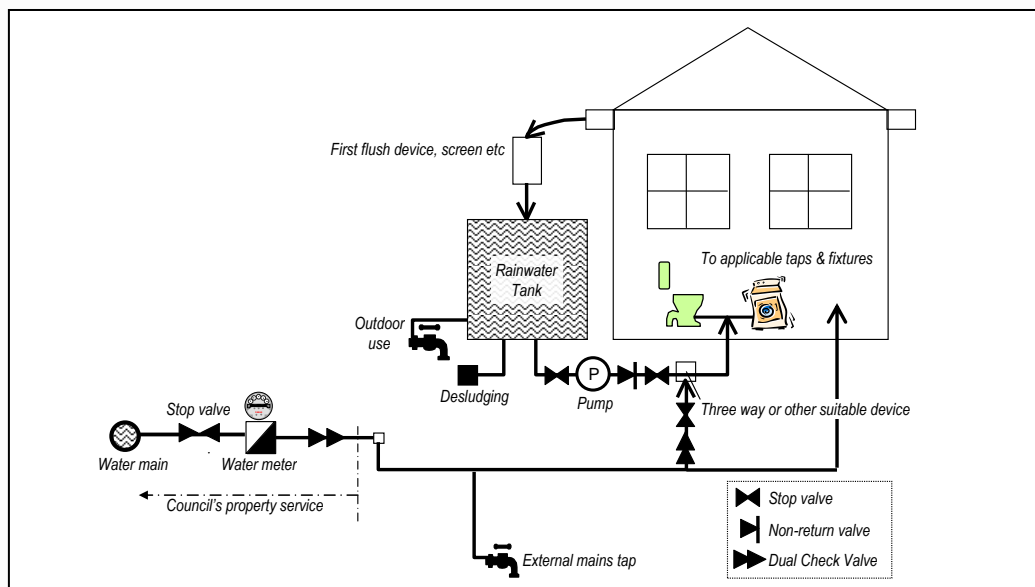
- (30) Noise from the rainwater tank pumps shall be controlled such that offensive noise is not emitted. In this regard, the pumps shall be located in a position where it least affects neighbouring properties, and not exceed the background noise level (L_{A90}) by 5dB(A) measured at the worst effected residence.

Note: To minimise noise nuisance the pump should not be located adjacent to neighbouring bedrooms or between adjoining dwellings. If a complaint arises after installation consideration may need to be given to relocating the pump or providing an acoustic cover.

{Reason: To minimise the creation of offensive noise}

(31) Where the owner's BASIX commitments requires the pipework from the proposed rainwater tanks to be inter-connected with pipework connected to Council's town reticulated water supply the following installation criteria shall apply:

- (a) A stop valve shall be provided on the rainwater delivery side of the pump. A second stop valve and a non-return valve shall be provided on the outlet side of the pump;
- (b) A stop valve and a dual check valve shall be provided on the delivery side of the town water supply pipework immediately upstream of the point of inter-connection with the rainwater pipework supply; and
- (c) The inter-connection point of the pipework from the two different water sources is to be provided with a three-way flow switching device.



(Refer to the following diagram for an indicative installation arrangement)

Any proposed plumbing configuration different from the above arrangements shall be discussed with Councils' officers for conformity with the Plumbing Code of Australia and approved prior to installation.

{Reason: Water supply authority and statutory requirement to prevent water cross-contamination}

(32) The water supply pipework from the rainwater tank shall be clearly marked at intervals not exceeding 500 mm where concealed in walls, or 1 m where exposed or buried, with the word 'RAINWATER'. Water outlets shall be identified as 'RAINWATER' with a label or a rainwater tap identified by a green coloured indicator with the letters 'RW'.

Note:

- ① All 'RAINWATER' labels or signs are to have black lettering and pictogram on

either a yellow or green background.



① **Marking shall be in accordance with AS 1345.**

{Reason: Statutory requirements of Plumbing Code of Australia}

(33) Where a pump is required to distribute and pressurise water from the proposed rainwater tanks they shall be electrically powered.

{Reason: Council requirement to minimise the creation of offensive noise}

(34) The proposed rainwater tanks shall be provided with:

- **A top or lid to shield the interior from light penetration; and**
- **A screen to all inlets and openings into the tank to prevent debris and mosquito entry.**

{Reason: Council requirement to reduce contamination of the supply and breeding of mosquitoes}

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

{Reason: Statutory and Council requirement}

(36) An Erosion and Sedimentation Control Plan is required to be submitted to and approved by Council. This approved Plan shall be implemented onsite prior to any site disturbance works being commenced and shall remain, in a maintained condition, until all site works are completed.

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

(37) A sediment and erosion control warning sign, as supplied by Council, shall be attached to the most prominent sediment fence on the subject site at all times whilst the building is under construction.

Note: Copies of such sign are available for collection free of charge from Council's Planning and Environment Division.

{Reason: Council requirement imposed in the public's interest under S79C of the EP&A Act 1979}

(38) If Council is appointed as the Principal Certifying Authority (PCA) documentary evidence is to be supplied to Council identifying that the commitments set out in the approved BASIX Certificate have been satisfied. Such evidence shall be supplied prior to the issue of an Occupation Certificate.

{Reason: To fulfil the statutory requirement of Environmental Planning and Assessment Regulation 2000}

- (39) Prior to the Occupation Certificate being issued, Council is to be given at least 24 hours notice for Council to carry out an inspection of the completed stormwater drainage, sanitary drainage and water installation.

{Reason: To enable an inspection of the building's plumbing and drainage to determine they have been satisfactorily completed}

- (40) The smoke alarms constituting each dwelling's automatic smoke detection and alarm system, if comprised of smoke alarms conforming to AS 3786, shall be interconnected within each sole-occupancy unit. If Council is appointed the principal certifying authority, a Certificate of Installation completed by the installing licensed electrician, shall be submitted prior to the Occupation Certificate being issued.

Due to the dwellings being of two-storey construction, it is recommended that the smoke alarm installation be designed such that the lighting over the internal stairways be activated upon an alarm going into its alarm state, in order to facilitate way-finding out of the dwelling in the dark. One option to achieve such lighting activation is to utilise smoke alarms with integral lights.

{Reason: Council requirement to enhance the level of fire safety as a consequence of audibility limitations associated with smoke alarms alerting young children}

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

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

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

{Reason: Statutory provision and Council requirement being the water and sewerage authority}

- (42) Surface water within each dwelling's rear yard is to be collected by an inlet sump(s) situated within such self-contained yard, before being drained by pipework and conveyed to the Fitzroy Street kerb. Such surface water shall be directed away from the rear of each dwelling to prevent ponding near the foundations of the building whilst ensuring it is drained to the street without being diverted to the detriment of adjoining properties.

In this regard, the plans to be submitted with the Stage 2 - Construction Certificate Application need to provide the finished surface levels and stormwater drainage infrastructure sufficient to demonstrate compliance with Part 3.1.2 of the BCA; and the above.

Note: Regard also needs to be given to achieving the statutory overflow (relief) gully clearance heights as separately conditioned on this consent.

{Reason: To ensure satisfactory stormwater drainage}

- (43) Council's sewer main alignment and depth shall be accurately located and the following criteria shall be achieved and adequately demonstrated to the Principal Certifying Authority prior to any footing being poured:**

(a) The proposed building's footing shall be provided with piers that are to extend down at least 200 mm past the zone of influence of Council's sewer main and its trench. The depth of the piers must be determined in the manner as shown on Council's Drawing STD 5846. Structural engineer's details of the footing system must be provided with the Stage 2 - Construction Certificate application.

{Reason: Sewerage authority policy requirement to prevent undermining of structure and provide access to its main}

- (44) The sanitary plumbing and drainage works associated with the altering of the existing dwelling's sanitary drainage works to confine it to within the dwelling's new allotment, and reconnection to Council's sewerage system via a new sewerage junction, must be inspected by an officer of Council's Planning & Environment Division prior to covering.**

Such new sanitary work drainage must have been passed by Council prior to issue of the new Dwelling's Occupation Certificate or the Subdivision Certificate, whichever occurs first.

{Reason: Council requirement to ensure the altered sanitary drainage work has been inspected}

- (45) Should the existing town water supply service connection(s) not be suitably located and/or of a suitable size to accommodate the proposed development, then a separate application will be required to be made to Council, with the appropriate fee(s) being paid.**

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

{Reason: Council policy in respect of commercial developments}

- (46) A combined residential standard concrete vehicular cross-overs, and kerb and gutter vehicle entrances, constructed in accordance with Council's standards STD 5211 and STD 5235 being provided by and at full cost to the Developer to service proposed Unit 3 and 4 off Fitzroy Street including relocation of the existing power pole to 6m to the south so that no driveway shall be located within 3.0 metres of the existing power pole in Fitzroy Street.**

In addition, two (2) residential standard concrete vehicular cross-over, and kerb and gutter vehicle entrance, constructed in accordance with Council's standards STD 5211 and STD 5235 being provided by and at full cost to the Developer off Fitzroy Street to service proposed Unit 1 and 2.

Additionally, the existing redundant kerb and gutter vehicle crossing in Fitzroy Street is required to be reinstated back to 'upright' kerb and gutter at full cost to the Developer. This work is to also include restoration of the road shoulder following construction in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction standards.

Should Council's Senior Development Engineer (or his representative) not undertake the required inspections as detailed in the abovementioned Council standards, then a detailed list of inspections undertaken by an accredited private certifier verifying compliance with the abovementioned Council standards will be required to be lodged with Council prior to the issue of the Occupation Certificate for the proposed development.

{Reason: Council policy in respect of residential developments, road and pedestrian safety, plus protection of electrical infrastructure}

- (47) All driveways, hard stand areas and parking areas shall be drained to Council's satisfaction, noting that development will be required to discharge flows from the land in its undisturbed/natural state for the minor storm event (1 in 20 year ARI) to the kerb and gutter in Fitzroy Street and also make provision for the major event (1 in 100 year ARI) to be safely conveyed to Fitzroy Street without impact on adjacent private property.

In this respect the Developer must have approved by Council, prior to the issue of the building's Stage 2 - Construction Certificate, detailed calculations and drawings of the proposed development's stormwater drainage system.

All works are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Design and Construction. Additionally, prior to the discharge into Council's system, the developer will be required to install at their own expense a 'pollution control device(s)'.

{Reason: To achieve a satisfactory standard of stormwater disposal from the proposed development}

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

{Reason: Implementation of Council policy}

- (49) As the proposed works encroach onto the Fitzroy Street road reserve area (which includes the footpath area) and prior to any works commencing on the site, the applicant/developer is required to make a separate 'Road Opening Application' (Section 138 Application under the Roads Act, 1993) with Council's Infrastructure and Operations Division, plus payment of any appropriate fee(s).

In conjunction with the Section 138 Application, a Traffic Management Plan showing all activities for controlling pedestrian and vehicular traffic shall be prepared by a suitably accredited person, submitted to, and approved by Council's Senior Traffic Engineer, demonstrating that the proposed demolition works can be undertaken in a

safe manner minimising disruption to pedestrian and vehicular traffic movement(s).

The Traffic Management Plan shall include layout plans showing temporary detours, details of arrangements for demolition work under traffic and the location, size and legend of all temporary signs and other traffic control devices and be in accordance with the WorkCover Authority requirements.

Prior to the issue of the Occupation Certificate for the proposed Stage 2 development, the developer/applicant is to provide the Principal Certifying Authority (PCA) with written evidence/confirmation that the required Section 138 Application was lodged with Council and that any relevant condition(s) have been complied with.

{Reason: To ensure adequate safety measures are in-place for the public utilising the adjacent footpaths and roadways}

- (50) Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during demolition works, the applicant and contractor shall ensure the appropriate regulatory authority (eg Office of Environment and Heritage (OEH), SafeWork NSW, Council, Fire and Rescue NSW etc.) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

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

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

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

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

- (52) In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

{Reason: Council and statutory requirement to protect Aboriginal heritage}

- (53) Prior to release of the Stage 3 - Subdivision Certificate, 'Pit and Conduit' construction is to be installed to carry the National Broadband Network (NBN) and it is required to be installed in accordance with the NBN Standards 'Guide to Installing Pit and Conduit Infrastructure - Guidelines for Developers' dated 21 December 2010.

Council will require written advice from NBN/Telstra or its contractor to state that the NBN pit and conduit requirements have been met.

{Reason: Implementation of Council policy}

- (54) Prior to release of the Stage 3 - Subdivision Certificate, the submission to Council of

evidence that an electricity supply has been provided to each lot within the proposed subdivision by way of a Certificate of Acceptance/Notice of Arrangement as issued by the electricity supply authority (Essential Energy).

{Reason: To ensure the orderly provision of infrastructure}

STAGE 2 - NOTATIONS

- (1) Before occupation of the dwellings the street numbers of each should be displayed in a prominent position at the front of the allotment.
- (2) A separate application is required to be submitted to either Council or an accredited certifier to obtain a Stage 2 - Construction Certificate to permit the erection of the proposed building.
- (3) If Council is engaged to act as the Certifying Authority for the Stage 2 - Construction Certificate application the following shall be included with such application:
 - The location of all required smoke detectors/alarms together with a statement that they will be installed in conformity with AS 3786 and Part 3.7.2. of BCA;
 - Details of the proposed method of termite treatment showing that compliance will be achieved with AS 3660;
 - An Erosion and Sedimentation Control Plan;
 - Provide the finished surface levels and stormwater drainage infrastructure sufficient to demonstrate compliance with the conditions of consent and the Part 3.1.2 of the BCA; and
 - All structural details including specifications, tie-down and bracing plans and calculations, soil test reports and slab design details;
 - The intended means of sealing the gap between the top of the building's fire walls (separating each dwelling) and the roof covering;
 - Existing and finished site contours and levels indicating the extent of any cut and fill; and methods (eg retaining walls) proposed to be implemented with any such cut and fill;
 - The intended method of construction proposed for each dwelling's party wall to achieve compliance with the Fire Resistance Level and any applicable $R_w + C_{tr}$ weighted sound reduction index with spectrum adaption;
 - All BASIX Commitments required to be shown on the CC plans;
 - The proposed colour of the building's roof, to demonstrate compliance with the BASIX Certificate;
 - Details of the proposed method of termite treatment showing that compliance will be achieved with AS 3660; and
 - Details of the manner of exhausting the air from the mechanical ventilation system (exhaust fans) required to be provide to each dwelling's ground floor laundry, wc compartment and kitchen, to the outside of each dwelling;
 - Details indicating the slip-resistance classification under the BCA proposed for the stair landings, treads and if specified, nosing strips, in each dwelling;
 - The provision of details and drawings clearly demonstrating:
 - Balustrade and handrail design details for the first floor stair landings and stairwell;

- The risers and goings of the stairs are in conformity with the BCA; and
- The intended means of protecting the applicable openable windows to the first floor bedrooms, to achieve conformity with clause 3.9.2.5 of the BCA.

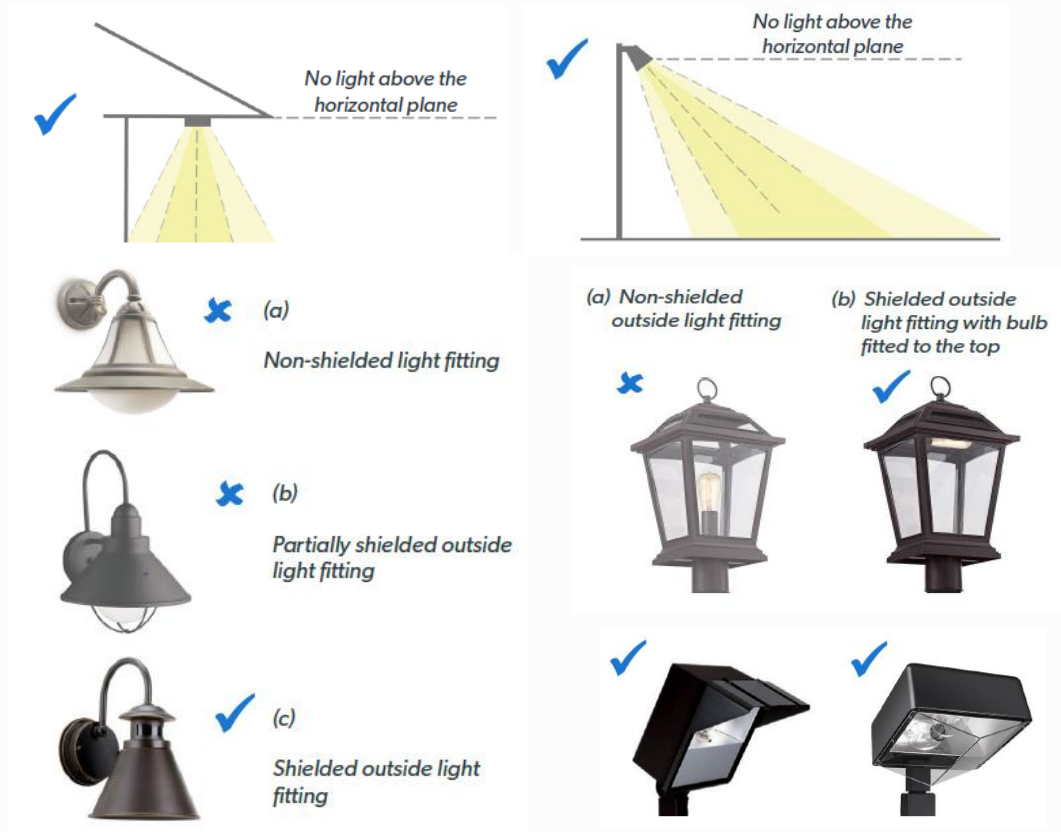
- (4) Should the Geotechnical Site Investigation show a highly or extremely reactive site then, where the sanitary drainage pipework passes through the underside of the building flexible pipework, fittings must be fitted to permit articulation of the pipework equivalent with the expected soil movement. Reference should be made to AS 2870-2011 in this regard.
- (5) The Council Section 94/64 Contribution Plans referred to in the conditions of this consent, may be viewed by the public without charge, at Council's Administration Building, Church Street, Dubbo between the hours of 9 am and 5 pm, Monday to Friday. Copies are also available from www.dubbo.nsw.gov.au
- (6) The development will be undertaken in accordance with Essential Energy's correspondence dated 3 October 2017 (copy attached).
- (7) Offensive noise as defined under the Protection of the Environment Operations Act, 1997 shall not be emitted from the proposed development.

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

- (8) In the event that the subject lot and proposed terraces to be erected thereon are to be subdivided in the future:
 - (a) A separate application is required to be submitted to Council for subdivision;
 - (b) Separate water, sewer, and stormwater drainage connection(s) (plus any corresponding easements) to each parcel of land will be required; and
 - (c) Each dwelling's water plumbing, sanitary drainage and stormwater pipework must be wholly contained within each respective allotment, or provided with appropriate easements.
- (9) With the commencement of new 'Dark Sky' provisions in Dubbo Local Environmental Plan 2011 and the Environmental Planning and Assessment Regulation, 2000, the following provisions apply to all new dwellings.

All outside lighting fittings must be shielded and specifically, in respect of development applications, there may not be more than five (5) shielded outside light fittings although up to an extra two (2) outside shielded light fittings can be permitted, provided both are automatic light fittings. Any non-conformity with these requirements on a development application will necessitate a mandatory referral to the Director of the Siding Spring Observatory who has 21 days within which to provide comment.

The consent authority must also take into consideration the document Dark Sky Planning Guideline in relation to any form of development that is the subject of a development application. Some explanatory extracts from the Guideline are provided below:

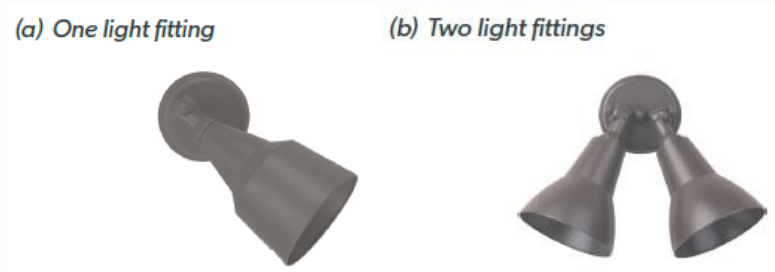


automatic light fitting means a light fitting that is activated by a sensor and switches off automatically after a period of time

horizontal plane in relation to a light fitting, means the horizontal plane passing through the centre of the light source (ie the bulb) of the light fitting

outside light fitting means a light fitting that is attached or fixed outside, including on the exterior of a building

shielded light fitting means a light fitting that does not permit light to shine above the horizontal plane



The Dark Sky Planning Guideline can be viewed on the NSW Department of Planning and Environment’s website here:

<http://www.planning.nsw.gov.au/~media/Files/DPE/Guidelines/dark-sky->

[planning-guideline-2016-06.ashx](#)

DRAFT OPERATIONAL CONDITIONS

STAGE 3 – Four (4) lot strata subdivision

- (1) The development shall be undertaken in accordance with the Statement of Environmental Effects and stamped approved plans detailed as follows except where modified by any of the following conditions or conditions included in Stages 1 and 2:

Title/Plan: Location Plan
 Surveyor: Charles Higgs
 Sheet No: 1 of 2

Title/Plan: Floor Plan
 Drawn by: Charles Higgs
 Sheet No: 2 of 2

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

- (2) Any common/shared water meters and/or electricity meter boxes shall be located in an area that would allow legal and unimpeded access to all residents.

This can be achieved via rights of carriageway or locating such infrastructure within a common area.

{Reason: To ensure all residents and the appropriate authorities have legal access}

- (3) Prior to release of the Stage 3 - Subdivision Certificate, compliance with all relevant conditions of Stage 2 - Development Consent D17-462.

Note: S64/S7.11 Contributions are required to be paid prior to issue of the Stage 3 - Subdivision Certificate or Occupation Certificate, whichever occurs first.

{Reason: Compliance with the associated Development Application D2017-462}

- (4) Prior to release of the Stage 3 - Subdivision Certificate, 'Pit and Conduit' construction is to be installed to carry the National Broadband Network (NBN) and it is required to be installed in accordance with the NBN Standards 'Guide to Installing Pit and Conduit Infrastructure - Guidelines for Developers' dated 21 December 2010.

Council will require written advice from NBN/Telstra or its contractor to state that the NBN pit and conduit requirements have been met.

{Reason: Implementation of Council policy}

- (5) Prior to release of the Stage 3 - Subdivision Certificate, the submission to Council of evidence that an electricity supply has been provided to each lot within the proposed subdivision by way of a Certificate of Acceptance/Notice of Arrangement as issued by the electricity supply authority (Essential Energy).

{Reason: To ensure the orderly provision of infrastructure}

STAGE 3 - NOTATIONS

- (1) Fees and contributions in respect to this application will be those applicable at the date of release of the Stage 3 - Subdivision Certificate.
- (2) Following compliance with all conditions of this Development Consent, the applicant should apply to Council, with lodgement of the Subdivision Certificate application and payment of the prescribed fee, for release of the Linen Plan(s) of Subdivision which will be duly released.

The house numbers for the proposed Torrens Subdivision will be as follows:

| | |
|--------------------|------------------------------|
| Lot number: | House number: |
| 11 | 197 Wingewarra Street, Dubbo |
| 12 | 182 Fitzroy Street, Dubbo |

The house numbers for the proposed Strata Subdivision will be as follows:

| | |
|---------------------|-----------------------------|
| Unit number: | House number: |
| 1 | 4/182 Fitzroy Street, Dubbo |
| 2 | 3/182 Fitzroy Street, Dubbo |
| 3 | 2/182 Fitzroy Street, Dubbo |
| 4 | 1/182 Fitzroy Street, Dubbo |

For further information in this regard, please do not hesitate to contact Council's LIS & E-Services Coordinator, on 6801 4000.

- (3) The development shall be carried out in accordance with Essential Energy's correspondence dated 3 October 2017 (copy attached).

CARRIED

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

| FOR | AGAINST |
|--------------------|----------------------|
| Councillor Diffey | Councillor Etheridge |
| Councillor Gumley | Councillor Lawrence |
| Councillor Jones | Councillor Parker |
| Councillor Mohr | |
| Councillor Ryan | |
| Councillor Shields | |
| Total (6) | Total (3) |

Councillor D Grant declared a pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this

matter. The reason for such interest is that the company Councillor D Grant is employed by has business dealings with the applicant.

Councillor A Jones assumed chairmanship of the meeting for consideration of this matter.

CCL18/43 2017/2018 FINANCIAL ASSISTANCE PROGRAM - ROUND TWO (ID18/171)

The Council had before it the report dated 30 January 2018 from the Director Community and Recreation regarding 2017/2018 Financial Assistance Program - Round Two.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

1. That funds from the Community Assistance Program Round two be allocated as follows:

| | |
|--|---------|
| • Dubbo Rescue Squad Inc. (Volunteer Rescue Association) | \$3,536 |
| • Dubbo & District Family History Society Inc. | \$1,375 |
| • H.O.P.E. Program @ Dubbo Neighbourhood Centre | \$1,500 |
| • Embroiderers' Guild of NSW – Dubbo Group | \$200 |
| • Geurie Rodeo Committee | \$1,900 |
| • Dubbo Community Kitchen – Emmanuel Care Inc Dubbo | \$4,000 |
| • Orana Toy Library | \$2,500 |

2. That all applicants be advised of the outcomes of their funding application.

3. That Council staff liaise with non-successful applicants to assist groups in preparing better applications for future opportunities.

CARRIED

Councillor B Shields declared a pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor B Shields assisted a community group in completing an application for financial assistance.

Councillor D Grant declared a pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that the company Councillor D Grant is employed by has business dealings with several applicants for financial assistance.

Councillor B Shields resumed chairmanship of the meeting.

CCL18/44 UTILISATION OF WELLINGTON ADMINISTRATION BUILDING FLOOR SPACE (ID18/525)

The Council had before it the report dated 16 March 2018 from the General Manager regarding Utilisation of Wellington Administration Building Floor Space.

Moved by Councillor D Grant and seconded by Councillor V Etheridge

MOTION

1. That the proposed plan to concentrate Wellington staff into a western section of the Wellington Administration Building and creating some additional space for a community/commercial activity into the eastern section of the WAB be endorsed.
2. That the General Manager establish a Wellington Office Refurbishment Working Party with relevant staff.
3. That Council proceed to engage a design consultant and for that consultant to undertake necessary planning and consultation to prepare a budget for the total refurbishment works.

CARRIED

CCL18/45 OLD DUBBO GAOL CONCEPT DESIGN PLAN STAGE 1 (ID18/423)

The Council had before it the report dated 2 March 2018 from the Manager Visitor Experiences and Services regarding Old Dubbo Gaol Concept Design Plan Stage 1.

Moved by Councillor G Mohr and seconded by Councillor J Ryan

MOTION

1. The Old Dubbo Gaol Draft Concept Design Plan be adopted.
2. That a grant submission for \$600,000 be submitted to the CREATE NSW Regional Cultural Fund as part of the \$1.39M Project.
3. That should the grant submission be successful, the works at the site to take place immediately following funding availability.

CARRIED

CCL18/46 COMMENTS AND MATTERS OF URGENCY (ID18/536)

There were no matters recorded under this clause.

The meeting closed at 6.47pm.

.....
CHAIRMAN



MAYORAL MINUTE: Coal Seam Gas

AUTHOR: Mayor
REPORT DATE: 18 April 2018
TRIM REFERENCE: ID18/704

To the Council
Ladies and Gentlemen

Office of the Mayor
Civic Administration Building
Church Street, Dubbo

The issue of Coal Seam Gas (CSG) exploration and production has become a major issue for many rural councils, the general community and policy makers at the State and Federal Government levels. On one hand there is an increasing demand for gas and a possible restriction of supply over coming years. However, harvesting CSG involves penetration of groundwater aquifers and in some cases, the introduction of chemical compounds into complex artesian systems, the effects of which are very complex chemical compounds.

It is my personal view that CSG is an industry that poses a great risk to our future economic potential. I also believe that CSG has an unreasonably high chance of doing permanent irreversible damage to our environment.

Coal Seam Gas is sourced from underground coal seams where the gas bonds to the surface of coal particles. Coal seams are generally filled with water and it is the pressure of the water that keeps the gas as a thin film on the surface of the coal. Coal seams that can produce Coal Seam Gas to an economic level are ordinarily situated between 200 metres and one kilometre below the surface.

The level of gas that can be produced from a coal seam depends on the thickness of the coal, gas content, permeability and the depth of the coal seam. In high quality CSG deposits, cleats or fractures in the coal bed are permeable enough to allow gas and water to flow freely through them to allow for easy extraction of CSG without the need for 'fracking'.

Fracking hydraulic fracturing, or 'fracking', has been used by the oil and gas industry since 1947. In Australia, deep hydraulic fracturing has been previously carried out in 70 wells in the Cooper Basin. In the CSG industry, shallow hydraulic fracturing (less than 1,000 m depth) has been undertaken in hundreds of wells in eastern Australia. Fracking involves a fluid (sometimes a gas) pumped at high pressure into a coal seam to encourage fracturing of the rock. The fluid used in the fracking process is mostly water, but can contain a number of additives.

Council established a position statement on Coal Seam Gas in 2015 (attached as **Appendix 1**).

I recognise that all of our communities in the Dubbo Regional Council area have a widely varying range of views on this matter that need to be taken into consideration before council were to update and produce a new position statement. I believe Council should now seek submissions from interested parties and further consultation with stakeholders to determine Council's final position.

RECOMMENDATION

1. That Council seek submissions from interested parties and stakeholders in order to gauge the community views and scientific evidence on the management, mitigation and indefinable impacts of any Coal Seam Gas exploration.
2. That Council seek advice and research from our membership of the Association of Mining and Energy Related Councils in relation to the benefits/disadvantages of Coal Seam Gas exploration.
3. That the Chief Executive Officer arrange for a further report on the outcomes of the scientific research, public submissions and stakeholder engagement to ascertain whether changes to the current Council position are required, or whether Council provide support for an outright ban is authorised.

Councillor Ben Shields
Mayor

Appendices:

- 1 [↓](#) Coal Seam Gas Position Statement

DUBBO CITY COUNCIL POSITION STATEMENT COAL SEAM GAS

BACKGROUND

The issue of Coal Seam Gas (CSG) exploration and production has become a major focus for the media, the general community and policy makers at the State, Federal and Local Government levels. In New South Wales, there are thought to be significant but as yet untapped CSG resources within coal deposits across our sedimentary basins. New South Wales is facing increasing demand for gas and a possible restriction of supply over coming years. However, harvesting CSG involves penetration of groundwater aquifers and in some cases, the introduction of chemical compounds into complex artesian systems, the effects of which are not yet fully understood.

Dubbo lies in an area of New South Wales which, to date, has not been the central focus of CSG exploration and development in New South Wales. Activity in both exploration and production has been focused on areas further to the east and North. However, as there is potential for CSG in parts of the Dubbo Local Government Area (LGA), concrete proposals for CSG development may emerge in the future and it is important Council be prepared to deal with the complex issues that may arise from such proposed development. This Position Paper provides background on the CSG issue as it might apply to the Dubbo LGA and the core principles to be applied in any Council assessment of CSG development proposals in the future.

DISCUSSION

Coal Seam Gas Defined

Coal Seam Gas (CSG) is a natural gas found in coal deposits. The coal and gas are formed from plant matter under pressure over many millions of years. Coal seam gas is used in the same way as any other form of natural gas for cooking and heating as well as in industrial processes and electricity generation.

Both conventional gas resources and coal seam gas resources are found in a number of locations throughout Australia. Figure 1 details the location of gas resources in Australia.

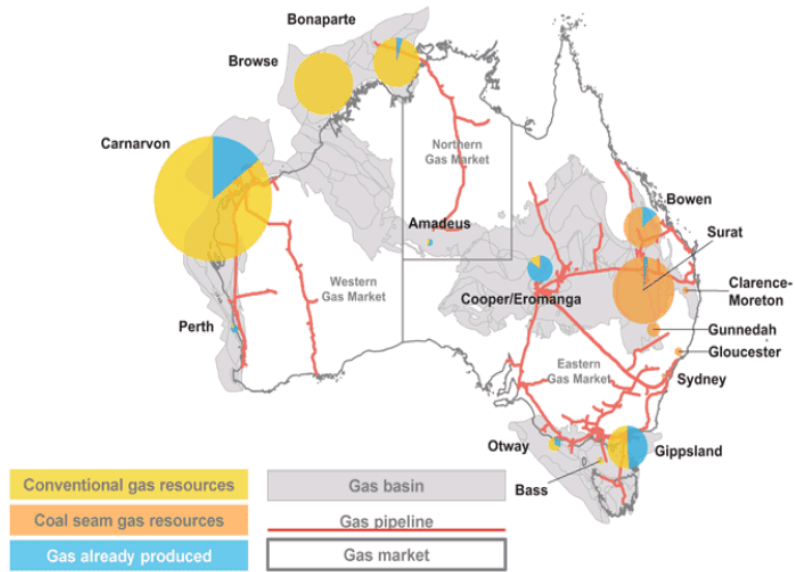


Figure 1 – Australian Gas Resources (Source: Parliament of Australia, 2013)

Coal seam gas is sourced from underground coal seams where the gas bonds to the surface of coal particles. Coal seams are generally filled with water and it is the pressure of the water that keeps the gas as a thin film on the surface of the coal. Coal seams that can produce coal seam gas to an economic level are ordinarily situated between 200 metres and one kilometre below the surface.

The level of gas that can be produced from a coal seam depends on the thickness of the coal, gas content, permeability and the depth of the coal seam. In high quality CSG deposits, cleats or fractures in the coal bed are permeable enough to allow gas and water to flow freely through them to allow for easy extraction of CSG without the need for ‘fracking’.

Fracking hydraulic fracturing, or ‘fracking’, has been used by the oil and gas industry since 1947. In Australia, deep hydraulic fracturing has been previously carried out in 70 wells in the Cooper Basin. In the CSG industry, shallow hydraulic fracturing (less than 1,000 m depth) has been undertaken in hundreds of wells in eastern Australia. Fracking involves a fluid (sometimes a gas) pumped at high pressure into a coal seam to encourage fracturing of the rock. The fluid used in the fracking process is mostly water, but can contain a number of additives. These additives can include, but may not be limited to, the following:

| Additive Type | Main Compound(s) | Purpose | Common Use of Main Compound |
|---------------------|------------------------------------|---|--|
| Diluted Acid (15%) | Hydrochloric acid or muriatic acid | Help dissolve minerals and initiate cracks in the rock | Swimming pool chemical and cleaner |
| Biocide | Glutaraldehyde | Eliminates bacteria in the water that produce corrosive by-products | Disinfectant; sterilize medical and dental equipment |
| Breaker | Ammonium persulfate | Allows a delayed break down of the gel polymer chains | Bleaching agent in detergent and hair cosmetics, manufacture of household plastics |
| Corrosion inhibitor | N, n-dimethyl formamide | Prevents the corrosion of the Pipe | Used in pharmaceuticals, Acrylic fibers, plastics |
| Crosslinker | Borate salts | Maintains fluid viscosity as temperature increases | Laundry detergents, hand soaps, and cosmetics |
| Friction reducer | Polyacrylamide | Minimizes friction between the fluid and the pipe | Water treatment, soil conditioner |
| | Mineral oil | | Make up remover, laxatives, candy |
| Gel | Guar gum or hydroxyethyl | Thickens the water in order to suspend the sand | Cosmetics, toothpaste, sauces, baked goods, ice cream |
| Iron control | Citric acid | Prevents precipitation of metal oxides | Food additive, flavouring in food and beverages; lemon juice ~7% Citric Acid |
| KCl | Potassium chloride | Creates a brine carrier fluid | Low sodium table salt substitute |
| Oxygen Scavenger | Ammonium bisulfite | Removes oxygen from the water to protect the pipe from corrosion | Cosmetics, food and beverage processing, water treatment |
| pH Adjusting Agent | Sodium or potassium carbonate | Maintains the effectiveness of other components, such as crosslinkers | Washing soda, detergents, soap, water softener, glass and ceramics |
| Proppant | Silica, quartz sand | Allows the fractures to remain open so the gas can escape | Drinking water filtration, play sand, concrete, brick mortar |
| Scale inhibitor | Ethylene glycol | Prevents scale deposits in the Pipe | Automotive antifreeze, household cleansers, and de-icing agent |
| Surfactant | Isopropanol | Used to increase the viscosity of the fracture fluid | Glass cleaner, antiperspirant, and hair color |

Figure 2 – Common additives used in the ‘fracking’ process (Source: US Department of Energy)

Water is a by-product of the gas collection process. Coal seams generally contain more brackish (salty) groundwater than aquifers that are usually used for agriculture. It is for this reason that careful consideration of the impacts on aquifers and water resources must be undertaken in the consideration of any proposals for coal seam gas extraction.

In New South Wales, coal seam gas concentrations occur in the major sedimentary basins as shown in the following graphic.

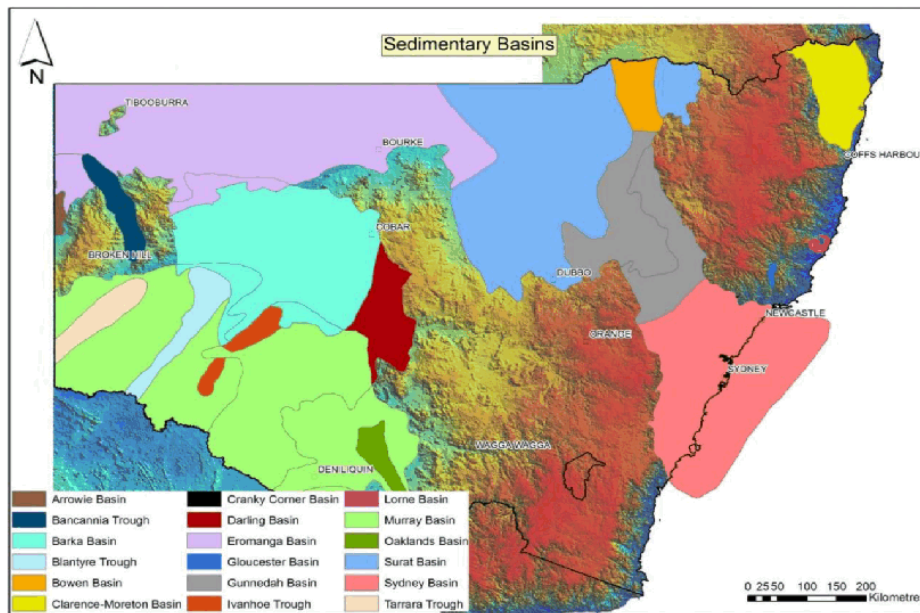


Figure 3 – Major Sedimentary Basins (Source: NSW Trade and Investment)

So far, focus of exploration and production activity has been in areas well to the north and east of Dubbo, including sites in the Sydney, Gunnedah, and Clarence-Moreton Basin.

Current State Government Initiatives

The New South Wales Government has established a multi-agency, multi-disciplinary approach to the assessment, review and approval of any application for exploration or production of CSG. It includes inputs provided from the following agencies:

- [Office of Coal Seam Gas](#) – The Office of Coal Seam Gas (OCSG) sits within New South Wales Trade and Investment and assesses applications for coal seam gas exploration, undertakes assessment and production and administers petroleum titles accordingly. The OCSG oversees the regulation of the CSG industry within the scope of the *Petroleum (Onshore) Act 1991* and the *Work Health and Safety Act 2011*. The OCSG also regulates the rehabilitation of sites and enforces compliance issues not regulated by the EPA.
- [Environment Protection Authority \(EPA\)](#) – As the lead regulator for health and environment aspects of coal seam gas in New South Wales, it can prosecute any company that breaches their Environment Protection Licence, with heavy fines of up to \$1 million able to be imposed by the courts. Any company that fails to inform the EPA of a serious incident can be prosecuted and fined up to \$2 million.

- The [Department of Planning and Environment](#) – A lead agency responsible for delivering the Government's Strategic Regional Land Use Policy, which includes planning for CSG. The Department's role includes establishing exclusion zones, resourcing the Gateway Panel and assessing development applications for major projects. The Department generally provides assessment reports on major CSG projects to independent experts at the Planning Assessment Commission, which makes a final determination.
- The [NSW Office of Water](#) – Responsible for the management of the State's surface water and groundwater resources. The Office of Water will assess the potential impacts of a coal seam gas proposal on water resources, their dependent ecosystems, culturally significant sites and existing water users. This assessment will cover potential impacts on water table levels, water pressure, and water quality, and will be provided to the appropriate consent authority. Any development that is approved will be required to hold water access licences for the water that is taken from any affected water source.
- The [Land and Water Commissioner](#) – Providing guidance to landholders, industry and the community on the implementation of new land access agreements that will ensure landholders receive the same level of compensation from industry for activity on their properties.
- The [NSW Chief Scientist and Engineer](#) – Completed an independent review to identify any impact CSG activity may have on human health, the environment and water catchments in 2014 and issued the Final Report of the Independent Review of Coal Seam Gas Activities in NSW on 30 September 2014.

This last entity is an important element in the New South Wales' Government approach to the issue of CSG. By investing significant resources in an evidence-based, objective analysis of the science underpinning CSG and its potential impact on the environment, it is hoped that a measure of clarity and certainty can be provided to the assessment of risks associated with this type of development.

The Final Report of the Independent Review of Coal Seam Gas Activities issued by the NSW Chief Scientist and Engineer included 16 recommendations to government. The Review found that many of the technical challenges and risks posed by the CSG industry can generally be managed through careful designation of areas appropriate for CSG extraction; high standards of engineering and professionalism in CSG companies; creation of a State Whole-of Environment Data Repository; comprehensive monitoring of CSG operations with ongoing scrutiny of collected data, a well-trained and certified workforce; and applying new technologies as they become available.

The report also highlighted that all of this needs to take place within a clear, revised, legislated framework which is supported by an effective and transparent reporting and compliance regime and by drawing on appropriate expert advice. The final report also outlined the need for Government and industry to approach this issue with a full appreciation of the risks, complete transparency, rigorous compliance, and a commitment to addressing any problems promptly with rapid emergency response and effective remediation.

Assessment of Coal Seam Gas Development

The New South Wales Planning System provides a complex environment for the assessment and consideration of proposals for mining and extractive industries. This is particularly so in the case of CSG. Assessment of any proposal for CSG exploration or production can trigger provisions of any or all of the following legislation:

- Mining Act, 1992
- Environmental Planning and Assessment Act, 1979
- National Parks and Wildlife Act, 1974
- Threatened Species Conservation Act, 1997
- Native Vegetation Act, 2003
- Contaminated Land Management Act, 1997
- Water Management Act, 2000
- Fisheries Management Act, 1994
- Rural Fires Act, 1997
- Heritage Act, 1977
- Roads Act, 1993
- Pipelines Act, 1967
- Protection of Environment Operations Act, 1999
- Commonwealth Approvals

State Environmental Planning Policy State and Regional Development specifically designates mining development as being State Significant if it meets certain criteria. In relation to CSG development proposals, all CSG production is classified as State Significant Development (SSD), but some exploration is also SSD.

If a development is classified as State Significant Development, the Minister for Planning and Environment (or Delegate) will be the consent authority.

Application for Petroleum Exploration Licence

During the exploration phase of any proposed CSG development, the opportunity and role available to Councils and local communities to impact on the process is relatively limited. The following graphic demonstrates that there is a limited and poorly defined window for public comment on applications for petroleum export licences.

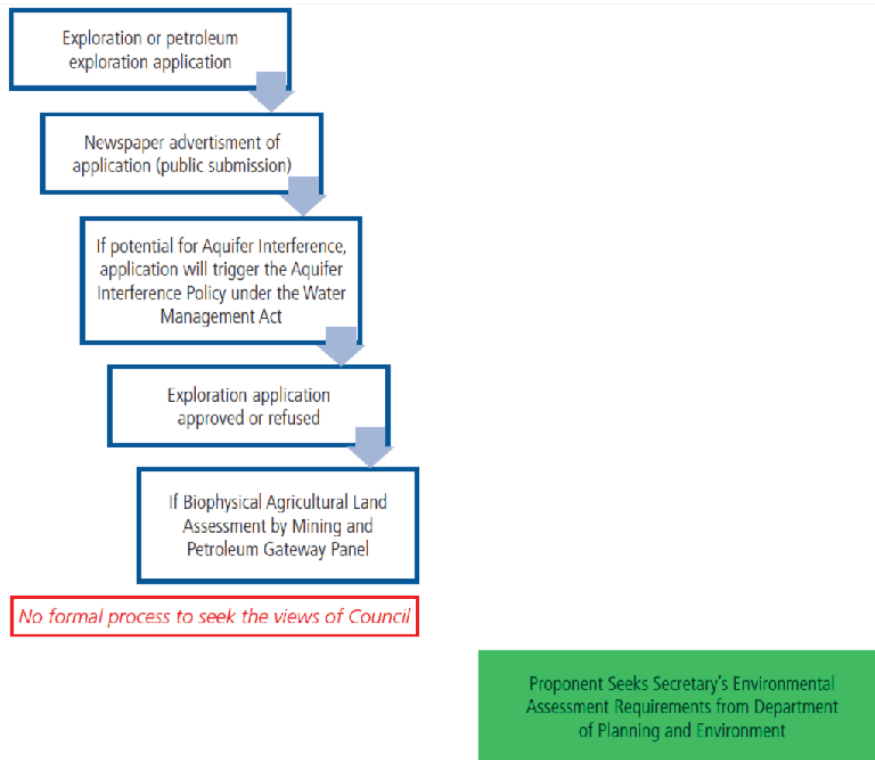


Figure 4 – Mining Act, 1992 (As Amended) Exploration Assessment System

In practice, the opportunity and the parameters on which Council and the local community can reasonably object to the granting of a petroleum exploration licence are relatively limited.

Application for Petroleum Production Lease

By contrast, when an actual application for petroleum production lease is lodged, there is a more formal process for the involvement of councils as representative of their local communities. Figure 5 details the assessment process for a State Significant Development proposal (including any coal seam gas proposal) and also shows the points where a council can provide input into the assessment process:

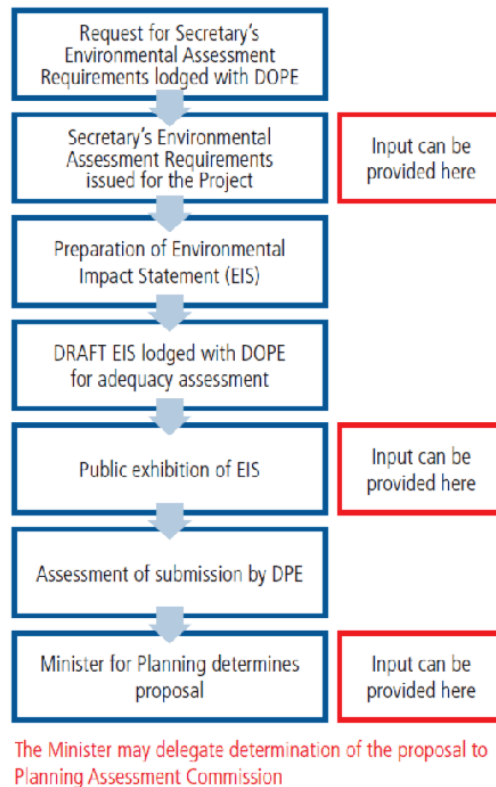


Figure 5 – Assessment System – State Significant Development

Current Situation in Our Region

At the current time New South Wales has 114 Coal Seam Gas wells (at AGL’s Camden Project) producing commercial quantities of gas (of which 89-96 are producing at any one time). Ninety five per cent of New South Wales gas supplies come from interstate, including Queensland and South Australia. A number of areas are also under active exploration throughout New South Wales and, in particular, areas in the north and north-west with their connection to the Gunnedah and Surat Basins.

A number of exploration licenses have been issued in the north-west and in sections of the Orana Region. Figure 6 shows the range of exploration licenses currently in existence. Of particular relevance to Dubbo is Petroleum Exploration License (PEL) 433 currently held by Santos NSW Pty Ltd and includes land covered by the Goonoo National Park/State Conservation Area.

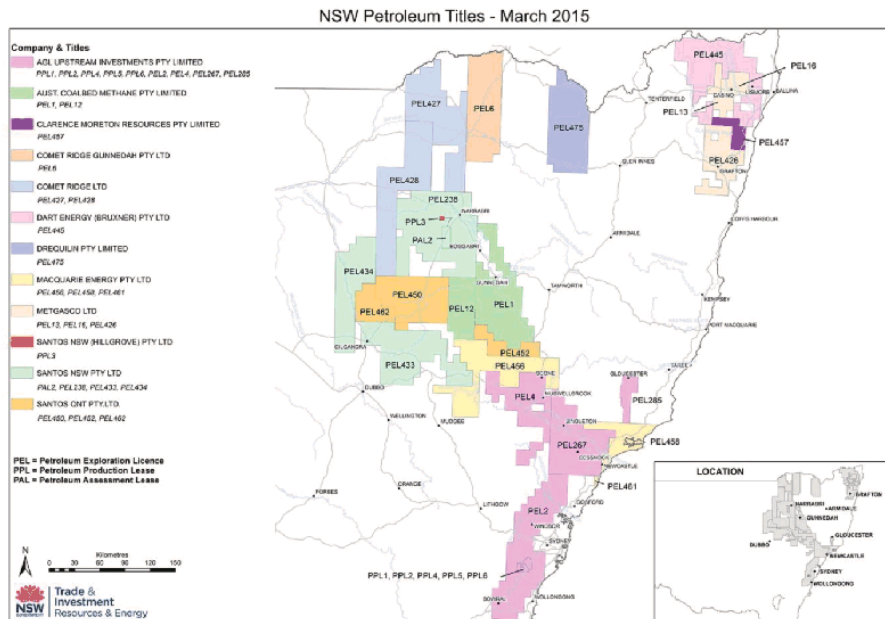


Figure 6 – Relevant Coal Seam Gas Licences

The information in these materials is protected by copyright, and is confidential until the time that Department of Planning & Environment publishes that information. The recipient is not permitted to use, disclose or reproduce the information in these materials except for land use and planning purposes. Any unauthorised use, copying or reproduction without obtaining the relevant permissions from the Department will constitute an infringement of copyright.

The information contained in this publication is based on knowledge and understanding at time of writing (insert date). The Department excludes all liability for the accuracy or completeness of the information, or for any injury, loss, or damage whatsoever (including without limitation liability for negligence and consequential losses) suffered by any person acting, or purporting to act, in reliance upon anything contained herein. Users rely on and use this information at their own risk.

This information has been prepared by NSW Trade & Investment, Regional Infrastructure and Services and the State of New South Wales (Department) to provide information to local councils about the location and status of State and regionally significant mineral, energy and extractive resources as part of its legislative obligations under 117(2) of the Environmental Planning and Assessment Act 1979.

In addition, PELA 160 was lodged over an area incorporating the Dubbo Local Government Area. However, this Application was refused by the State Government in August 2014. In part, this refusal took into account the new elements of the NSW State Government policies and procedures regarding the assessment of petroleum (CSG) exploration and production licences.

It is important to note that, at this stage, no formal Petroleum Production Lease Application (PPLA) has been lodged over any lands that fall within or are neighbouring to the Dubbo LGA. An initial assessment of Coal Seam Gas potential has been undertaken in recent years in the areas around the south-eastern rim of the Goonoo National Park/State Conservation Area, heading eastwards towards Cobbora. While there is considered to be some potential for CSG in the area, significant further exploration is required to substantiate this assessment.

The nearest active PPLAs are those covering areas in the Pilliga Forest and surrounding lands near Narrabri, around 270 km north-east of Dubbo. There include PPLA 13, 14, 15, and 16

DUBBO CITY COUNCIL POSITION STATEMENT – COAL SEAM GAS *Adopted 27 April 2015*

lodged by Santos Pty Ltd and currently under consideration by the NSW State Government. These applications form part of the large Narrabri Gas Project, a major coal seam gas extraction and production project that will have the following characteristics:

- Total project area of 98,000 hectares
- The project will produce 200 terajoules of natural gas per day, equivalent to around half of the gas requirements of New South Wales
- Gas is proposed to supply the New South Wales market through the construction of a pipeline connection to the existing gas pipeline network
- The project will employ 1,200 persons during construction and 200 persons during operation.

It is not considered that the Narrabri Project, as currently scoped, presents an imminent or substantiated threat to Dubbo groundwater or surfacewater resources at this stage. Rather, any issues will be longer term in nature, resulting from a significant (and as yet unplanned) expansion of exploration and development activity south west from Pilliga down towards the Goonoo National Park/State Conservation Area.

The Precautionary Principle

The overall assessment and consideration of mining and extractive industries development is a complicated process involving a range of State and Federal Government assessment systems all aimed at ensuring the impacts of a proposal can be managed and will not result in environmental harm that will impact the quality of life of future generations.

The assessment principles utilised in all decision making for mining and extractive industries are the principles of ecologically sustainable development, which includes the precautionary principle as provided in the definition from the NSW Local Government Act, 1993:

“principles of ecologically sustainable development means the following statements of principle:

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

- (a) *the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*

In the application of the precautionary principle, public and private decisions should be guided by:

- (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
- (ii) *an assessment of the risk-weighted consequences of various options,*

- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The principles of ecologically sustainable development and the precautionary principle do not mean that Council should not approve the undertaking of any development in the Dubbo Local Government Area.

The precautionary principle means that in the assessment and consideration of any proposal that all available science in relation to the proposal and its impacts are considered in determining whether there will be environmental harm and degradation.

Dubbo City Council has carefully considered the potential impacts of coal seam gas exploration and production on the unique environmental characteristics of the Dubbo Local Government Area and maintains the firm view that the precautionary principle be applied.

POLICY POSITION

Given the current state of scientific research and policy development with regards to coal seam gas, it is important the Council does not rush to judgement on an issue where public policy at the State level is still evolving. It is also important that the extent and limitations of Council's role in the assessment and decision-making process associated with such "State-significant" development is also recognised. However, the identification of the general position containing guiding principles which will govern Council's approach to any proposed coal seam gas development is apposite.

The following Policy position has been adopted by Dubbo City Council with regard to any future proposal to develop a coal seam gas production facility in the Dubbo Local Government Area:

That in the consideration and assessment of any application to develop Coal Seam Gas production, Council applies the following key principles:

- a) **The primacy of the protection of the groundwater and surface water resources to the future of Dubbo and its agricultural hinterland are maintained** – any development should not occur unless the safety and security of Dubbo's water resources can be assured.
- b) **In accordance with the NSW Local Government Act 1993 and the Environmental Planning and Assessment Act 1979 , the principles of Ecologically Sustainable Development and The Precautionary Principle are applied in any assessment** - that any proposed development will need to satisfy Council that:
 - i) All practical measures available to prevent serious or irreversible damage to the environment have and will be taken
 - ii) Risks of environmental damage are fully identified and adequately assessed.
- c) **That Council requires full and satisfactory identification of all potential costs and impacts on the community resulting from any proposed development** – Proponents utilise the Dubbo Council Infrastructure and Services Model to calculate the full cost of the development to council and the community, including all necessary environmental prevention, mitigation and isolation works.
- d) **That Council should receive appropriate resourcing and support to manage and mitigate identified impacts of any development** – That the proponent, or where appropriate the New South Wales State Government, provide all necessary and identified costs to mitigate any adverse impacts of a development, utilising mechanisms like Voluntary Planning Agreements, Resources to Regions and funding grants.
- e) **That further research into CSG be undertaken as a priority** – Council supports the resolution of the Association of Mining Related Councils (AMRC) regarding both the finalisation of the Report by the Chief Scientist on the issue, and the commissioning of further detailed peer reviewed research demonstrating the possible impacts and effects of coal seam gas mining on ground water and surface water systems, effects related to the use of chemicals, effects related hydraulic fracturing, effects on greenhouse gas and other emissions and the nature and effect of remediation under the Petroleum (Onshore) Act 1991 and under clause 14 of SEPP (Mining, Petroleum Production and Extractive Industries) 2007.



MAYORAL MINUTE: 2017-2020 Dubbo Regional Council Disability Inclusion Action Plan

AUTHOR: Mayor
REPORT DATE: 18 April 2018
TRIM REFERENCE: ID18/699

To the Council
Ladies and Gentlemen

Office of the Mayor
Civic Administration Building
Church Street, Dubbo

For many years, I have been concerned that our region hasn't been at the leading edge of disability inclusion and facilities that make day to day tasks and accessibility easier for the elderly and people with disabilities.

Over the years I have been approached by many residents about infrastructure based issues that are not up to modern disability standards. These concerns include the main footpaths not having accessible ramp gutters, to old ramps on gutters being too steep, public toilets missing inclusive facilities, important places missing Tactile Ground Surface Indicators for our vision impaired residents and a lack of accessible public toilets map.

Dubbo Regional Council on the 28 August 2017 Council adopted the 2017-2020 Dubbo Regional Council Disability Inclusion Action Plan. The Plan was enacted in 2014 through the NSW Parliament with the passing of the Disability Inclusion Act, which sets out the need for the NSW Disability Inclusion Plan and the need for each government department, agency and local Council to develop a Disability Inclusion Plan.

The adopted 2017-2020 Dubbo Regional Council Disability Inclusion Action Plan outlines Council's plans to assist in the removal of barriers so that people living with a disability have a better opportunity to live a meaningful life and enjoy the full benefits of membership in the community.

The adopted Plan was developed through feedback and public consultation with communities and residents in the Dubbo Regional Council area. The Plan outlines various responsibilities and have been allocated to Dubbo Regional Council staff to undertake these activities in line with the general intent of the Plan.

Recent consultation with community members has outlined to me the need to engage community throughout the implantation period of the plan and highlighted the need to engage a technical panel. This technical panel will consist of people living with a disability within the community, the Mayor, Council's Chief Executive Officer, Director Community and Recreation, Director Infrastructure and Operations and other relevant staff members.

This technical panel is to be called upon to further refine Council's Disability Inclusion Action Plan with a priority list of Council infrastructure that need to be upgraded to modern accessible standards. I also propose that council sets a completion date for these works to be completed. By setting a four year completion date Council is directed on a very motivated course of action.

I have a view that Dubbo Regional Council should aspire to be one of the most accessible and inclusive local government areas in Australia. Increasing our social standard to be a fully inclusive accessible region should not be seen as an expense or liability for the council. There are sound economic reasons why the Dubbo Region should lead in this area.

It is common knowledge that our population is rapidly aging and as a consequence all areas of Australia will need to enhance accessible facilities. The Dubbo Region has a unique obligation and opportunity where many people from Western NSW see our region as a great place to retire. For a long time we have identified that attracting more retired people to our city generates economic growth. For that reason, for our region to be known as a leader in accessibility would certainly help our on-going efforts to attract retirees.

RECOMMENDATION

1. That Council form a Disability Inclusion Technical Panel consisting of 5 members of the community, the Mayor, interested Councillors, the Chief Executive Officer, Director Community and Recreation and Director Infrastructure and Operations.
2. That this technical panel is to provide advice regarding the implementation of the Dubbo Regional Council Disability Inclusion Action Plan.
3. That the technical panel members be tasked with identifying Council controlled problem areas throughout the region that are in need of being upgraded to modern accessible standards.
4. That Council advertise for a period of 28 days for community members to register their interest in being selected to be a member of the Disability Inclusion Technical Panel.
5. That Council's Chief Executive Officer prepare a report on the proposed implementation of the 2017-2020 Dubbo Regional Council Disability Inclusion Action Plan that includes an agreed priority list of infrastructure works in view to be fully implemented within a 4 year period.

Councillor Ben Shields
Mayor



**DUBBO REGIONAL
COUNCIL**

**Report of the Planning, Development and
Environment Committee - meeting 16
April 2018**

**AUTHOR: Administration Officer - Governance
REPORT DATE: 17 April 2018**

The Committee had before it the report of the Planning, Development and Environment Committee meeting held 16 April 2018.

RECOMMENDATION

That the report of the Planning, Development and Environment Committee meeting held on 16 April 2018, be noted.



**REPORT
PLANNING, DEVELOPMENT AND
ENVIRONMENT COMMITTEE
16 APRIL 2018**

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

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Director Corporate Services, the Manager Governance and Risk, the Team Leader Governance, the Director Economic Development and Business, the Manager Communications and Stakeholder Engagement, the Director Infrastructure and Operations, the Director Planning and Environment (S Wallace), the Manager Strategic Planning Services and the Director Community and Recreation.

Councillor S Lawrence assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.30pm.

**PDEC18/15 REPORT OF THE PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
- MEETING 19 MARCH 2018 (ID18/656)**

The Committee had before it the report of the Planning, Development and Environment Committee meeting held 19 March 2018.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

MOTION

That the report of the Planning, Development and Environment Committee meeting held on 19 March 2018, be noted.

CARRIED

PDEC18/16 BUILDING SUMMARY - MARCH 2018 (ID18/643)

The Committee had before it the report dated 9 April 2018 from the Director Planning and Environment regarding Building Summary - March 2018.

Moved by Councillor D Grant and seconded by Councillor J Ryan

MOTION

That the information contained in this report of the Director Planning and Environment dated 9 April 2018 be noted.

CARRIED

PDEC18/17 OPERATIONAL REVIEW OF THE DUBBO LOCAL ENVIRONMENTAL PLAN 2011 (ID18/132)

The Committee had before it the report dated 9 April 2018 from the Manager Strategic Planning Services regarding Operational Review of the Dubbo Local Environmental Plan 2011.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

1. That the Planning Proposal to undertake amendments to the Dubbo Local Environmental Plan 2011 be adopted, including the following additional amendment:
 - That emergency services facility be included as a permissible land use activity in the SP2 Infrastructure zone.
2. That the submission made by David and Carmen Isbester be further considered by Council with a review of the Dubbo Rural Areas Development Strategy.
3. That Council request the Department of Planning and Environment to prepare the draft amendment to the Dubbo Local Environmental Plan 2011 and provide Council with an Opinion that the Plan be made.
4. That following receipt of an Opinion from the Department that the Plan be made, the Chief Executive Officer request gazettal of the Plan.
5. That those who made a submission are sent an acknowledgment and advised of Council's determination in this matter.

CARRIED

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

FOR

Councillor Diffey
Councillor Etheridge
Councillor Grant
Councillor Gumley
Councillor Jones

AGAINST

| | |
|---------------------|------------------|
| Councillor Lawrence | |
| Councillor Mohr | |
| Councillor Ryan | |
| Councillor Shields | |
| Total (9) | Total (0) |

Councillor K Parker declared a non-pecuniary, less than significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor K Parker owns a 50ha parcel of land and is a neighbour of persons who submitted interest in the submission.

PDEC18/18 DRAFT SOUTHLAKES ESTATE DEVELOPMENT CONTROL PLAN 2 (ID18/641)

The Committee had before it the report dated 10 April 2018 from the Senior Strategic Planner regarding Draft Southlakes Estate Development Control Plan 2.

Moved by Councillor D Grant and seconded by Councillor V Etheridge

MOTION

1. That the draft Southlakes Estate Development Control Plan 2, as provided here in Appendix 1, be endorsed for the purposes of public exhibition only.
2. That the draft Southlakes Estate Development Control Plan 2 be placed on public exhibition for a period of not less than 28 days in accordance with the requirements of the Environmental Planning and Assessment Act, 1979.
3. That following completion of the public exhibition process, a further report be provided to Council for consideration.

CARRIED

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

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

PDEC18/19 LEAVE OF ABSENCE

A request for leave of absence was received from Councillor D Gumley who was absent from the meeting due to the personal reasons.

Moved by Councillor A Jones and seconded by Councillor J Ryan

MOTION

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

CARRIED

The meeting closed at 5.34pm.

.....
CHAIRMAN



**DUBBO REGIONAL
COUNCIL**

Report of the Infrastructure, Community and Recreation Committee - meeting 16 April 2018

AUTHOR: Administration Officer - Governance
REPORT DATE: 17 April 2018

The Committee had before it the report of the Infrastructure, Community and Recreation Committee meeting held 16 April 2018.

RECOMMENDATION

That the report of the Infrastructure, Community and Recreation Committee meeting held on 16 April 2018, be noted.



**REPORT
INFRASTRUCTURE, COMMUNITY AND
RECREATION COMMITTEE
16 APRIL 2018**

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

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Director Corporate Services, the Manager Governance and Risk, the Team Leader Governance, the Director Economic Development and Business, the Manager Communications and Stakeholder Engagement, the Director Infrastructure and Operations, the Director Planning and Environment (S Wallace), the Manager Strategic Planning Services and the Director Community and Recreation.

Councillor S Lawrence assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.34pm.

**ICRC18/37 REPORT OF THE INFRASTRUCTURE, COMMUNITY AND RECREATION
COMMITTEE - MEETING 19 MARCH 2018 (ID18/657)**

The Committee had before it the report of the Infrastructure, Community and Recreation Committee meeting held 19 March 2018.

Moved by Councillor D Grant and seconded by Councillor B Shields

MOTION

That the report of the Infrastructure, Community and Recreation Committee meeting held on 19 March 2018, be noted.

CARRIED

**ICRC18/38 PROPOSED PARKING RESTRICTIONS WALLACE AND MCGEE LANES, DUBBO
(ID18/647)**

The Committee had before it the report dated 9 April 2018 from the Senior Traffic Engineer regarding Proposed Parking Restrictions Wallace and McGee Lanes, Dubbo.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

That Council implement No Parking restrictions and associated line marking in Wallace and McGee Lanes in accordance with Council's Plan TM 7183 attached to the report.

CARRIED

**ICRC18/39 PROPOSED MEDIAN SEPARATION ISLAND INTERSECTION RAILWAY STREET
AND GUNDONG STREET, WONGARBON (ID18/648)**

The Committee had before it the report dated 9 April 2018 from the Senior Traffic Engineer regarding Proposed Median Separation Island Intersection Railway Street and Gundong Street, Wongarbron.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

That a median separation island with Give Way signs, pedestrian gap and associated line marking be installed in Gundong Street at the intersection with Railway Street, in accordance with Council's Plan TM 7182.

CARRIED

**ICRC18/40 MOUNT ARTHUR CHALLENGE - RUN AND CYCLING EVENT, WELLINGTON
(ID18/649)**

The Committee had before it the report dated 9 April 2018 from the Senior Traffic Engineer regarding Mount Arthur Challenge - Run and Cycling Event, Wellington.

Moved by Councillor G Mohr and seconded by Councillor A Jones

MOTION

1. That the application of the Mount Arthur Reserve Trust for the Mt Arthur Running and Cycling Events to be held on Sunday 22 July 2018 be approved and undertaken in accordance with the Event and Traffic Management Plan under conditions set by the NSW Police Service and the following conditions of Dubbo Regional Council:
 - a. Running Events “Wallaby Run” 5km and “Wedgetail Challenge” 9km – implementation of a temporary one lane road closure of Bushrangers Creek Road between the Showground (western gate) and Evans Way and a full road closure of Brennans Way between Bushrangers Creek Road and Man of the Mountain Trail from 10.00am to 1.30pm.
 - b. Cycling Event – “Limestone Ride” 50km event shall commence within the Wellington Showground, left onto Bushrangers Creek Road for 8.5km, left into Zaias Lane for 8.1km, left into Arthurville Road for 6.7km, left into Suntop Road for 16.0km, left into Renshaw McGirr Way for 9.5km then left into Bushrangers Creek Road for 0.7km to the finish at the Wellington Showground.
2. That a 40 km speed zone be implemented for the traffic control on Bushrangers Creek Road and Evans Drive for the proposed traffic control for the event.
3. That Traffic Control Plans be submitted to Council’s Senior Traffic Engineer for approval, a minimum of three (3) weeks prior to the event. All traffic control measures contained in the plan are to be in accordance with Australian Standard AS1742.3 and the Road and Maritime Services NSW Guidelines for Bicycle Road Races and the Guide to Traffic Control at Worksites prepared by an accredited person.
4. That all traffic control including the placement and removal of barricades and/or regulation of traffic is to be carried out by Traffic Controllers appropriately trained in accordance with the requirements of Australian Standard AS1742.3 and the Roads and Maritime Services accreditation requirements for Traffic Control Planners or Controllers as required. In this respect, there is a requirement that Traffic Controllers, and not marshals, are to be provided at the start/finish and turnaround points to stop all traffic whilst riders are:
 - Starting and finishing within a 60km/h or less speed zone.
 - Assembled on the road carriageway immediately prior to a mass or staggered start.
 - Undertaking the turn-around movement.
 - Sprint to the finish line.
5. That the applicant obtain the NSW Police Service’s Permit for bicycle races pursuant to the NSW Road Transport Act 2013 – Section 115.
6. That all participants obey the NSW Road Rules.
7. That Council’s Administration Officer must sight a copy of the Public Liability

Insurance Policy for a minimum amount of \$20 million on which Dubbo Regional Council, Roads and Maritime Services and the NSW Police are specifically noted to be indemnified against any action resulting from the cycle race.

8. That the applicant be required to obtain concurrence from the Roads and Maritime Services as the Renshaw McGirr Way is a regional road.
9. That the applicant is to submit to Council all the appropriate documentation required accepting the above conditions before final approval is granted.

CARRIED

Councillor D Grant declared a pecuniary, significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor D Grant is the treasurer of the Mount Arthur Trust Committee who are the overseeing body of the event.

ICRC18/41 REPORT OF THE VICTORIA PARK REDEVELOPMENT ADVISORY COMMITTEE - MEETING 27 MARCH 2018 (ID18/563)

The Committee had before it the report of the Victoria Park Redevelopment Advisory Committee meeting held 27 March 2018.

Moved by Councillor J Diffey and seconded by Councillor A Jones

MOTION

That the report of the Victoria Park Redevelopment Advisory Committee meeting held on 27 March 2018, be adopted.

CARRIED

ICRC18/42 REPORT OF THE SOCIAL JUSTICE AND CRIME PREVENTION WORKING PARTY - MEETING 28 MARCH 2018 (ID18/564)

The Committee had before it the report of the Social Justice and Crime Prevention Working Party meeting held 28 March 2018.

Moved by Councillor B Shields and seconded by Councillor A Jones

MOTION

That the report of the Social Justice and Crime Prevention Working Party meeting held on 28 March 2018, be adopted.

CARRIED

ICRC18/43 SPORTING ORGANISATION FEES AND CHARGES 2018/2019 (ID18/560)

The Committee had before it the report dated 28 March 2018 from the Recreation Coordinator regarding Sporting Organisation Fees and Charges 2018/2019.

Moved by Councillor G Mohr and seconded by Councillor K Parker

MOTION

1. That the information contained within the report of the Recreation Coordinator dated 28 March 2018 be noted.
2. That the thirty percent (30%) blanket subsidy be applied to all sporting organisation ground preparation fees and charges, excluding litter control, and included in the 2018/2019 Draft Dubbo Regional Council Revenue Policy.
3. That Council consider alternative fee structures for Wellington Cricket Club, Wellington Little Athletics Club, Dubbo Cycle Club and Wellington Junior Rugby Club that aims to have these sports receiving a 30% subsidy after a phase in period over a period of years, to be determined by Council, to enable these sports to continue to be viable in the short term.
4. That no subsidy be applied to litter control for any sporting organisation.

Moved by Councillor A Jones and seconded by Councillor V Etheridge

AMENDMENT

1. That the information contained within the report of the Recreation Coordinator dated 28 March 2018 be noted.
2. That the thirty percent (30%) blanket subsidy be applied to all sporting organisation ground preparation fees and charges with exception of Wellington Cricket Club, Wellington Little Athletics Club, Dubbo Cycle Club and Wellington Junior Rugby Club, excluding litter control, and included in the 2018/2019 Draft Dubbo Regional Council Revenue Policy.
3. That the fee structures for Wellington Cricket Club, Wellington Little Athletics Club, Dubbo Cycle Club and Wellington Junior Rugby Club that aims to have these sports receiving a 30% subsidy after a phase in period over 3 years, to enable these sports to continue to be viable in the short term.
4. That no subsidy be applied to litter control for any sporting organisation.

The amendment on being put to the meeting was carried.

CARRIED

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

CARRIED

At this juncture the meeting adjourned, the time being 5.45pm.

The meeting recommenced at 5.51pm.

**ICRC18/44 CONTRACT FOR MANAGEMENT OF THE DUBBO AQUATIC LEISURE CENTRE
(ID18/558)**

The Committee had before it the report dated 28 March 2018 from the Director Community and Recreation regarding Contract for Management of the Dubbo Aquatic Leisure Centre.

Moved by Councillor J Diffey and seconded by Councillor A Jones

MOTION

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

CARRIED

Moved by Councillor J Diffey and seconded by Councillor V Etheridge

MOTION

- 1. That in accordance with Section 55(3)(i) of the Local Government Act 1993, Council not call tenders for the Management of the Dubbo Aquatic Leisure Centre due to extenuating circumstances to allow Council to review its management process of the Dubbo Aquatic Leisure Centre, Wellington Pool and Geurie Pool acknowledging that a comprehensive review cannot occur until the demolition and reconstruction of the Wellington Pool is complete.**
- 2. That BN Aquatics be offered an extension of the existing contract for the management of the Dubbo Aquatic Leisure Centre for a period of 12 months to allow the review of the management of the Dubbo Aquatic Leisure Centre, Wellington Pool and Geurie Pool to be undertaken following the completion of the construction at the Wellington Pool.**
- 3. That the terms of the 12 month extension of the contract be the following:**
 - a. The contract be extended until 1 April 2019 for a contract price of \$150,000 ex GST**
 - b. That the existing Conditions regarding Gate Receipts, identified in Schedule Six – Service Fees, are to remain unchanged.**
 - c. That the old Pool Manager’s Cottage be excluded from the proposed extension to enable its demolition.**
 - d. That the variation of \$9,800 ex GST for the supply of mowers, edgers, oils, lubricants and consumables by BN Aquatics be continued.**
- 4. That all documents for extension of the Contract be executed under the Chief Executive Officer’s Power of Attorney.**
- 5. That the documents and considerations in regard to this matter remain confidential to the Council.**

CARRIED

Councillor G Mohr declared a non-pecuniary, less than significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor G Mohr works with an immediate family member of the current Manager of the Dubbo Aquatic Leisure Centre.

ICRC18/45 CONSTRUCTION OF BOUNDARY ROAD EXTENSION AND ROUNDABOUT AT WHEELERS LANE DUBBO (ID18/664)

The Committee had before it the report dated 10 April 2018 from the Director Infrastructure and Operations regarding Construction of Boundary Road Extension and Roundabout at Wheelers Lane Dubbo.

Moved by Councillor J Diffey and seconded by Councillor A Jones

MOTION

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

CARRIED

Moved by Councillor D Grant and seconded by Councillor J Diffey

MOTION

- 1. That Council staff complete the construction of Boundary Road Stage 1 utilising Council resources, with works to re-start onsite during the week commencing 23 April 2018, and existing works re-prioritised to ensure completion of this project as soon as possible.**
- 2. That the documents and considerations in regard to this matter remain confidential to Council.**
- 3. That the Chief Executive Officer be authorised to complete any documentation under his Power of Attorney.**

CARRIED

ICRC18/46 LEAVE OF ABSENCE

A request for leave of absence was received from Councillor D Gumley who was absent from the meeting due to the personal reasons.

Moved by Councillor J Diffey and seconded by Councillor J Ryan

MOTION

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

CARRIED

The meeting closed at 5.57pm.

.....
CHAIRMAN



DUBBO REGIONAL
COUNCIL

Report of the Economic Development, Business and Corporate Committee - meeting 16 April 2018

AUTHOR: Administration Officer - Governance
REPORT DATE: 17 April 2018

The Committee had before it the report of the Economic Development, Business and Corporate Committee meeting held 16 April 2018.

RECOMMENDATION

That the report of the Economic Development, Business and Corporate Committee meeting held on 16 April 2018, be noted.



**REPORT
ECONOMIC DEVELOPMENT, BUSINESS AND
CORPORATE COMMITTEE
16 APRIL 2018**

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

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Director Corporate Services, the Manager Governance and Risk, the Team Leader Governance, the Director Economic Development and Business, the Manager Communications and Stakeholder Engagement, the Director Infrastructure and Operations, the Director Planning and Environment (S Wallace), the Manager Strategic Planning Services and the Director Community and Recreation.

Councillor G Mohr assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.45pm.

EDBC18/21 REPORT OF THE ECONOMIC DEVELOPMENT, BUSINESS AND CORPORATE COMMITTEE - MEETING 19 MARCH 2018 (ID18/658)

The Committee had before it the report of the Economic Development, Business and Corporate Committee meeting held 19 March 2018.

Moved by Councillor D Grant and seconded by Councillor V Etheridge

MOTION

That the report of the Economic Development, Business and Corporate Committee meeting held on 19 March 2018, be noted.

CARRIED

EDBC18/22 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT - MARCH 2018 (ID18/642)

The Committee had before it the report dated 4 April 2018 from the Director Corporate Services regarding Investments Under Section 625 of the Local Government Act - March 2018.

Moved by Councillor A Jones and seconded by Councillor J Diffey

MOTION

That the information provided within the report of the Director Corporate Services, dated 4 April 2018 be noted.

CARRIED

Councillor K Parker declared a pecuniary, significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor K Parker is the Manager of the Dubbo Branch of the Bank of Queensland, a bank that Council has funds invested with.

EDBC18/23 REPORT OF THE DUBBO REGIONAL AIRPORTS COMMITTEE - MEETING 3 APRIL 2018 (ID18/663)

The Committee had before it the report of the Dubbo Regional Airports Committee meeting held 3 April 2018.

Moved by Councillor V Etheridge and seconded by Councillor S Lawrence

MOTION

That the report of the Dubbo Regional Airports Committee meeting held on 3 April 2018, be adopted.

CARRIED

**EDBC18/24 UPGRADING OF COOTHA SEWER PUMP STATION - LOT 15 DP 753233 -
CREATION OF EASEMENT IN FAVOUR OF ESSENTIAL ENERGY (ID18/661)**

The Committee had before it the report dated 10 April 2018 from the Manager Property Assets regarding Upgrading of Cootha Sewer Pump Station - Lot 15 DP 753233 - creation of easement in favour of Essential Energy.

Moved by Councillor D Grant and seconded by Councillor J Ryan

MOTION

- 1. That a bank guarantee for the amount of \$10,000 be provided by Council to Essential Energy in relation to the upgrading of electricity supply servicing the Cootha Sewer Pump Station.**
- 2. That any documentation in relation to this matter be executed under the Chief Executive Officer's Power of Attorney.**

CARRIED

**EDBC18/25 PROPOSED CLOSURE OF UNFORMED ROAD AND SALE OF LAND IN
MONTEFIORES, WELLINGTON (ID18/660)**

The Committee had before it the report dated 10 April 2018 from the Property Development Officer regarding Proposed Closure of Unformed Road and Sale of Land in Montefiores, Wellington.

Moved by Councillor J Ryan and seconded by Councillor K Parker

MOTION

The Committee recommends:

- 1. That Council consent to an application being lodged for the closure of the unformed King Street road head, Montefiores Estate.**
- 2. That it be noted that pursuant to Section 38(2) of the Roads Act, the land will vest in Council upon closure and classified as operational land.**
- 3. That upon closure, the land and adjoining Lot 6 DP 1121945, be sold to the adjacent landowner, and be consolidated with his Lot 5 DP 1121945 to create one (1) lot.**
- 4. That the subject land be sold at a price of \$36,000 inc. GST with this price including recovery of costs incurred by Council in the road closure, consolidation, and disposal of the land.**
- 5. That any necessary documents in relation to this matter be executed under the Chief Executive Officer.**

CARRIED

It is noted that as this matter relates to the compulsory acquisition, purchase, sale, exchange or surrender of land, the Economic Development, Business and Corporate Committee does not have delegation to determine this matter. This matter shall be referred to Council for determine accordingly.

Councillor D Grant declared a pecuniary, significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor D Grant owns property and lives in Montefiores Estate.

Councillor A Jones declared a pecuniary, significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor A Jones owns 2 blocks of land in Montefiores Estate.

EDBC18/25 LEAVE OF ABSENCE

A request for leave of absence was received from Councillor D Gumley who was absent from the meeting due to the personal reasons.

Moved by Councillor A Jones and seconded by Councillor V Etheridge

MOTION

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

CARRIED

The meeting closed at 5.50pm.

.....
CHAIRMAN



DUBBO REGIONAL
COUNCIL

NOTICE OF MOTION: Recreational Opportunities in Brocklehurst

REPORT DATE: 17 April 2018

FILE: ID18/698

Council had before it a Notice of Motion dated 17 April 2018 from Councillor J Diffey regarding the Recreational Opportunities in Brocklehurst as follows:

- “1. That Council staff provide a report to Council in May 2018 that investigates the opportunities to use Council’s operational land or vacant Crown Land within the village of Brocklehurst to create a public park that provides recreation opportunities for the village community.*
- 2. That consideration be made during the budget development process for an allocation of funds over the forward four year budget that allow Council staff to develop detailed plans and an associated construction budget for a cycleway between Brocklehurst and Dubbo via Old Gilgandra Road and Dubbo Street.”*

RECOMMENDATION

- 1. That Council staff provide a report to Council in May 2018 that investigates the opportunities to use Council’s operational land or vacant Crown Land within the village of Brocklehurst to create a public park that provides recreation opportunities for the village community.**
- 2. That consideration be made during the budget development process for an allocation of funds over the forward four year budget that allow Council staff to develop detailed plans and an associated construction budget for a cycleway between Brocklehurst and Dubbo via Old Gilgandra Road and Dubbo Street.**

Councillor J Diffey

Councillor

Appendices:

- [1](#) Notice of Motion - Recreational Opportunities in Brocklehurst - Councillor J Diffey

Councillor Jane Diffey
PO Box 81
DUBBO NSW 2830

6 April 2018

The Chief Executive Officer
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

Dear Michael

NOTICE OF MOTION – RECREATIONAL OPPORTUNITIES IN BROCKLEHURST

I would like to place the following notice of motion on the agenda for the April 2018 Ordinary meeting of Council.

1. *That Council staff provide a report to Council in May 2018 that investigates the opportunities to use Council's operational land or vacant Crown Land within the village of Brocklehurst to create a public park that provides recreation opportunities for the village community.*
2. *That consideration be made during the budget development process for an allocation of funds over the forward four year budget that allow Council staff to develop detailed plans and an associated construction budget for a cycleway between Brocklehurst and Dubbo via Old Gilgandra Road and Dubbo Street.*

Yours faithfully


Jane Diffey
Jane Diffey
Councillor



DUBBO REGIONAL
COUNCIL

REPORT: Request for Leave of Absence - Councillor A Jones

AUTHOR: Manager Governance and Risk
REPORT DATE: 9 April 2018
TRIM REFERENCE: ID18/652

EXECUTIVE SUMMARY

Councillor Annemarie Jones OAM has formally requested that Council grant a leave of absence from Council related duties from 28 April 2018 until 9 May 2018 inclusive as she will be unavailable for personal reasons.

Section 234 of the Local Government Act permits prior leave of a Council being granted.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That Councillor A Jones be granted leave of absence from Council related duties from 28 April 2018 until 9 May 2018 inclusive due to personal reasons.

Michael Ferguson
Manager Governance and Risk



REPORT: Payment of Expenses and Provision of Facilities for the Mayor and Councillors

AUTHOR: Manager Governance and Risk
REPORT DATE: 17 April 2018
TRIM REFERENCE: ID18/653

EXECUTIVE SUMMARY

Section 252 of the Local Government Act requires Council to adopt a policy concerning the payment of expenses and provision of facilities for the Mayor and Councillors in relation to discharging the functions of civic office. Although Council had adopted a Policy concerning the payment of expenses and provision of facilities for the Mayor and Councillors at its October 2017 Ordinary meeting, a further review has been undertaken and at its Ordinary meeting held 26 February 2018, Council resolved (EDBC18/3):

"That the policy "Payment of Expenses and Provision of Facilities for the Mayor and Councillors" as attached as Appendix 1 to the report of the General Manager dated 7 February 2018, be placed on Public Exhibition for a period of twenty eight (28) days inviting the public to make submissions."

The draft policy was placed on public exhibition for a period of twenty eight (28) days which closed on 13 April 2018 seeking submissions from the public. During the exhibition period no submissions were received.

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

ORGANISATIONAL VALUES

Customer Focused: This policy was placed on public exhibition for twenty eight (28) days to allow members of the public to make a submission for the consideration of Council. It is also required to ensure a consistent basis of managing costs of the Councillors while undertaking their civic duties.

Integrity: This policy has been based on a template provided by the Office of Local Government to ensure consistent practices across NSW Local Government. It has also been placed on twenty eight (28) days public exhibition prior to adoption by Council.

One Team: This policy ensures that all Councillors' requests for expenses are assessed consistently.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

The adoption of this report will form the Council Policy titled Payment of Expenses and Provision of Facilities for the Mayor and Councillors.

RECOMMENDATION

That the policy "Payment of Expenses and Provision of Facilities for the Mayor and Councillors" as attached as Appendix 1 to the report of the Manager Governance and Risk dated 17 April 2018, be adopted.

Michael Ferguson
Manager Governance and Risk

REPORT

Section 252 of the Local Government Act 1993 requires that within the first 12 months of each term of Council, the Council must adopt a Policy concerning the payment of expenses and provision of facilities for the Mayor and Councillors in relation to discharging the functions of civic office. Council had adopted such a policy at its Ordinary meeting held 23 October 2017 however it was considered necessary to amend certain sections of the Policy. These amendments included the review of professional development as well as a review of travel expenses that can be claimed by Councillors so that only kilometres in excess of 60km are eligible to be claimed. At its meeting held 26 February 2018, it was resolved *“that the policy “Payment of Expenses and Provision of Facilities for the Mayor and Councillors” as attached as Appendix 1 to the report of the General Manager dated 7 February 2018, be placed on Public Exhibition for a period of twenty eight (28) days inviting the public to make submissions”*

In accordance with Council’s resolution of 26 February 2018, the draft policy was placed on public exhibition inviting submissions from the public. No submissions were received as a result of this exhibition period.

It is noted that following a recent amendment to the Local Government Act 1993, this Policy is now current for the term of the Council rather than being required to be reviewed on an annual basis. The Act allows for changes to be made to the policy which are not regarded as substantial without the need to place it back on public exhibition. Significant changes may be made at any stage throughout the Council term following the exhibition process.

Accordingly, it is recommended that the policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors as attached as **Appendix 1** to the report of the Manager Governance and Risk dated 17 April 2018, be adopted.

Appendices:

- [1](#) Payment of Expenses and Provision of Facilities for Councillors Policy - April 2018



DUBBO REGIONAL
COUNCIL

Policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors

April 2018

| Document Revision History | |
|--|---|
| Description | Date |
| Adopted by Council for the purpose of public exhibition Adopted by Council Adopted by Council for the purpose of public exhibition | 28 August 2017 23 October 2017 26 February 2018 |
| Notes | |
| | |

DUBBO REGIONAL COUNCIL

POLICY

PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND COUNCILLORS

TABLE OF PROVISIONS

PART 1 – INTRODUCTION

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

PART 2 – FACILITIES FOR MAYOR AND COUNCILLORS

- 2.1 Mayor
- 2.2 Councillors
- 2.3 General Provisions
- 2.4 Monetary Limits

PART 3 – TRAVELLING ON COUNCIL BUSINESS

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

PART 4 – LEGAL ASSISTANCE

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

PART 5 – INSURANCES

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

PART 6 – ANNUAL FEES – MAYOR AND COUNCILLORS

- 6.1 Fees Payable to Councillors
- 6.2 Fees Payable to Mayor

| | |
|--|---|
| Payment of Expenses and Provision of Facilities For the Mayor and Councillors | 3 |
|--|---|

PART 7 – PROCESSES

- 7.1 Approval, payment and reimbursement arrangements
- 7.2 Direct payment
- 7.3 Reimbursement
- 7.4 Advance payment
- 7.5 Notification
- 7.6 Reimbursement to Council
- 7.7 Timeframe for reimbursement

PART 1 – INTRODUCTION

1.1 Introduction

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to councillors to help them undertake their civic duties.

It ensures accountability and transparency, and seeks to align councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

1.2 Purpose of this Policy

The objectives of this policy are to:

- enable the reasonable and appropriate reimbursement of expenses incurred by councillors while undertaking their civic duties
- enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to councillors
- ensure facilities and expenses provided to councillors meet community expectations
- support a diversity of representation
- fulfil the council's statutory responsibilities.

1.3 Legislative Provision and Guidance Documents

Local Government Act 1993, Sections 252 and 253

Local Government (General) Regulation 2005, Clauses 217 and 403

Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009

Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities

Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

1.4 Relationship to Annual Fees

The payment of expenses and the facilities which may be provided to the Mayor and Councillors under this Policy shall be provided in addition to the annual fees payable to the Mayor and Councillors as determined by the Council under Sections 248 and 249 of the Act.

1.5 Code of Conduct

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

- You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.
- You must be scrupulous in your use of council property including intellectual property, official services and facilities and must not permit their misuse by any other person or body.
- You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- You must not convert any property of the council to your own use unless properly authorised.
- You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

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

PART 2 – FACILITIES FOR MAYOR AND COUNCILLORS

2.1 Mayor

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

- 2.1.1 The use of Mayoral Robes and Chain of Office
- 2.1.2 Suitable office accommodation in the Dubbo Civic Administration Building and the Wellington Administration Building including the provision of a computer and software packages that enable email and internet services at both locations.
- 2.1.3 A range of secretarial and support services including telephone and reception duties, typing, organisation of Civic Receptions including catering, preparation of speeches, press releases and correspondence and other reasonable requests by the Mayor. This service is reviewed and renegotiated with the Mayor following each Mayoral election.

2.1.4 A motor vehicle for official (civic duties) and private use as follows:

- The provision to the Mayor of a suitable and appropriate official vehicle, to the value of up to \$55,000 (ex GST), fully serviced and maintained, for both civic and private use, with such vehicle type to be at the discretion of the Mayor at the time of changeover, with changeover to occur at not less than 30,000km or 24 months, whichever occurs first noting that the vehicle shall be changed over immediately following each Mayoral election.
- the motor vehicle provided for use by the Mayor may be used by the Mayor for private purposes
- the annual fee payable to the Mayor will be reduced by the value of the private use benefit taken up
- the value of the private use benefit will be determined by applying the rate per kilometre published by Local Government NSW from time to time which is recommended for use by councils when costing motor vehicle benefits in remuneration packages to the number of private use kilometres travelled.
- the Mayor will keep a log of all private use kilometres travelled and submit such log at the end of each month

2.1.5 A mobile telephone for which all expenses are paid but which is to be used exclusively for Council and Civic duties.

2.1.6 Reasonable expenses for the Mayor and partner/accompanying person to attend on behalf of Council in the office of Mayor on official (including conferences) or legal occasions including travel, accommodation subsistence and the like. Attendance at local functions (excluding conferences as defined in Clause 3.1) by the Mayor and partner/accompanying person shall be paid by Council.

2.1.7 If the Mayor so chooses, a credit card facility and a cabcharge facility to be used for expenses incurred in the pursuit of official Council business. The credit card facility is to be used in situations where it is not possible to go through Council's normal procedure for the ordering and/or payment of goods and services.

2.1.8 An allocated carparking space adjacent to the Dubbo Civic Administration Building and secure parking at the Dubbo City Regional Airport (where necessary).

2.2 Councillors

To assist the Councillors, including the Mayor, in discharging the function of Civic Office Councillors are, if they request, entitled to receive the following without reduction to the fees payable under Section 248 of the Act:

2.2.1 Access to a Councillors' area in the Dubbo Civic Administration Building, suitably equipped with access to telephone, computer terminal connection and printing facilities.

2.2.2 Secretarial service including typing, photocopying, printing and postage for the following purposes:

- a) Initiating correspondence to, and answering correspondence received from, residents / ratepayers, Members of Parliament, Government Departments, statutory authorities / bodies, other local authorities, other Councillors, local

government related bodies and organizations or the general public in relation to the business of the Council or local government subject to a response to petitions received by Councillors will only be made to the principal person who lodges the petition and not all signatories.

- b) Replying to invitations to attend functions/gatherings received in their capacity as a Councillor;
- c) Communications to Councillors and Council's staff on official business;
- d) Access to a customer service portal to report and manage and complaint/request received as a Councillor

provided that under no circumstances will the Council permit the facilities provided to be used for the initiation or issue of circular type letters or election material/letters.

- 2.2.3 Appropriate refreshments will be available for council meetings, council committee meetings, councillor briefings, approved meetings and engagements, and official council functions as approved by the Chief Executive Officer.

As an indicative guide for the standard of refreshments to be provided at council related meetings, the Chief Executive Officer must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

As per Council resolution dated 23 October 2017, the term "refreshments" specifically excludes the provision of alcohol to Councillors and Staff within Council's buildings with the exception of Mayoral or Civic Receptions or other functions as approved by the Chief Executive Officer.

- 2.2.4 Suitable stationery supplies.

- Councillor business cards and name badges
- Postage - official Councillor correspondence - to be directed through the Council's own mail system.

- 2.2.5 Access to Information - Councillors can obtain copies of Council information, if the information is required to enable a Councillor to undertake their role as defined under Section 232 of the Local Government Act 1993.

When seeking information on policy issues and day to day matters, in the exercise of their statutory role as a member of the Council, Councillors are to direct their enquiries to the Chief Executive Officer, the relevant Director, or an officer nominated by the Director.

- 2.2.6 Preparation of media material for the Mayor in respect of Council activities and for the chairpersons of Council's Planning, Development and Environment; Infrastructure, Community and Recreation; and Economic Development, Business and Corporate Committees in respect of Committee issues.

- 2.2.7 Access to a suitable vehicle or vehicles (if available) provided by the Council for use on official duties connected with discharging the duties of Civic Office.

- 2.2.8 The provision of an electronic tablet device, appropriate broadband communications and a suitable printer located in the Councillor's Room in the Dubbo Civic Administration Building.

2.2.9 All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.

2.3 General Provisions

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

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

Councillors will not be reimbursed for alcoholic beverages.

2.4 Monetary Limits

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

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

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

| Expense Type | Refund Basis | Limit Amount | Comment |
|------------------------|--------------------------|---|--|
| Registration costs | Actual | None | Includes costs relating to official luncheons, dinners and tours/inspections which are relevant to the interests of the Council |
| Accommodation | Actual up to daily limit | As per Table 1 Rates and Allowances of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 | <p>The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.</p> <p>Limits are dependent on the location of accommodation, providing for regional differences in costs.</p> <p>Where evidence is provided that accommodation within the above cost range cannot be provided or is not available then the Chief Executive Officer has the discretion to approve the increase in costs.</p> <p>In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the Chief Executive Officer. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50km from the meeting location.</p> |
| Out of pocket expenses | Actual up to daily limit | \$100 per day | <p>Expenses in this category may include:</p> <ul style="list-style-type: none"> • Reasonable telephone, facsimile or internet usage • Reasonable refreshments • Meals not included in registration fees, etc <p>The following expenses will not be reimbursed and are the responsibility of the Mayor/Councillors:</p> <ul style="list-style-type: none"> • Any traffic or parking fines • Administrative charges for road toll accounts • Alcohol (not consumed as part of meal) • Cigarettes • Mini-bar items including snack foods |

DUBBO REGIONAL COUNCIL | Councillors' Notebook

| | | | |
|--|---------------------------|---------------|--|
| Cost of service provided | Actual | None | No payment shall be reimbursed for any component of a ticket which is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit. An additional payment to a registered charity may be acceptable as part of the cost of the function |
| Enrolment fees | Actual | None | In most cases, Council will arrange and fund attendance of the Mayor and Councillors at training courses |
| Air Travel | Actual | None | In most cases, Council will arrange and fund the Mayor and Councillors' Air Travel when required |
| Rail Travel | Actual | None | In most cases, Council will only arrange and fund the Mayor and Councillors' rail travel when requested |
| Taxi | Actual | None | |
| Bus | Actual | None | |
| Incidental expenses associated with attendance at seminars, training courses or official functions | Actual up to daily limit | \$100 per day | Expenses in this category may include: <ul style="list-style-type: none"> • Parking fees • Tolls <p>The following expenses will not be reimbursed and are the responsibility of the Mayor/Councillors:</p> <ul style="list-style-type: none"> • Any traffic or parking fines • Administrative charges for road toll accounts • Alcohol (not consumed as part of meal) • Cigarettes • Mini-bar items including snack foods |
| Personal care or child care expenses: up to four (4) hours | Actual up to daily limit | \$100 per day | Council will reimburse costs to a maximum of \$100 to cover a four (4) hour engagement of a babysitter or carer where required to allow the Mayor or Councillors to attend any Council, Standing Committee, Meetings, Committee Meetings, Working Party or Council workshops. The four (4) hour period shall include the period of 30 minutes prior to and after the conclusion of the meeting or workshop |
| Personal care or child care: more than four (4) hours | Actual up to hourly limit | \$15 per hour | An additional hourly rate of up to \$15 per hour will be paid for meetings and workshops etc that go beyond the four (4) hours engagement period referred to above |

| | | | |
|------------------------------|--------|---|--|
| Use of private motor vehicle | Actual | Per km allowance as defined in the Local Government (State) Award 2017 for those km in excess of 60km per instance. | <p>As defined in the Local Government (State) Award 2017 "Part 15(x) – Vehicle Allowances"</p> <p>Per km allowance as defined in the Local Government (State) Award 2017 for those km in excess of 60km per instance (ie only 40km of a 100km private use trip may be claimed under this policy).</p> <p>The following procedure is to be followed when claiming travel expenses when accepting invitations:</p> <ol style="list-style-type: none"> 1. Invitations are not to be accepted until assessed as below. 2. Councillors are to advise Council's Administration Officer – Mayor, Jo O'Dea, that an invitation has been received and provide a copy of the invitation to Jo to forward to the Office of the Mayor. It is the Mayor's decision as to who Council's representative at the meeting/function will be. 3. The Mayor shall review the invitation and determine who the most appropriate Council representative would be for each individual circumstance. Mayor to advise Council's Administration Officer – Mayor, Jo O'Dea of his decision. 4. Council's Administration Officer – Mayor, Jo O'Dea will RSVP to the host of the invitation advising who shall attend on behalf of Council. 5. Council's Administration Officer – Mayor, Jo O'Dea will make any necessary arrangements for the attendance at the event by Council's representative. 6. Any claims for travel and use of private vehicles to attend these functions/meetings must be accompanied by a copy of the relevant invitation and approval from the Mayor's Office. <p>This procedure was circulated to Councillors by email on 30 October 2017 (ED17/129022).</p> |
|------------------------------|--------|---|--|

PART 3 - TRAVELLING ON COUNCIL BUSINESS

3.1 Definition of Conference

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

Council is committed to ensuring its councillors are up to date with contemporary issues facing council and the community, and local government in NSW.

Council will allocate a sufficient amount annually in its budget to facilitate councillor attendance at conferences and seminars. This allocation is for all councillors. The Chief Executive Officer will ensure that access to expenses relating to conferences and seminars is distributed equitably.

Approval to attend a conference or seminar is subject to a written request to the Chief Executive Officer. In assessing a Councillor request, the Chief Executive Officer must consider factors including the:

- relevance of the topics and presenters to current council priorities and business and the exercise of the Councillor's civic duties
- cost of the conference or seminar in relation to the total remaining budget.

Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the Chief Executive Officer with any necessary bookings to be made through the Chief Executive Officer's office. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to this policy.

3.2 Who may attend conferences

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

| ORGANISATION | DELEGATES | OBSERVERS |
|--|--|---|
| Local Government NSW | Mayor, or his nominee, two other Councillors as delegates plus an alternate delegate (to act as delegate if required) and Councillors as determined by the Council | Chief Executive Officer or Nominee and Councillors as determined by the Council |
| Australian Livestock Markets Association | Mayor, or his nominee, one Councillor and alternate Councillors determined by the Council | Chief Executive Officer or nominee and the Director Economic Development and Business |
| Australian Airport Association | Mayor, or his nominee, one Councillor and alternate Councillors determined by the Council | Chief Executive Officer or nominee and the Director Economic Development and Business |
| Local Government Women's Conference | Two Councillors and alternate Councillors determined by the Council | Chief Executive Officer or nominee |
| Local Government Aboriginal Network Conference | Two Councillors and alternate Councillors determined by the Council | Chief Executive Officer or nominee |
| Australian Local Government Association Conference | Mayor, or his nominee | Chief Executive Officer or nominee |

3.3 Conference Costs

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

3.3.1 Registration

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

3.3.2 Accommodation

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

3.3.3 Travel

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

- (a) All reasonable travel costs for delegates to and from the conference location and venue will be met by the Council. Where appropriate, travel will be provided by air (economy class). Depending upon the location or circumstances, it may be more appropriate for travel to be undertaken by car or train.
- (b) Where trains are used the Council will provide first class travel, including sleeping berths where available.
- (c) Where travel by motor vehicle is used it should be undertaken by Council vehicle where available, or by private vehicle subject to prior approval of the Chief Executive Officer.
- (d) Councillors using private vehicles (Councillor's own) in accordance with this policy may claim the kilometre rates for the necessary travel at the rate set by the Local Government State Award 2017 as at the date of travel with such rate deemed to cover and include any claims for accidental damage or repairs to the private vehicle and any loss of no claim bonus and any excess not covered by an insurance. This claim for kilometre allowance is subject to such claim not exceeding economy class air fares to and from the particular destination.
- (e) Where air travel is booked by Council for Councillors, Councillors shall not accrue frequent flyer points under the respective airlines program. This is considered a personal benefit.

3.4 Development Programs

Council will allocate a sufficient amount annually in its budget to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies. An amount of \$30,000 will be allocated annually for Councillor Professional Development, being \$3,000 annually for each Councillor. This amount will be allocated for individual professional training plans for Councillors and any unexpended funds shall not be carried over to the following year. This allocation may be made available for individual training courses for Councillors or attendance at conferences where the conference directly relates to their role as a Councillor. Expenses incurred by Council without a reasonable excuse for non-attendance at related events, including but not limited to training sessions and conferences, by a Councillor may result in a possible reimbursement to Council by that Councillor for costs incurred.

In the first year of a new council term, Council will provide a comprehensive induction program for all councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.

Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.

Approval for professional development activities is subject to a prior written request to the Chief Executive Officer outlining the:

- details of the proposed professional development
- relevance to Council priorities and business
- relevance to the exercise of the Councillor's civic duties.

In assessing a Councillor request for a professional development activity, the Chief Executive Officer must consider the factors set out in this policy, as well as the cost of the professional development in relation to the available budget.

3.5 Out-of-Pocket Expenses

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

- 3.5.1 So that Councillors, as delegates of the Council attending conferences are not financially disadvantaged, Councillors shall be entitled to claim "out-of-pocket" expenses.
- 3.5.2 The amount of the payment under Clause 3.5.1 shall be equal to reasonable costs substantiated by a tax invoice receipt or statutory declaration to the effect that the expenditure was incurred.
- 3.5.3 Such payment shall be made to cover incidental expenses associated with the conference attendance (and up to the relevant daily limits as per clause 2.4 herewith) such as:
- (i) telephone, facsimile or internet usage. Council will meet the cost of telephone calls from the delegate to his/her family and to Council during the period of the conference. Other telephone expenses are to be paid for by the delegate;
 - (ii) breakfasts, lunches, dinners and other meals not included in the registration fee;
 - (iii) laundry - Council will meet the cost of reasonable laundry or dry cleaning services whilst at the conference, if necessary;
 - (iv) optional activities in a conference program where approved by the Chief Executive Officer;
 - (vii) gifts taken - If it is appropriate that gifts be required for presentations, Council will provide items as determined by the Chief Executive Officer.
 - (viii) gifts received - Council's Code of Conduct should be adhered to at all times. Any gifts received must be declared in Council's Gift Register.

The following items are expressly excluded from incidental expenses that will be funded by Council

- (i) **bar fridge - Council will not meet the cost of any expenses incurred from the use of the bar fridge provided in the hotel room or snack food as provided by the bar fridge service.**
- (ii) **bar service - Council will not meet the cost of any expenses incurred at the bar located within the hotel other than where special guests have been invited for drinks at the request of the Mayor or leader of the Council's delegation or meals as provided for in 2.4.**

3.5.4 An advance payment to the Councillor's bank account for "out-of-pocket" expenses under this clause may be paid, subject to any portion being refundable to the Council within seven (7) days of the conclusion of the conference if the actual period of attendance is less than that upon which the allowance was assessed. Any request for a cash advance must be completed on the attached form "Request for Cash Advance for the Purpose of Travelling on Council Business".

3.6 Conference Costs - Payment in Advance

3.6.1 The Council will normally pay registration fees, accommodation costs and airline/train tickets direct to conference organisers/travel agent in advance. Where this is not appropriate or possible an advance payment or cheque equivalent thereto may be paid to the attendee for payment to the appropriate party.

3.6.2 Any advance payments must be properly accounted for on the prescribed form within one (1) month after such conference.

3.7 Conference Costs - Delegates' Accompanying Person

3.7.1 Where the Mayor or a Councillor is accompanied at a conference all costs for, or incurred by, the accompanying person, including travel, breakfast, meals, registration and/or participation in any conference programs, are to be borne by the Councillor/accompanying person and not by the Council. The exception to this is that Council will meet the costs of the official conference dinner for an accompanying person of a Councillor for the Local Government NSW Annual Conference only. Accompanying person's registration, or accompanying person's program fees, are to be paid to the conference organiser, etc. and paid at the time of registration. The Council is prepared to receive such registration and payments and to forward them on to the conference organiser, etc with any Council delegates' registration.

3.7.2 Where the Council meets, on account, any expenditure or cost on behalf of an accompanying person attending a conference, such expenditure must be repaid to the Council by the Councillor/accompanying person within seven (7) days of being invoiced for such expenditure following the conclusion of the conference.

3.8 Local Functions

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

3.9 Overseas Travel

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

Retrospective re-imburement for overseas travel is not permitted.

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

In regard to Sister City Relationships the establishment of a Sister City Relationship will be on the basis that Council bear no cost of staff members, the Councillor or members of the public visiting Sister Cities, with the exception being in respect of the Sister Cities Officer as follows:

That Council fund the salary, travel and accommodation expenses for the Sister Cities Officer to undertake a visit to Minokamo and Wujiang every three years, with the first visit being within the first year of appointment of a new person to the position based upon the following conditions:

- *The visits to both Minokamo and Wujiang being combined during the one (1) overseas trip*
- *A maximum of seven (7) days is spent during any one (1) combined visit*
- *That the Sister City Officer be paid his /her normal salary for a maximum of seven (7) days during any one (1) visit*
- *An economy return air fare being provided from Dubbo to the Sister Cities*
- *The Sister City Officer being paid for subsistence and accommodation during any visit at Level One (1) of the Reasonable Travel Allowance for the Sydney Metropolitan Area as determined from time to time by the Australian Taxation Office and as detailed in Council's Management Policy – Travelling and Subsistence Expense Policy.*
- *Travel insurance, a visa to visit China and travel to and from airports to accommodation being funded by Council.*
- *Council not incurring any other incidental travel costs such as a passport, luggage, clothes, money conversion costs and travel debit / credit card costs.*

3.10 Care

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

3.11 Expenses Claim Approval

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

3.12 Disputes Resolution

Any dispute relating to the administration of this Policy must be made in writing to the Chief Executive Officer detailing the grounds for the dispute.

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

PART 4 - LEGAL ASSISTANCE

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

4.1.1 Council may, if requested, indemnify or reimburse the reasonable legal expenses of:

- a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the Councillor
- a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor
- a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.

4.1.2 In the case of a code of conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the Chief Executive Officer to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.

- 4.1.3 Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- 4.1.4 Council will not meet the legal costs:
- of legal proceedings initiated by a Councillor under any circumstances
 - of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
 - for legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 4.1.5 Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

4.2 Legal Advice

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

PART 5 - INSURANCES

5.1 Personal Accident Insurance

Council carries a personal accident insurance policy on Councillors of Council as set out hereunder.

On the lives of ten (10) Councillors whilst engaged on their duties as Councillors of the Dubbo Regional Council, including whilst travelling.

COVERED PERSON(S)/ CATEGORIES

- 1: The Mayor, Chairperson, Elected Members, Councillors, Commissioners and Administrators
- 2: All Employees of the Policyholder
- 3: All Accompanying Spouse/Partners and/or Dependent Child(ren) of Category 1 and 2 Covered Persons and including any persons engaged to undertake sister city visits on the Policyholder's behalf
- 4: All voluntary workers of the Policyholder
- 5: All members of any Committees and Trusts established by the Policyholder including Local Representative Advisory Committees (LRAC)

SCOPE OF COVER

- 6: Work Experience Students and Other Persons where the Policyholder is required to provide coverage whilst such persons are engaged in any Government Labour Market, Training or Job Creation Projects
- 7: All Employees of the Policyholder engaged in authorised amateur sporting competitions organised by the Policyholder

Categories 1, 2 and 3:

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

Notwithstanding the above, cover under Section 1 & 2 of this Policy shall be whilst engaged in or on any activity directly or indirectly connected with or on behalf of the Policyholder including whilst travelling directly to and/or from such activity.

Categories 4 and 5:

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

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

Category 6:

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

Category 7:

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

| | |
|---|--|
| SCHEDULE OF BENEFITS | Sum Insured as per Table of Events – Each Covered Person |
| Section 1 Personal Accident and Sickness | |
| Part A – Lump Sum Benefits | |
| Category 1 Events 1 - 30 | 5 times salary up to a maximum of \$1,000,000 and a minimum of \$500,000 |
| Categories 2 to 6 Events 1 - 30 | \$300,000 |
| Categories 1 to 6 – Injury Resulting In Surgery | \$20,000 |
| Part B - Weekly Benefits Injury | |
| Category 1 (156 weeks) | 100% of Salary up to \$4,000 |
| Categories 2 to 6 (156 weeks) | 100% of Salary up to \$3,000 |
| Part C – Injury Resulting in Fractured Bones | |
| Categories 1 to 6 | \$5,000 |
| Part D – Injury Resulting in Dental Procedures | |
| Categories 1 to 6 | \$5,000 |

All other Sections as shown in the policy schedule.

AGGREGATE LIMIT OF LIABILITY FOR ALL COUNCILS COMBINED

| | |
|---|--------------|
| Applicable to Sections 1 and 2 only | |
| (A) Any one Event | \$10,000,000 |
| (B) Non-Scheduled Flights | \$1,000,000 |
| (C) Any one event with respect to War/Civil War | \$500,000 |
| (D) Any one Period of Insurance with respect to War/Civil War | \$1,000,000 |
| (E) Section 2 – Kidnap and Ransom | \$2,000,000 |
| Note: (C) and (D) above are applicable to Afghanistan, Chechnya, Iraq and Somalia only. | |

AGE LIMITATIONS

Compensation is limited for Covered Persons aged ninety (90) years or over and in respect of each Dependent Child(ren) aged eighteen (18) years or under as per the General Provisions and Conditions Applicable to the Policy noted in the Policy wording.

5.2 Professional Indemnity/Public Liability Insurance

- (i) General Liability – indemnify each insured person(s) for all costs, charges, expenses and defence costs **but** excluding **fin**es and **penalties** incurred in relation to any **prosecution** (criminal or otherwise) of any insured person(s), attendance by any insured person(s) at any official investigation, examination, inquiry or other proceedings ordered or commissioned during the period of insurance by any official body or institution that is empowered to investigate the affairs of the Council by reason of any **wrongful act** wherever or whenever committed or allegedly committed by the insured person(s) in their capacity as insured person(s), BUT subject to any limitations or conditions set out in the policy of insurance which is, at the direction of the Council.

- (ii) Professional Indemnity - for matters arising out of the Councillor's performance of civic duties or exercise of the functions provided the performance or exercise of the relevant civic duty or function is in the opinion of Council bona fide and/or proper and is carried out in good faith, as required under 731 of the Local Government Act, BUT subject to any limitation or conditions set out in the policy of insurance, which is, at the direction of Council, taken out.

5.3 Councillors' and Officers' Liability Insurance

Councillors' and Officers' Liability Insurance provides limited financial protection to Councillors and staff in circumstances where they may be named as an individual to a claim, and the normal protections under the Local Government Act or Council's General and Professional Liability insurance are not available.

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

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

PART 6 - ANNUAL FEES - MAYOR AND COUNCILLORS

6.1 Fees Payable to Councillors

Pursuant to Section 248 of the Act, the Council shall, prior to 30 June each year, set by resolution, the annual fees to be paid to a Councillor for the following year commencing 1 July, provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal. Such payment shall be subject to Section 254A of the Regulations and any specific resolution of the Council under Section 254A.

6.2 Fees Payable to the Mayor

Pursuant to Section 249 of the Act, the Council shall, prior to 30 June each year, set by resolution, the annual fee to be paid to the Mayor for the following year commencing 1 July provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal.

NOTE:

In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.

PART 7 – PROCESSES

7.1 Approval, payment and reimbursement arrangements

- 7.1.1 Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 7.1.2 Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 7.1.3 Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
- local travel relating to the conduct of official business
 - carer costs
- 7.1.4 Final approval for payments made under this policy will be granted by the Chief Executive Officer or their delegate.

7.2 Direct payment

- 7.2.1 Council may approve and directly pay expenses. Requests for direct payment must be submitted to the Chief Executive Officer for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

7.3 Reimbursement

- 7.3.1 All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Chief Executive Officer.

7.4 Advance payment

- 7.4.1 Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.
- 7.4.2 The maximum value of a cash advance is \$100 per day of the conference, seminar or professional development to a maximum of \$500.
- 7.4.3 Requests for advance payment must be submitted to the Chief Executive Officer for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 7.4.4 Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:
- a full reconciliation of all expenses including appropriate receipts and/or tax invoices
 - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

7.5 Notification

- 7.5.1 If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
- 7.5.2 If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

7.6 Reimbursement to Council

- 7.6.1 If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
- Council will invoice the Councillor for the expense
 - the Councillor will reimburse Council for that expense within 14 days of the invoice date.
- 7.6.2 If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the Chief Executive Officer. The Chief Executive Officer may elect to deduct the amount from the Councillor's allowance.

7.7 Timeframe for reimbursement

- 7.7.1 Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

**DUBBO REGIONAL COUNCIL
EXPENSES OF MEMBERS OF COUNCIL**

(Local Government Act, 1993)
Section 252

NAME: _____ **DATE:** _____

NOTES:

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

TRAVELLING EXPENSES

| Date | Meeting/Function | Distance Travelled: |
|-------|------------------|---------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Total distance travelled: _____ km @ _____ ¢ per km
(office use)

Engine size _____ cc \$ _____
(office use)

OUT OF POCKET EXPENSES

Function/Occasion: _____

Date: _____

Summary of Expenses claimed:

| | |
|-------|----------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |

TOTAL PAYABLE \$ _____
(office use)

Name of Claimant: _____

Signature of Claimant: _____ Date: _____

Payment Approved _____ MANAGER GOVERNANCE AND RISK

Payment Authorised _____ CHIEF EXECUTIVE OFFICER

Cost Number _____

NOTE: Reimbursement of travel expenses must be accompanied by the relevant approvals from the Mayor's office

STATUTORY DECLARATION

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

I, (1) (Name)
(Address)
.....
(Occupation)

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

do solemnly and sincerely declare (2)

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

(3) Signature of person making the declaration.

(3).....

Declared at (place)

on (date)

before me (in the presence of),

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

(4)

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

(5)

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

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

DUBBO REGIONAL COUNCIL

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

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

NAME: _____ **DATE:** _____

PURPOSE OF TRAVEL: _____

START DATE: _____ **END DATE:** _____

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

BANK ACCOUNT DETAILS FOR CASH ADVANCE

Name of Account: _____

Bank Name: _____

BSB: _____ Account Number: _____

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

Signed: _____ Date: _____

Payment Authorised: _____
Chief Executive Officer



REPORT: Council Committees Review

AUTHOR: Manager Governance and Risk
REPORT DATE: 9 April 2018
TRIM REFERENCE: ID18/654

EXECUTIVE SUMMARY

Following the Local Government elections held in September 2018, Council formed its Advisory Committees and Working Parties on 9 October 2018 subject to a review in September 2018. Public expressions of interest were called shortly thereafter for membership on the respective advisory committees and working parties. A workshop was held with Councillors on 12 March 2018 to review Council's Advisory Committees and working parties and other matters related to Council's Committees or working parties.

As a result of this workshop, it is recommended to discontinue many of the Advisory Committee/Working Parties and replace them with informal technical/advisory panels that will be used by Council and staff to consult prior to matters being considered by Council.

ORGANISATIONAL VALUES

Customer Focused: Committee memberships include Councillors and people representing interested parties on other Committees, Working Parties and Other Groups. The Committees ensure that the interests of these groups are considered by Council.

Integrity: Advisory Committees will generally provide advice allowing a report to an open meeting of Council for transparency where community members may consult with Councillors in their decision making process.

One Team: Councillors are represented in all Council Committees together with community representatives and staff in some cases. This allows items to be discussed with a thorough representation of those involved.

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 following Council Advisory Committees and Working Parties be discontinued:**
 - a. Saleyards Advisory Committee**
 - b. Dubbo Showground Advisory Committee**
 - c. Geographical Names Ad Hoc Committee**
 - d. Dubbo Community Awards and Events Committee**
 - e. Wellington Community Awards and Events Committee**
 - f. Rainbow Cottage Child Care Centre Committee**
 - g. Sister Cities Advisory Committee**
 - h. Aquatic Leisure Centres Working Party**
 - i. Rural Consultative Working Party**
 - j. Economic Development Advisory Committee**
 - k. Heavy Vehicle Access Advisory Group**
 - l. Cultural Facilities Committee**
 - m. Tourism, Business and Visitor Experiences Committee**
- 2. That informal technical/advisory panels be established for the areas as listed in point 1 above consisting of the existing members of each of the former Advisory Committees/Working Parties to meet on an as required basis for the purpose of consultation with Councillors and staff.**
- 3. That the informal technical/advisory panels have no delegations and will not report to Council.**
- 4. That members of the discontinued Advisory Committees and Working Parties be advised of Council's decision in this matter and thanked for their efforts to date in these Advisory Committees and Working Parties.**

Michael Ferguson
Manager Governance and Risk

REPORT

Following the Local Government elections held in September 2017, Council formed its Advisory Committees and Working Parties on 9 October 2017 subject to a review in September 2018. Public expressions of interest were called shortly thereafter for membership on the respective advisory committees and working parties. A workshop was held with Councillors on 12 March 2018 to review Council's Advisory Committees and working parties and other matters related to Council's Committees or working parties.

As a result of this workshop, it is recommended to discontinue many of the Advisory Committee/Working Parties and replace them with informal technical/advisory panels. These panels will be used by Councillors and staff to consult with stakeholders in these matters prior to matters being considered by Council. This will be a more effective way to consult with stakeholders and only involve them where required. It is proposed that these panels will serve strictly in an advisory capacity and will have no delegations, nor will they report to Council.

It is also necessary to advise those members of the discontinued Committees and Working Parties of Council's decision in this matter and to forward Council's thanks for their efforts in the past. It is also necessary to inform them that they may be asked to provide advice to Council through a technical/advisory panel and they will be invited to participate as required.



REPORT: Draft Planning Agreement - Sheraton Road Quarry Regional Hardrock Pty Ltd

AUTHOR: Manager Strategic Planning Services
REPORT DATE: 17 April 2018
TRIM REFERENCE: ID18/561

EXECUTIVE SUMMARY

Development Application D2016-482 for an Extractive Industry (quarry) on Lot 211 DP 1220433, 20L Sheraton Road was approved by the Western Joint Regional Planning Panel on 5 July 2017. The proposed development intends to extract approximately 250,000 tonnes per year for a life expectancy between 25 to 30 years.

The Proponent and Council acknowledged that the proposed development would increase the volume of heavy vehicle movements between the subject site (Sheraton Road) and the Mitchell Highway. As a result of the development being approved, Council would be required to increase its maintenance works program for Sheraton Road thereby increasing the amount of public funds to be spent on road maintenance.

Council received a written offer dated 19 March 2018 from Regional Hardrock Pty Ltd to enter into a Planning Agreement (**Appendix 1**) in respect of road maintenance costs associated with Sheraton Road. The offer provided to Council did not include a monetary value. Council's Infrastructure and Operations Officers have undertaken a detailed assessment of the likely impacts of the development on Sheraton Road and the future maintenance costs. This assessment has resulted in a required contribution payment to Council of \$0.10 per tonne of material transported from the development. The \$0.10 per tonne is based on the proposed development contributing to a maintenance cost of \$631,945 over the 25 year lifespan of the quarry.

Council staff and the Proponent have agreed to a value of \$0.10 per tonne of product transported from the land to be paid on a six (6) monthly basis. Council on 13 April 2018 received correspondence on behalf of the Proponent which included agreement to the calculated rate of \$0.10 per tonne and a copy of a draft Planning Agreement. This correspondence, including the draft Planning Agreement is provided here in **Appendix 2**.

It is recommended that draft Planning Agreement be adopted for the purposes of public exhibition.

ORGANISATIONAL VALUES

Customer Focused: The draft Planning Agreement has been prepared to secure planning benefits for the wider community.

Integrity: The draft Planning Agreement has been prepared in accordance with the requirements of the Environmental Planning and Assessment Act, 1979.

One Team: Staff across the organisation have been involved in the preparation of this draft Planning Agreement.

FINANCIAL IMPLICATIONS

Should Council enter into the draft Planning Agreement with Regional Hardrock Pty Ltd, Council will receive \$0.10 per tonne of product transported from the quarry.

POLICY IMPLICATIONS

There are no policy implications arising from this report. However, Council's Planning, Development and Environment Committee at its meeting on 19 March 2018 resolved to adopt a draft Planning Agreement Policy for the purposes of public exhibition. This report has given consideration to this draft Policy.

RECOMMENDATION

- 1. That the draft Planning Agreement, as attached to the report as Appendix 2, be endorsed for the purposes of public exhibition only.**
- 2. That the draft Planning Agreement and Explanatory Note be placed on public exhibition for a period of not less than 28 days.**
- 3. That following completion of the public exhibition process, a further report be prepared for the consideration of Council, including any submissions received.**

Steven Jennings
Manager Strategic Planning Services

BACKGROUND

Development Application D2016-482 for an Extractive Industry (quarry) on Lot 211 DP 1220433, 20L Sheraton Road was approved by the Western Joint Regional Planning Panel on 5 July 2017. The quarry has an extraction area of approximately 24 hectares to a depth of up to 12 to 15 metres below the natural ground level with a production rate of up to 250,000 tonnes per annum for a period between 25 to 30 years.

As part of the assessment of Development Application D2016-482, the Proponent and Council acknowledged that the proposed development would increase the volume of heavy vehicle movements between the subject site (Sheraton Road) and the Mitchell Highway. As a result of the development proceeding, Council would be required to increase its maintenance works program for Sheraton Road.

The Development Application D2016-482 was approved inclusive of Condition 3 which requires the Proponent and Council to enter into a Planning Agreement in respect of the future maintenance of Sheraton Road. Condition 3 states as follows:

(3) *Prior to any works commencing on site, the Proponent shall enter into a Planning Agreement with Dubbo Regional Council pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, which will address the following issues:*

(i) *Maintenance of Sheraton Road from the intersection with Wellington Road (Mitchell Highway) to the vehicular access point for 20L Sheraton Road.*

The contribution shall be based on a monetary figure based on the tonnage rate of product won from the subject development as determined by Dubbo Regional Council and the Proponent.

{Reason: To ensure that the impact of the proposed development upon public road is adequately addressed}

The purpose of this report is to provide an analysis of the Planning Agreement and to seek approval from Council to place the draft Planning Agreement on public display.

REPORT

1. What is a Planning Agreement?

A Planning Agreement is an agreement entered into between Council and a developer where the developer agrees to fund public amenities or infrastructure, dedicate land at no cost to Council, provide monetary contributions or any other material public benefit, for a public purpose.

In accordance with the Environmental Planning and Assessment Act, 1979 (EP&A Act), a public purpose includes any of the following:

- The provision of public amenities or services;
- The provision of affordable housing;
- The provision of transport or other infrastructure relating to land;
- The funding or recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure;
- The monitoring of the planning impacts of development; and
- The conservation or enhancement of the natural environment.

Planning Agreements were introduced into the EP&A Act on 8 July 2005. The use of Planning Agreements has increased as a result of their flexibility in allowing councils to capture public benefits outside of the infrastructure contributions system where there is a need for an innovative and flexible approach to deliver public infrastructure and services.

2. Extractive Industry (Quarry)

The approved extractive industry (quarry) intends to extract approximately 250,000 tonnes of product per annum.

As a result of the extraction rates and the location of the development, the quarry will result in an increase in heavy vehicles using Sheraton Road, which is a public road maintained by Council. As a result of these impacts, Council will be required to undertake an increased road maintenance works program, which is greater than would have otherwise been required if the development did not proceed.

Council received a written offer dated 19 March 2018 from Regional Hardrock Pty Ltd to enter into a Planning Agreement in respect of road maintenance costs associated with Sheraton Road. A copy of the request is provided here in **Appendix 1**.

3. Consideration of the draft Planning Agreement

Council, as part of the offer provided by the Proponent has considered the suitability of entering into a Planning Agreement including whether it is in the public's best interests, whether it meets Council's strategic objectives, whether it meets the fundamental principles governing the use of Planning Agreements and whether it fits within the described circumstances in which Council can consider negotiating a Planning Agreement.

Following receipt of the request to enter into a Planning Agreement, Council's Infrastructure and Operations Officers have undertaken an assessment of the Agreement and the impacts of heavy vehicles on the integrity and lifespan of Sheraton Road given the development could result in an overall extraction of 250,000 tonnes per annum.

For the purposes of this assessment, Sheraton Road has been categorised into two (2) segments being 'Segment 10' and 'Segment 20'. The location of the subject land and Sheraton Road is provided in Figure 1 below.

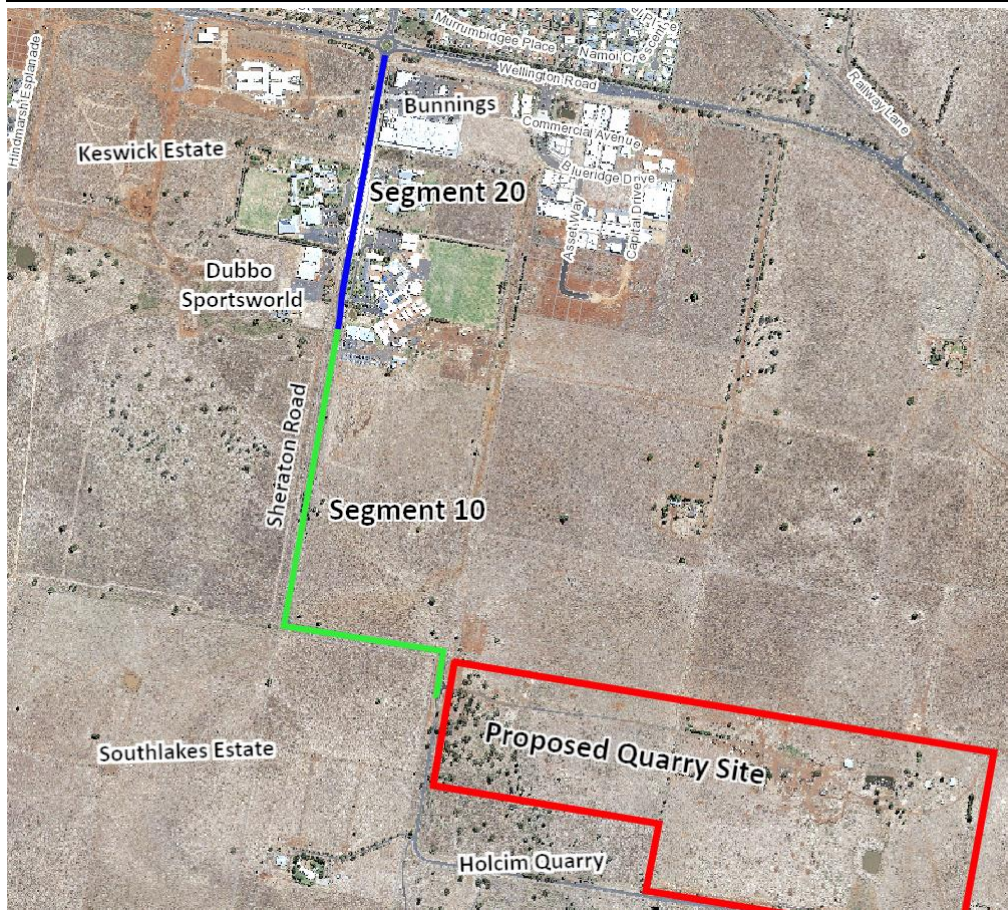


Figure 1. Site Plan

The results of the assessment are as follows:

“Traffic

Traffic data for the proposed quarry, existing quarry and projected local traffic was calculated in order to determine the number of equivalent standard axles (ESA’s) for the 25 year lifespan. The ESA’s for heavy vehicles were calculated based on the truck and dog combinations to be used. Bus traffic to the schools was also taken into account. Light traffic was negligible in the calculation. These figures were then used to apportion various users of the road.

Maintenance

A maintenance regime was developed for both segment 10 (southern section) and segment 20 (dual lane section) taking into account the different requirements for maintenance based on the upgrade of segment 20.

Proposed Maintenance Segment 10

[Rural part of Sheraton Road, from Schools and sport complex to MAAS Quarry 1.2 km, {(280 X11m) + (960X8.2m)} = 11,000 m²]

- *Ten per cent (10%) of total length of pavement will undergo heavy patching over the life of the road section.*
- *Reseal to be undertaken twice over the 25 year life of road section.*
- *Line marking every three (3) years and maintenance /installation of signposting.*

Proposed Maintenance Segment 20

(From South of Mitchell Hwy roundabout to Schools and sport complex, 700m X 20.5m).

- *The proposed rehabilitation of the road is estimated to occur in approximately 10 years subject to the approval of Council's Director Infrastructure and Operations.*
- *Two stages of maintenance program were developed for segment 20 which include maintenance before rehabilitation and maintenance after rehabilitation.*

Proposed Maintenance before Rehabilitation includes:

- *Reseal will be undertaken once*
- *Twenty eight per cent (28%) of total length of pavement will undergo heavy patching*
- *Line marking and Signpost installation/maintenance.*

Proposed Maintenance after rehabilitation:

- *Five percent (5%) of total length of road to undergo heavy patching*
- *Reseal to be undertaken twice over the 25 year life of road section.*
- *Line marking every three (3) years and signpost installation/maintenance.*

Proposed Rehabilitation of Segment 10

Segment 10 will be upgraded by the proponent as per DA condition 4 in the Development Application D2016-482 Part 3.

Proposed Rehabilitation of Segment 20

It is proposed to reconstruct segment 20 with a two coat seal finish using stabilised and imported pavement (subject to pavement design). This upgrading works has been included into the overall costs for the Voluntary Planning Agreement (VPA) figures.

Apportionment

The traffic data and projected road usage was used to apportion the maintenance and rehabilitation costs. The apportionment for the proposed quarry was calculated at 0.43 for segment 10 and 0.35 for segment 20.

In addition, rehabilitation of segment 20 was included in the costing."

The results of the assessment are summarised in Table 1 below.

| Description | Maintenance | Upgrade | Rehabilitation | Total |
|--|--------------|--|----------------|---------------|
| Segment 20(From South of Mitchell Hwy roundabout to Schools and sport complex, 700 m X 20.5 m) | \$104,600.00 | | \$452,025.00 | \$556,625.00 |
| Segment 10 [Rural part of Sheraton Road, from Schools and sport complex to MAAS Quarry 1.2 km, {(280 X11 m) + (960X8.2 m)} = 11,000 m ²] | \$75,320.00 | By Developer as per DA condition 4 in the Development Application D2016-482 Part 3 | | \$75,320.00 |
| Total Cost for 25 years | | | | \$631,945.00* |
| Amount per year | | | | \$25,277.80* |
| Amount per tonne based on 250,000 tonne per year | | | | \$0.10 |

Table 1. Sheraton Road maintenance costs. (*) Figures for calculation only. Total costs will change subject to appropriate indexing of figure and actual tonnage of material transported per year.

Following assessment of the road maintenance impacts associated with the quarry development, the results of this assessment and the proposed rate of \$0.10 per tonne were provided to the Proponent. Council on 13 April 2018 received correspondence on behalf of the Proponent which included agreement to the calculated rate of \$0.10 per tonne and a copy of a draft Planning Agreement. This correspondence, including the draft Planning Agreement is provided here in **Appendix 2**.

It should be noted that the draft Planning Agreement includes provision for the \$0.10 per tonne to be altered in accordance with movements in the Consumer Price Index (CPI).

5. Public Exhibition

Section 7.4 of the EP&A Act requires that a Planning Agreement cannot be entered into unless public notice has been given and an Explanatory Note is made available for inspection for at least 28 days.

Following Council's consideration, it is recommended that the draft Planning Agreement be adopted and placed on public exhibition for a period of at least 28 days. Adjoining and adjacent property owners are also required to be notified of the draft Planning Agreement.

The draft Planning Agreement and Explanatory Note will also be made publicly available on Council's website.

Following conclusion of the public exhibition period, a separate report will be provided to Council outlining any submissions received.

SUMMARY

Council has received an offer from Regional Hardrock Pty Ltd, to enter into a Planning Agreement. The extractive industry (quarry) will result in an increase in heavy vehicles using Sheraton Road and therefore increase the road maintenance works required to be performed by Council.

Council staff and the Proponent have agreed to a value of \$0.10 per tonne of product transported from the land to be paid on a six (6) monthly basis, which forms the basis of the draft Planning Agreement which is provided here in **Appendix 2**.

It is recommended that draft Planning Agreement be adopted for the purposes of public exhibition.

Appendices:

- 1 [↓](#) Offer to enter into a Planning Agreement
- 2 [↓](#) Correspondence dated 13 April 2018 and Draft Planning Agreement

**Confidential**

19 March 2018

Our ref: REGH17001
Your ref: D2016-482The General Manager
Dubbo City Council
PO Box 81
DUBBO NSW 2830

Attention: Michael McMahon

Email

Dear Sir,

Proposed Voluntary Planning Agreement for ongoing maintenance of Sheraton Road.

- 1 I act for Regional Hardrock Pty Limited.
- 2 Development consent D2016-428 was granted on 5 July 2017 to permit development for the purpose of a quarry on land at 20L Sheraton Road, Dubbo, described as Lot 211 DP 12220433 ('**Consent**').
- 3 The Consent was modified on 26 February 2018.
- 4 Condition 3 of the modified Consent provides:

Prior to any works commencing on site, the Applicant shall enter into a Planning Agreement with Dubbo Regional Council pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, which will address the following issues:

- (i) *Maintenance of Sheraton Road from the intersection with Wellington Road (Mitchell Highway) to the vehicular access point for 20L Sheraton Road.*

The contribution shall be based on a monetary figure based on the tonnage rate of product won from the subject development as determined by Dubbo Regional Council and the Applicant.

{Reason: To ensure that the impact of the proposed development upon public road is adequately addressed}

- 5 In pursuance of Condition 3 and subject to an agreement being reached in respect of the tonnage rate, I **attach** a draft planning agreement for Council's consideration.

lindsaytaylorlawyers
Level 9, Suite 3, 420 George Street, Sydney NSW 2000, Australia
T 02 8235 9700 • F 02 8235 9799 • W www.lindsaytaylorlawyers.com.au • E mail@lindsaytaylorlawyers.com.au
ABN 29 682 671 304

Liability limited by a scheme approved under Professional Standards Legislation

Dr Lindsay Taylor - Senior Partner

Megan Hawley - Partner
Accredited Specialist
(Local Government & Planning)Stuart Simington - Partner
Accredited Specialist
(Local Government & Planning)

Sue Puckeridge - Partner

Carlo Zoppo - Partner



6 As you will see the amount per tonne has been left blank. I am instructed that Regional Hardrock Pty Limited is waiting on Council to provide it with the amount it seeks for it to consider. Once agreed the amount can be inserted into the agreement.

7 I await hearing from you further.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Sue Puckeridge'.

Sue Puckeridge
Partner

D: 02 8235 9702
M: 0451 420 648
E: sue.puckeridge@lindsaytaylorlawyers.com.au

HPE CM: Fwd: Regional Hardrock VPA for Sheraton Road, Quarry | LTL:[REGH17001] - Message (HTML)

FILE MESSAGE HPE CONTENT MANAGER

Check In with Style Check In attachment(s) Outlook Item

Tue 17/04/2018 12:29 PM

 Steven Jennings
HPE CM: Fwd: Regional Hardrock VPA for Sheraton Road, Quarry | LTL:[REGH17001]

To:  Erin Mannix

Message  image02d061.PNG (6 KB)  ATT00001.htm (8 KB)  REGH_REGH17001_014(1).pdf (233 KB)  ATT00002.htm (697 B)  REGH_REGH17001_013(3).pdf (476 KB)  ATT00003.htm (601 B)

From: Steve Guy <steveguy@mgp.com.au>
 To: "Lee Griffith" <Lee.Griffith@dubbo.nsw.gov.au>, "Steven Jennings" <Steven.Jennings@dubbo.nsw.gov.au>
 Subject: Fwd: Regional Hardrock VPA for Sheraton Road, Quarry | LTL:[REGH17001]

Sent from my iPhone

Begin forwarded message:

From: Greg Garrett <Greg.Garrett@lindsaytaylorlawyers.com.au>
 Date: 13 April 2018 at 11:06:38 am AEST
 To: "'Mark.Finlayson@dubbo.nsw.gov.au'" <Mark.Finlayson@dubbo.nsw.gov.au>
 Cc: "'SteveGuy@maasgroup.com.au'" <SteveGuy@maasgroup.com.au>, Sue Puckeridge <sue.puckeridge@lindsaytaylorlawyers.com.au>
 Subject: Regional Hardrock VPA for Sheraton Road, Quarry | LTL:[REGH17001]

Dear Mark,

1. Please find **attached** letter of today's date.
2. I would be grateful if you could please confirm receipt and advise whether this matter will be included on the upcoming Council agenda.

Regards,
 Greg

Greg Garrett
 Lawyer
 Lindsay Taylor Lawyers



Confidential

13 April 2018

Our ref: REGH17001
Your ref: D2016-482

The General Manager
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

Attention: Michael McMahon

Email

Dear Sir,

**Proposed Voluntary Planning Agreement for ongoing maintenance of
Sheraton Road**

- 1 I refer to my letter to Council of 19 March 2018.
- 2 I am instructed that an agreement has been reached between Council and my client in respect of the tonnage rate of \$0.10 per tonne.
- 3 I therefore attach a revised draft planning agreement for Council's consideration. The only changes I have made are:
 - 3.1 the insertion of the tonnage rate of \$0.10 per tonne to Table 1 of Schedule 1; and
 - 3.2 the removal of the 'Draft' watermark and inclusion of 'Draft for exhibition' in the footer of the agreement, as I understand that the agreement is going to Council for this purpose.


Yours Sincerely,

Sue Puckeridge
Partner

D: 02 8235 9702
M: 0451 420 648
E: sue.puckeridge@lindsaytaylorlawyers.com.au

lindsaytaylorlawyers
Level 9, Suite 3, 420 George Street, Sydney NSW 2000, Australia
T 02 8235 9700 • F 02 8235 9799 • W www.lindsaytaylorlawyers.com.au • E mail@lindsaytaylorlawyers.com.au
ABN 29 682 671 304

Liability limited by a scheme approved under Professional Standards Legislation

Sheraton Road Quarry

Dubbo Regional Council
Regional Hardrock Pty Limited

Deed

Sheraton Road Quarry Planning Agreement

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

Dubbo Regional Council
Regional Hardrock Pty Limited

[Insert Date]

© Lindsay Taylor Lawyers

Draft for exhibition

Sheraton Road Quarry Planning Agreement

Table of Contents

| | |
|---|----|
| Summary Sheet..... | 4 |
| Parties | 6 |
| Background..... | 6 |
| Operative provisions | 6 |
| Part 1 - Preliminary | 6 |
| 1 Interpretation..... | 6 |
| 2 Status of this Deed | 8 |
| 3 Commencement | 8 |
| 4 Application of this Deed..... | 9 |
| 5 Warranties | 9 |
| 6 Further agreements | 9 |
| 7 Application of s7.11, s7.12 and s7.24 of the Act to the Development | 9 |
| Part 2 – Development Contributions | 9 |
| 8 Provision of Development Contributions | 9 |
| 9 Payment of monetary Development Contributions | 9 |
| Part 3 – Dispute Resolution | 10 |
| 10 Dispute Resolution - mediation..... | 10 |
| Part 4 - Enforcement..... | 11 |
| 11 Breach of obligations | 11 |
| 12 Council to consult before enforcing this Deed | 11 |
| 13 Enforcement in a court of competent jurisdiction | 12 |
| Part 5 – Registration & Restriction on Dealings..... | 12 |
| 14 Registration of this Deed | 12 |
| 15 Restriction on dealings | 12 |
| Part 6 – Other Provisions | 13 |
| 16 Review of Deed | 13 |
| 17 Notices..... | 13 |
| 18 Approvals and Consent | 14 |
| 19 Costs..... | 14 |
| 20 Entire Deed..... | 14 |
| 21 Further Acts | 14 |

Draft for exhibition

| | | |
|----|---|-----------|
| 22 | Governing Law and Jurisdiction | 15 |
| 23 | Joint and Individual Liability and Benefits | 15 |
| 24 | No Fetter | 15 |
| 25 | Illegality | 15 |
| 26 | Severability | 15 |
| 27 | Amendment | 15 |
| 28 | Waiver | 16 |
| 29 | GST | 16 |
| 30 | Explanatory Note | 17 |
| | Schedule 1 | 18 |
| | Execution | 19 |
| | Appendix | 20 |

Draft for exhibition

Sheraton Road Quarry Planning Agreement

Summary Sheet

Council:

Name: Dubbo Regional Council

Address: Civic Administration Building, Church Street, Dubbo, NSW 2830

Telephone: [Insert Details]

Facsimile: [Insert Details]

Email: [Insert Details]

Representative: [Insert Details]

Developer:

Name: Regional Hardrock Pty Limited

Address: PO Box 332, 20L Sheraton Road, Dubbo NSW 2830

Telephone: (02) 5852 1800

Facsimile: (02) 6885 0536

Email:

Representative: Damian Porter

Land:

See definition of *Land* in clause 1.1.

Development:

See definition of *Development* in clause 1.1.

Development Contributions:

See Clause 8 and Schedule 1.

Application of s7.11, s7.12 and s7.24 of the Act:

See clause 7.

Draft for exhibition

Registration:

See clause 15.

Restriction on dealings:

See clause 16.

Dispute Resolution:

See Part 3.

Draft for exhibition

Sheraton Road Quarry Planning Agreement

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

Parties

Dubbo Regional Council ABN 53 539 070 928 of (Council)

and

Regional Hardrock Pty Limited ABN 81 123 808 613 of 20L Sheraton Road,
Dubbo NSW 2830 (Developer)

Background

- A The Developer is the registered proprietor of the Land.
- B The Developer has offered to enter into a planning agreement in association with the proposal to develop the Land.
- C On 5 July 2017, Council issued a Notice of Determination of Development Consent for the Development.
- D On 25 September 2017, the Developer sought to modify the Consent and on 26 February 2018, the modification application was approved.
- E The Developer sought to vary conditions of consent requiring entry into a planning agreement with Council and the making of s7.11 Development Contributions.
- F On 26 February 2018, Council granted a modification requiring entry into a planning agreement for the maintenance of Sheraton Road. The Developer offers to enter into this Deed for the making of Development Contributions to the Council.

Operative provisions

Part 1 - Preliminary

1 Interpretation

- 1.1 In this Deed the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Approval includes approval, consent, licence, permission or the like.

Authority means the Commonwealth or New South Wales government, a Minister of the Crown, a government department, a public authority established by or under any Act, a council or county council constituted under

Draft for exhibition

the *Local Government Act 1993*, or a person or body exercising functions under any Act including a commission, panel, court, tribunal and the like.

Cost means a cost, charge, expense, outgoing, payment, fee and other expenditure of any nature.

Deed means this Deed and includes any schedules, annexures and appendices to this Deed.

Development means the operation and use of the Land for the purposes of a quarry pursuant to development consent granted to D2016- 428 on 18 July 2017 as modified from time to time.

Development Application has the same meaning as in the Act.

Development Consent has the same meaning as in the Act.

Development Contribution means a monetary contribution, the dedication of land free of cost, the carrying out of work, or the provision of any other material public benefit, or any combination of them, to be used for, or applied towards a public purpose, but does not include other benefits provided by a Party to the Council to secure the enforcement of that Party's obligations under this Deed for the purposes of s7.4 (3)(g) of the Act.

Dispute means a dispute or difference between the Parties under or in relation to this Deed.

GST has the same meaning as in the GST Law.

GST Law has the same meaning as in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Item means specified in Column 1 of Schedule 1.

Land means Lot 211 DP 1220433.

Party means a party to this Deed.

Product means material procured from the Land and identified in dispatch dockets.

Quarry means the Development.

Quarry Traffic means traffic generated by the quarry.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

TPA means tonnes per annum.

- 1.2 In the interpretation of this Deed, the following provisions apply unless the context otherwise requires:
 - 1.2.1 Headings are inserted for convenience only and do not affect the interpretation of this Deed.
 - 1.2.2 A reference in this Deed to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
 - 1.2.3 If the day on which any act, matter or thing is to be done under this Deed is not a business day, the act, matter or thing must be done on the next business day.
 - 1.2.4 A reference in this Deed to dollars or \$ means Australian dollars and all amounts payable under this Deed are payable in Australian dollars.

Draft for exhibition

- 1.2.5 A reference in this Deed to a \$ value relating to a Development Contribution is a reference to the value exclusive of GST.
- 1.2.6 A reference in this Deed to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- 1.2.7 A reference in this Deed to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- 1.2.8 A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Deed.
- 1.2.9 An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- 1.2.10 Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- 1.2.11 A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- 1.2.12 References to the word 'include' or 'including' are to be construed without limitation.
- 1.2.13 A reference to this Deed includes the agreement recorded in this Deed.
- 1.2.14 A reference to a Party to this Deed includes a reference to the servants, agents and contractors of the Party, the Party's successors and assigns.
- 1.2.15 A reference to 'dedicate' or 'dedication' in relation to land is a reference to dedicate or dedication free of cost.
- 1.2.16 Any schedules, appendices and attachments form part of this Deed.
- 1.2.17 Notes appearing in this Deed are operative provisions of this Deed.

2 Status of this Deed

- 2.1 This Deed is a planning agreement within the meaning of s7.4(1) of the Act.

3 Commencement

- 3.1 This Deed commences and has force and effect on and from the date when the Parties have:
 - 3.1.1 both executed the same copy of this Deed, or
 - 3.1.2 each executed separate counterparts of this Deed and exchanged the counterparts.
- 3.2 The Parties are to insert the date when this Deed commences on the front page and on the execution page.

Draft for exhibition

4 Application of this Deed

- 4.1 This Deed applies to the Land and to the Development.

5 Warranties

- 5.1 The Parties warrant to each other that they:
- 5.1.1 have full capacity to enter into this Deed, and
 - 5.1.2 are able to fully comply with their obligations under this Deed.

6 Further agreements

- 6.1 The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Deed that are not inconsistent with this Deed for the purpose of implementing this Deed.

7 Application of s7.11, s7.12 and s7.24 of the Act to the Development

- 7.1 This Deed excludes the application of s7.11 to the Development to the extent that those contributions relate to the maintenance of Sheraton Road.
- 7.2 This Deed excludes the application of s7.12 to the Development to the extent that those contributions relate to the maintenance of Sheraton Road.
- 7.3 This Deed does not exclude the application of s7.24 to the Development.

Part 2 – Development Contributions

8 Provision of Development Contributions

- 8.1 The Developer is to make Development Contributions to the Council in accordance with Schedule 1 and any other provision of this Deed relating to the making of Development Contributions.
- 8.2 The Council is to apply each Development Contribution made by the Developer under this Deed towards the public purpose for which it is made and otherwise in accordance with this Deed.

9 Payment of monetary Development Contributions

- 9.1 A Monetary Development Contribution is made for the purposes of this Deed when the Council receives the full amount of the Development Contribution payable under this Deed in cash or by unendorsed bank cheque or by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by the Council ('**Monetary Contribution**').

Draft for exhibition

- 9.2 The Developer is to pay the Monetary Contributions by the time specified in column 4 of Table 1 of Schedule 1.
- 9.3 The Developer is to give the Council not less than 14 days written notice of its intention to pay a Monetary Contribution.
- 9.4 To permit Council to verify the amount of Product transported from the Quarry, the Developer's notice specified in clause 9.3 is to include:
 - 9.4.1 weighbridge receipts or daily log books for the period 1 July to 31 December of the preceding year,
 - 9.4.2 weighbridge or daily log books for the period 1 January to 30 June of that calendar year.
- 9.5 The Developer is not required to pay a Monetary Contribution under this Agreement unless Council, after having received the Developer's notice under clause 9.3, has given to the Developer a tax invoice for the amount of the Development Contribution.
- 9.6 The Developer is not in breach of this Agreement if it fails to pay a Monetary Contribution at the time required by this Agreement by reason only of the Council's failure to give to the Developer a tax invoice in relation to the amount proposed to be paid by it.
- 9.7 Monetary Contributions will be indexed annually in accordance with the Consumer Price Index (Mining and Construction) as published by the Australian Bureau of Statistics for the 12 months prior to the end of the period for which the Monetary Contributions are to be paid.
- 9.8 For the avoidance of doubt, nothing in this Deed requires the Developer to pay the Monetary Contribution beyond the period commencing on the date on which the first tonne of Product is dispatched from the Land and ending 30 years from that date.

Part 3 – Dispute Resolution

10 Dispute Resolution - mediation

- 10.1 This clause applies to any Dispute arising in connection with this Deed.
- 10.2 Such a Dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.
- 10.3 If a notice is given under clause 10.2, the Parties are to meet within 14 days of the notice in an attempt to resolve the Dispute.
- 10.4 If the Dispute is not resolved within a further 28 days, the Parties are to mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales published from time to time and are to request the President of the Law Society to select a mediator.
- 10.5 If the Dispute is not resolved by mediation within a further 28 days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the Parties may exercise their legal rights in relation to the Dispute, including by the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.

Draft for exhibition

- 10.6 Each Party is to bear its own costs arising from or in connection with the appointment of a mediator and the mediation.
- 10.7 The Parties are to share equally the costs of the President, the mediator, and the mediation.

Part 4 - Enforcement

11 Breach of obligations

- 11.1 If the Council reasonably considers that the Developer is in breach of any obligation under this Deed, it may give a written notice to the Developer:
 - 11.1.1 specifying the nature and extent of the breach requiring the Developer to rectify the breach if it reasonably considers it is capable of rectification, or
 - 11.1.2 specifying the period within which the breach is to be rectified or compensation paid, being a period that is reasonable in the circumstances.
- 11.2 Nothing in this clause 11 prevents the Council from exercising any rights it may have at law or in equity in relation to a breach of this Deed by the Developer, including but not limited to seeking relief in an appropriate court.

12 Council to consult before enforcing this Deed

- 12.1 This clause applies to any of the Developer's obligations under this Deed.
- 12.2 If the Council reasonably forms the opinion that the Developer has failed to comply with an obligation to which this clause applies, it is not to enforce this Deed against the Developer unless it has first notified the Developer in writing of its intention to do so and has consulted with the Developer as to:
 - 12.2.1 the reason for the non-compliance,
 - 12.2.2 the likely effects of the non-compliance, and
 - 12.2.3 the Developer's capacity in all of the circumstances to reasonably Rectify the non-compliance.
- 12.3 The Council is not to enforce this Deed against the Developer unless, after having consulted with the Developer:
 - 12.3.1 it has reasonably formed the opinion the Developer has no reasonable excuse for the non-compliance,
 - 12.3.2 it has notified the Developer in writing that it intends to enforce the Deed not earlier than 14 days from the date of the notice, and
 - 12.3.3 the notice specifies the enforcement action it intends to take.
- 12.4 At any time between the date of the notice referred to in clause 12.2 and the time when the Council takes action to enforce this Deed, the Developer may notify the Council of a Dispute under clause 10.
- 12.5 If the Developer notifies the Council in accordance with clause 12.4, the Council is not to enforce this Deed against the Developer in relation to the

Draft for exhibition

relevant non-compliance unless and until the dispute resolution process under clause 10 has been exhausted without resolution between the parties.

13 Enforcement in a court of competent jurisdiction

- 13.1 The Parties may enforce this Deed in any court of competent jurisdiction.
- 13.2 For the avoidance of doubt, except as provided for in clause 12, nothing in this Deed prevents:
 - 13.2.1 a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Deed or any matter to which this Deed relates, or
 - 13.2.2 the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Deed or any matter to which this Deed relates.

Part 5 – Registration & Restriction on Dealings

14 Registration of this Deed

- 14.1 The Parties agree to register this Deed for the purposes of s7.6 (1) of the Act.
- 14.2 Not later than 21 days after the commencement of this Deed, the Developer is to deliver to the Council in registrable form:
 - 14.2.1 an instrument requesting registration of this Deed on the title to the Land duly executed by the Developer, and
 - 14.2.2 the written irrevocable consent of each person referred to in s7.6 (1) of the Act to that registration.
- 14.3 The Developer is to do such other things as are reasonably necessary to enable registration of this Deed to occur.
- 14.4 The Parties are to do such things as are reasonably necessary to remove any notation relating to this Deed from the title to the Land:
 - 14.4.1 once the Developer has completed its obligations under this Deed or this Deed is terminated or otherwise comes to an end for any other reason.

15 Restriction on dealings

- 15.1 The Developer is not to:
 - 15.1.1 sell or transfer the Land, or
 - 15.1.2 assign the Developer's rights or obligations under this Deed, or novate this Deed,
- to any person unless:

Draft for exhibition

- 15.1.3 the Developer has, at no cost to the Council, first procured the execution by the person to whom the Land or part is to be sold or transferred or the Developer's rights or obligations under this Deed are to be assigned or novated, of a deed in favour of the Council on terms reasonably satisfactory to the Council, and
- 15.1.4 the Developer is not in breach of this Deed.
- 15.2 Subject to clause 15.3, the Developer acknowledges and agrees that it remains liable to fully perform its obligations under this Deed unless and until it has complied with its obligations under clause 15.1.
- 15.3 Clause 15.1 does not apply in relation to any sale or transfer of the Land if this Deed is registered on the title to the Land at the time of the sale.

Part 6 – Other Provisions

16 Review of Deed

- 16.1 The Parties agree to review this Deed every three years, and otherwise if either party is of the opinion that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Deed.
- 16.2 For the purposes of clause 16.1, the relevant changes include (but are not limited to) any change to a law that restricts or prohibits or enables the Council or any other planning authority to restrict or prohibit any aspect of the Development.
- 16.3 For the purposes of addressing any matter arising from a review of this Deed referred to in clause 16.1, the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Deed.
- 16.4 A failure by a Party to agree to take action requested by the other Party as a consequence of a review referred to in clause 16.1 (but not 25.1) is not a Dispute for the purposes of this Deed and is not a breach of this Deed.

17 Notices

- 17.1 Any notice, consent, information, application or request that is to or may be given or made to a Party under this Deed is only given or made if it is in writing and sent in one of the following ways:
- 17.1.1 delivered or posted to that Party at its address set out in the Summary Sheet,
- 17.1.2 faxed to that Party at its fax number set out in the Summary Sheet, or
- 17.1.3 emailed to that Party at its email address set out in the Summary Sheet.
- 17.2 If a Party gives the other Party 3 business days' notice of a change of its address, fax number or email, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted, faxed or emailed to the latest address or fax number.

Draft for exhibition

- 17.3 Any notice, consent, information, application or request is to be treated as given or made if it is:
- 17.3.1 delivered, when it is left at the relevant address,
 - 17.3.2 sent by post, 2 business days after it is posted,
 - 17.3.3 sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number, or
 - 17.3.4 sent by email and the sender does not receive a delivery failure message from the sender's internet service provider within a period of 24 hours of the email being sent.
- 17.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

18 Approvals and Consent

- 18.1 Except as otherwise set out in this Deed, and subject to any statutory obligations, a Party must act reasonably in withholding an approval or consent to be given under this Deed or in imposing any conditions on any approval or consent that is given by that Party under this Deed.

19 Costs

- 19.1 The Developer is to pay to the Council the Council's costs not exceeding of preparing, negotiating, executing and stamping this Deed, and any document related to this Deed within 7 days of a written demand by the Council for such payment.

20 Entire Deed

- 20.1 This Deed contains everything to which the Parties have agreed in relation to the matters it deals with.
- 20.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Deed was executed, except as permitted by law.

21 Further Acts

- 21.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Deed and all transactions incidental to it.

Draft for exhibition

22 Governing Law and Jurisdiction

- 22.1 This Deed is governed by the law of New South Wales.
- 22.2 The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them.
- 22.3 The Parties are not to object to the exercise of jurisdiction by those courts on any basis.

23 Joint and Individual Liability and Benefits

- 23.1 Except as otherwise set out in this Deed:
 - 23.1.1 any agreement, covenant, representation or warranty under this Deed by 2 or more persons binds them jointly and each of them individually, and
 - 23.1.2 any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

24 No Fetter

- 24.1 Nothing in this Deed shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

25 Illegality

- 25.1 If this Deed or any part of it becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties are to co-operate and do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Deed is entered into.

26 Severability

- 26.1 If a clause or part of a clause of this Deed can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- 26.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Deed, but the rest of this Deed is not affected.

27 Amendment

- 27.1 No amendment of this Deed will be of any force or effect unless it is in writing and signed by the Parties to this Deed in accordance with clause 25D of the Regulation.

Draft for exhibition

28 Waiver

- 28.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Deed, does not amount to a waiver of any obligation of, or breach of obligation by, another Party.
- 28.2 A waiver by a Party is only effective if it:
- 28.2.1 is in writing,
 - 28.2.2 is addressed to the Party whose obligation or breach of obligation is the subject of the waiver,
 - 28.2.3 specifies the obligation or breach of obligation the subject of the waiver and the conditions, if any, of the waiver,
 - 28.2.4 is signed and dated by the Party giving the waiver.
- 28.3 Without limitation, a waiver may be expressed to be conditional on the happening of an event, including the doing of a thing by the Party to whom the waiver is given.
- 28.4 A waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given, and is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.
- 28.5 For the purposes of this Deed, an obligation or breach of obligation the subject of a waiver is taken not to have been imposed on, or required to be complied with by, the Party to whom the waiver is given.

29 GST

- 29.1 In this clause:
- Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, Supply and Tax Invoice** have the meaning given by the GST Law.
- GST Amount** means in relation to a Taxable Supply the amount of GST payable in respect of the Taxable Supply.
- GST Law** has the meaning given by the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).
- Input Tax Credit** has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a party includes an Input Tax Credit for an acquisition made by that party but to which another member of the same GST Group is entitled under the GST Law.
- Taxable Supply** has the meaning given by the GST Law excluding (except where expressly agreed otherwise) a supply in respect of which the supplier chooses to apply the Margin Scheme in working out the amount of GST on that supply.
- 29.2 Subject to clause 29.4, if GST is payable on a Taxable Supply made under, by reference to or in connection with this Deed, the Party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.
- 29.3 Clause 29.4 does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Deed to be GST inclusive.

Draft for exhibition

- 29.4 No additional amount shall be payable by the Council under clause 29.4 unless, and only to the extent that, the Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.
- 29.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Deed by one Party to the other Party that are not subject to Division 82 of the *A New Tax System (Goods and Services Tax) Act 1999*, the Parties agree:
- 29.5.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies prior to issuing Tax Invoices in respect of those Supplies;
- 29.5.2 that any amounts payable by the Parties in accordance with clause 29.2 (as limited by clause 29.4) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.
- 29.6 No payment of any amount pursuant to this clause 29, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided a Tax Invoice or Adjustment Note as the case may be to the recipient.
- 29.7 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.
- 29.8 This clause continues to apply after expiration or termination of this Deed.

30 Explanatory Note

- 30.1 The Appendix contains the Explanatory Note relating to this Deed required by clause 25E of the Regulation.
- 30.2 Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Planning Deed.

Draft for exhibition

Sheraton Road Quarry
Dubbo Regional Council
Regional Hardrock Pty Limited



Schedule 1

(Clause 9)

Development Contributions

Table 1

| Column 1 Item/ Contribution | Column 2 Public Purpose | Column 3 Manner & Extent | Column 4 Timing |
|-----------------------------------|------------------------------|-----------------------------|---|
| \$0.10 per tonne of Product | Maintenance of Sheraton Road | | <p>By 31 January each year for Product transported from the Land in the 6 months to 31 December of the preceding year.</p> <p>By 31 July each year for Product transported from the Land in the 6 months to 30 June of that year.</p> |

Draft for exhibition



Sheraton Road Quarry
Dubbo Regional Council
Regional Hardrock Pty Limited

Execution

Executed as a Deed

Dated:

Executed on behalf of the Council by me, _____,
pursuant to a delegation granted by the Council under section 377 of the Local Government Act
1993 on _____ of which I have no notice of revocation

General Manager

Witness

Executed on behalf of the Developer in accordance with s127(1) of the
Corporations Act (Cth) 2001

Name/Position

Name/Position

Draft for exhibition

Sheraton Road Quarry
Dubbo Regional Council
Regional Hardrock Pty Limited



Appendix

(Clause 49)

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Draft Planning Agreement

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

Parties

Dubbo Regional Council ABN 53 539 070 928 of Civic Administration Building, Church Street, Dubbo, NSW 2830 (**Council**)

Regional Hardrock Pty Limited ABN 81 123 808 613 of 20L Sheraton Road, Dubbo NSW 2830 (**Developer**)

Description of the Land to which the Draft Planning Agreement Applies

This Planning Agreement applies to land located at 20L Sheraton road Dubbo, also identified as Lot 211 DP 1220433 (**Quarry Site**).

Description of Proposed Development

The Developer has received development consent to operate and use the Land for the purposes of a quarry.

Draft for exhibition

Sheraton Road Quarry
Dubbo Regional Council
Regional Hardrock Pty Limited



Summary of Objectives, Nature and Effect of the Draft Planning Agreement

Objectives of Draft Planning Agreement

The objective of the draft planning agreement is to provide for the maintenance of Sheraton Road.

Nature of Draft Planning Agreement

The draft planning agreement is a planning agreement under s7.6 of the EPA Act and is required under condition 3 of development consent D2016 - 482 as modified on 26 February 2018.

Effect of the Draft Planning Agreement

The draft planning agreement contains provisions under which:

- The Developer agrees to pay to Council an amount every six months calculated on the basis of \$.10 per tonne of material extracted from the quarry and transported on Sheraton Road for a period of 30 years commencing when the first load of Quarry Product is transported from the Land.
- The planning agreement is required to be registered on title.
- There are procedures specified for dispute resolution.
- The Developer and Council are restricted from assigning or transferring the land or their rights and obligations under the planning agreement without the consent of Council.

Assessment of the Merits of the Draft Planning Agreement

The Planning Purposes Served by the Draft Planning Agreement

The draft planning agreement provides for the developer to make a contribution of \$.10 per tonne of quarry product procured from the Land as identified in dispatch dockets for a period of 30 years commencing when the first load of Quarry Product is transported from the Land.

How the Draft Planning Agreement Promotes the Public Interest

The draft planning agreement promotes the public interest by promoting the objects of the Act as set out in ss1.3(a), (b) and (c).

For Planning Authorities:

Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities

N/A

Draft for exhibition

Sheraton Road Quarry
Dubbo Regional Council
Regional Hardrock Pty Limited



Other Public Authorities – How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted

N/A

Councils – How the Draft Planning Agreement Promotes the Elements of the Council's Charter

The Draft Planning Agreement promotes the elements of the Council's charter by:

[Drafting Note: To be completed]

All Planning Authorities – Whether the Draft Planning Agreement Conforms with the Authority's Capital Works Program

[Drafting Note: To be completed]

All Planning Authorities – Whether the Draft Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

[Drafting Note: To be completed]

Draft for exhibition



REPORT: Draft Council Policy - Dealing with Development Applications for Councillors and Employees

AUTHOR: Manager Building and Development Services
REPORT DATE: 12 April 2018
TRIM REFERENCE: ID18/665

EXECUTIVE SUMMARY

A revised draft Council Policy titled *Dealing with Development Applications for Councillors and Employees* (attached as **Appendix 1**) has been developed to avoid perceptions, whether real or otherwise, of bias in the assessment of development applications lodged by staff, Councillors or family members thereof.

The draft Policy proposes a risk-based approach that separates internal land owners and/or applicants into three (3) categories:

Section 1 - Council employees generally;

Section 2 - Development and associated staff (incorporating all staff in the Planning and Environment Division, staff with input to Development Application decision making and the Executive Leadership Team); and

Section 3 – Councillors, CEO, Director Planning and Environment, and Manager Building and Development Services.

Whilst determination processes for development applications from Section 1 employees will remain largely unaffected, Section 2 and 3 applicants/owners are proposed to be subjected to a higher level of third party scrutiny.

Section 2 employees are proposed to have all development applications determined by the CEO following peer review by either Council's Development Unit in the case of a principal place of residence or an independent assessor for all other development types.

Any development application from persons identified in Section 3 are proposed to require referral to an independent assessor for assessment with a recommendation provided to the full Council for determination.

It should be noted that persons identified in Sections 2 and 3 of the Policy includes family members of the employee.

This report recommends that the draft policy be adopted for the purpose of public exhibition.

ORGANISATIONAL VALUES

Customer Focused: The draft Policy, if adopted, will impact on the assessment timeframes for development applications submitted by Councillors and certain employees or family members thereof. It will however provide greater transparency and probity.

Integrity: The draft Policy aims to facilitate compliance with Council's adopted Code of Conduct.

One Team: The entire organisation has been considered in the development of the draft Policy.

FINANCIAL IMPLICATIONS

There will be costs associated with the implementation of the Policy if adopted, however it is not known at this stage how extensive these costs will be. Funding will need to be found from within existing budgets.

POLICY IMPLICATIONS

This report proposes a revised Council Policy for consideration to replace the existing Management Policy – *Dealing with Development Applications for Councillors and Staff*.

RECOMMENDATION

1. That the attached draft Policy, *Dealing with Development Applications for Councillors and Employees (Appendix 1)*, be placed on public exhibition for a period of not less than 28 days.
2. That following public exhibition, a further report be submitted to Council for its consideration.

Stephen Wallace
Manager Building and Development Services

BACKGROUND

It has been identified that the current policy position of Council, or more specifically the Management Policy titled *Dealing with Development Applications for Councillors and Staff*, could benefit from incorporating enhanced probity and transparency provisions and being a formal, publicly exhibited Policy of the Council.

In response, the subject Management Policy (**Appendix 1**) has been redeveloped as a Council Policy to avoid perceptions, whether real or otherwise, of bias in the assessment of development applications lodged by staff, Councillors or family members thereof.

REPORT

Council has adopted a Code of Conduct that applies to all staff and councillors. Of particular significance are the Code's requirements in respect to conflict of interest, personal dealings with Council, gifts and bribery, improper or undue influence as well as to staff in performing their respective responsibilities in evaluating and determining development applications.

To facilitate compliance with the Code of Conduct and to improve public perception of transparency and probity, a draft Council Policy (**Appendix 1**) has been developed. It details a robust and transparent protocol for the assessment and determination of a development application lodged by Councillors, Council employees or family members thereof.

In summary, the Policy proposes a risk-based approach that separates internal owners and applicants into three (3) categories:

Section 1 - Council employees generally;

Section 2 - Development and associated staff (incorporating all staff in the Planning and Environment Division, staff with input to Development Application (DA) decision making and the Executive Leadership Team); and

Section 3 - Councillors, CEO, Director Planning and Environment, and Manager Building and Development Services.

Whilst determination processes for applications from Section 1 employees will remain largely unaffected, Section 2 and 3 applicants are proposed to be subjected to a higher level of third party scrutiny.

Section 2 employees are proposed to have all development applications determined by the CEO following peer review by either Council's Development Unit in the case of a principal place of residence or an independent assessor for all other development types.

Any development application from persons identified in Section 3 are proposed to require referral to an independent assessor for assessment with a recommendation provided to the full Council for determination.

It should be noted that persons identified in Sections 2 and 3 of the Policy include family members of the employee.

In addition, it is proposed that the development application form be amended to include a declaration by an owner/applicant as to their relationship with Council – i.e. being an employee or family member.

This report seeks Council's endorsement of the recommendation to place the draft Council Policy on public exhibition for a period of not less than 28 days after which time a further report be submitted to Council for its consideration. Ultimately, any adopted Policy will be placed on Council's website for the public to access.

Appendices:

- [1](#) Draft Policy for Dealing with Development Applications Councillors and Employees



COUNCIL POLICY

Dealing with Development Applications for Councillors and Employees

| | |
|--------------------------------|---|
| Date | 15 March 2018 |
| Council Resolution Date | XXXX |
| Clause Number | |
| Responsible Officer | Stephen Wallace |
| Position | Manager Building and Development Services |
| Branch | Building and Development Services |
| Division | Planning and Environment |
| Version | One |
| TRIM Reference Number | ED18/47161 |
| Review Period | Five (5) years |
| Review Date | Insert 5 years from date of adoption |
| Consultation | Public consultation required |

Document Revision History

Notes

This Council Policy replaces the equivalent Management Policy titled *Dealing with Development Applications for Councillors and Staff* adopted 1 June 2009 and reviewed 19 September 2016.

POLICY

PURPOSE

1. To provide a transparent protocol for the determination of development applications lodged by Councillors, Council employees or family members thereof.
2. To facilitate compliance with Councils adopted Code of Conduct which requires in Clause 3.7 that council employees “..... avoid any occasion for suspicion of improper conduct in the development assessment process”.

BACKGROUND AND RELATED LEGISLATION

- Environmental Planning and Assessment Act;
- Model Code of Conduct for Local Councils in NSW - November 2015.

SCOPE

This Council Policy applies to development applications (and related modifications and Review of determinations) lodged by or on behalf of Councillors, Council employees or family members thereof.

DEFINITIONS

Development and associated staff means any:

1. Employee of the Planning and Environment Division (excluding both the Director Planning and Environment, and the Manager Building and Development Services);
2. Employee of the Council who has qualitative/decision making dealings within the process of assessing and determining Development Applications;
3. Member of the Executive Leadership Team (excluding the Director Planning and Environment and the CEO);

and includes *family members* thereof.

Development Unit (DU) – The Development Unit is a multi-disciplinary committee comprised of staff from three (3) distinct Divisions, being Planning and Environment, Infrastructure and Operations, and Community and Recreation. One of the primary functions of the DU is to recommend the determination of complex applications following receipt of required referrals, reports and recommendations from the assessing officer.

Family members means any of the following:

- a spouse of the employee;
- a de-facto spouse (including same sex partners who lives with the employee as a de-facto);
- a child or an adult child (including adopted child, step child or foster child);
- parent (including a foster parent, step parent and legal guardian);
- parent of spouse;
- grandparent;
- grandchild or sibling (including half, foster and step sibling) and;
- a relative of the employee who is a member of the same household.

Principal place of residence means:

A property owned by *Development and associated staff* or a *family member* thereof, that is utilised as their main residence and relates to all domestic ancillary building structures.

POLICY

Council has adopted a Code of Conduct that applies to all staff and councillors. Of particular significance are the Code's requirements in respect to conflict of interest, personal dealings with Council, gifts and bribery, improper or undue influence as well as to staff in performing their respective responsibilities in evaluating and determining development applications.

To facilitate compliance with the Code of Conduct, the table below details the protocol for determination of a development application from an internal applicant/owner, based on the type of development.

It is the responsibility of individual staff and Councillors (or their *family members*) who are affected by Sections 2 or 3, to complete a declaration of conflict of interest where they are the applicant and/or owner in respect of the application and where relevant, whether the application relates to non-commercial development associated with the *Principal place of residence*.

| Applicant/Owner | Development Activity Proposed | Minimum Required Level of Determination |
|---|-------------------------------|---|
| Section 1 Council employees generally (Excluding <i>Development and associated staff</i> , CEO; Director Planning and Environment, and Manager Building and Development Services). | All development applications | Determined under delegated authority (unless separate Council policy or legislation directs otherwise). |

| | | |
|--|--|--|
| <p>Section 2 <i>Development and associated staff</i></p> | <p>Section 2.1 Non-commercial development associated with the <i>Principal place of residence</i>.</p> <p>Section 2.2 All other development types.</p> | <p>Section 2.1 Recommendation provided by the <i>Development Unit</i> to the CEO.</p> <p>Section 2.2 Application referred to independent assessor for peer review with a recommendation provided to the CEO for determination.</p> |
| <p>Section 3 Councillors; CEO; Director Planning and Environment; and Manager Building and Development Services</p> | <p>All development types</p> | <p>Application referred to independent assessor for assessment with a recommendation provided to the full Council for determination.</p> |

RESPONSIBILITIES

The responsibility for implementing this policy is the Manager Building and Development Services.



REPORT: Draft Council Policy - Incomplete and Inadequate Development Application Management

AUTHOR: Manager Building and Development Services
REPORT DATE: 13 April 2018
TRIM REFERENCE: ID18/673

EXECUTIVE SUMMARY

Incomplete or deficient applications that require several amendments and the provision of further information, requires significant resources to manage. This impacts not only on the perceived processing time of the subject application but on the resources available to assess all other applications.

A revised draft Council Policy titled *Incomplete and Inadequate Development Application Management (Appendix 1)* has been developed that seeks to:

1. Redress the inefficiencies of the current process for requesting further information required to determine development applications;
2. Incorporate the intent of industry best practice in the local context; and
3. Combine two (2) policy/procedure positions into one (1), and make this a publicly available document.

NSW Planning and Environment's *Development Assessment Best Practice Guide* (March 2017) recommends that Council make a single request for further information of no more than 14 days. The draft Policy, giving consideration to the local context, proposes that Council make two (2) requests for further information from an applicant, of 21 days and 14 days respectively. Failure to provide the requested information will result in a determination based on the information submitted.

This is expected to streamline the assessment process by putting the responsibility of submitting complete applications with the applicant. Council will support the customer to achieve this by focusing on face to face and online pre-lodgement services.

This report recommends that the draft policy be adopted for the purpose of public exhibition.

ORGANISATIONAL VALUES

Customer Focused: The report proposes a streamlining of the assessment process through formalising and communicating the responsibility of an applicant to submit complete applications.

Integrity: The policy position proposed represents a best practice approach to development assessment and legislative compliance.

One Team: The entire organisation has been considered in the development of the draft Policy.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

This report proposes a revised Council Policy for consideration to replace the existing Policy titled *Incomplete Development Applications*.

RECOMMENDATION

- 1. That the attached draft Policy, *Incomplete and Inadequate Development Application Management* (Appendix 1), be placed on public exhibition for a period of not less than 28 days.**
- 2. That following public exhibition, a further report be submitted to Council for its consideration.**

Stephen Wallace

Manager Building and Development Services

BACKGROUND

Council has an adopted Policy, titled *Incomplete Development Applications*, which as its name suggests provides guidance to the community as well as to Council on how incomplete development applications will be handled.

Additionally, Council also has an internal procedure for requesting additional information once applications are lodged which is informally referred to as the “Three Strikes” policy. This was not adopted by Council but rather endorsed by the former General Manager in 2002. This procedure specified as follows in respect of requesting additional information:

- First request: applicant provided with 21 days to respond
- Second request: a further 14 days provided to respond
- Third request: a further seven (7) days to respond and applicant advised that, otherwise the application will be assessed and determined based on the information as submitted.

A revised approach is proposed that combines the functions of the two (2) policies into a single Council Policy, providing transparency and certainty for the development industry as much as for Council. The Policy also responds to the relevant best practice procedures as detailed in the NSW Planning and Environment’s *Development Assessment Best Practice Guide* (March 2017).

REPORT

It is recognised that the handling of incomplete or deficient applications that require several amendments and the provision of further information, requires significant resources to manage. This impacts not only on the perceived processing time of the subject application but on the resources available to assess all other applications.

Council has in the past, loosely applied a combination of the Council Policy, titled *Incomplete Development Applications* and the internal procedure for requesting additional information (informally referred to as the “Three Strikes policy”) to manage deficient development applications in the form of rejecting, refusing or seeking further information. In retrospect the leniency shown to deficient development applications has not encouraged the submission of complete, well researched applications, to the detriment of the efficiency of the process overall.

A revised draft Council Policy titled *Incomplete and Inadequate Development Application Management (Appendix 1)* has been developed that incorporates:

1. Council’s adopted Policy, titled *Incomplete Development Applications*;
2. A modified version of Council’s internal procedure for requesting additional information - informally referred to as the “Three Strikes” policy; and
3. The intent of the relevant best practice procedures as detailed in the NSW Planning and Environment’s *Development Assessment Best Practice Guide* (March 2017).

NSW Planning and Environment's *Development Assessment Best Practice Guide* (March 2017) recommends as follows:

"Council should give no more than 14 days to an applicant to respond to Stop the Clock correspondence."

'Stop the Clock' correspondence is essentially a formal request for further information. The Guide goes on to recommend that:

"Where applications have unresolved issues or concerns at this late stage in the process with no immediate view of resolution, applicants should be encouraged to withdraw the DA or be advised that a decision will be made on the information before council at that time."

Whilst staff are aware that metropolitan councils in particular are adopting the above recommendation (Northern Beaches Council has even exceeded the recommendation, adopting a policy of assessing and determining only what is submitted in the original application), it is felt that a more reasonable and customer focussed approach for Dubbo Regional Council is to refine the current 'three strikes' procedure. As a result the Policy as proposed recommends:

That Council only make two (2) requests for further information from an applicant subject to the following timeframes:

- *First request: applicant provided with 21 days to respond.*
- *Second request: a further 14 days provided to respond.*

Failure to provide the requested information will result in a determination based on the information submitted.

This is expected to streamline the assessment process by putting the responsibility of submitting complete applications with the applicant. Council will support the customer to achieve this by providing the following pre-lodgement services:

- Access to expert advice from duty officers at the Dubbo and Wellington Customer Service Centres;
- A checklist to complete before lodging applications (providing details on what information is required for Council to undertake its assessment);
- A formal pre-lodgement meeting for more complex applications that provides written advice;
- Electronic access to all Local Environmental Plans and Development Control Plans on Council's website; and
- Once an application is lodged, public access through Council's website to the application to track its progress via Application Tracker.

This report seeks Council's endorsement of the recommendation to place the draft Council Policy on public exhibition for a period of not less than 28 days after which time a further report be submitted to Council for its consideration. Ultimately, any adopted Policy will be placed on Council's website for the public to access.

Appendices:

- [1](#) Draft Policy - Incomplete and Inadequate Development Application Management



DUBBO
REGIONAL
COUNCIL

COUNCIL POLICY

Incomplete and Inadequate Development Application Management

Date 11 April 2018

Council Resolution Date XXXX

Clause Number

Responsible Officer Stephen Wallace

Position Manager Building & Development Services

Branch Building & Development Services

Division Planning and Environment

Version One

TRIM Reference Number ED18/47778

Review Period Five (5) years

Review Date Subject to date of adoption by Council

Consultation Public consultation required

| Document Revision History | |
|--|---------------|
| Description | Date |
| This Policy aims to facilitate the efficient assessment of all applications for development under the Environmental Planning and Assessment Act 1979, by communicating how Council will manage applications. | 11 April 2018 |
| Notes | |
| This Council Policy replaces the equivalent Council Policy titled <i>Incomplete Development Applications</i> adopted 26 April 2005 and reviewed 16 September 2016. | |

POLICY

PURPOSE

The delivery of a consistent, equitable and efficient development assessment service, which is only possible when applications are submitted with the required information so that an informed, proper and timely assessment can be made of the application.

The handling of incomplete or deficient applications that require several amendments and the provision of further information, requires significant resources to manage. This impacts on the processing times for all other applications.

This Policy is designed to outline the principles of dealing with unclear, illegible, grossly non-compliant, deficient applications and to encourage the lodgement of good quality applications.

Council is committed to an efficient, consistent and effective application assessment service which benefits the majority of applicants that submit quality and complete applications.

BACKGROUND AND RELATED LEGISLATION

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- Local Government Act 1993; and
- Development Assessment Best Practice Guide (2017).

SCOPE

This Policy applies to the lodgement and assessment of all development applications, modifications and review of determinations submitted to Dubbo Regional Council.

POLICY

To ensure a consistent, equitable and efficient development assessment service, the following actions will be applied by Council:

- Applicants will be encouraged to discuss proposals with Council prior to lodgement to ensure the application is complete and can be assessed;
- Council commits to providing clear and consistent pre-lodgement advice;
- Council commits to addressing issues with applicants in a timely and efficient manner;
- Council will reject incomplete development applications – an incomplete application is an application that fails to provide the information required by Part 1 of Schedule 1 of the Environmental Planning and Assessment Regulation;
- Council will reject development applications that are unclear or illegible;
- Council will generally only make two (2) requests for further information from an applicant subject to the following timeframes:
 - First request: applicant provided with 21 days to respond;
 - Second request: a further 14 days provided to respond;Failure to provide the requested information will result in a determination based on the information submitted. Council may however consider requests for an extension to these timeframes subject to the particular circumstances of the case;

- Applicants will be requested to withdraw incomplete and inadequate applications. A refund of a portion of the fees may be offered based on Council's costs to that point;
- Failure to withdraw applications will result in a determination based on the information submitted; and
- Applicants have the opportunity to seek a review of the determination under Sections 8.2 to 8.5 of the Environmental Planning and Assessment Act if they are not satisfied with the outcome.

RESPONSIBILITIES

Manager Building and Development Services is responsible for the implementation of this Policy.

DRAFT



REPORT: Development Application D17-415 - Registered Club (Alterations and Additions)

Property: 82 Whylandra Street, Dubbo

Applicant: Club Dubbo

Owner: West Dubbo Bowling Club Ltd

AUTHOR: Senior Strategic Planner

REPORT DATE: 17 April 2018

TRIM REFERENCE: ID18/684

EXECUTIVE SUMMARY

Development consent is sought for the alterations and additions to an existing registered club (known as Club Dubbo) at Lot 229 DP 753233, 82 Whylandra Street, Dubbo. The proposed alterations and additions will add 520.13 m² of gross floor area over two levels resulting in a total building area of 3,505.13 m².

Council at its Ordinary Meeting on Monday 18 December 2017 resolved as follows:

- “1. That the report by the Senior Strategic Planner dated 14 November 2017 be noted.*
- 2. That the matter be deferred until such time as Council engages an independent Acoustic Consultant for the purposes of undertaking an additional Acoustic Report.”*

Council engaged the services of Benbow Environmental, accredited acoustic consultants and member of the Association of Australian Acoustical Consultants. Benbow Environmental have now prepared a Noise Impact Assessment dated 12 April 2018 and attached as **Appendix 2**. Noise monitoring occurred over a total of 15 days between Thursday 15 February 2018 and 2 March 2018.

The Noise Impact Assessment has recommended mitigating measures to minimise noise impacts on nearby residential properties.

The recommended mitigation measures demonstrate that the proposed development would have acceptable noise impacts on the locality and have been included in the conditions attached as **Appendix 1**.

It is recommended that the proposed development be granted consent subject to the amended conditions attached to this report as **Appendix 1**.

ORGANISATIONAL VALUES

Customer Focused: The Application as submitted has been assessed in a timely manner against the relevant legislation and Council Policy while taking into consideration the public submissions received.

Integrity: The Development Application has been assessed against the requirements of Section 4.15 of the Environmental Planning and Assessment Act, 1979, as well as other relevant legislation and Council Policy.

One Team: The relevant Council Officers have been involved in the assessment of the subject Development Application.

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 Development Application D17-415 for alterations and additions to a registered club at Lot 229 DP 753233, 82 Whylandra Street, Dubbo, be granted approval subject to the conditions of consent included as Appendix 1.
2. That Council accede to the request for the reduction in the Section 94 contribution for Urban Roads from \$138,769.64 to \$65,303.36 based on the traffic analysis prepared by Stanbury Traffic Planning and dated August 2017 as submitted with Development Application D17-415.
3. That those who made submissions in this matter be advised of Council's determination.

Lee Griffith
Senior Strategic Planner

BACKGROUND

Council at its Ordinary Meeting on Monday 27 November 2017 resolved as follows:

- “1. That the report of the Senior Strategic Planner dated 14 November 2017 be noted.*
- 2. That the applicant be requested to:*
 - To install double-glazed windows on all parts of the new development's exterior walls, and retrofit double-glazed windows in any other areas where sound can escape towards neighbours.*
 - Install a man-proof fence and self-closing, locking gate where pedestrians can gain access from Stonehaven Avenue to Club Dubbo, for the purposes of discouraging patrons from parking in Stonehaven Avenue to access the club (Note: Club Dubbo to design a plan whereby residents from Stonehaven Avenue and other affected nearby residences have access to the gate's code with access to any other parties needs to be strictly limited and controlled).*
 - Pay the costs for DRC to obtain an independent noise/audio study so we have unbiased baseline information to give us a solid and ethical foundation upon which to base any noise complaints about Club Dubbo into the future.*
- 3. That upon receipt of the response from the applicant a further report be provided to the Ordinary Meeting of Council in December 2017 for determination.”*

Following the Ordinary Meeting on Monday 27 November 2017, the Applicant held two (2) information sessions, one (1) on Friday 1 December 2017 for the benefit of Councillors and one (1) on Tuesday 12 December 2017 for the benefit of residents and Councillors.

At both of these meetings, the Applicant made presentations of the proposed development works and the reason as to why the Club is seeking to undertake the proposed works. With regards to the information session held with residents, issues including adverse noise, parking in Stonehaven Avenue and anti-social behaviour in Stonehaven Avenue were raised as concerns with the Club. Whilst these overarching themes were raised, noise appeared to be the principal issue of concern with the perception being that the Acoustic Study submitted to Council was not adequate and further noise assessment should be provided.

The Applicant requested that the matter be deferred until such time as an additional Acoustic Study has been prepared by an independent consultant and assessed by Council staff at the full cost to the Applicant. The Club requested Council engage the independent acoustic consultant on its behalf.

Subsequently, Council at its Ordinary Meeting on Monday 18 December 2017 resolved as follows:

- “1. That the report by the Senior Strategic Planner dated 14 November 2017 be noted.*
- 2. That the matter be deferred until such time as Council engages an independent Acoustic Consultant for the purposes of undertaking an additional Acoustic Report.”*

REPORT

1. Preparation of Noise Impact Assessment

Council engaged the services of Benbow Environmental, accredited acoustic consultants and member of the Association of Australian Acoustical Consultants. Benbow Environmental have now prepared a Noise Impact Assessment dated 12 April 2018 and attached as **Appendix 2**. The report outlines existing and proposed noise impacts and recommendations to minimise any such impacts on nearby residential properties.

Unattended long-term noise monitoring loggers were placed at 129 Whylandra Street and 54 Stonehaven Avenue with recording commencing Thursday 15 February 2018 and concluding Friday 2 March 2018, being 15 days. Attended noise monitoring was undertaken on the evening of Friday 2 March 2018. A live band was present at the premises on Friday 16 February 2018, Friday 23 February 2018 and Friday 2 March 2018 and therefore captured within the noise measurement recordings. Figure 1 below demonstrates the location of where noise monitoring occurred.



Figure 1. Location of attended and unattended noise monitoring loggers

The report modelled three (3) scenarios to assess what impacts the proposed development would have on nearby residential properties under different operational circumstances.

Scenario 1: Representing a typical week day being Sunday to Thursday

- Amplified background music including 11 speakers with a sound power level of 80 dB(A) each;
- 152 people talking/gaming.

Scenario 2: Representing a large event on a Friday and Saturday (including day, evening and night)

- Amplified background music including 11 speakers with a sound power level of 80 dB(A) each;
- 492 people talking/gaming;
- Live music with sound power of 105 dB(A) being located in the sports bar at western extent of the premises.

Scenario 3: Representing mechanical and vehicle noise sources

- Car parking noise sources;
- Kitchen and bathroom ventilation exhaust; and
- Air-conditioning exhaust.

The above scenarios were generated to assess the impacts of the proposed development for reasonable worst-case circumstances.

2. Results

The Noise Impact Assessment prepared by Benbow Environmental attached as **Appendix 2**, made the following recommendations to mitigate impacts on nearby residential properties:

- All external doors, including terrace doors are recommended to be automatic closing;
- Live bands with a maximum total sound power level of 100 dB(A). It is recommended a root mean squared (RMS) compressor/limiter or sound pressure measurement limiter be implemented to ensure that this level is not exceeded;
- Construct a 1.8m high solid wall on the boundary of the site between the subject site and 54 Stonehaven Avenue as shown in Figure 2 below. The wall is to be located along the edge of the carpark with the base of the wall at the same height as the car park.
- Restrictions on capacity and use of amplified music use on the terraces are recommended as per Table 1 below.

| Terrace | DAY (7am-6pm) | EVENING (6pm-10pm) | NIGHT (10pm-Midnight) |
|-----------|---------------------------------|---------------------------------|--|
| Terrace 1 | Maximum 18 patrons ¹ | Maximum 18 patrons ¹ | Closed, doors locked, 0 patrons ² No amplified music outdoors ² |
| Terrace 2 | Maximum 20 patrons ¹ | Maximum 20 patrons ¹ | Maximum 20 patrons ¹ No amplified music outdoors ² |
| Terrace 3 | Maximum 45 patrons ¹ | Maximum 45 patrons ¹ | Maximum 45 patrons ¹ No amplified music outdoors ² |
| Terrace 4 | Maximum 24 patrons ² | Maximum 24 patrons ² | Maximum 24 patrons ² No amplified music outdoors ² |

Note: 1) Determined based on National Construction Code for Entertainment Venues
2) Recommended to meet noise criteria

Table 1. Recommended terrace restrictions.



Figure 2: Location of recommended solid 1.8m noise attenuation wall.

The above recommendations have been included in the amended conditions attached as **Appendix 1**.

It is considered that noise mitigation measures recommended within by the Noise Impact Assessment are appropriate and additional impacts on the nearby residential properties are acceptable.

3. Summary

Council has engaged an accredited acoustic consultant to undertake an additional noise impact assessment to assess the impacts of the proposed development on nearby residential properties. The Noise Impact Assessment has stated that if the recommended mitigating measures are complied with, the proposed development will have acceptable impacts with respect to noise on the locality.

A full assessment of all development related matters has been undertaken in the report by the Senior Strategic Planner dated 14 November 2017 (PDEC17/8). In conjunction with the additional Noise Impact Assessment prepared by Benbow Environmental, it is recommended that the proposed development be granted consent subject to the amended conditions included in **Appendix 1**.

Appendices:

- 1 [↓](#) Conditions and Notations
- 2 [↓](#) Noise Impact Assessment dated 12 April 2018
- 3 [↓](#) Development Plans

CONDITIONS

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

Drawing Title: Proposed Site Plan
 Drawing No: 00-01
 Drawn By: GroupN
 Date: 31/07/17
 Revision: 7

Drawing Title: Proposed Floor Plan - Ground
 Drawing No: 01-01
 Drawn By: GroupN
 Date: 28/07/17
 Revision: 5

Drawing Title: Proposed Floor Plan – Lower Ground
 Drawing No: 01-03
 Drawn By: GroupN
 Date: 24/07/17
 Revision: 5

Drawing Title: Elevations and Sections
 Drawing No: 03-01
 Drawn By: GroupN
 Date: 24/07/17
 Revision: 3

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

- (2) The Urban Roads headworks contribution of **\$63,992.29** (163.1 trips), calculated on a per trip basis, in accordance with Council's adopted amended Section 94 Contributions Plan - Roads, Traffic Management and Car Parking, operational 3 March 2016, shall be paid by the developer on the submission of the Occupation Certificate.

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

Note 1: Council's adopted 2017/2018 financial year rate is \$392.35 per commercial trip.

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

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

- (3) The Sewerage Services headworks contribution of **\$4,692.05** (0.84 ETs), calculated on an Equivalent Tenement (ET) basis, pursuant to Section 64 of the Local Government Act, 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act, 2000 and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002, shall be paid by the developer on the submission of the Occupation Certificate.

Such contribution rate per ET is adjusted annually in accordance with Section 3 of the Combined Water Supply and Sewerage Contributions Policy becoming effective from 1 July each year and as adopted in Council's annual Revenue Policy.

Note 1: Council's adopted 2017/2018 financial year rate is \$5,585.77 per ET.

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

{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}

- (4) The Water Supply headworks contribution of **\$3,110.84** (0.55692 ETs), calculated on an Equivalent Tenement (ET) basis, pursuant to Section 64 of the Local Government Act, 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act, 2000 and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002, shall be paid by the developer on the submission of the Occupation Certificate.

Such contribution rate per ET is adjusted annually in accordance with Section 3 of the Combined Water Supply and Sewerage Contributions Policy becoming effective from 1 July each year and as adopted in Council's annual Revenue Policy.

Note 1: Council's adopted 2017/2018 financial year rate is \$5,585.80 per ET.

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

{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}

- (5) For the purposes of maintaining the existing building's fire safety during the construction phases of the development, the following shall be undertaken, the details of which are to be submitted with the relevant Construction Certificate application as part of the proposed building works:
- (a) Prior to any building work commencing on stage 2, provide an onsite pillar fire hydrant in conformity with AS 2419.1-2005 and clause E1.3 of BCA 2016, such that the building has adequate hydrant coverage at all times. As part of such installation, compliance with the flow rate and pressure requirements of AS 2419.1-2005 is to be demonstrated; and

- (b) Provision of sufficient number and aggregate width of 'required' exits to achieve compliance with clause D1.5 of BCA 2016; and
- (c) Provision of sufficient number and aggregate width of paths of travel to 'required' exits to achieve compliance with clause D1.6 of BCA 2016; and
- (d) Provision of required exit doors and working hardware which are in conformity with clauses D2.19, D2.20 and D2.21 of BCA 2016; and
- (e) Each required exit is provided with an unobstructed path of travel from it in conformity with D1.6 and D1.10 of BCA 2016.
- (f) Provision of adequate fire hose reel coverage to the requirements of clause E1.4 of BCA 2016 and AS 2441-2005; and
- (g) Provision of portable fire extinguishers to the requirements of E1.9 Fire precautions during construction of BCA 2016 and AS 2444-2001; and
- (h) Provision of sufficient emergency lighting and exit signage to the revised floor plans and paths of travel to alternate exits in conformity with Part E4.2 of BCA 2016 and AS/NZS 2293.1-2005.

{Reason: Council requirement for provision of adequate fire safety of the building during the construction phase in consideration of clause 94 of the EP&A Regulation, 2000}

- (6) The proposed building works must be designed and constructed in conformity with the design criteria applicable under the BCA and the Disability (Access to Premises — Buildings) Standards, 2010 of the DDA.

In this regard, if Council is engaged as the Certifying Authority, the developer shall submit with the Construction Certificate application, details of any upgrading to the existing building's 'affected parts' where applicable, under the Disability (Access to Premises — Buildings) Standards 2010.

{Reason: Council requirement to ensure compliance with the Premises Standards under the DDA is demonstrated}

- (7) All building work must be carried out in accordance with the provisions of the Building Code of Australia.

{Reason: Prescribed statutory condition under the Environmental Planning and Assessment Act, 1979}

- (8) A continuous accessible path of travel for disabled persons shall be provided from the allotment boundary at a point of entry from Whylandra Street and any disabled car parking spaces provided, to the doorway at the entrance floor and through the principle pedestrian entrance of the club. The design for such access must be in accordance with Part D3 of the Building Code of Australia (BCA) and the Access Code under Disability (Access to Premises — Buildings) Standards, 2010.

{Reason: Council requirement in consideration of Section 79C of the EP&A Act, BCA and Disability Discrimination Act, 1992}

- (9) The drainage and plumbing installation shall comply with the provisions of the Local Government (General) Regulation, 2005 and the requirements of Council as the water and sewerage authority.

{Reason: Statutory and Council requirement}

- (10) The proposed alterations to be carried out to the existing building's sanitary plumbing and drainage pipe work require the issue of an additional, separate approval from Council prior to the work commencing. In this regard, a Plumbing and Drainage Approval application form is available from Council and must be completed by the licensed plumbing and drainage contractor undertaking the work and returned to Council with the appropriate fee. Plumbing and drainage works must not be commenced until Council has issued an approval authorising such works.
{Reason: Statutory requirement of Local Government (General) Regulation, 2005}
- (11) A hoarding shall be erected between the construction area and the adjoining club premises and/or around any openings or obstructions if visitors and occupants are likely to be endangered, obstructed or inconvenienced by the proposed works. Such hoarding shall incorporate appropriate plastic curtain sheeting to the degree necessary to prevent escape of dust into the adjoining mall area.
{Reason: Council requirement for the protection of the public}
- (12) All sanitary plumbing, drainage and water plumbing work shall be carried out by a licensed plumber and drainer.
{Reason: Statutory requirement of Section 634 of the Local Government Act, 1993}
- (13) The top of the building's overflow (relief) gully shall be a minimum 150 mm below the lowest sanitary fixture serving the building.
{Reason: Statutory and sewerage authority requirement}
- (14) The top of the building's overflow (relief) gully shall be a minimum 75 mm above the finished surrounding ground level to prevent ingress of surface stormwater.
{Reason: Statutory and sewerage supply authority requirement}
- (15) The following applicable works shall be inspected and passed by an officer of Council, irrespective of any other inspection works undertaken by an accredited certifier, prior to them being covered. In this regard, at least 24 hours notice shall be given to Council for the inspection of such works. When requesting an inspection, please quote Council's reference number **D2017-415 Part 1**.
- Internal and external sanitary plumbing and drainage under hydraulic test;
 - Water plumbing, under hydraulic test;
 - Fire services water plumbing under hydraulic test; and
 - Final inspection of the installed sanitary and water plumbing fixtures upon the completion of that part prior to its occupation/use.

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

{Reason: Statutory provision and Council requirement being the water and sewerage authority}

- (16) The hot water delivered to the outlets of the hand-basins shall not exceed 50°C, whilst similar ambulant and disabled accessible fixtures shall not exceed 45°C.
{Reason: Council policy and statutory requirement of the Plumbing Code of Australia}

- (17) The applicant shall ensure that the responsible builder or contractor submits to Council, if Council is engaged to act as the Principal Certifying Authority (PCA), a Certificate of Installation certifying that the wet areas of the building have been protected by the installation of a water-proofing system conforming to AS 3740 'Waterproofing of domestic wet area'. Such Certificate must be provided prior to occupation or use of the building.
{Reason: To demonstrate the provision of an adequate moisture-proofing system}
- (18) The new building works shall not be occupied or used until the Principal Certifying Authority (PCA) has first issued an Occupation Certificate.
{Reason: Statutory requirement to ensure the building is fit for occupation}
- (19) All excavations associated with the erection of the building and installation of associated services must be properly guarded and protected to prevent them from being dangerous to life or property. Excavations undertaken across or in a public place must be kept adequately guarded and/or enclosed and lit between sunset and sunrise if left open or otherwise in a condition likely to be hazardous to persons in the public place.
{Reason: Council requirement for protection of public}
- (20) Prior to works commencing, the applicant shall ensure that a sign is erected on the work site in a prominent position at the front of the property showing:
- (a) The name, address and telephone number of the Principal Certifying Authority (PCA) for the work;
 - (b) The name of the principal contractor for the building/demolition work and a telephone number on which that person may be contacted outside of working hours; and
 - (c) That unauthorised entry to the work site is prohibited.

Such sign must be maintained on the site during the course of the building/demolition work and not be removed until the work has been completed.

Note: In respect of (a) above, where Council is engaged as the Certifying Authority and appointed PCA, the applicant can either prepare their own sign or alternatively affix onsite the sticker that will be enclosed with the Council-issued Construction Certificate. A larger sign in lieu of utilising the sticker is available upon request from Council's Civic Administration Building.

{Reason: Statutory condition imposed by clause 98A of the EP&A Regulation, 2000}

- (21) The person having the benefit of this development consent, if not carrying out the work as an owner-builder, must, unless that person is the principal contractor, ensure that the principal contractor has been notified of the critical stage inspections and any other inspections that are specified by the appointed Principal Certifying Authority (PCA) to be carried out.

Note: The 'principal contractor' is the person responsible for the overall coordination and control of the carrying out of the building work.

{Reason: Statutory requirement imposed by the EP&A Act, 1979}

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

{Reason: Statutory and Council requirement}

- (23) If Council is engaged to act as the Principal Certifying Authority (PCA), the applicant shall ensure that the responsible builder and/or applicable contractor submit to Council documentary evidence identifying and confirming that their respective work was undertaken in conformity with the relevant Section J provisions of the BCA, as approved under the Construction Certificate. Such documentation must be provided prior to issue of the building's Occupation Certificate.

{Reason: To satisfy Council as the PCA that the applicable work has been undertaken in conformity with the BCA}

- (24) Provide details with the relevant Construction Certificate application(s) demonstrating the adequate provision of disabled access to the those areas of the building being maintained open to the public during the various stages of the proposed building works, whether temporary or otherwise.

Such details are to identify the particular staging of the building works to which they relate.

{Reason: To ensure continuous and dignified disabled access is provided during the construction process}

- (25) Provide details with the relevant Construction Certificate application(s) demonstrating the adequate provision of disabled toilet facilities to those areas of the building being maintained open to the public during the various stages of the proposed building works, whether temporary or otherwise.

Such details are to identify the particular staging of the building works to which they relate.

{Reason: To ensure continuous and dignified disabled access is provided during the construction process}

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

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

- (27) All walls, floors, ceilings, shelves, fittings and furniture within the food premises shall be constructed of material that is durable, impervious and capable of being easily cleaned.

{Reason: Council requirement to achieve compliance with food safety standards}

- (28) All ceilings in food preparation areas shall be lined with plasterboard or similar material having a continuous smooth impervious surface capable of being easily cleaned.
{Reason: Council requirement to achieve compliance with food safety standards}

- (29) Those portions of the building proposed to be used for the manufacturing, preparing, storing or handling of food shall be constructed and operated in accordance with the requirements of the Food Act, 2003, Food Regulations, 2010 and the Food Safety Standards.

Plans detailing the construction and fit-out of the food preparation areas shall be submitted and approved by Council prior to the Construction Certificate being issued. Additionally, prior to the business commencing, the operator shall notify Council and a satisfactory inspection completed.

{Reason: Statutory requirement of the Food Act, 2003 and implementation of Council's policy}

- (30) In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
{Reason: Council and statutory requirement to protect Aboriginal heritage}

- (31) Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during demolition or construction works, the applicant and contractor shall ensure that the appropriate regulatory authority (eg Office of Environment and Heritage, WorkCover Authority, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

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

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

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

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

- (33) Waste demolition and construction materials including soil arising from the development must be disposed of at an appropriately licensed waste facility.
{Reason: To ensure environmentally safe disposal}

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

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

- (35) Prior to any construction works commencing, a Waste Management Plan shall be prepared and approved by Council. Such Plan shall include but not be limited to the following:
- (a) Assessment of types of waste;
 - (b) Classification of each type of waste;
 - (c) Volume of each type of waste;
 - (d) Management and storage of waste onsite:
 - Method of waste disposal and disposal sites;
 - Method of waste transport and disposal sites; and
 - (e) Record keeping.
{Reason: Council requirement to require compliance with the POEO Act}
- (36) Demolition and construction work shall only be carried out within the following times:
- | | |
|-----------------------------|--------------------------------|
| Monday to Friday: | 7 am to 6 pm |
| Saturday: | 8 am to 1 pm |
| Sunday and public holidays: | No construction work permitted |
- {Reason: Council requirement to reduce the likelihood of noise nuisance}
- (37) All external doors, including terrace doors, shall be automatic closing to minimise noise escaping the premises.
{Reason: To minimise potential acoustic impacts to nearby sensitive receivers in accordance with the Noise Impact Assessment prepared by Benbow Environmental}
- (38) Any live bands and music (acoustic and amplified) shall not exceed a total level of 100 dB(A). In this respect, all amplified music shall have a RMS compressor/limiter or sound pressure measurement limiter implemented to ensure that total sound power levels do not exceed the maximum 100 dB(A);
{Reason: To minimise potential acoustic impacts to nearby sensitive receivers in accordance with the Noise Impact Assessment prepared by Benbow Environmental}
- (39) Prior to the issue of the Occupation Certificate, a solid 1.8m high wall is to be constructed (with the base at the same height as the carpark) on the north eastern extent of the car parking area as marked in red on the approved Site Plan. Details of the wall are to be submitted for approval with the Construction Certificate.
{Reason: To minimise potential acoustic impacts to nearby sensitive receivers in accordance with the Noise Impact Assessment prepared by Benbow Environmental}
- (40) The use and capacity of the terraces shall be used only in accordance with the restrictions included on the table below.

| Terrace | DAY (7am-6pm) | EVENING (6pm-10pm) | NIGHT (10pm-Midnight) |
|-----------|---------------------------------|---------------------------------|--|
| Terrace 1 | Maximum 18 patrons ¹ | Maximum 18 patrons ¹ | Closed, doors locked, 0 patrons ² No amplified music outdoors ² |
| Terrace 2 | Maximum 20 patrons ¹ | Maximum 20 patrons ¹ | Maximum 20 patrons ¹ No amplified music outdoors ² |
| Terrace 3 | Maximum 45 patrons ¹ | Maximum 45 patrons ¹ | Maximum 45 patrons ¹ No amplified music outdoors ² |
| Terrace 4 | Maximum 24 patrons ² | Maximum 24 patrons ² | Maximum 24 patrons ² No amplified music outdoors ² |

Note: 1) Determined based on National Construction Code for Entertainment Venues
2) Recommended to meet noise criteria

Note: The terrace numbers above are as per the approved 'Proposed Floor Plan – Ground' prepared by GroupN (Drawing No. 01-01, revision 5, dated 28.07.17).

{Reason: To minimise potential acoustic impacts to nearby sensitive receivers in accordance with the Noise Impact Assessment prepared by Benbow Environmental}

- (41) The landscaping shown on the submitted Proposed Landscape Plan drawn by GroupN (Drawing No. 18-01, revision 3 dated 27/07/17) shall be established prior to the issue of the Occupation Certificate.

The landscaping as planted shall be maintained to at least the standard specified on the submitted plan.

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

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

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

- (43) Prior to the issue of any Occupation Certificate for the approved development, external works such as landscaping, the car park and hardstand areas must be completed in conformity with this development consent unless the deferment of such works, in part or in stages, has been agreed to in writing by the consent authority.

{Reason: To ensure the development is completed prior to its occupation and use}

- (44) The maximum occupancy of the premises shall not exceed 1,151 people, including staff, in accordance with the submitted 'Population, Egress and Fire Hydrant/Hose Reel Coverage Analysis' plan drawn by GroupN (Drawing No. 05-01, revision 3, dated 26/07/17).

{Reason: To ensure the capacity of the development is in accordance with that submitted to Council}

NOTES

- (1) A separate application is required to be submitted to either Council or an accredited certifier to obtain a Construction Certificate(s) for the proposed building work.
- (2) Details of the disabled facilities (including access paths, toilets, signage and location of any tactile ground surface indicators) need to be adequately detailed on the Construction Certificate application plans to permit assessment and compliance evaluation with the provisions of the Council's Development Control Plan (where applicable), the Premises Standards and the BCA. In particular, the submitted details for the proposed disabled and ambulant toilets should include elevations and floor plans of the facilities drawn to a scale of 1:20. Reference should be made to AS 1428.1, the Access Code under the Premises Standards and AS/NZS 2890.6 regarding specific design parameters.
- (3) On completion of the Construction Certificate(s) for the subject building work, the owner of the building is required to submit to the Principal Certifying Authority (PCA) a Fire Safety Certificate(s) with respect to each essential fire safety measure installed in association with the building - as listed on the Fire Safety Schedule attached to the Construction Certificate. Such certificate(s) must be submitted to the PCA prior to occupation or use of that stage of the subject building.

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

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

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

- (5) The owner of the building is required to submit to Council at least once in each period of 12 months following the completion of the building an Annual Fire Safety Statement(s) with respect to each essential fire safety measure associated with the building.

Copies of the subject Annual Fire Safety Statements must also be forwarded by the owner to the Commissioner of Fire and Rescue NSW and displayed within the subject building in a prominent position. In this regard, Fire and Rescue NSW has requested that only electronic copies of the statement be forwarded to their dedicated email address, being afss@fire.nsw.gov.au

- (6) If Council is engaged to act as the Principal Certifying Authority for the Construction Certificate application, the following shall be included with such application:
 - (a) All structural details including specifications and design drawings and statement(s)/certificate(s) by the design engineer stipulating the Australian

- Standards that the design complies with, including its design wind load parameters and resistance to earthquake loads;
- (b) Location of proposed exit signs, directional exit signs, emergency lighting and any portable fire extinguishers;
 - (c) Specifications demonstrating the building's floor, wall and ceiling lining materials conform with C1.10 of the BCA with respect to their fire hazard properties;
 - (d) Any guard rails/safety barriers proposed to be provided to entry/exit ramps demonstrating compliance with AS 1170.1;
 - (e) Balustrade and handrail design details for the proposed stairs;
 - (f) Details indicating the slip-resistance classification of proposed ramps stair landings, treads and if specified, its nosing strips, pursuant to D2.13 and D2.14 of the BCA;
 - (g) Occupancy calculations for the whole development (existing building + proposed extensions) demonstrating that the existing and proposed sanitary facilities are sufficient in terms of Part F2 of the BCA to cater for the additional occupancy arising from the new building floor area;
 - (h) Location of required onsite pillar hydrant(s) together with design calculations demonstrating compliance with AS 2419.1-2005 with respect to flow rate, pressure and distance limitations;
 - (i) Location of required fire hose reels together with design calculations, including demonstration that such reels achieve full floor coverage in conformity with E1.4(c)(i) and AS 2441;
 - (j) In order for any of the essential fire safety measures located in the new building work to be interconnected with and served by the fire safety measures within the existing building, it will be necessary to demonstrate that such existing measures comply with and can achieve the standard of performance required of the applicable new measures. Documentation demonstrating compliance in this regard will need to be provided with the Construction Certificate application;
 - (k) Plans indicating compliance with AS 1428.1-2009 as adopted by the BCA with respect to the design of the proposed disabled accessible sanitary compartment.

Note: Particular attention needs to be given to the design of the unisex disabled accessible toilet compartment with the current edition of AS 1428.1:2009. Submitted plans should detail the specific set-out dimensions of all proposed fixtures, not only for the benefit of the PCA but also the subsequent installation tradesmen. Attention should also be given to the following aspects under the BCA and AS 1428.1-2009 and be appropriately detailed in any submitted plans/specifications:

- All new internal doors having a clear unobstructed width of at least 850 mm (clause 13.2, AS 1428.1);
- Luminance contrast at doorways (clause 13.1, AS 1428.1);
- Floor and ground surfaces having tolerances as specified under section 7, AS 1428.1;
- Carpets having maximum pile height/thickness under BCA clause D3.3(g) and (h);
- Tactile ground surface indicators (TGSIs) under BCA clause 3.8 and provided

- with a luminance contrast as specified under clause 13.1 of AS 1428.1;
 - Signage as specified under section 8 AS1428.1 and BCA clause D3.6;
 - Door controls (clause 13.5, AS 1428.1);
 - Electrical switches (clause 14.2, AS 1428.1);
 - Accessible car parking spaces under BCA clause D3.5 and AS/NZS 2890.6:2009;
 - Bollard to the disabled car parking spaces 'shared area' under AS/NZS 2890.6:2009; and
 - Solid opaque 75 mm wide contrast line across all fully glazed doors (clause 6.6, AS 1428.1);
- (l) Details demonstrating the provision of disabled access to the building, including from the pedestrian entry at the allotment boundary (if deemed-to-satisfy solution utilised); or otherwise an alternative solution prepared under Part A0 of the BCA to address the applicable Performance Requirements under the BCA and Access Code of the Premises Standards;
- (m) Specifications/details of any proposed glazed panels and doors, particularly with respect to human impact considerations;
- (n) Details indicating the smoke hazard management measures under Part E2 of the BCA intended for the building;
- (o) All relevant stormwater design and disposal details; and
- (p) Existing and finished site contours and levels associated with the development's site works.
- (7) Building regulatory issues noted with the application include the following:
- A. Disabled access to the premises needs to be maintained during the construction phase. This should include but is not to be limited to:
- i) Provision of temporary ramps when the existing accesses become unusable;
 - ii) Reallocation of disabled car parking spaces until the permanent locations are available;
 - iii) The 'temporary' stairway of stage 2 complying with AS 1428.1 Clause 11;
 - iv) Provision of at least one (1) accessible disabled toilet during the construction phases;
- B. Fire safety measures during the building's construction phases need to be maintained whilst the building is occupied:
- i) Relocation of directional exit signage and emergency lighting to reflect the revised 'required' paths of travel to 'required' exits for each stage;
 - ii) A general, optional performance-based fire safety condition to maintain the existing fire safety measures during the construction phases.
- (8) The mechanical service treatments shall be selected taking into consideration Part 5 Recommendations of the Resonate Acoustics, Club Dubbo Acoustic report Reference: S16868RP1, Revision A.
- (9) Consideration of this application involved no assessment of compliance with the provisions of the Smoke-free Environment Act and the applicant is advised to obtain their own expert advice in that regard.

Regulatory responsibility for the Smoke-free Environment Act, 2000 and the Smoke-free Environment Amendment (Enclosed Places) Regulation, 2006 lies with NSW Health and its associated enforcement officers situated in public health units throughout NSW.

It is important to note that the Smoke-free Environment Amendment (Enclosed Places) Regulation, 2006 provides guidelines for the minimum amount of open space that can be used to consider an 'outdoor' area unenclosed. All premises that are considering making alterations to their outdoor areas in line with the Regulation are responsible for seeking their own legal advice to ensure that their proposed plans are in agreement with the minimum standards required by the legislation.

- (10) The Council Section 94/64 Contribution Plans referred to in the conditions of this consent may be viewed without charge at Council's Civic Administration Building, Church Street, Dubbo between the hours of 9 am and 5 pm, Monday to Friday. Copies are also available from Council's website at:

<https://www.dubbo.nsw.gov.au/Builders-and-Developers/Planning-Controls--Tools-and-Resources/infrastructure-contributions>

RIGHT OF REVIEW

Section 8.3 of the Environmental Planning and Assessment Act, 1979 confers the right for an applicant to make a request to the Council for it to review its determination. Any requests for a review are required to be accompanied by a fee as set in Council's revenue policy.

RIGHT OF APPEAL

Section 8.7 of the Environmental Planning and Assessment Act, 1979 confers the right for an applicant who is dissatisfied with Council's determination to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice.

NOISE IMPACT ASSESSMENT
CLUB DUBBO
82 WHYLANDRA ST, DUBBO NSW

Prepared for: Lee Griffith, Senior Strategic Planner
Dubbo Regional Council

Prepared by: Emma Hansma, Acoustic Engineer
R T Benbow, Principal Consultant

Report No: 181004_NIA_Rev3
April 2018
(Released: 12 April 2018)



Benbow
ENVIRONMENTAL

Engineering a Sustainable Future for Our Environment

Head Office: 13 Daking Street North Parramatta NSW 2151 AUSTRALIA
Tel: 61 2 9890 5099 Fax: 61 2 9890 5399
Email: admin@benbowenviro.com.au

Visit our website: www.benbowenviro.com.au


COPYRIGHT PERMISSION

The copyright for this report and accompanying notes is held by Benbow Environmental. Where relevant, the reader shall give acknowledgement of the source in reference to the material contained therein, and shall not reproduce, modify or supply (by sale or otherwise) any portion of this report without specific written permission. Any use made of such material without the prior written permission of Benbow Environmental will constitute an infringement of the rights of Benbow Environmental which reserves all legal rights and remedies in respect of any such infringement.

Benbow Environmental reserves all legal rights and remedies in relation to any infringement of its rights in respect of its confidential information.

Benbow Environmental will permit this document to be copied in its entirety, or part thereof, for the sole use of the management and staff of Dubbo Regional Council.

DOCUMENT CONTROL

| Prepared by: | Position: | Signature: | Date: |
|--------------|----------------------|---|---------------|
| Emma Hansma | Acoustic Engineer |  | 12 April 2018 |
| Reviewed by: | Position: | Signature: | Date: |
| R T Benbow | Principal Consultant |  | 12 April 2018 |
| Approved by: | Position: | Signature: | Date: |
| R T Benbow | Principal Consultant |  | 12 April 2018 |

DOCUMENT REVISION RECORD

| Revision | Date | Description | Checked | Approved |
|----------|-----------|--------------|------------|------------|
| 1 | 9-4-2018 | Draft / Rev1 | R T Benbow | R T Benbow |
| 2 | 10-4-2018 | Draft / Rev2 | R T Benbow | R T Benbow |
| 3 | 12-4-2018 | Rev3 | R T Benbow | R T Benbow |
| | | | | |

DOCUMENT DISTRIBUTION

| Revision | Issue Date | Issued To | Issued By |
|----------|------------|------------------------|----------------------|
| 1 | 9-4-2018 | Dubbo Regional Council | Benbow Environmental |
| 2 | 10-4-2018 | Dubbo Regional Council | Benbow Environmental |
| 3 | 12-4-2018 | Dubbo Regional Council | Benbow Environmental |
| | | | |



Benbow
ENVIRONMENTAL

Head Office:
13 Daking Street North Parramatta NSW 2151 Australia
P.O. Box 687 Parramatta NSW 2124 Australia
Telephone: +61 2 9890 5099 Facsimile: +61 2 9890 5399
E-mail: admin@benbowenviro.com.au
Visit our Website at www.benbowenviro.com.au

| Contents | Page |
|---|-------------|
| 1. INTRODUCTION | 1 |
| 1.1 Scope of Works | 1 |
| 2. PROJECT DESCRIPTION | 2 |
| 3. SITE DESCRIPTION | 3 |
| 3.1 Site Location | 3 |
| 3.2 Nearest Sensitive Receptors | 8 |
| 4. EXISTING ACOUSTIC ENVIRONMENT | 11 |
| 4.1 Noise Monitoring Equipment and Methodology | 11 |
| 4.2 Measurement Location | 12 |
| 4.3 Measured Noise Levels | 13 |
| 4.3.1 Long-Term Unattended Noise Monitoring Results | 13 |
| 4.3.1.1 Liquor & Gaming NSW Unattended Noise Monitoring Results | 13 |
| 4.3.1.2 Noise Policy for Industry Unattended Noise Monitoring Results | 14 |
| 4.3.1.3 Existing Road Traffic Noise Levels | 14 |
| 4.3.2 Short-Term Attended Noise Monitoring Results | 15 |
| 5. CURRENT LEGISLATION AND GUIDELINES | 18 |
| 5.1 <i>Liquor & Gaming NSW</i> Noise Criteria | 18 |
| 5.2 NSW EPA Noise Policy for Industry | 18 |
| 5.2.1 Introduction | 18 |
| 5.2.2 Project Intrusiveness Noise Level | 19 |
| 5.2.3 Amenity Noise Level | 19 |
| 5.2.4 Sleep Disturbance Criteria | 20 |
| 5.3 NSW Road Noise Policy | 20 |
| 5.3.1 Road Category | 21 |
| 5.3.2 Noise Assessment Criteria | 21 |
| 5.3.3 Assessment Locations for Existing Land Uses | 22 |
| 5.4 Construction Noise and Vibration Criteria | 22 |
| 5.4.1 NSW Interim Construction Noise Guideline | 23 |
| 5.4.2 Vibration Criteria | 25 |
| 5.4.3 BS 7385-2:1993 | 25 |
| 5.4.4 DIN4150-3:1999 | 25 |
| 5.4.5 Human Exposure | 26 |
| 5.5 Applicable Noise Criteria | 27 |
| 5.5.1 <i>Liquor & Gaming NSW</i> Noise Criteria | 27 |
| 5.5.2 Noise Policy for Industry - Project Noise Trigger Levels | 27 |
| 5.5.3 Road Noise Policy Criteria | 29 |
| 5.5.4 Construction Noise Criteria | 29 |
| 5.6 Meteorological Factors | 29 |
| 5.6.1 Wind Effects | 30 |
| 5.6.2 Wind Rose Plots | 30 |
| 5.6.3 Local Wind Trends | 30 |
| 5.7 Temperature Inversions | 34 |
| 5.7.1 Weather Conditions Considered in the Assessment | 34 |
| 6. OPERATIONAL NOISE IMPACT ASSESSMENT | 35 |
| 6.1 Modelling Methodology | 35 |

| | | |
|------------|--|-----------|
| 6.2 | Noise Sources | 35 |
| 6.2.1 | Modelling Scenario | 37 |
| 6.2.2 | Modelling Assumptions | 39 |
| 6.3 | Predicted Noise Levels – Operational | 41 |
| 7. | MITIGATION MEASURES | 49 |
| 7.1 | Predicted Noise Levels – Operational – With Controls | 51 |
| 7.2 | Live Music Discussion | 73 |
| 8. | ROAD TRAFFIC NOISE IMPACT ASSESSMENT | 74 |
| 9. | CONSTRUCTION NOISE IMPACT ASSESSMENT | 76 |
| 9.1 | Construction Activities | 76 |
| 9.2 | Modelled Noise Generating Scenarios | 76 |
| 9.3 | Modelling Methodology | 81 |
| 9.3.1 | Noise Model | 81 |
| 9.3.2 | Noise Sources | 82 |
| 9.4 | Construction Predicted Noise Levels | 82 |
| 9.5 | Construction Noise Controls | 84 |
| 9.5.1 | Demolition Hours of Work | 84 |
| 9.5.2 | Mitigation Measures | 84 |
| 9.5.2.1 | Universal work practices | 84 |
| 9.5.2.2 | Plant and Equipment | 85 |
| 9.5.2.3 | On Site | 85 |
| 10. | VIBRATION IMPACT ASSESSMENT | 87 |
| 11. | CONCLUDING REMARKS | 88 |
| 12. | LIMITATIONS | 89 |

| Tables | Page |
|---|-------------|
| Table 3-1: Nearest Potentially Affected Receptors | 8 |
| Table 4-1: Instrumentation and Setup Details | 11 |
| Table 4-2: Unattended Monitoring Periods – Logger Serial Number | 12 |
| Table 4-3: Summary of the Measured Background Noise Levels (L ₉₀), dB(A) – Logger A | 13 |
| Table 4-4: Summary of the Measured Background Noise Levels (L ₉₀), dB(A) – Logger B | 14 |
| Table 4-5: Unattended Noise Monitoring Results, dB(A) | 14 |
| Table 4-6: Existing Road Traffic Noise Data | 15 |
| Table 4-7: Attended Noise Monitoring Results, dB(A) | 16 |
| Table 5-1: Amenity noise levels. | 19 |
| Table 5-2: Road Traffic Noise Assessment Criteria For Residential Land Uses, dB(A) | 21 |
| Table 5-3: Relative increase criteria for residential land uses | 21 |
| Table 5-4: Assessment Locations for Existing Land Uses | 22 |
| Table 5-5: Management Levels at Residences Using Quantitative Assessment | 23 |
| Table 5-6: Management Levels at Other Land Uses | 24 |
| Table 5-7: Vibration criteria for cosmetic damage (BS 7385:2 1993) | 25 |
| Table 5-8: Structural damage criteria heritage structures (DIN4150-3 1999) | 26 |
| Table 5-9: Preferred and maximum weighted rms z-axis values, 1-80 Hz | 26 |
| Table 5-10: <i>Liquor & Gaming NSW</i> Noise Criteria, L _{A10, 15 minute} dB(A) | 27 |
| Table 5-11: Project Noise Trigger Levels (PNTL) for Operational Activities, dB(A) | 28 |

| | |
|---|----|
| Table 5-12: Road Noise Criterion dB(A) | 29 |
| Table 5-13: Construction Noise Criterion dB(A) | 29 |
| Table 5-14: Meteorological Conditions Assessed in Noise Propagation Modelling | 34 |
| Table 6-1: A-weighted Sound Power Levels Associated with Operational Activities, L_{Aeq} dB(A) | 36 |
| Table 6-2: A-weighted Sound Power Levels Associated with Operational Activities, L_{A10} dB(A) | 36 |
| Table 6-3: Modelled Noise Sources | 37 |
| Table 6-4: Scenario 1 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Day – Operational Activities dB(A) | 41 |
| Table 6-5: Scenario 1 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Evening – Operational Activities dB(A) | 42 |
| Table 6-6: Scenario 1 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Night – Operational Activities dB(A) | 43 |
| Table 6-7: Scenario 2 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Day – Operational Activities dB(A) | 44 |
| Table 6-8: Scenario 2 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Evening – Operational Activities dB(A) | 45 |
| Table 6-9: Scenario 2 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Night – Operational Activities dB(A) | 46 |
| Table 6-10: Scenario 3 – Predicted Noise Levels – Mechanical Plant dB(A) | 47 |
| Table 7-1: Recommended terrace capacity and amplified music restrictions | 49 |
| Table 7-2: Scenario 1 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Day – Operational Activities dB(A) – With Noise Controls – No Wall | 51 |
| Table 7-3: Scenario 1 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Evening – Operational Activities dB(A) – With Noise Controls – No Wall | 52 |
| Table 7-4: Scenario 1 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Night – Operational Activities dB(A) – With Noise Controls – No Wall | 53 |
| Table 7-5: Scenario 2 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Day – Operational Activities dB(A) – With Noise Controls – No Wall | 54 |
| Table 7-6: Scenario 2 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Evening – Operational Activities dB(A) – With Noise Controls – No Wall | 55 |
| Table 7-7: Scenario 2 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Night – Operational Activities dB(A) – With Noise Controls – No Wall | 56 |
| Table 7-8: Scenario 3 – Predicted Noise Levels - Mechanical Plant dB(A) – With Noise Controls – No Wall | 57 |
| Table 7-9: Scenario 1 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Day – Operational Activities dB(A) – With Noise Controls – No Wall – 1.8 m Wall | 58 |
| Table 7-10: Scenario 1 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Evening – Operational Activities dB(A) – With Noise Controls – 1.8 m Wall | 59 |
| Table 7-11: Scenario 1 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Night – Operational Activities dB(A) – With Noise Controls – 1.8 m Wall | 60 |
| Table 7-12: Scenario 2 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Day – Operational Activities dB(A) – With Noise Controls – 1.8 m Wall | 61 |
| Table 7-13: Scenario 2 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Evening – Operational Activities dB(A) – With Noise Controls – 1.8 m Wall | 62 |
| Table 7-14: Scenario 2 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Night – Operational Activities dB(A) – With Noise Controls – 1.8 m Wall | 63 |
| Table 7-15: Scenario 3 – Predicted Noise Levels - Mechanical Plant dB(A) – With Noise Controls – 1.8 m Wall | 64 |
| Table 7-16: Scenario 1 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Day – Operational Activities dB(A) – With Noise Controls – No Wall – 3 m Wall | 65 |
| Table 7-17: Scenario 1 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Evening – Operational Activities dB(A) – With Noise Controls – 3 m Wall | 66 |
| Table 7-18: Scenario 1 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Night – Operational Activities dB(A) – With Noise Controls – 3 m Wall | 67 |
| Table 7-19: Scenario 2 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Day – Operational Activities dB(A) – With Noise Controls – 3 m Wall | 68 |

| | |
|---|----|
| Table 7-20: Scenario 2 – Predicted Noise Levels – $L_{A10(1.5 \text{ Minutes})}$ Evening – Operational Activities dB(A) – With Noise Controls – 3 m Wall | 69 |
| Table 7-21: Scenario 2 – Predicted Noise Levels – $L_{A10(1.5 \text{ Minutes})}$ Night – Operational Activities dB(A) – With Noise Controls – 3 m Wall | 70 |
| Table 7-22: Scenario 3 – Predicted Noise Levels - Mechanical Plant dB(A) – With Noise Controls – 3 m Wall | 71 |
| Table 7-23: Scenario 2 Results Summary – Day, evening and night periods for 500 Hz band | 72 |
| Table 8-1: Existing Traffic Generation | 74 |
| Table 8-2: Predicted Levels for Road Traffic Noise | 75 |
| Table 9-1: Modelled Noise Scenarios for Proposed Construction Works | 76 |
| Table 9-2: A-weighted Sound Power Levels Associated with Construction Activities, dB(A) | 82 |
| Table 9-3: Noise Modelling Results Associated with Construction Activities for L_{eq} , dB(A) | 83 |

Figures

Page

| | |
|---|----|
| Figure 3-1: Site Location | 4 |
| Figure 3-2: Site Aerial | 5 |
| Figure 3-3: Lower Ground Floor Plan | 6 |
| Figure 3-4: Ground Floor Plan | 7 |
| Figure 3-5: Location of Nearest Potentially Affected Receptors | 10 |
| Figure 5-1: Wind Rose Plots – BOM Dubbo Airport AWS ID 065070 2017 – Day time | 31 |
| Figure 5-2: Wind Rose Plots – BOM Dubbo Airport AWS ID 065070 2017 – Evening time | 32 |
| Figure 5-3: Wind Rose Plots – BOM Dubbo Airport AWS ID 065070 2017 – Night time | 33 |
| Figure 6-1: Scenario 1 – Noise Sources | 38 |
| Figure 6-2: Scenario 2 – Noise Sources | 38 |
| Figure 6-3: Scenario 3 – Noise Sources | 39 |
| Figure 7-1: Noise Wall Location | 50 |
| Figure 9-1: Construction Scenario 1 | 77 |
| Figure 9-2: Construction Scenario 2 | 78 |
| Figure 9-3: Construction Scenario 3 | 79 |
| Figure 9-4: Construction Scenario 4 | 80 |
| Figure 9-5: Construction Scenario 5 | 81 |

Attachments

| |
|---|
| Attachment 1: Noise Terminology |
| Attachment 2: Calibration Certificates |
| Attachment 3: QA/QC Procedures |
| Attachment 4: Daily Noise Logger Charts |





1. INTRODUCTION

Benbow Environmental (BE) has been engaged by Dubbo Regional Council to undertake a Noise Impact Assessment of the proposed redevelopment of Club Dubbo located at 82 Whylandra Street, Dubbo NSW.

The proposed development will involve upgrading the internal arrangements of the facility to include new indoor and outdoor gaming areas, TAB facilities, outdoor dining and terrace areas.

This report provides a quantitative assessment of the potential noise impacts associated with the Club's activities.

Long term and short term monitoring were undertaken at the surrounding residential receptors in order to determine the existing background and ambient noise levels in the area.

Existing background noise levels have been utilised to derive the noise criteria in accordance with the NSW Environmental Protection Authority, Noise Policy for Industry 2017, Road Noise Policy, Interim Construction Noise Guideline and the Liquor and Gaming NSW Noise Criteria.

The noise sources associated with the potential operations were identified and their emissions modelled using SoundPlan 7.3. The modelling predicts the noise impacts at the surrounding receptors and provides the individual noise contributions of the noise sources.

Predicted noise levels were assessed against the relevant noise criteria, and recommendations for noise mitigation measures have been provided where necessary.

A glossary of the terminology utilised throughout the report has been provided in Attachment 1.

1.1 SCOPE OF WORKS

This noise impact assessment has been limited to the following scope of works:

- a) Review of proposed site operations;
- b) Ambient and background noise monitoring in accordance with relevant guidelines;
- c) Establish project specific noise levels;
- d) Determine all potential noise sources associated with the existing and proposed development;
- e) Collect required noise source data;
- f) Predict potential noise impacts at the nearest potentially affected receptors to the site;
- g) Assess potential noise impacts against relevant legislation and guidelines;
- h) Recommend control measures where required; and
- i) Compile this report with concise statements of potential noise impact.



2. PROJECT DESCRIPTION

The proposed development involves renovating the lower ground and ground floor areas and includes the following:

- Demolition of the majority of the internal layout of the club;
- Reduction in car parking spaces from 183 to 169;
- Alternate internal layout of services including:
 - ▶ Extend the gaming area, to include an outdoor gaming terrace;
 - ▶ Extend the outdoor dining terrace;
 - ▶ Enclose a portion of the existing outdoor dining area;
 - ▶ Partially enclose the existing terrace area to the north west of the building;
 - ▶ Provide additional terrace area at the north of the building.
- A new foyer with improved access; and
- Addition landscaping.

The proposed renovations will provide an addition 520 square meters of floor area over both the lower ground and ground floor.



3. SITE DESCRIPTION

3.1 SITE LOCATION

The subject site is located at 82 Whylandra Street, Dubbo NSW, Lot 229 DP 753233. The site location is shown in Figure 3-1.

The land is located in Sir Roden Cutler Park bordering the Macquarie River. The site adjoins residential premises to the North East. Residential premises are also located opposite the site on the other side of Whylandra Street.

An Aerial view of the current site is shown in Figure 3-2 and the lower ground floor plan and ground floor plan are shown in Figure 3-3 and Figure 3-4 respectively.

Dubbo Regional Council
Noise Impact Assessment



Figure 3-1: Site Location



Ref: 181004_NIA_REV3
April 2018

Benbow Environmental
Page: 4

Dubbo Regional Council
Noise Impact Assessment



Figure 3-2: Site Aerial



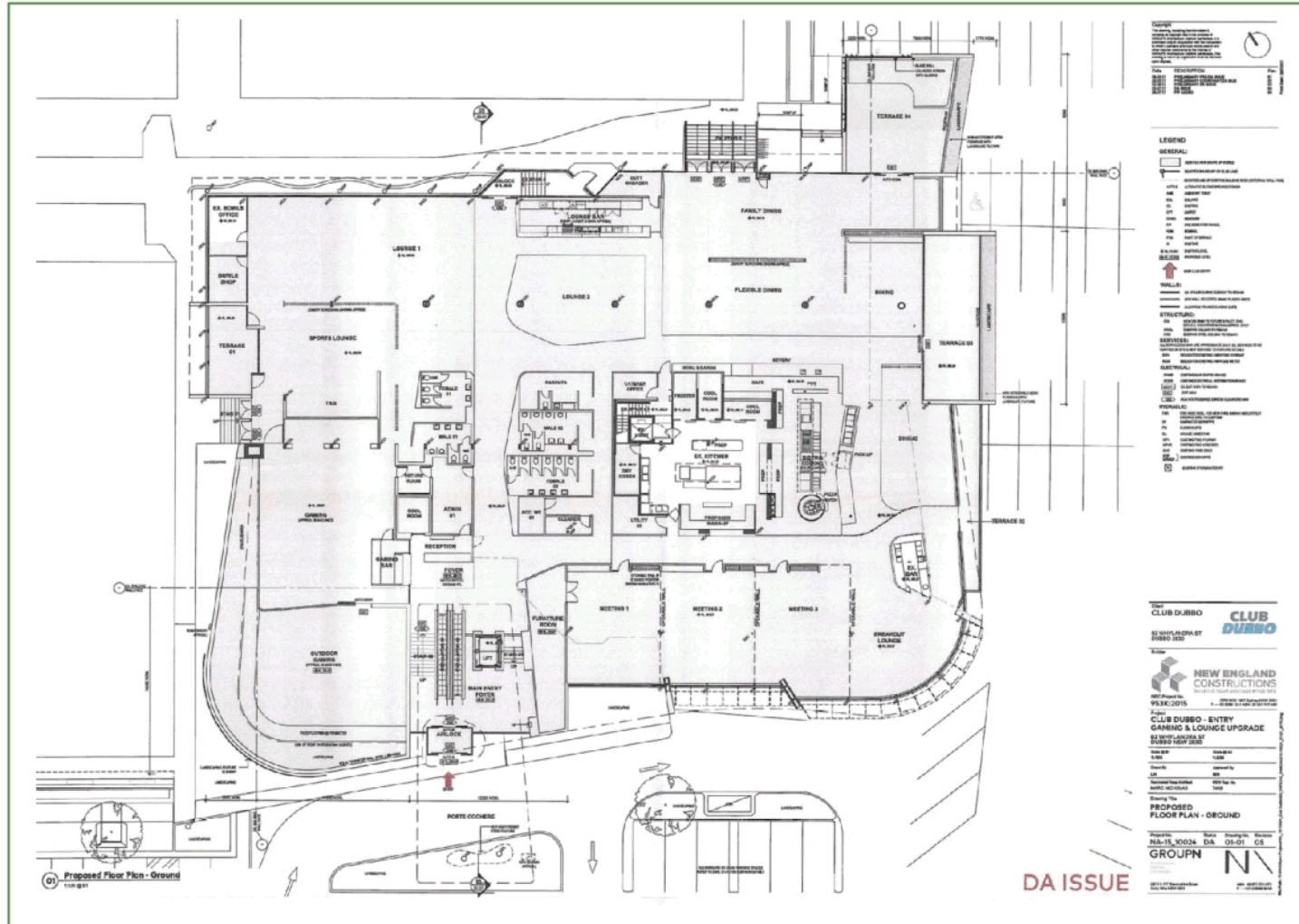
Ref: 181004_NIA_REV3
April 2018

Benbow Environmental
Page: 5

Dubbo Regional Council
Noise Impact Assessment



Figure 3-3: Lower Ground Floor Plan



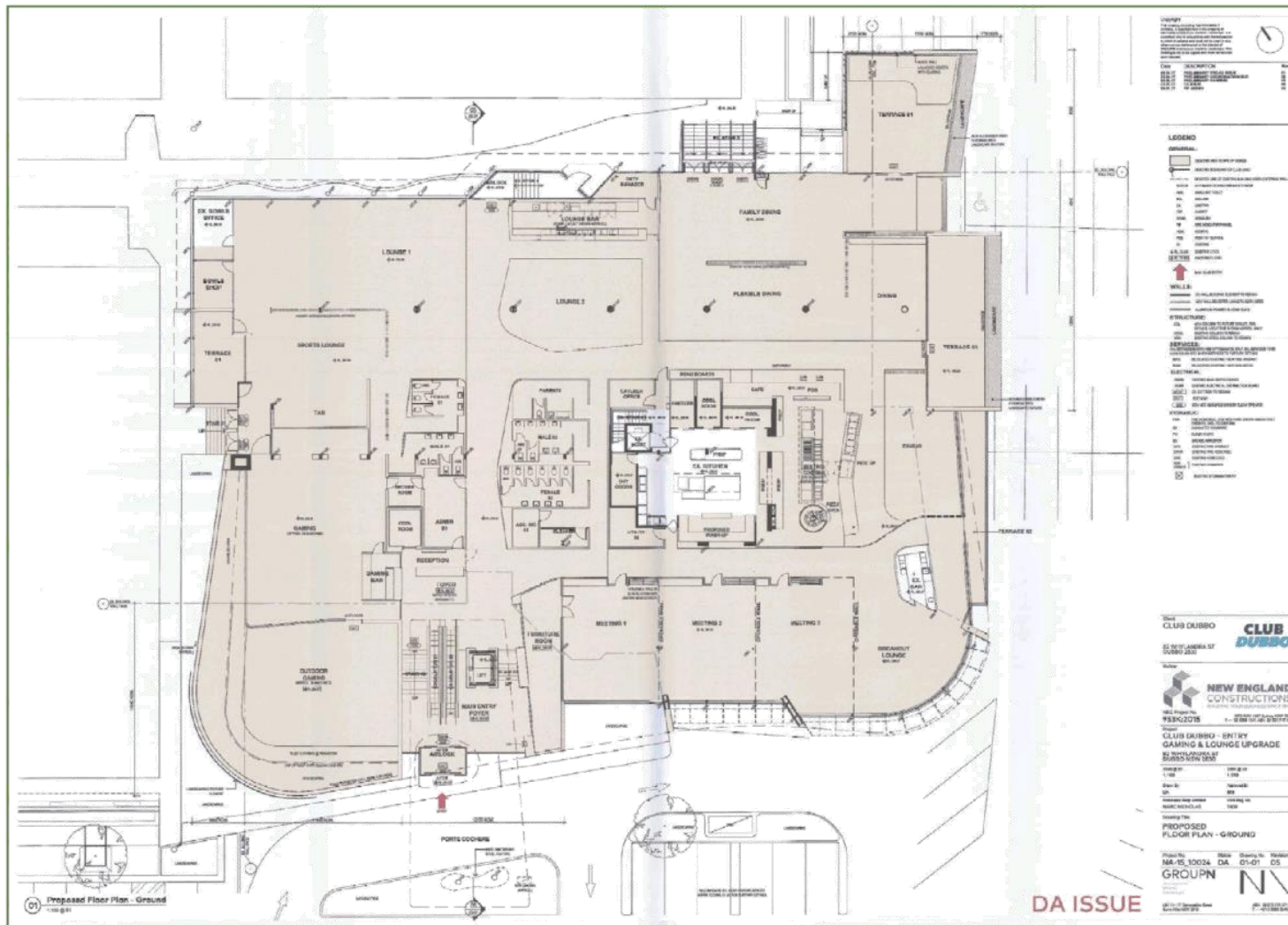
Ref: 181004_NIA_REV3
April 2018

Benbow Environmental
Page: 6

Dubbo Regional Council
Noise Impact Assessment



Figure 3-4: Ground Floor Plan



Ref: 181004_NIA_REV3
April 2018

Benbow Environmental
Page: 7



3.2 NEAREST SENSITIVE RECEPTORS

The nearest sensitive receptors identified principally include residential premises, park and recreational areas and holiday accommodation. Dubbo West Public School is also a considered receptor.

32 and 34 Stonehaven Avenue have also been considered in this assessment due to reports of noise being audible at these locations during from the Club.

Table 3-1 lists the location of potentially affected receivers that are considered in this assessment. These are shown in Figure 3-5.

Table 3-1: Nearest Potentially Affected Receptors

| Receptor ID | Address | Lot | DP | Separation distance* | Type of receiver |
|-------------|---|--------|----------------------|----------------------|-----------------------|
| R1 | 131 Whylandra Street Dubbo | 41 | DP21955 | 95 | Residential |
| R2 | 129 Whylandra Street Dubbo | 40 | DP21955 | 90 | Residential |
| R3 | 127 Whylandra Street Dubbo | 39 | DP21955 | 85 | Residential |
| R4 | 125 Whylandra Street Dubbo | 34 | DP21955 | 80 | Residential |
| R5 | 123 Whylandra Street Dubbo | 33 | DP21955 | 80 | Residential |
| R6 | 121 Whylandra Street Dubbo | 4 | DP241226 | 95 | Residential |
| R7 | 119 Whylandra Street Dubbo | 5 | DP241226 | 105 | Residential |
| R8 | 80 Whylandra Street Dubbo | 246 | DP822452 | 55 | Residential |
| R9A | 75 Stonehaven Avenue Dubbo | 245 | DP822452 | 50 | Residential |
| R9B | 75 Stonehaven Avenue Dubbo | 245 | DP822452 | 50 | Residential |
| R10A | 54 Stonehaven Avenue Dubbo | 25 | DP19998 | 70 | Residential |
| R10B | 54 Stonehaven Avenue Dubbo | 25 | DP19998 | 100 | Residential |
| R11A | 52 Stonehaven Avenue Dubbo | 26 | DP19998 | 95 | Residential |
| R11B | 52 Stonehaven Avenue Dubbo | 26 | DP19998 | 125 | Residential |
| R12 | 32 Stonehaven Avenue Dubbo | 371 | DP608898 | 275 | Residential |
| R13 | 34 Stonehaven Avenue Dubbo | 372 | DP608898 | 285 | Residential |
| R14 | 308 Macquarie Street Dubbo | 3C | DP32693 | 1030 | Residential |
| R15 | 149 North Street Dubbo | 28 | DP21784 | 280 | Residential |
| R16 | 143 North Street Dubbo | 25 | DP21784 | 270 | Residential |
| R17 | Abel Tasman Motor Inn: 133-135 Whylandra Street Dubbo | 100 | DP873497 | 110 | Holiday Accommodation |
| R18 | Dubbo West Public School: 70 North Street Dubbo | 1 1 | DP433302 DP348033 | 230 | School |
| R19 | Akuna Motor Inn: 109-113 Whylandra Street Dubbo | 201 | DP1216770 | 225 | Holiday Accommodation |
| R20 | All Seasons Motor Lodge: 78 Whylandra Street Dubbo | 1-4 | DP19998 | 83 | Holiday Accommodation |
| R21A | Sir Roden Culter Park: Whylandra Street Dubbo | 7013 | DP1115445 | 95 | Passive Recreation |
| R21B | Sir Roden Culter Park: Whylandra Street Dubbo | 7013 | DP1115445 | 71 | Passive Recreation |

Dubbo Regional Council
Noise Impact Assessment



Table 3-1: Nearest Potentially Affected Receptors

| Receptor ID | Address | Lot | DP | Separation distance* | Type of receiver |
|-------------|--|------|-----------|----------------------|--------------------------|
| R21C | Sir Roden Cutler Park: Whylandra Street Dubbo | 7013 | DP1115445 | 82 | Passive Recreation |
| R22 | Lady Cutler Park: Bligh Street Dubbo | 25 | DP754308 | 285 | Passive Recreation |
| R23 | Sandy Beach Park: South Street Dubbo | 24 | DP754308 | 200 | Passive Recreation |
| R24 | Discovery Parks: 154 Whylandra Street Dubbo | 11 | DP227455 | 220 | Holiday Accommodation |

*Separation Distance: Approximate distance measured from the Club Dubbo building to the receptor location

Ref: 181004_NIA_REV3
April 2018

Benbow Environmental
Page: 9

Dubbo Regional Council
Noise Impact Assessment



Figure 3-5: Location of Nearest Potentially Affected Receptors



Ref: 181004_NIA_REV3
April 2018

Benbow Environmental
Page: 10



4. EXISTING ACOUSTIC ENVIRONMENT

The level of background noise varies over the course of any 24 hour period, typically from a minimum at 3.00am to a maximum during morning and afternoon traffic peak hours. Therefore the NSW EPA Noise Policy for Industry (2017) requires that the level of background and ambient noise be assessed separately for the daytime, evening and night time periods. The Noise Policy for Industry defines these periods as follows:

- **Day** – the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays;
- **Evening** – the period from 6pm to 10pm; and
- **Night** – the remaining periods.

4.1 NOISE MONITORING EQUIPMENT AND METHODOLOGY

Background noise level measurements were carried out using a Svantek SVAN 957 Precision Sound Level Meter (attended noise monitoring) and **three (3)** Acoustic Research Laboratories statistical Environmental Noise Logger, type NGARA (unattended noise monitoring). The instrument sets were calibrated by a NATA accredited laboratory within two years of the measurement period. Calibration certificates have been included in Attachment 2.

Details of the instrumentation utilised and setup are provided in Table 4-1.

Table 4-1: Instrumentation and Setup Details

| Equipment | Serial Number | Setup Details |
|---|---------------|--|
| Svantek SVAN957 Type 1 Integrating Sound and Vibration analyser | 15336 | Three channels: A-weighted Fast Response C-weighted Fast Response A-weighted Impulse Response 15 minute integration period 1/3 octave band log recorded every 100 ms Logger file Recorded at steps of 100 ms |
| ARL Ngara Real Time Sound Acquisition System | 8780AC | A-weighted Fast Response |
| | 8780AD | C-weighted Fast Response |
| | 8780AE | Wave sampling frequency 48 KHz Logger file Recorded at steps of 100 ms |

To ensure accuracy and reliability in the results, field reference checks were applied both before and after the measurement period with an acoustic calibrator. There were no excessive variances observed in the reference signal between the pre-measurement and post-measurement calibration. The instruments were set on A-weighted Fast response and noise levels were measured over 15-minute statistical intervals. QA/QC procedures applied for the measurement and analysis of noise levels have been presented in Attachment 3. The microphones were fitted with windsocks and were positioned between 1.2 metres and 1.5 meters above ground level.



Weather data was sourced from the Bureau of Meteorology from the Automatic Weather Station (AWS) located at Dubbo Airport (ID 065070). In assessing the background noise levels, any data affected by adverse weather conditions has been broadly discarded according to the requirements of the NSW EPA Noise Policy for Industry. Section A4 of the Noise Policy for Industry states that *“data should be excluded when average wind speeds at microphone height are greater than 5 metres per second... exceptions to this rule are allowed provided the proponent is able to show that the wind-induced noise on the microphone... is at least 10 dB below the noise levels under investigation”*.

In this survey, a wind speed of 6.1 m/s instead of 5 m/s per second has been used in the discarding of data. The intent of the 5 m/s limit is to ensure that wind-induced noise is at least 10 dB below the noise levels under investigation. The gathered data showed higher than expected background noise levels from natural sources such as insects and cicadas, and from man-made sources such as residential noise and road traffic noise. The higher background noise levels raised the L_{Aeq} noise levels of the entire measurement above the range where the L_{Aeq} from wind speeds under 6.1 m/s alone would have impacted upon the measurement.

Furthermore, the Dubbo AWS data in Figure 5-1-Figure 5-3 shows that higher wind speeds are characteristic of the Dubbo area. The 6.1 m/s limit therefore gives a representative value that recognises the higher wind speeds in the Dubbo area while not compromising the technical integrity of the data collection process as per the Noise Policy for Industry (EPA, 2017).

4.2 MEASUREMENT LOCATION

Unattended long-term noise monitoring was undertaken at **two (2)** locations from 15th February 2018 to 2nd March 2018 at representative residential receivers:

- A: 129 Whylandra Street Dubbo (R2); and
- B: 54 Stonehaven Avenue, Dubbo (R10).

Unattended logging was undertaken at two locations for two weeks however, due to battery life and data storage limitations two sets of loggers were required for week. The following table details the logger serial number, location and time of logging.

Table 4-2: Unattended Monitoring Periods – Logger Serial Number

| Location | Time Frame | Logger Serial Number |
|---|-------------------|----------------------|
| Location A: 129 Whylandra Street Dubbo (R2) | 15/02/18-22/02/18 | 8780AE |
| | 22/02/18-2/03/18 | 8780AC |
| Location B: 54 Stonehaven Avenue, Dubbo (R10) | 15/02/18-21/02/18 | 8780AC |
| | 21/02/18-2/03/18 | 8780AD |

The attended and noise logging locations are shown in Figure 3-5. Noise Logger Charts are presented in Attachment 3.



4.3 MEASURED NOISE LEVELS

4.3.1 Long-Term Unattended Noise Monitoring Results

4.3.1.1 Liquor & Gaming NSW Unattended Noise Monitoring Results

The previous Office of Liquor, Gaming and Racing (OLGR) produced a note called *Sound Advice* in which criteria are presented based on octave band analysis. Whilst the OLGR has been succeeded by *Liquor and Gaming NSW*, it is understood that the previous criteria is still being utilised by *Liquor and Gaming NSW*.

The *Liquor & Gaming NSW* general standard noise criteria require the individual octave band centre frequency (31.5 Hz – 8 kHz inclusive) data to be analysed for all the considered time periods.

For the purpose of determining the background noise levels and applying the *Liquor & Gaming NSW* noise criteria the time periods have been considered based on the potential hours of operation and are as follows:

- **Day** defined as 7:00am to 6:00pm, Monday to Sunday;
- **Evening** defined as 6:00pm to 10:00pm, Monday to Sunday; and
- **Night 1** defined as 10:00pm to 0:00am, Monday to Sunday.
- **Night 2** defined as 0:00am to 7:00am, Monday to Sunday.

Although there is currently no intention to carry out operations between 0:00am and 7:00am (Night 2), this study provides background noise levels and noise criteria for this period in case this information is required for future planning purposes.

Unattended measurements were carried out using Ngarra type noise loggers recording wave files with a 48 kHz sample rate, enabling the calculation of an accurate frequency spectrum for the entire monitoring period.

The following tables show the measured octave band centre frequency background noise levels (L_{90}) measured at the Locations A and B.

Table 4-3: Summary of the Measured Background Noise Levels (L_{90}), dB(A) – Logger A

| Date | Octave Band Centre Frequency (Hz) | | | | | | | | | |
|---------|-----------------------------------|----|-----|-----|-----|------|------|------|------|---------|
| | 31.5 | 63 | 125 | 250 | 500 | 1000 | 2000 | 4000 | 8000 | Overall |
| Day | 14 | 29 | 35 | 36 | 39 | 45 | 41 | 30 | 18 | 48 |
| Evening | 11 | 26 | 32 | 33 | 36 | 38 | 36 | 28 | 17 | 43 |
| Night 1 | 2 | 19 | 25 | 24 | 29 | 29 | 24 | 31 | 21 | 36 |
| Night 2 | 1 | 16 | 22 | 24 | 27 | 27 | 21 | 24 | 16 | 33 |

Table 4-4: Summary of the Measured Background Noise Levels (L_{90}), dB(A) – Logger B

| Date | Octave Band Centre Frequency (Hz) | | | | | | | | | |
|---------|-----------------------------------|----|-----|-----|-----|------|------|------|------|---------|
| | 31.5 | 63 | 125 | 250 | 500 | 1000 | 2000 | 4000 | 8000 | Overall |
| Day | 10 | 23 | 27 | 27 | 32 | 35 | 30 | 24 | 16 | 39 |
| Evening | 8 | 23 | 29 | 27 | 32 | 36 | 31 | 22 | 16 | 39 |
| Night 1 | 7 | 21 | 26 | 25 | 32 | 35 | 32 | 33 | 34 | 41 |
| Night 2 | 1 | 17 | 22 | 23 | 28 | 31 | 28 | 29 | 22 | 36 |

4.3.1.2 Noise Policy for Industry Unattended Noise Monitoring Results

The data was analysed to determine a single assessment background level (ABL) for each day, evening and night time period, in accordance with the NSW EPA Noise Policy for Industry. That is, the ABL is established by determining the lowest tenth-percentile level of the L_{90} noise data over each period of interest. The background noise level or rating background level (RBL) representing the day, evening and night assessment periods is based on the median of individual ABL's determined over the entire monitoring period.

The results of the long-term unattended noise monitoring are displayed in Table 4-5. Daily noise monitoring results tables, and daily noise logger charts have been included in Attachment 5.

Table 4-5: Unattended Noise Monitoring Results, dB(A)

| Monitoring Location | Address | Assessment Background Level ABL (L_{90}) | | | Equivalent Ambient Noise Level L_{eq} | | |
|---------------------|-----------------------------|---|----------------------------|-------|--|---------|-------|
| | | Day | Evening | Night | Day | Evening | Night |
| | | A | 129 Whylandra Street Dubbo | 48 | 46 | 38 | 68 |
| B | 54 Stonehaven Avenue, Dubbo | 39 | 40 | 40 | 57 | 56 | 46 |

4.3.1.3 Existing Road Traffic Noise Levels

Existing road traffic noise levels have been obtained from the unattended environmental noise logger A.

Table 4-6 shows the results of the long term unattended road traffic noise monitoring.



Table 4-6: Existing Road Traffic Noise Data

| Date | Existing Road Traffic Noise – dB(A) | | | |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|
| | Daytime (7am to 10pm) | | Night-time (10pm to 7am) | |
| | L _{eq} (15 hour) | L _{eq} (1 hour) | L _{eq} (9 hour) | L _{eq} (1 hour) |
| 15/02/2018 | - | - | 59 | 59 |
| 16/02/2018 | 65 | 66 | 57 | 59 |
| 17/02/2018 | - | - | 58 | 59 |
| 18/02/2018 | 64 | 64 | 58 | 59 |
| 19/02/2018 | - | - | - | - |
| 20/02/2018 | - | - | - | - |
| 21/02/2018 | - | - | - | - |
| 22/02/2018 | 67 | 67 | - | - |
| 23/02/2018 | 65 | 66 | - | - |
| 24/02/2018 | - | - | 59 | 60 |
| 25/02/2018 | - | - | - | - |
| 26/02/2018 | - | - | 57 | 58 |
| 27/02/2018 | - | - | - | - |
| 28/02/2018 | 66 | 66 | - | - |
| 1/03/2018 | 66 | 67 | 58 | 58 |
| 2/03/2018 | - | - | - | - |
| Overall | 66 | 66 | 58 | 59 |
| Road Traffic Noise Levels at the Residence | 64 | 64 | 56 | 57 |

- Data excluded because adverse weather conditions were present.

4.3.2 Short-Term Attended Noise Monitoring Results

Given that the results of the unattended noise monitoring are affected by all ambient noise sources such as local fauna, road traffic and industrial sources. Therefore, the attended noise monitoring allows for a more detailed understanding of the existing ambient noise characteristics and a more meaningful final analysis to be undertaken.

Attended noise monitoring was also undertaken when live music was being played on the 2nd March to measure the existing noise levels from the site.

The results of the short-term attended noise monitoring are displayed in Table 4-7.



Table 4-7: Attended Noise Monitoring Results, dB(A)

| Location & Date/Time | L _{Aeq} | L _{A90} | L _{A10} | L _{A1} | Comments |
|---|------------------|------------------|------------------|-----------------|---|
| 129 Whylandra Street 15/02/2018 15:56 | 71 | 55 | 73 | 82 | Car passing < 79 dB(A) Trucks passing < 91 dB(A) – typically < 84 dB(A) Bird noise audible < 56 dB(A) Aeroplane audible < 63 dB(A) Wind < 54 dB(A) Bus passing < 70 dB(A) Mobile farm equipment passing < 85 dB(A) Car leaving club driveway < 63 dB(A) Motorcycle < 78 dB(A) People talking on bowling green barely audible Noise dominated by traffic |
| 54 Stonehaven Avenue 15/02/2018 16:21 | 47 | 42 | 49 | 54 | Road noise < 58 dB(A) – typically 46 – 48 dB(A) Wind < 46 dB(A) Bird < 50 dB(A) Residential impulse noise < 48 dB(A) Club flagpole clanging in wind – audible Car in club carpark < 48 dB(A) |
| 2 East Street 15/02/2018 16:48 | 48 | 40 | 52 | 56 | Distant road traffic < 48 dB(A) Wind gusts < 58 dB(A) People nearby < 59 dB(A) Bird < 45 dB(A) Residential impulse noise < 47 dB(A) Car ignition nearby < 52 dB(A) Car accelerating nearby < 56 dB(A) Siren < 60 dB(A) |
| 129 Whylandra Street 15/02/2018 20:40 | 62 | 47 | 69 | 79 | Cars passing < 79 dB(A) – typically < 74 dB(A) Cars pulling out of club driveway < 69 dB(A) Truck < 92 dB(A) – typically < 81 dB(A) Insects audible << 46 dB(A) Utility vehicle < 90 dB(A) (loud exhaust) People nearby < 43 dB(A) |
| 54 Stonehaven Avenue 15/02/2018 21.03 | 46 | 42 | 49 | 54 | People talking on club balcony < 45 (L _{Amax}) Insects < 45 dB(A) Traffic < 50 dB(A) Aeroplane < 49 dB(A) Revvling on Whylandra Street nearby < 66 dB(A) Dog barking < 49 dB(A) |
| 2 East Street 15/02/2018 21.23 | 45 | 43 | 47 | 50 | Insects < 45 dB(A) – constant 43-45 dB(A) Distant revving < 46 dB(A) Nearby revving < 64 dB(A) Traffic nearby < 49 dB(A) Car horn < 50 dB(A) Leaves rustling/falling < 49 dB(A) Aeroplane < 49 dB(A) Dogs barking < 50 dB(A) Bat < 47 dB(A) |
| 54 Stonehaven Avenue 02/03/2018 20.30 | 51 | 47 | 53 | 55 | LIVE MUSIC PLAYING Insects < 53 dB(A) – constant Traffic typically < 54 dB(A) Truck < 63 dB(A) Distant revving < 57 dB(A) Drums audible Bass music audible from 20.38 (Estimate L _{Cmax} ≈ 60dB(C)) |



Table 4-7: Attended Noise Monitoring Results, dB(A)

| Location & | L _{Aeq} | L _{A90} | L _{A10} | L _{A1} | Comments |
|---|------------------|------------------|------------------|-----------------|--|
| 54 Stonehaven Avenue 02/03/2018 20.50 | 47 | 44 | 49 | 53 | LIVE MUSIC PLAYING Bass music clearly audible 20.50-20.53 (L _{Cmax} ≈ 61dB(C)) Traffic < 56 dB(A) Insects < 47 dB(A) Music audible 20.56-20.58 (L _{Cmax} ≈ 58dB(C)) Car in club carpark < 55 dB(A) Car door club carpark < 53 dB(A) |
| 54 Stonehaven Avenue 02/03/2018 21.34 | 46 | 44 | 48 | 52 | LIVE MUSIC PLAYING Bass music clearly audible 21.34-21.37 (L _{Cmax} ≈ 66dB(C)) Traffic < 56 dB(A) Distant birds < 50 dB(A) Insects < 47 dB(A) Resident nearby < 55 dB(A) Bass music clearly audible 21.40-21.46 (L _{Cmax} ≈ 65dB(C), L _{Amax} ≈ 39 dB(A)) |
| 54 Stonehaven Avenue 02/03/2018 21.57 | 47 | 40 | 49 | 58 | LIVE MUSIC PLAYING Bird calling < 63 dB(A) Distant revving < 56 dB(A) Bass music clearly audible 21.57-22.00 (L _{Cmax} ≈ 58dB(C)) Insects < 42 dB(A) Bass music clearly audible 22.03-22.06 (L _{Cmax} ≈ 59dB(C), L _{Amax} ≈ 37 dB(A)) Car horn < 53 dB(A) Music audible (less bass) 22.06-22.10 |
| 2 East Street 02/03/2018 22.23 | 48 | 44 | 50 | 57 | LIVE MUSIC PLAYING Insects < 45 dB(A) Distant Revving < 59 dB(A) Wind through leaves < 55 dB(A) Dogs barking < 63 dB(A) Club Dubbo – Inaudible |
| 129 Whylandra Street 02/03/2018 22.51 | 64 | 45 | 68 | 75 | LIVE MUSIC PLAYING Wind < 50 dB(A) Cars passing < 79 dB(A) Bass music clearly audible 22.51-22.54 (L _{Cmax} < 62dB(C)) Insects barely audible Car horn < 74 dB(A) Truck passing < 76 dB(A) Music audible when traffic noise is low Music audible 23.04-23.05 |
| 54 Stonehaven Avenue 02/03/2018 23.16 | 46 | 42 | 48 | 51 | LIVE MUSIC PLAYING Music audible 23.16-23.17 (L _{Cmax} < 60dB(C), L _{Amax} < 44 dB(A)) – Johnny Cash: I walk the line Wind < 48 dB(A) Music audible 23.17-23.20 (L _{Cmax} < 61dB(C), L _{Amax} < 45 dB(A)) Insects barely audible Distant traffic < 46 dB(A) Traffic < 52 dB(A) Music audible 23.21-23.24 (L _{Cmax} < 66dB(C), L _{Amax} < 47 dB(A)) Music audible 23.24-23.25 (L _{Cmax} < 63dB(C), L _{Amax} < 48 dB(A)) L _{Cmax} < 69 dB(C) – 23.27 L _{Cmax} < 68 dB(C) – 23.28 L _{Cmax} < 65 dB(C) – 23.29 Estimate music contribution: L _{Aeq} : 44 dB(A) L _{Cmax} : 69 dB(C) L _{Amax} : 47 dB(A) |



5. CURRENT LEGISLATION AND GUIDELINES

5.1 LIQUOR & GAMING NSW NOISE CRITERIA

The *Liquor & Gaming NSW* noise criteria was developed in order to assess licensed premises that may generate noise impacts at particular residential areas. Given the nature of the development proposal licensed venue would be present at the site. Therefore, this guideline was utilised for assessing the potential noise impact from licensed premises.

The *Liquor & Gaming NSW* Standard Noise Condition is as follows:

"The L_{A10} noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8k Hz inclusive) by more than 5 dB between 07:00 am and 12:00 midnight at the boundary of any affected residence. The L_{A10} noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8k Hz inclusive) between 12:00 midnight and 07:00 am at the boundary of any affected residence. Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am.

Where L_{A10} is the average maximum deflection of the noise emission from the licensed premises."

As such, the noise criteria can be summarised as:

- Period between 7.00am and 0.00am;
 $L_{A10} \leq$ rating background level (L_{A90}) + 5 dB
- Period between 0.00am and 7.00am.
 $L_{A10} \leq$ rating background level (L_{A90}) + 0 dB

5.2 NSW EPA NOISE POLICY FOR INDUSTRY

5.2.1 Introduction

The NSW Noise Policy for Industry was developed by the NSW EPA primarily for the assessment of noise emissions from industrial sites regulated by the NSW EPA.

The policy sets out two components that are used to assess potential site-related noise impacts. The intrusiveness noise level aims at controlling intrusive noise impacts in the short-term for residences. The amenity noise level aims at maintaining a suitable amenity for particular land uses including residences in the long-term. The more stringent of the intrusiveness or amenity level becomes the project noise trigger levels for the project.



5.2.2 Project Intrusiveness Noise Level

The project intrusiveness noise level is determined as follows:

$$L_{Aeq,15\text{ minute}} = \text{rating background noise level} + 5\text{ dB}$$

Where the $L_{Aeq,(15\text{ minute})}$ is the predicted or measured L_{Aeq} from noise generated within the project site over a fifteen minute interval at the receptor.

This is to be assessed at the most affected point on or within the residential property boundary or if that is more than 30 m from the residence, at the most affected point within 30 m of the residential dwelling.

5.2.3 Amenity Noise Level

To limit continuing increases in noise levels, the maximum ambient noise level within an area from industrial noise sources should not normally exceed the acceptable noise levels specified in Table 2.2 of the NSW Noise Policy for Industry 2017. The relevant recommended noise levels applicable are reproduced in Table 5-1. The suburban category has been selected for the residential noise amenity criteria, as per Table 2.3 of the Noise Policy for Industry. In this case the day, evening and night RBLs at Location A and the night RBL for location B are described from Table 2.3 as urban, the evening Location B RBL = 40 dB(A) being on the cusp of suburban/urban and the day time RBL for location B is described from Table 2.3 as rural. The suburban area is also described as *an area that has local traffic with characteristically intermittent traffic flows with some limited commerce or industry*, corresponding with the character of the surrounding locality.

Table 5-1: Amenity noise levels.

| Receiver | Noise Amenity Area | Time of Day | L_{Aeq} dB(A) |
|-----------------------|---|------------------------------------|---------------------------------|
| | | | Recommended amenity noise level |
| Residential | Suburban | Day | 55 |
| | | Evening | 45 |
| | | Night | 40 |
| Holiday Accommodation | 5 dB(A) above the recommended amenity level for a residence for the relevant noise amenity area and time of day | Day | 60 |
| | | Evening | 50 |
| | | Night | 45 |
| School classroom | All | Noisiest 1-hour period when in use | Internal: 40 ¹ |
| | | | External: 50 ² |
| Passive recreation | All | When in use | 50 |

Note: 1) In the case where existing schools are affected by noise from existing sources, the acceptable L_{Aeq} noise level may be increased to L_{Aeq} 1 hour.

2) Where internal amenity noise levels are specified, they refer to the noise level at the centre of the habitable room that is most exposed to the noise and apply with windows opened sufficiently to provide adequate ventilation, except where alternative means of ventilation complying with the Building Code of Australia are provided. In cases where gaining internal access for monitoring is difficult, then external noise levels 10 dB(A) above the internal levels apply.

Source: Table 2.2 and Section 2.6, NSW Noise Policy for Industry



The project amenity noise level for industrial developments = recommended amenity noise level minus 5 dB(A)

The following exceptions to the above method to derive the project amenity noise levels apply:

1. *In areas with high traffic noise levels*
2. *In proposed developments in major industrial clusters*
3. *Where the resultant project amenity noise level is 10 dB or more lower than the existing industrial noise level. In this case the project amenity noise levels can be set at 10 dB below existing industrial noise levels if it can be demonstrated that existing industrial noise levels are unlikely to reduce over time.*
4. *Where cumulative industrial noise is not a necessary consideration because no other industries are present in the area, or likely to be introduced into the area in the future. In such cases the relevant amenity noise level is assigned as the project amenity noise level for development.*

This development is not considered to be captured by the above exceptions.

5.2.4 Sleep Disturbance Criteria

In accordance with the NSW EPA Noise Policy for Industry, the potential for sleep disturbance from maximum noise level events from premises during the night-time period needs to be considered. Sleep disturbance is considered to be both awakenings and disturbance to sleep stages.

Where the subject development/premises night-time noise levels at a residential location exceed:

- $L_{Aeq, 15 \text{ minute}}$ **40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and/or**
- L_{AFmax} **52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater,**

a detailed maximum noise level assessment should be undertaken.

5.3 NSW ROAD NOISE POLICY

The NSW Road Noise Policy (RNP) has been adopted to establish the noise criteria for the potential noise impact associated with additional traffic generated by the proposed development. The RNP was developed by the NSW EPA primarily to identify the strategies that address the issue of road traffic noise from:

- Existing roads;
- New road projects;
- Road redevelopment projects; and
- New traffic-generating developments.



5.3.1 Road Category

The subject site is located on Whylandra Street with several residential receivers located along this street.

Based on the RNP road classification description, Whylandra Street would be classified as a 'arterial road'.

5.3.2 Noise Assessment Criteria

Section 2.3 of the RNP outlines the criteria for assessing road traffic noise. The relevant sections of Table 3 of the RNP are shown in Table 5-2.

Table 5-2: Road Traffic Noise Assessment Criteria For Residential Land Uses, dB(A)

| Road Category | Type of Project/Land Use | Assessment Criteria, dB(A)* | |
|---------------|---|---------------------------------|--------------------------------|
| | | Day (7am-10pm) | Night (10pm-7am) |
| Arterial | 3. Existing residences affected by additional traffic on existing sub-arterial roads generated by land use developments | $L_{Aeq(15\text{ hour})}$ 60 dB | $L_{Aeq(9\text{ hour})}$ 55 dB |

* Measured at 1 m from a building façade.

In addition, table 6 of the RNP outlines the relative increase criteria for assessing road traffic noise; this table is reproduced in Table 5-3.

Table 5-3: Relative increase criteria for residential land uses

| Road Category | Type of Project/Land Use | Total traffic noise level increase - dB(A) | |
|---------------|--|---|--|
| | | Day (7am-10pm) | Night (10pm-7am) |
| Arterial | New road corridor/redevelopment of existing road/land use development with the potential to generate additional traffic on existing road | Existing traffic $L_{Aeq(15\text{ hour})}$ + 12 dB (external) | Existing traffic $L_{Aeq(9\text{ hour})}$ + 12 dB (external) |



5.3.3 Assessment Locations for Existing Land Uses

Table 5-4: Assessment Locations for Existing Land Uses

| Assessment Type | Assessment Location |
|---|--|
| External noise levels at residences | <p>The noise level should be assessed at 1 metre from the façade and at a height of 1.5 metres from the floor.</p> <p>Separate noise criteria should be set and assessment carried out for each façade of a residence, except in straightforward situations where the residential façade most affected by road traffic noise can be readily identified.</p> <p>The residential noise level criterion includes an allowance for noise reflected from the façade ('façade correction'). Therefore, when taking a measurement in the free field where reflection during measurement is unlikely (as, for instance, when measuring open land before a residence is built), an appropriate correction – generally 2.5 dB – should be added to the measured value. The 'façade correction' should not be added to measurements taken 1 metre from the façade of an existing building. Free measurements should be taken at least 15 metres from any wall, building or other reflecting pavement surface on the opposite side of the roadway, and at least 3.5 metres from any wall, building or other pavement surface, behind or at the sides of the measurement point which would reflect the sound.</p> |
| Noise levels at multi-level residential buildings | <p>The external points of reference for measurement are the two floors of the building that are most exposed to traffic noise.</p> <p>On other floors, the internal noise level should be at least 10 dB less than the relevant external noise level on the basis of openable windows being opened sufficiently to provide adequate ventilation. (Refer to the Building Code of Australia (Australian Building Codes Board 2010) for additional information.)</p> |
| Internal noise levels | <p>Internal noise levels refer to the noise level at the centre of the habitable room that is most exposed to the traffic noise with openable windows being opened sufficiently to provide adequate ventilation. (Refer to the Building Code of Australia (Australian Building Codes Board 2010) for additional information.)</p> |
| Open space – passive or active use | <p>The noise level is to be assessed at the time(s) and location(s) regularly attended by people using the space. In this regard, 'regular' attendance at a location means at least once a week.</p> |

5.4 CONSTRUCTION NOISE AND VIBRATION CRITERIA

Criteria for construction and demolition noise has been obtained from the NSW Interim Construction Noise Guideline (DECC, 2009). Guidance for construction vibration has been taken from British Standard BS7385-Part 2: 1993 'Evaluation and measurement for vibration in buildings' and other standards.



5.4.1 NSW Interim Construction Noise Guideline

Residential Criteria

Table 2 of the Interim Construction Noise Guideline (DECC, 2009), sets out construction noise management levels for noise at residences and how they are to be applied. The management noise levels are reproduced in Table 5-5 below. Restrictions to the hours of construction may apply to activities that generate noise at residences above the ‘highly noise affected’ noise management level.

Table 5-5: Management Levels at Residences Using Quantitative Assessment

| Time of Day | Management Level <i>L</i> _{Aeq(15 minute)} | How to Apply |
|---|--|---|
| Recommended standard hours: Monday to Friday 7am – 6pm Saturday 8am – 1pm No work on Sundays or Public Holidays | Noise Affected RBL + 10 dB | The noise affected level represents the point above which there may be some community reaction to noise. <ul style="list-style-type: none"> Where the predicted or measured <i>L</i>_{Aeq(15 minute)} is greater than the noise affected level, the proponent should apply all feasible and reasonable work practises to meet the noise affected level. The proponent should also inform all potentially affected residents of the nature of works to be carried out, the expected noise levels and duration, as well as contact details. |
| | Highly Noise Affected 75 dB(A) | The highly noise affected level represents the point above which there may be strong community reaction to noise. <ul style="list-style-type: none"> Where noise is above this level, the relevant authority (consent, determining or regulatory) may require respite periods by restricting the hours that the very noisy activities can occur, taking into account: <ol style="list-style-type: none"> times identified by the community when they are less sensitive to noise (such as before and after school, or mid-morning or mid-afternoon for works near residents. if the community is prepared to accept a longer period of construction in exchange for restrictions on construction times. |



Table 5-5: Management Levels at Residences Using Quantitative Assessment

| Time of Day | Management Level $L_{Aeq}(15 \text{ minute})$ | How to Apply |
|------------------------------------|--|--|
| Outside recommended standard hours | Noise Affected RBL + 5 dB | <ul style="list-style-type: none"> A strong justification would typically be required for works outside the recommended standard hours. The proponent should apply all feasible and reasonable work practices to meet the noise affected level. Where all feasible and reasonable practices have been applied and noise is more than 5 dB(A) above the noise affected level, the proponent should negotiate with the community. For guidance on negotiating agreements see section 7.2.2 (RNP) |

Noise levels apply at the property boundary that is most exposed to construction noise, and at a height of 1.5 m above ground level. If the property boundary is more than 30 m from the residence, the location for measuring or predicting noise levels is at the most noise-affected point within 30 m from the residence.

Other Land Uses

Table 5-6 sets out management levels for construction noise at other land uses applicable to the surrounding area.

Table 5-6: Management Levels at Other Land Uses

| Land use | Management Level $L_{Aeq}(15 \text{ minute})$ (applies when properties are being used) |
|--------------------------------|---|
| School Classrooms ¹ | External Noise Level 55 dB(A) |
| Passive Recreation Areas | External Noise Level 60 dB(A) |

Note: ¹ As per section 4.1.2 of the Interim Construction Noise Guideline, a conservative estimate of 10 dB difference between internal and external levels is applied.

Holiday accommodation is specifically not considered in the Interim Construction Noise Guideline however the guideline specifies for other noise-sensitive businesses a special investigation to determine suitable noise levels on a project by project basis is recommended.

The Noise Policy for Industry 2017 recommends 5 dB(A) above the recommended amenity level for a residence for the relevant noise amenity area and time of day for holiday accommodation. Therefore for construction noise 10 dB(A) above the recommended amenity level for a residence for the relevant noise amenity area and time of day will be adopted for this assessment.



5.4.2 Vibration Criteria

Vibration criteria from construction works are outlined in this section, including guidelines to avoid cosmetic damage, structural damage or human discomfort. There is no specific vibration standard in NSW to assess cosmetic or structural damage to buildings. Usually the British Standard BS 7385–Part 2: 1993 ‘*Evaluation and measurement for vibration in buildings*’ or the German standard DIN4150–Part 3: 1999 ‘*Structural Vibration Part 3 – effects of vibration on structures*’ is referenced. The *Assessing Vibration – A Technical Guideline* (DEC, 2006) provides guidance on preferred levels for human exposure.

5.4.3 BS 7385–2:1993

The British Standard BS 7385–Part 2:1993 ‘*Evaluation and measurement for vibration in buildings*’ provides vibration limits to avoid cosmetic damage on surrounding structures. Limits are set at the lowest limits where cosmetic damage has previously been shown.

Table 5-7: Vibration criteria for cosmetic damage (BS 7385:2 1993)

| Type of building | Peak component particle velocity in frequency range of predominant pulse | | |
|---|--|----------------|-----------------|
| | 4 to 15 Hz | 15 Hz to 40 Hz | 40 Hz and above |
| Reinforced or framed structures. Industrial and heavy commercial buildings | 50 mm/s at 4 Hz and above | | |
| Unreinforced or light framed structures. Residential or light commercial type buildings | 15 to 20 mm/s | 20 to 50 mm/s | 50 mm/s |

5.4.4 DIN4150–3:1999

The German standard DIN4150-Part 3:1999 ‘*Structural Vibration Part 3 – effects of vibration on structures*’ has also been considered. The German standard is considered more onerous than the British standard, and specifically includes more stringent limits to avoid structural damage to surrounding heritage buildings.



Table 5-8: Structural damage criteria heritage structures (DIN4150-3 1999)

| Type of building | Peak component particle velocity (PPV) mm/s | | | |
|--|--|-------------|--------------|---|
| | Vibration at the foundation at a frequency of: | | | Vibration of horizontal plane of highest floor at all frequencies |
| | 1 to 10 Hz | 10 to 50 Hz | 50 to 100 Hz | |
| Buildings used for commercial purposes, industrial buildings or buildings of similar design | 20 | 20 to 40 | 40 to 50 | 40 |
| Residential dwellings and similar | 5 | 5 to 15 | 15 to 20 | 15 |
| Structures that, because of their particular sensitivity to vibration, cannot be classified as the two categories above, and are of intrinsic value (for example heritage listed buildings). | 3 | 3 to 8 | 8 to 10 | 8 |

5.4.5 Human Exposure

The guideline *Assessing Vibration – A Technical Guideline* (DEC, 2006) describes preferred criteria for human exposure. The limits describe values where occupants of buildings would be impacted by construction work.

Table 5-9: Preferred and maximum weighted rms z-axis values, 1-80 Hz

| Location | Daytime | | Night time | |
|--|-----------|---------|------------|---------|
| | Preferred | Maximum | Preferred | Maximum |
| Continuous Vibration (weighted root mean square (rms) vibration levels for continuous acceleration (m/s^2) in the vertical direction) | | | | |
| Residences | 0.01 | 0.02 | 0.007 | 0.014 |
| Offices, schools, educational institutions and places of worship | 0.02 | 0.04 | 0.02 | 0.04 |
| Workshops | 0.04 | 0.08 | 0.04 | 0.08 |
| Impulsive Vibration (weighted root mean square (rms) vibration levels for impulsive acceleration (m/s^2) in the vertical direction) | | | | |
| Residences | 0.3 | 0.6 | 0.1 | 0.2 |
| Offices, schools, educational institutions and places of worship | 0.64 | 1.28 | 0.64 | 1.28 |
| Workshops | 0.64 | 1.28 | 0.64 | 1.28 |
| Intermittent Vibration (m/s) | | | | |
| Residences | 0.2 | 0.4 | 0.13 | 0.26 |
| Offices, schools, educational institutions and places of worship | 0.4 | 0.8 | 0.4 | 0.8 |
| Workshops | 0.8 | 1.6 | 0.8 | 1.6 |



5.5 APPLICABLE NOISE CRITERIA

5.5.1 Liquor & Gaming NSW Noise Criteria

Noise limits for the development can now be established in accordance with the measured background noise levels shown in Table 4-3 and the NSW Office of Liquor, Gaming and Racing noise criteria. The *Liquor & Gaming NSW* noise criteria are presented in Table 5-10.

Table 5-10: *Liquor & Gaming NSW* Noise Criteria, $L_{A10,15 \text{ minute}}$ dB(A)

| Receiver Location | Period | Octave Band Centre Frequency (Hz) | | | | | | | | |
|-------------------|---------|-----------------------------------|----|-----|-----|-----|------|------|------|------|
| | | 31.5 | 63 | 125 | 250 | 500 | 1000 | 2000 | 4000 | 8000 |
| A: R1-R8 | Day | 18 | 34 | 40 | 41 | 44 | 50 | 46 | 35 | 23 |
| | Evening | 18 | 31 | 37 | 38 | 41 | 43 | 41 | 33 | 22 |
| | Night 1 | 18 | 24 | 30 | 29 | 34 | 34 | 29 | 36 | 26 |
| | Night 2 | 18 | 18 | 22 | 24 | 27 | 27 | 21 | 24 | 18 |
| B: R9-R16 | Day | 18 | 28 | 32 | 32 | 37 | 40 | 35 | 29 | 21 |
| | Evening | 18 | 28 | 34 | 32 | 37 | 41 | 36 | 27 | 21 |
| | Night 1 | 18 | 26 | 31 | 30 | 37 | 40 | 37 | 38 | 39 |
| | Night 2 | 18 | 18 | 22 | 23 | 28 | 31 | 28 | 29 | 22 |

Where the derived noise criteria for a particular octave band centre frequency results to be below the threshold of human hearing, it is appropriate to adjust the noise criteria to the human threshold of hearing. As a result, the octave frequency band centred on 31.5 Hz has been adjusted to 18 dB. For all the other octave band centre frequencies, the measured background noise levels were found to be higher than the threshold of hearing. Therefore, no adjustment has been applied.

5.5.2 Noise Policy for Industry - Project Noise Trigger Levels

The project noise trigger levels for the site have been established in accordance with the principles and methodologies of the NSW Noise Policy for Industry (EPA, 2017).

The table below presents the rating background level, project intrusive noise level, recommended amenity noise level, and project amenity noise level. The project noise trigger level is the lowest value of intrusiveness or project amenity noise level after conversion to $L_{Aeq,15 \text{ minute}}$, dB(A) equivalent level. Sleep disturbance trigger levels associated with operational activities are presented in Table 5-11.

Different time periods apply for the noise criteria as the intrusive criterion considers a 15 minute assessment period while the amenity criterion requires assessment over the total length of time that a site is operational within each day, evening or night period. In order to ensure compliance under all circumstances, a 15 minute period assessment has been considered for all receptors.

Dubbo Regional Council
Noise Impact Assessment



Table 5-11: Project Noise Trigger Levels (PNTL) for Operational Activities, dB(A)

| Receiver | Type of Receptor | Time of day | Rating background noise level | Project intrusiveness noise level $L_{eq\ 15\ minute}$ | Recommended amenity noise level $L_{Aeq\ period}$ | Project amenity noise level $L_{Aeq\ 15\ minute}^1$ | PNTL $L_{Aeq\ 15\ minute}$ | Sleep Disturbance L_{Amax} |
|--------------------|-----------------------------|------------------------------------|-------------------------------|---|---|---|----------------------------|------------------------------|
| R1-R8 | Residential – Suburban | Day | 48 | 53 | 55 | 53 | 53 | - |
| | | Evening | 46 | 51 | 45 | 43 | 43 | - |
| | | Night | 38 | 43 | 40 | 38 | 38 | 53 |
| R9-R16 | Residential – Suburban | Day | 39 | 44 | 55 | 53 | 44 | - |
| | | Evening | 40 | 44 ² | 45 | 43 | 43 | - |
| | | Night | 40 | 44 ² | 40 | 38 | 38 | 55 |
| R17, R19, R20, R24 | Holiday Accommodation | Day | - | - | 60 | 58 | 58 | - |
| | | Evening | - | - | 50 | 48 | 48 | - |
| | | Night | - | - | 45 | 43 | 43 | - |
| R18 | School Classroom – External | Noisiest 1-hour period when in use | - | - | $L_{Aeq\ 1hr} = 50$ (external) | 45³ | 45 | - |
| R21, R22, R23 | Passive Recreation | When in use | - | - | 50 | 48 | 48 | - |

Notes:

- 1) These levels have been converted to $L_{Aeq\ 15\ minute}$ using the following: $L_{Aeq\ 15\ minute} = L_{Aeq\ period} + 3\ dB$ (NSW Noise Policy for Industry Section 2.2).
- 2) The project intrusiveness noise level for evening should be no greater than the project intrusiveness noise level for daytime. The project intrusiveness noise level for night time should be no greater than the project intrusiveness noise level for daytime.
- 3) This value has been conservatively assumed that $L_{Aeq\ 15\ minute}$ is equivalent to $L_{Aeq\ 1hr}$.



5.5.3 Road Noise Policy Criteria

The road noise criterion based on the Road Noise Policy is presented in Table 5-13.

Table 5-12: Road Noise Criterion dB(A)

| Receiver | Land Use | Period | Criteria (Site only) | Existing Road Noise | Relative Increase Cumulative Criteria |
|----------|-------------|----------|--|----------------------------------|---------------------------------------|
| R1-R8 | Residential | 7am-10pm | L_{Aeq} (15 hour) 60 dB | L _{Aeq} (15 hour) 64 dB | L _{Aeq} (15 hour) 66 dB |
| | | 10pm-7am | L_{Aeq} (9 hour) 55 dB | L _{Aeq} (9 hour) 56 dB | L _{Aeq} (9 hour) 58 dB |

Notes:

1) This level has been converted to L_{Aeq 15 minute} using the following: L_{Aeq 15 minute} = L_{Aeq period} + 3 dB (NSW Noise Policy for Industry Section 2.2).

5.5.4 Construction Noise Criteria

The construction noise criterion based on the Interim Construction Noise Guideline is presented in Table 5-13.

Table 5-13: Construction Noise Criterion dB(A)

| Receiver | Land Use | Period | RBL L _{A90} | Management Level L _{Aeq(15 minute)} |
|--------------------|-----------------------|----------------|-------------------------|---|
| R1-R8 | Residential | Standard Hours | 48 | 58 |
| R9-R16 | Residential | Standard Hours | 39 | 49 |
| R17, R19, R20, R24 | Holiday Accommodation | Standard Hours | - | 63 ¹ |
| R18 | School | Standard Hours | - | 55 |
| R21, R22, R23 | Passive Recreation | Standard Hours | - | 60 |

Notes:

1) This level has been converted to L_{Aeq 15 minute} using the following: L_{Aeq 15 minute} = L_{Aeq period} + 3 dB (NSW Noise Policy for Industry Section 2.2).

5.6 METEOROLOGICAL FACTORS

Wind and temperature inversions may affect the noise emissions from the site and are to be incorporated in the assessment when considered to be a feature of the area.

In this section, an analysis of the 2017 weather data has been conducted to establish whether significant winds are characteristic of the area.



5.6.1 Wind Effects

Wind is considered to be a feature where source-to-receiver wind speeds (at 10 m height) of 3 m/s or below occur for 30% or more of the time in any assessment period in any season.

5.6.2 Wind Rose Plots

Wind rose plots show the direction that the wind is coming from, with triangles known as “petals”. The petals of the plots in the figures summarise wind direction data into 8 compass directions i.e. north, north-east, east, south-east, etc. The length of the triangles, or “petals”, indicates the frequency that the wind blows from that direction. Longer petals for a given direction indicate a higher frequency of wind from that direction. Each petal is divided into segments, with each segment representing one of the six wind speed classes.

Thus, the segments of a petal show what proportion of wind for a given direction falls into each class. The proportion of time for which wind speed is less than 0.5 m/s, when speed is negligible, is referred to as calm hours or “calms”. Calms are not shown on a wind rose as they have no direction, but the proportion of time consisting of the period under consideration is noted under each wind rose.

The concentric circles in each wind rose are the axis, which denote frequencies. In comparing the plots it should be noted that the axis varies between wind roses, although all wind roses are similar in size. The frequencies denoted on the axes are indicated beneath each wind rose.

5.6.3 Local Wind Trends

Seasonal wind rose plots for this site utilising Dubbo Airport AWS data have been included in Figure 5-1, Figure 5-2 and Figure 5-3 for day, evening and night periods respectively.



Figure 5-1: Wind Rose Plots – BOM Dubbo Airport AWS ID 065070 2017 – Day time

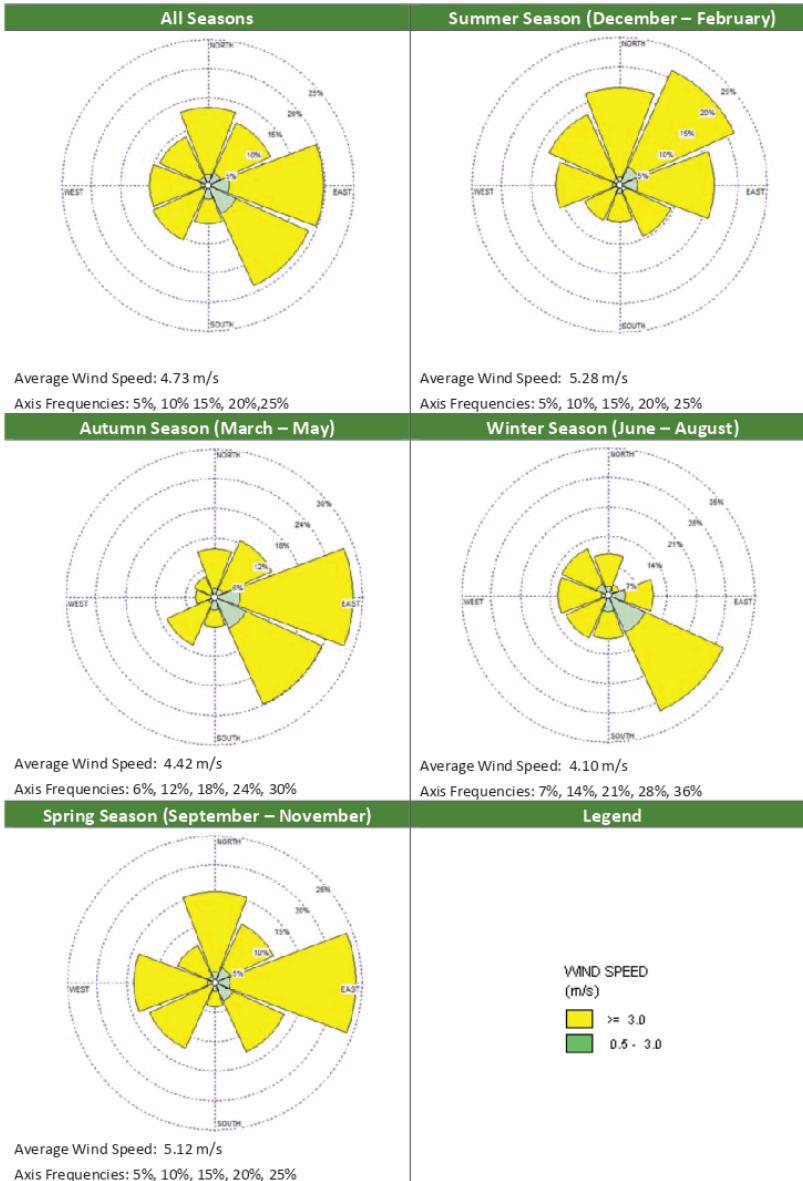




Figure 5-2: Wind Rose Plots – BOM Dubbo Airport AWS ID 065070 2017 – Evening time

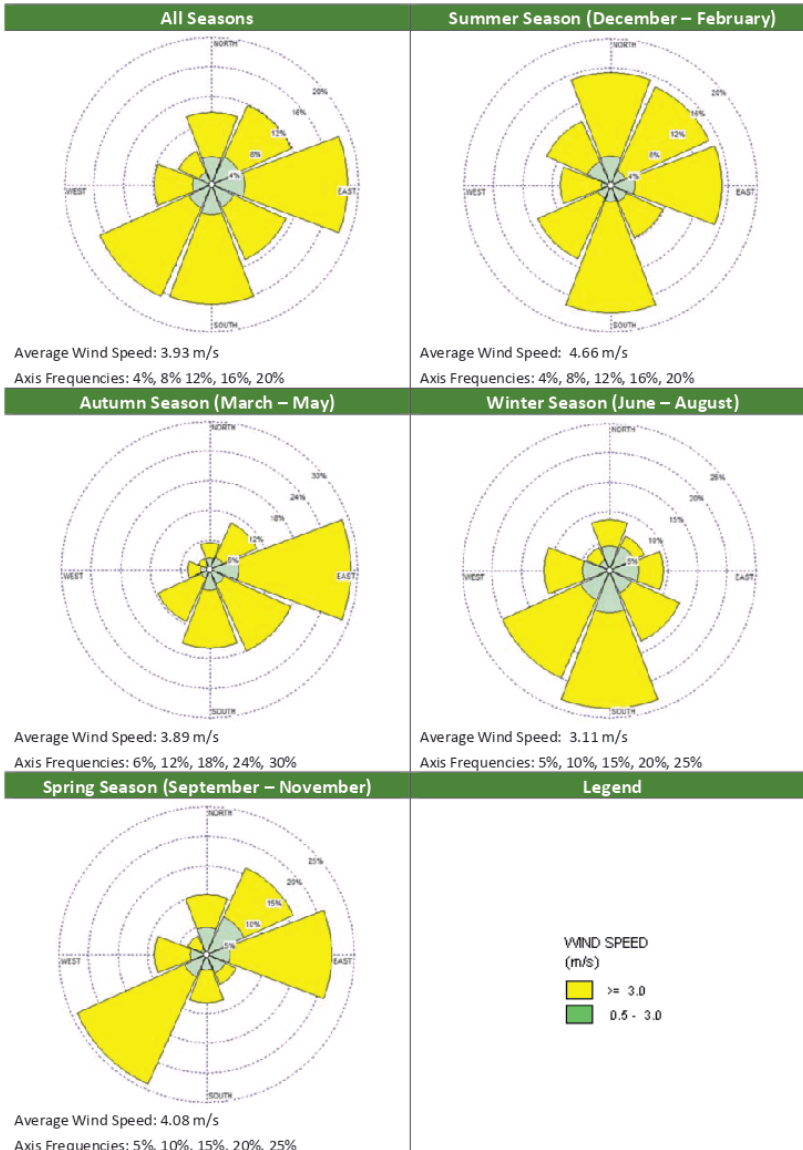
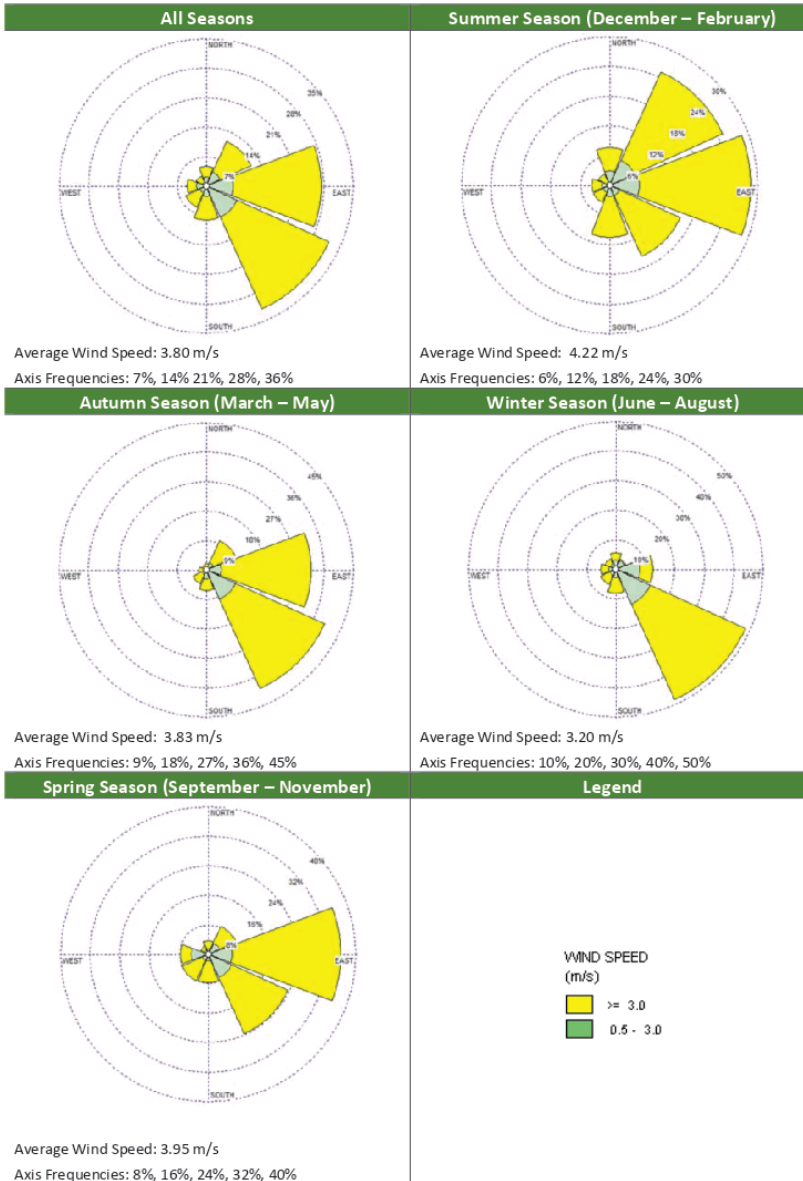




Figure 5-3: Wind Rose Plots – BOM Dubbo Airport AWS ID 065070 2017 – Night time





Based on the information presented from the weather data, source-to receiver wind speeds of 3 m/s or below are not present for more than 30% of the time during any season or time period. Therefore wind effects have not been included in the assessment.

5.7 TEMPERATURE INVERSIONS

Temperature inversion is considered a feature where this occurs more than 30% of the nights in winter.

Temperature inversion conditions would be best associated with F-class stability conditions – generally associated with still/light winds and clear skies during the night time or early morning period (these are referred to as stable atmospheric conditions).

The analysis conducted on the 2017 weather data highlighted that during winter 13.3% of the nights presented temperature inversion conditions, therefore these effects have been included in the noise impact assessment.

5.7.1 Weather Conditions Considered in the Assessment

The following conditions will be considered in this noise impact assessment considered:

- Neutral Weather Conditions

Details of the considered meteorological conditions have been displayed in Table 5-14.

Table 5-14: Meteorological Conditions Assessed in Noise Propagation Modelling

| Classification | Ambient Temp. | Ambient Humidity | Wind Speed | Wind Direction (blowing from) | Temperature Inversion | Affected Receiver | Applicability |
|----------------|---------------|------------------|------------|-------------------------------|-----------------------|-------------------|---------------|
| Neutral | 10°C | 70% | 0 m/s | – | No | All | All periods |



6. OPERATIONAL NOISE IMPACT ASSESSMENT

An outline of the predictive noise modelling methodology and operational noise modelling scenarios has been provided in this section of the report.

6.1 MODELLING METHODOLOGY

Predictive Noise Modelling was carried out using the ISO9613 algorithm within SoundPLAN v7.3. This model has been extensively utilised by Benbow Environmental for assessing noise emissions for numerous sites, and is recognised by regulatory authorities throughout Australia.

Inputs into the noise model include topographical features of the area, ground absorption, on site structures, surrounding buildings and predicted noise sources. Receivers were included to predict the noise emissions of the proposed development at the nearest potentially affected residences.

The modelling scenario has been carried out using the L_{Aeq} , L_{A10} and L_{Amax} descriptors. Using the model, noise levels were predicted at the potentially most affected receivers to determine the noise impact against the project specific noise levels and other relevant noise criteria in accordance with the NSW Noise Policy for Industry (EPA, 2017) and NSW Liquor and Gaming criteria.

6.2 NOISE SOURCES

The sound power levels for the identified noise sources associated with the operational activities have been taken from on-site measurements of similar activities as well as from Benbow Environmental's database.

A-weighted third octave band centre frequency sound power levels have been used and are presented in Table 6-1 for mechanical sources and Table 6-2 for music and patron sources below. The noise sources utilised as part of this assessment comprise of the primary noise generating activities associated with the effective operation of the proposed development.



Table 6-1: A-weighted Sound Power Levels Associated with Operational Activities, L_{Aeq} dB(A)

| Noise Source | L _{Amax} | Overall L _{Aeq} | Third Octave Band Centre Frequency (Hz) | | | | | | | | | |
|-------------------------------|-------------------|--------------------------|---|------|------|------|------|------|-------|-------|-------|-------|
| | | | 25 | 31 | 40 | 50 | 63 | 80 | 100 | 125 | 160 | 200 |
| | | | 250 | 315 | 400 | 500 | 630 | 800 | 1000 | 1250 | 1600 | 2000 |
| | | | 2500 | 3150 | 4000 | 5000 | 6300 | 8000 | 10000 | 12500 | 16000 | 20000 |
| Bathroom Exhaust Unit | 71 | 69 | 34 | 37 | 41 | 41 | 43 | 46 | 46 | 52 | 56 | 54 |
| | | | 55 | 57 | 58 | 58 | 59 | 60 | 59 | 58 | 58 | 57 |
| | | | 55 | 53 | 49 | 43 | 40 | 35 | 31 | 25 | 27 | 17 |
| Kitchen Exhaust Unit | 75 | 73 | 38 | 41 | 45 | 45 | 47 | 50 | 50 | 56 | 60 | 58 |
| | | | 59 | 61 | 62 | 62 | 63 | 64 | 63 | 62 | 62 | 61 |
| | | | 59 | 57 | 53 | 47 | 44 | 39 | 35 | 29 | 31 | 21 |
| Air-conditioning Exhaust Unit | 75 | 73 | 38 | 41 | 45 | 45 | 47 | 50 | 50 | 56 | 60 | 58 |
| | | | 59 | 61 | 62 | 62 | 63 | 64 | 63 | 62 | 62 | 61 |
| | | | 59 | 57 | 53 | 47 | 44 | 39 | 35 | 29 | 31 | 21 |
| Light Vehicle Manoeuvring | 87 | 82 | 39 | 56 | 47 | 52 | 52 | 55 | 60 | 65 | 66 | 64 |
| | | | 68 | 72 | 75 | 75 | 74 | 74 | 72 | 67 | 64 | 61 |
| | | | 58 | 56 | 57 | 50 | 40 | 57 | 47 | - | - | - |
| Car Ignition | 85 | 78 | 29 | 32 | 36 | 39 | 40 | 45 | 48 | 43 | 46 | 53 |
| | | | 54 | 49 | 52 | 60 | 65 | 63 | 64 | 67 | 70 | 71 |
| | | | 69 | 68 | 65 | 65 | 65 | 64 | 57 | - | - | - |
| Car Door Slam | 100 | 95 | 60 | 62 | 67 | 70 | 74 | 73 | 73 | 69 | 73 | 72 |
| | | | 73 | 79 | 82 | 86 | 85 | 83 | 86 | 88 | 86 | 79 |
| | | | 76 | 75 | 72 | 72 | 71 | 65 | 60 | - | - | - |

Table 6-2: A-weighted Sound Power Levels Associated with Operational Activities, L_{A10} dB(A)

| Noise Source | L _{Amax} | Overall L _{A10} | Third Octave Band Centre Frequency (Hz) | | | | | | | | | |
|--|-------------------|--------------------------|---|------|------|------|------|------|-------|-------|-------|-------|
| | | | 25 | 31 | 40 | 50 | 63 | 80 | 100 | 125 | 160 | 200 |
| | | | 250 | 315 | 400 | 500 | 630 | 800 | 1000 | 1250 | 1600 | 2000 |
| | | | 2500 | 3150 | 4000 | 5000 | 6300 | 8000 | 10000 | 12500 | 16000 | 20000 |
| Live Music - Amplified | - | 105 | 46 | 50 | 59 | 67 | 72 | 75 | 80 | 80 | 82 | 84 |
| | | | 85 | 87 | 96 | 100 | 96 | 98 | 91 | 90 | 84 | 89 |
| | | | 87 | 86 | 84 | 85 | 85 | 84 | 80 | - | - | - |
| Music - Speaker | 85 | 80 | 21 | 25 | 34 | 42 | 47 | 50 | 55 | 55 | 57 | 59 |
| | | | 60 | 62 | 71 | 75 | 71 | 73 | 66 | 65 | 59 | 64 |
| | | | 62 | 61 | 59 | 60 | 60 | 59 | 55 | - | - | - |
| Group of four people talking | 85 | 80 | 29 | 34 | 44 | 46 | 36 | 42 | 43 | 54 | 55 | 61 |
| | | | 70 | 66 | 70 | 75 | 73 | 68 | 64 | 65 | 64 | 64 |
| | | | 63 | 60 | 62 | 58 | 55 | 52 | 50 | - | - | - |
| Ground of four people gaming (including machine noise) | - | 75 | - | 38 | - | - | 55 | - | - | 59 | - | - |
| | | | 63 | - | - | 67 | - | - | 71 | - | - | 68 |
| | | | - | - | 61 | - | - | 55 | - | - | - | - |



6.2.1 Modelling Scenario

Three operational scenarios were modelled: one scenario models the proposed noise emissions from amplified music and patrons assessed against the NSW Liquor and Gaming criteria for Sundays to Thursdays, while a second assesses for Friday and Saturdays with live music. The third scenario models the noise emissions from the mechanical plant and car park noise, assessed against the Noise Policy for Industry.

Table 6-3: Modelled Noise Sources

| Scenario | Description |
|------------|---|
| Scenario 1 | <p>This scenario represents a typical week day (Sunday – Thursday):</p> <ul style="list-style-type: none"> • Amplified background music (11 speakers at sound power level of 80 dB(A) each) • 152 people talking/gaming |
| Scenario 2 | <p>This scenario represents a large event on weekends (Friday – Saturday):</p> <ul style="list-style-type: none"> • Amplified background music (11 speakers at sound power level of 80 dB(A) each) • 492 people talking/gaming • Live music sound power level 105 dB(A) |
| Scenario 3 | <p>This scenario includes the following:</p> <ul style="list-style-type: none"> • Car parking noise sources; • Kitchen and bathroom ventilation exhaust; and • Air-conditioning exhaust. |

Figure 6-1 to Figure 6-3 shows the locations of the noise sources for the operational scenarios.

Figure 6-3: Scenario 3 – Noise Sources



6.2.2 Modelling Assumptions

The relevant assessment period for operational noise emissions is 15 minutes when assessing noise levels against the Intrusive Criterion; therefore noise source durations detailed throughout the following assumptions section should be considered per 15 minute period in view of potential noise impacts under worst-case scenarios. Each assessment-specific assumption has been detailed below:

- Off-site topographical information has been obtained from Google Earth and implemented in SoundPLAN v.7.3.
- All ground areas surrounding the subject site and the nearest nominated occupancies have been modelled considering different ground factors ranging from 0 to 1. The site and nearby industrial precinct have been modelled with a ground absorption factor of 0 (hard). The residential areas further from the site have been modelled with a ground absorption factor of 0.5. Passive and recreational open space and bushland areas have been modelled with an absorption factor of 1.0.
- Onsite noise walls and buildings from neighbouring sites have been included in the model.



- All residential receivers were modelled at 1.5 m above ground level at the most noise-affected point within the property boundary.

SCENARIO 1 & 2 - ASSUMPTIONS

Scenario 1 represents a typical week day (Sunday – Thursday) and Scenario 2 represents a large event on weekends (Friday – Saturday).

- The ground floor outdoor gaming and gaming area have been modelled as a single building source with an internal dividing wall between the two areas. The ground floor sports lounge, lounge 1 & 2, family dining, flexible dining, dining, breakout dining and terrace 4 have been modelled as a single building source.
- The façades of the club have been modelled with single pane glass (R_w 27 dB(A)), fibre cement sheeting (R_w 28 dB(A)), louvres (R_w 8 dB(A)) and roof construction (R_w 30 dB(A)) and openings (R_w 0 dB(A)) in accordance with the section plans of the development.
- The doors to the terraces have been modelled open 100% of the time. The external doors near the family dining area to the north, external stairwell doorway to the north and the external doors near the sports lounge have been modelled open 8 mins/hour.
- Each point sources representing 4 people in moderate conversation have been modelled for 50% of the time.
- 11 speakers with a sound power level of 80 dB(A) each have been modelled on terrace 1, 3 and 4, in the outdoor gaming area, lounge bar, and breakout dining area.
- A live band with a sound power level of 105 dB(A) has been modelled in the sports lounge area 100% time for Scenario 2.
- All scenario 1 & 2 point sources have been modelled 1 m above the ground floor level (286.97ADH)
- Operational hours are between 0700 and 2400, i.e. activities do not continue past midnight.

SCENARIO 3 - ASSUMPTIONS

Scenario 3 assesses the mechanical plant and carpark operations.

- 153 car movements per hour are assumed to occur during the day; 125 car movements per hour during the evening and 35 car movements per hour during the night were modelled. Cars are modelled to manoeuvre at 20 km/hr around the car park as a single line source 1 m above the ground. The vehicle numbers were based off the maximum hourly car movements measured by Stanbury Traffic Planning Report Ref 16-098 and increased according to the increase in floor area.
- 12 car ignition point sources were modelled for 40 sec/hour; 33 sec/hour and 9 sec/hour for day evening and night respectively to represent car ignitions from the maximum hourly traffic volumes. These point sources were modelled 1 m above ground level.



- 12 car door slamming point sources were modelled for 20 sec/hour; 16 sec/hour and 5 sec/hour for day evening and night respectively to represent car doors slamming from the maximum hourly traffic volumes. These point sources were modelled 1 m above ground level.
- All exhaust vents for the kitchen, bathrooms and aircon systems were modelled operating 100% of the time at 0.03 m above the roof.

6.3 PREDICTED NOISE LEVELS – OPERATIONAL

Noise levels at the nearest receptors have been calculated and results of the predictive noise modelling considering operational activities are shown in Table 6-7.

Table 6-4: Scenario 1 – Predicted Noise Levels – L_{A10(15 Minutes)} Day – Operational Activities dB(A)

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 34 | 40 | 41 | 44 | 50 | 46 | 35 | 23 |
| R1 | 0✓ | 2✓ | 17✓ | 29✓ | 36✓ | 30✓ | 27✓ | 21✓ | 7✓ |
| R2 | 0✓ | 3✓ | 19✓ | 30✓ | 38✓ | 31✓ | 28✓ | 23✓ | 9✓ |
| R3 | 0✓ | 3✓ | 19✓ | 31✓ | 37✓ | 31✓ | 29✓ | 23✓ | 10✓ |
| R4 | 0✓ | 4✓ | 20✓ | 32✓ | 38✓ | 32✓ | 29✓ | 23✓ | 11✓ |
| R5 | 0✓ | 4✓ | 19✓ | 31✓ | 38✓ | 31✓ | 28✓ | 22✓ | 9✓ |
| R6 | 0✓ | 2✓ | 15✓ | 25✓ | 32✓ | 27✓ | 24✓ | 19✓ | 5✓ |
| R7 | 0✓ | 1✓ | 14✓ | 24✓ | 30✓ | 24✓ | 23✓ | 18✓ | 3✓ |
| R8 | 0✓ | 2✓ | 16✓ | 23✓ | 27✓ | 19✓ | 14✓ | 8✓ | 0✓ |
| Criteria R9-R16 | 18 | 28 | 32 | 32 | 37 | 40 | 35 | 29 | 21 |
| R9A | 0✓ | 3✓ | 16✓ | 24✓ | 27✓ | 20✓ | 14✓ | 9✓ | 0✓ |
| R9B | 0✓ | 2✓ | 15✓ | 23✓ | 27✓ | 19✓ | 13✓ | 7✓ | 0✓ |
| R10A | 6✓ | 13✓ | 19✓ | 29✓ | 39* | 36✓ | 30✓ | 25✓ | 14✓ |
| R10B | 3✓ | 10✓ | 16✓ | 26✓ | 35✓ | 32✓ | 27✓ | 22✓ | 10✓ |
| R11A | 5✓ | 11✓ | 17✓ | 26✓ | 37✓ | 33✓ | 28✓ | 22✓ | 11✓ |
| R11B | 0✓ | 0✓ | 4✓ | 13✓ | 23✓ | 20✓ | 14✓ | 5✓ | 0✓ |
| R12 | 0✓ | 0✓ | 5✓ | 15✓ | 23✓ | 20✓ | 14✓ | 5✓ | 0✓ |
| R13 | 0✓ | 0✓ | 5✓ | 15✓ | 23✓ | 20✓ | 14✓ | 5✓ | 0✓ |
| R14 | 0✓ | 0✓ | 0✓ | 7✓ | 12✓ | 9✓ | 1✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 7✓ | 15✓ | 22✓ | 18✓ | 17✓ | 8✓ | 0✓ |
| R16 | 0✓ | 0✓ | 8✓ | 16✓ | 24✓ | 21✓ | 18✓ | 9✓ | 0✓ |

✓Complies * Non-compliance

Dubbo Regional Council
Noise Impact Assessment



Table 6-5: Scenario 1 – Predicted Noise Levels – L_{A10(15 Minutes)} Evening – Operational Activities
dB(A)

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 31 | 37 | 38 | 41 | 43 | 41 | 33 | 22 |
| R1 | 0✓ | 2✓ | 17✓ | 29✓ | 36✓ | 30✓ | 27✓ | 21✓ | 7✓ |
| R2 | 0✓ | 3✓ | 19✓ | 30✓ | 38✓ | 31✓ | 28✓ | 23✓ | 9✓ |
| R3 | 0✓ | 3✓ | 19✓ | 31✓ | 37✓ | 31✓ | 29✓ | 23✓ | 10✓ |
| R4 | 0✓ | 4✓ | 20✓ | 32✓ | 38✓ | 32✓ | 29✓ | 23✓ | 11✓ |
| R5 | 0✓ | 4✓ | 19✓ | 31✓ | 38✓ | 31✓ | 28✓ | 22✓ | 9✓ |
| R6 | 0✓ | 2✓ | 15✓ | 25✓ | 32✓ | 27✓ | 24✓ | 19✓ | 5✓ |
| R7 | 0✓ | 1✓ | 14✓ | 24✓ | 30✓ | 24✓ | 23✓ | 18✓ | 3✓ |
| R8 | 0✓ | 2✓ | 16✓ | 23✓ | 27✓ | 19✓ | 14✓ | 8✓ | 0✓ |
| Criteria R9-R16 | 18 | 28 | 34 | 32 | 37 | 41 | 36 | 27 | 21 |
| R9A | 0✓ | 3✓ | 16✓ | 24✓ | 27✓ | 20✓ | 14✓ | 9✓ | 0✓ |
| R9B | 0✓ | 2✓ | 15✓ | 23✓ | 27✓ | 19✓ | 13✓ | 7✓ | 0✓ |
| R10A | 6✓ | 13✓ | 19✓ | 29✓ | 39* | 36✓ | 30✓ | 25✓ | 14✓ |
| R10B | 3✓ | 10✓ | 16✓ | 26✓ | 35✓ | 32✓ | 27✓ | 22✓ | 10✓ |
| R11A | 5✓ | 11✓ | 17✓ | 26✓ | 37✓ | 33✓ | 28✓ | 22✓ | 11✓ |
| R11B | 0✓ | 0✓ | 4✓ | 13✓ | 23✓ | 20✓ | 14✓ | 5✓ | 0✓ |
| R12 | 0✓ | 0✓ | 5✓ | 15✓ | 23✓ | 20✓ | 14✓ | 5✓ | 0✓ |
| R13 | 0✓ | 0✓ | 5✓ | 15✓ | 23✓ | 20✓ | 14✓ | 5✓ | 0✓ |
| R14 | 0✓ | 0✓ | 0✓ | 7✓ | 12✓ | 9✓ | 1✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 7✓ | 15✓ | 22✓ | 18✓ | 17✓ | 8✓ | 0✓ |
| R16 | 0✓ | 0✓ | 8✓ | 16✓ | 24✓ | 21✓ | 18✓ | 9✓ | 0✓ |

✓ Complies * Non-compliance

Dubbo Regional Council
Noise Impact Assessment



Table 6-6: Scenario 1 – Predicted Noise Levels – L_{A10(15 Minutes)} Night – Operational Activities dB(A)

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 24 | 30 | 29 | 34 | 34 | 29 | 36 | 26 |
| R1 | 0✓ | 2✓ | 17✓ | 29✓ | 36* | 30✓ | 27✓ | 21✓ | 7✓ |
| R2 | 0✓ | 3✓ | 19✓ | 30* | 38* | 31✓ | 28✓ | 23✓ | 9✓ |
| R3 | 0✓ | 3✓ | 19✓ | 31* | 37* | 31✓ | 29✓ | 23✓ | 10✓ |
| R4 | 0✓ | 4✓ | 20✓ | 32* | 38* | 32✓ | 29✓ | 23✓ | 11✓ |
| R5 | 0✓ | 4✓ | 19✓ | 31* | 38* | 31✓ | 28✓ | 22✓ | 9✓ |
| R6 | 0✓ | 2✓ | 15✓ | 25✓ | 32✓ | 27✓ | 24✓ | 19✓ | 5✓ |
| R7 | 0✓ | 1✓ | 14✓ | 24✓ | 30✓ | 24✓ | 23✓ | 18✓ | 3✓ |
| R8 | 0✓ | 2✓ | 16✓ | 23✓ | 27✓ | 19✓ | 14✓ | 8✓ | 0✓ |
| Criteria R9-R16 | 18 | 26 | 31 | 30 | 37 | 40 | 37 | 38 | 39 |
| R9A | 0✓ | 3✓ | 16✓ | 24✓ | 27✓ | 20✓ | 14✓ | 9✓ | 0✓ |
| R9B | 0✓ | 2✓ | 15✓ | 23✓ | 27✓ | 19✓ | 13✓ | 7✓ | 0✓ |
| R10A | 6✓ | 13✓ | 19✓ | 29✓ | 39* | 36✓ | 30✓ | 25✓ | 14✓ |
| R10B | 3✓ | 10✓ | 16✓ | 26✓ | 35✓ | 32✓ | 27✓ | 22✓ | 10✓ |
| R11A | 5✓ | 11✓ | 17✓ | 26✓ | 37✓ | 33✓ | 28✓ | 22✓ | 11✓ |
| R11B | 0✓ | 0✓ | 4✓ | 13✓ | 23✓ | 20✓ | 14✓ | 5✓ | 0✓ |
| R12 | 0✓ | 0✓ | 5✓ | 15✓ | 23✓ | 20✓ | 14✓ | 5✓ | 0✓ |
| R13 | 0✓ | 0✓ | 5✓ | 15✓ | 23✓ | 20✓ | 14✓ | 5✓ | 0✓ |
| R14 | 0✓ | 0✓ | 0✓ | 7✓ | 12✓ | 9✓ | 1✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 7✓ | 15✓ | 22✓ | 18✓ | 17✓ | 8✓ | 0✓ |
| R16 | 0✓ | 0✓ | 8✓ | 16✓ | 24✓ | 21✓ | 18✓ | 9✓ | 0✓ |

✓ Complies * Non-compliance



Table 6-7: Scenario 2 – Predicted Noise Levels – LA10(15 Minutes) Day – Operational Activities dB(A)

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 34 | 40 | 41 | 44 | 50 | 46 | 35 | 23 |
| R1 | 2✓ | 16✓ | 29✓ | 34✓ | 45* | 41✓ | 34✓ | 28✓ | 18✓ |
| R2 | 3✓ | 17✓ | 30✓ | 35✓ | 46* | 42✓ | 35✓ | 30✓ | 20✓ |
| R3 | 4✓ | 17✓ | 30✓ | 36✓ | 46* | 42✓ | 36✓ | 31✓ | 21✓ |
| R4 | 5✓ | 18✓ | 31✓ | 37✓ | 47* | 43✓ | 36✓ | 31✓ | 22✓ |
| R5 | 4✓ | 18✓ | 31✓ | 37✓ | 47* | 43✓ | 35✓ | 31✓ | 22✓ |
| R6 | 3✓ | 15✓ | 27✓ | 32✓ | 42✓ | 39✓ | 32✓ | 27✓ | 17✓ |
| R7 | 2✓ | 14✓ | 26✓ | 30✓ | 40✓ | 36✓ | 31✓ | 26✓ | 15✓ |
| R8 | 4✓ | 15✓ | 29✓ | 32✓ | 40✓ | 34✓ | 26✓ | 20✓ | 10✓ |
| Criteria R9-R16 | 18 | 28 | 32 | 32 | 37 | 40 | 35 | 29 | 21 |
| R9A | 4✓ | 13✓ | 29✓ | 32✓ | 39* | 33✓ | 25✓ | 20✓ | 10✓ |
| R9B | 4✓ | 12✓ | 28✓ | 32✓ | 39* | 32✓ | 23✓ | 17✓ | 7✓ |
| R10A | 13✓ | 20✓ | 28✓ | 36* | 46* | 41* | 36* | 31* | 18✓ |
| R10B | 9✓ | 17✓ | 24✓ | 32* | 41* | 37✓ | 33✓ | 27✓ | 14✓ |
| R11A | 11✓ | 18✓ | 26✓ | 33* | 43* | 39✓ | 34✓ | 28✓ | 15✓ |
| R11B | 0✓ | 5✓ | 15✓ | 20✓ | 29✓ | 26✓ | 19✓ | 10✓ | 0✓ |
| R12 | 0✓ | 7✓ | 15✓ | 22✓ | 29✓ | 25✓ | 19✓ | 10✓ | 0✓ |
| R13 | 0✓ | 7✓ | 15✓ | 22✓ | 29✓ | 25✓ | 19✓ | 10✓ | 0✓ |
| R14 | 0✓ | 2✓ | 5✓ | 13✓ | 17✓ | 14✓ | 6✓ | 0✓ | 0✓ |
| R15 | 0✓ | 7✓ | 17✓ | 20✓ | 31✓ | 30✓ | 24✓ | 16✓ | 0✓ |
| R16 | 0✓ | 8✓ | 19✓ | 22✓ | 33✓ | 31✓ | 24✓ | 16✓ | 0✓ |

✓Complies * Non-compliance



Table 6-8: Scenario 2 – Predicted Noise Levels – L_{A10(15 Minutes)} Evening – Operational Activities
dB(A)

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 31 | 37 | 38 | 41 | 43 | 41 | 33 | 22 |
| R1 | 2✓ | 16✓ | 29✓ | 34✓ | 45* | 41✓ | 34✓ | 28✓ | 18✓ |
| R2 | 3✓ | 17✓ | 30✓ | 35✓ | 46* | 42✓ | 35✓ | 30✓ | 20✓ |
| R3 | 4✓ | 17✓ | 30✓ | 36✓ | 46* | 42✓ | 36✓ | 31✓ | 21✓ |
| R4 | 5✓ | 18✓ | 31✓ | 37✓ | 47* | 43✓ | 36✓ | 31✓ | 22✓ |
| R5 | 4✓ | 18✓ | 31✓ | 37✓ | 47* | 43✓ | 35✓ | 31✓ | 22✓ |
| R6 | 3✓ | 15✓ | 27✓ | 32✓ | 42* | 39✓ | 32✓ | 27✓ | 17✓ |
| R7 | 2✓ | 14✓ | 26✓ | 30✓ | 40✓ | 36✓ | 31✓ | 26✓ | 15✓ |
| R8 | 4✓ | 15✓ | 29✓ | 32✓ | 40✓ | 34✓ | 26✓ | 20✓ | 10✓ |
| Criteria R9-R16 | 18 | 28 | 34 | 32 | 37 | 41 | 36 | 27 | 21 |
| R9A | 4✓ | 13✓ | 29✓ | 32✓ | 39* | 33✓ | 25✓ | 20✓ | 10✓ |
| R9B | 4✓ | 12✓ | 28✓ | 32✓ | 39* | 32✓ | 23✓ | 17✓ | 7✓ |
| R10A | 13✓ | 20✓ | 28✓ | 36* | 46* | 41✓ | 36✓ | 31* | 18✓ |
| R10B | 9✓ | 17✓ | 24✓ | 32✓ | 41* | 37✓ | 33✓ | 27✓ | 14✓ |
| R11A | 11✓ | 18✓ | 26✓ | 33* | 43* | 39✓ | 34✓ | 28* | 15✓ |
| R11B | 0✓ | 5✓ | 15✓ | 20✓ | 29✓ | 26✓ | 19✓ | 10✓ | 0✓ |
| R12 | 0✓ | 7✓ | 15✓ | 22✓ | 29✓ | 25✓ | 19✓ | 10✓ | 0✓ |
| R13 | 0✓ | 7✓ | 15✓ | 22✓ | 29✓ | 25✓ | 19✓ | 10✓ | 0✓ |
| R14 | 0✓ | 2✓ | 5✓ | 13✓ | 17✓ | 14✓ | 6✓ | 0✓ | 0✓ |
| R15 | 0✓ | 7✓ | 17✓ | 20✓ | 31✓ | 30✓ | 24✓ | 16✓ | 0✓ |
| R16 | 0✓ | 8✓ | 19✓ | 22✓ | 33✓ | 31✓ | 24✓ | 16✓ | 0✓ |

✓ Complies * Non-compliance

Dubbo Regional Council
Noise Impact Assessment



Table 6-9: Scenario 2 – Predicted Noise Levels – L_{A10(15 Minutes)} Night – Operational Activities dB(A)

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 24 | 30 | 29 | 34 | 34 | 29 | 36 | 26 |
| R1 | 2✓ | 16✓ | 29✓ | 34✗ | 45✗ | 41✗ | 34✗ | 28✓ | 18✓ |
| R2 | 3✓ | 17✓ | 30✓ | 35✗ | 46✗ | 42✗ | 35✗ | 30✓ | 20✓ |
| R3 | 4✓ | 17✓ | 30✓ | 36✗ | 46✗ | 42✗ | 36✗ | 31✓ | 21✓ |
| R4 | 5✓ | 18✓ | 31✗ | 37✗ | 47✗ | 43✗ | 36✗ | 31✓ | 22✓ |
| R5 | 4✓ | 18✓ | 31✗ | 37✗ | 47✗ | 43✗ | 35✗ | 31✓ | 22✓ |
| R6 | 3✓ | 15✓ | 27✓ | 32✗ | 42✗ | 39✗ | 32✗ | 27✓ | 17✓ |
| R7 | 2✓ | 14✓ | 26✓ | 30✗ | 40✗ | 36✗ | 31✗ | 26✓ | 15✓ |
| R8 | 4✓ | 15✓ | 29✓ | 32✗ | 40✗ | 34✓ | 26✓ | 20✓ | 10✓ |
| Criteria R9-R16 | 18 | 26 | 31 | 30 | 37 | 40 | 37 | 38 | 39 |
| R9A | 4✓ | 13✓ | 29✓ | 32✗ | 39✗ | 33✓ | 25✓ | 20✓ | 10✓ |
| R9B | 4✓ | 12✓ | 28✓ | 32✗ | 39✗ | 32✓ | 23✓ | 17✓ | 7✓ |
| R10A | 13✓ | 20✓ | 28✓ | 36✗ | 46✗ | 41✗ | 36✓ | 31✓ | 18✓ |
| R10B | 9✓ | 17✓ | 24✓ | 32✗ | 41✗ | 37✓ | 33✓ | 27✓ | 14✓ |
| R11A | 11✓ | 18✓ | 26✓ | 33✗ | 43✗ | 39✓ | 34✓ | 28✓ | 15✓ |
| R11B | 0✓ | 5✓ | 15✓ | 20✓ | 29✓ | 26✓ | 19✓ | 10✓ | 0✓ |
| R12 | 0✓ | 7✓ | 15✓ | 22✓ | 29✓ | 25✓ | 19✓ | 10✓ | 0✓ |
| R13 | 0✓ | 7✓ | 15✓ | 22✓ | 29✓ | 25✓ | 19✓ | 10✓ | 0✓ |
| R14 | 0✓ | 2✓ | 5✓ | 13✓ | 17✓ | 14✓ | 6✓ | 0✓ | 0✓ |
| R15 | 0✓ | 7✓ | 17✓ | 20✓ | 31✓ | 30✓ | 24✓ | 16✓ | 0✓ |
| R16 | 0✓ | 8✓ | 19✓ | 22✓ | 33✓ | 31✓ | 24✓ | 16✓ | 0✓ |

✓ Complies ✗ Non-compliance



Table 6-10: Scenario 3 – Predicted Noise Levels – Mechanical Plant dB(A)

| Receptor | Project Criteria $L_{eq}(15 \text{ minute})$ | | | Project Criteria L_{Amax} | Predicted Noise Levels | | | |
|----------|--|---------|-------|-----------------------------|---|---|---|--|
| | Day | Evening | Night | | Day Predicted $L_{eq}(15 \text{ minute})$ | Evening Predicted $L_{eq}(15 \text{ minute})$ | Night Predicted $L_{eq}(15 \text{ minute})$ | Predicted Sleep Disturbance L_{Amax} |
| R1 | 53 | 43 | 38 | 53 | 36✓ | 35✓ | 30✓ | 44✓ |
| R2 | 53 | 43 | 38 | 53 | 37✓ | 36✓ | 31✓ | 46✓ |
| R3 | 53 | 43 | 38 | 53 | 36✓ | 36✓ | 31✓ | 45✓ |
| R4 | 53 | 43 | 38 | 53 | 36✓ | 35✓ | 31✓ | 44✓ |
| R5 | 53 | 43 | 38 | 53 | 34✓ | 34✓ | 30✓ | 45✓ |
| R6 | 53 | 43 | 38 | 53 | 32✓ | 31✓ | 27✓ | 46✓ |
| R7 | 53 | 43 | 38 | 53 | 30✓ | 30✓ | 26✓ | 44✓ |
| R8 | 53 | 43 | 38 | 53 | 34✓ | 33✓ | 30✓ | 50✓ |
| R9A | 44 | 43 | 38 | 55 | 36✓ | 35✓ | 32✓ | 52✓ |
| R9B | 44 | 43 | 38 | 55 | 37✓ | 36✓ | 32✓ | 56* |
| R10A | 44 | 43 | 38 | 55 | 41✓ | 40✓ | 35✓ | 59* |
| R10B | 44 | 43 | 38 | 55 | 33✓ | 33✓ | 28✓ | 51✓ |
| R11A | 44 | 43 | 38 | 55 | 38✓ | 37✓ | 32✓ | 55✓ |
| R11B | 44 | 43 | 38 | 55 | 32✓ | 31✓ | 26✓ | 49✓ |
| R12 | 44 | 43 | 38 | 55 | 24✓ | 23✓ | 19✓ | 39✓ |
| R13 | 44 | 43 | 38 | 55 | 24✓ | 23✓ | 19✓ | 37✓ |
| R14 | 44 | 43 | 38 | 55 | 12✓ | 11✓ | 7✓ | 25✓ |
| R15 | 44 | 43 | 38 | 55 | 23✓ | 23✓ | 19✓ | 34✓ |
| R16 | 44 | 43 | 38 | 55 | 25✓ | 24✓ | 20✓ | 35✓ |
| R17 | 58 | 48 | 43 | - | 34✓ | 33✓ | 29✓ | - |
| R18 | | 45 | | - | 24✓ | 23✓ | 20✓ | - |
| R19 | 58 | 48 | 43 | - | 27✓ | 26✓ | 22✓ | - |
| R20 | 58 | 48 | 43 | - | 32✓ | 31✓ | 28✓ | - |
| R21A | | 48 | | - | 33✓ | 32✓ | 27✓ | - |
| R21B | | 48 | | - | 40✓ | 39✓ | 34✓ | - |
| R21C | | 48 | | - | 38✓ | 37✓ | 32✓ | - |
| R22 | | 48 | | - | 25✓ | 24✓ | 19✓ | - |
| R23 | | 48 | | - | 29✓ | 28✓ | 23✓ | - |
| R24 | 58 | 48 | 43 | - | 25✓ | 24✓ | 20✓ | - |

✓ Complies * Non-compliance



For scenario 1, it was predicted that noise levels for the background amplified music and small crowd noise comply with the liquor and gaming criteria at all residential receptors during day and evening periods except R10 where a negligible residual noise level of 2 dB(A) was predicted in the 500 Hz band. During the night period noise levels are predicted to exceed the liquor and gaming criteria at 6 residential receptors. The worst affected octave band was predicted to be 500 Hz with residual noise levels up to 4 dB(A) at R4. The dominant noise sources include patrons and speakers outside, and breakout noise through doors and openings.

Scenario 2 predicted noise levels for the live music and crowd noise exceeded the liquor and gaming criteria at 8 residential receptors during the day period, 9 residential receptors during the evening and 11 residential receptors during the night period. The worst affected octave band was 500 Hz with residual noise levels up to 13 dB(A) at R4 and R5 during the night. The dominant noise sources are outside noise sources from patrons and speakers, breakout noise from the band through doors and openings, breakout noise breakout noise through doors and openings from patrons and amplified music.

Scenario 3 mechanical plant and car parking is predicted to comply with the $L_{Aeq(15 \text{ minutes})}$ Noise Policy for Industry criteria for day evening and night time at all considered sensitive receptors. The scenario 3 L_{Amax} levels are predicted to comply with the sleep disturbance criteria at all considered sensitive receptors except R9 and R10 where a residual noise level of 1 dB(A) and 4 dB(A) were predicted. The residual L_{Amax} noise levels were due to vehicle movements.



7. MITIGATION MEASURES

The recommended mitigation measures are as follows:

- All doors, including terrace and external doors are recommended to be automatic closing;
- Restrictions on capacity and amplified music use on the terraces are recommended as per Table 7-1;
- Live band with a total sound power level of 100 dB(A). It is recommended a RMS compressor/limiter or sound pressure measurement limiter be implemented to ensure that this level is not exceeded; and
- Construct a solid wall on the boundary of the site between the site and R10 as shown in the figure below. The wall is to be located along the edge of the carpark with the base of the wall at the same height above sea level as the car park. No wall, a 1.8 m wall and 3 m wall have been modelled for comparison. The 1.8 m noise wall has been selected as the most reasonable feasible solution as discussed in Section 7.2.2.

Table 7-1: Recommended terrace capacity and amplified music restrictions

| Terrace | DAY (7am-6pm) | EVENING (6pm-10pm) | NIGHT (10pm-Midnight) |
|-----------|---------------------------------|---------------------------------|--|
| Terrace 1 | Maximum 18 patrons ¹ | Maximum 18 patrons ¹ | Closed, doors locked, 0 patrons ² No amplified music outdoors ² |
| Terrace 2 | Maximum 20 patrons ¹ | Maximum 20 patrons ¹ | Maximum 20 patrons ¹ No amplified music outdoors ² |
| Terrace 3 | Maximum 45 patrons ¹ | Maximum 45 patrons ¹ | Maximum 45 patrons ¹ No amplified music outdoors ² |
| Terrace 4 | Maximum 24 patrons ² | Maximum 24 patrons ² | Maximum 24 patrons ² No amplified music outdoors ² |

Note: 1) Determined based on National Construction Code for Entertainment Venues
2) Recommended to meet noise criteria



Figure 7-1: Noise Wall Location



With the automatic closing doors implemented, the terrace doors have been modelled open for 8 mins/hour. The external doors near the family dining area to the north, external stairwell doorway to the north and the external doors near the sports lounge have been modelled open for 2 mins/hour.



7.1 PREDICTED NOISE LEVELS – OPERATIONAL – WITH CONTROLS

7.1.1 No Wall

Table 7-2: Scenario 1 – Predicted Noise Levels – $L_{A10(15\text{ Minutes})}$ Day – Operational Activities dB(A) – With Noise Controls – No Wall

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 34 | 40 | 41 | 44 | 50 | 46 | 35 | 23 |
| R1 | 0✓ | 1✓ | 17✓ | 29✓ | 36✓ | 30✓ | 27✓ | 21✓ | 6✓ |
| R2 | 0✓ | 1✓ | 17✓ | 29✓ | 36✓ | 30✓ | 27✓ | 21✓ | 6✓ |
| R3 | 0✓ | 1✓ | 17✓ | 29✓ | 36✓ | 30✓ | 27✓ | 21✓ | 6✓ |
| R4 | 0✓ | 1✓ | 17✓ | 29✓ | 36✓ | 30✓ | 27✓ | 21✓ | 6✓ |
| R5 | 0✓ | 3✓ | 19✓ | 31✓ | 37✓ | 30✓ | 27✓ | 22✓ | 9✓ |
| R6 | 0✓ | 1✓ | 15✓ | 25✓ | 31✓ | 26✓ | 24✓ | 18✓ | 5✓ |
| R7 | 0✓ | 0✓ | 14✓ | 24✓ | 30✓ | 24✓ | 23✓ | 17✓ | 2✓ |
| R8 | 0✓ | 1✓ | 16✓ | 23✓ | 25✓ | 17✓ | 11✓ | 5✓ | 0✓ |
| Criteria R9-R16 | 18 | 28 | 32 | 32 | 37 | 40 | 35 | 29 | 21 |
| R9A | 0✓ | 1✓ | 15✓ | 23✓ | 25✓ | 16✓ | 11✓ | 5✓ | 0✓ |
| R9B | 0✓ | 0✓ | 14✓ | 23✓ | 25✓ | 16✓ | 10✓ | 5✓ | 0✓ |
| R10A | 6✓ | 9✓ | 16✓ | 28✓ | 36✓ | 30✓ | 27✓ | 22✓ | 8✓ |
| R10B | 2✓ | 6✓ | 13✓ | 25✓ | 33✓ | 28✓ | 25✓ | 19✓ | 5✓ |
| R11A | 4✓ | 7✓ | 14✓ | 25✓ | 34✓ | 28✓ | 25✓ | 19✓ | 5✓ |
| R11B | 0✓ | 0✓ | 2✓ | 13✓ | 20✓ | 16✓ | 12✓ | 2✓ | 0✓ |
| R12 | 0✓ | 0✓ | 3✓ | 14✓ | 22✓ | 16✓ | 12✓ | 3✓ | 0✓ |
| R13 | 0✓ | 0✓ | 3✓ | 14✓ | 22✓ | 16✓ | 12✓ | 3✓ | 0✓ |
| R14 | 0✓ | 0✓ | 0✓ | 7✓ | 10✓ | 6✓ | 0✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 6✓ | 15✓ | 22✓ | 18✓ | 17✓ | 8✓ | 0✓ |
| R16 | 0✓ | 0✓ | 8✓ | 16✓ | 24✓ | 21✓ | 18✓ | 9✓ | 0✓ |

✓ Complies * Non-compliance

Dubbo Regional Council
Noise Impact Assessment



Table 7-3: Scenario 1 – Predicted Noise Levels – $L_{A10(15 \text{ Minutes})}$ Evening – Operational Activities
dB(A) – With Noise Controls – No Wall

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 31 | 37 | 38 | 41 | 43 | 41 | 33 | 22 |
| R1 | 0✓ | 1✓ | 17✓ | 29✓ | 36✓ | 30✓ | 27✓ | 21✓ | 6✓ |
| R2 | 0✓ | 1✓ | 17✓ | 29✓ | 36✓ | 30✓ | 27✓ | 21✓ | 6✓ |
| R3 | 0✓ | 1✓ | 17✓ | 29✓ | 36✓ | 30✓ | 27✓ | 21✓ | 6✓ |
| R4 | 0✓ | 1✓ | 17✓ | 29✓ | 36✓ | 30✓ | 27✓ | 21✓ | 6✓ |
| R5 | 0✓ | 3✓ | 19✓ | 31✓ | 37✓ | 30✓ | 27✓ | 22✓ | 9✓ |
| R6 | 0✓ | 1✓ | 15✓ | 25✓ | 31✓ | 26✓ | 24✓ | 18✓ | 5✓ |
| R7 | 0✓ | 0✓ | 14✓ | 24✓ | 30✓ | 24✓ | 23✓ | 17✓ | 2✓ |
| R8 | 0✓ | 1✓ | 16✓ | 23✓ | 25✓ | 17✓ | 11✓ | 5✓ | 0✓ |
| Criteria R9-R16 | 18 | 28 | 34 | 32 | 37 | 41 | 36 | 27 | 21 |
| R9A | 0✓ | 1✓ | 15✓ | 23✓ | 25✓ | 16✓ | 11✓ | 5✓ | 0✓ |
| R9B | 0✓ | 0✓ | 14✓ | 23✓ | 25✓ | 16✓ | 10✓ | 5✓ | 0✓ |
| R10A | 6✓ | 9✓ | 16✓ | 28✓ | 36✓ | 30✓ | 27✓ | 22✓ | 8✓ |
| R10B | 2✓ | 6✓ | 13✓ | 25✓ | 33✓ | 28✓ | 25✓ | 19✓ | 5✓ |
| R11A | 4✓ | 7✓ | 14✓ | 25✓ | 34✓ | 28✓ | 25✓ | 19✓ | 5✓ |
| R11B | 0✓ | 0✓ | 2✓ | 13✓ | 20✓ | 16✓ | 12✓ | 2✓ | 0✓ |
| R12 | 0✓ | 0✓ | 3✓ | 14✓ | 22✓ | 16✓ | 12✓ | 3✓ | 0✓ |
| R13 | 0✓ | 0✓ | 3✓ | 14✓ | 22✓ | 16✓ | 12✓ | 3✓ | 0✓ |
| R14 | 0✓ | 0✓ | 0✓ | 7✓ | 10✓ | 6✓ | 0✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 6✓ | 15✓ | 22✓ | 18✓ | 17✓ | 8✓ | 0✓ |
| R16 | 0✓ | 0✓ | 8✓ | 16✓ | 24✓ | 21✓ | 18✓ | 9✓ | 0✓ |

✓ Complies * Non-compliance

Dubbo Regional Council
Noise Impact Assessment



Table 7-4: Scenario 1 – Predicted Noise Levels – L_{A10(15 Minutes)} Night – Operational Activities dB(A)
– With Noise Controls – No Wall

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 31 | 37 | 38 | 41 | 43 | 41 | 33 | 22 |
| R1 | 0✓ | 0✓ | 15✓ | 24✓ | 30✓ | 25✓ | 22✓ | 16✓ | 2✓ |
| R2 | 0✓ | 0✓ | 16✓ | 25✓ | 32✓ | 26✓ | 23✓ | 17✓ | 4✓ |
| R3 | 0✓ | 0✓ | 16✓ | 26✓ | 33✓ | 26✓ | 23✓ | 18✓ | 4✓ |
| R4 | 0✓ | 0✓ | 17✓ | 27✓ | 34✓ | 27✓ | 24✓ | 19✓ | 6✓ |
| R5 | 0✓ | 0✓ | 17✓ | 27✓ | 33✓ | 26✓ | 23✓ | 18✓ | 5✓ |
| R6 | 0✓ | 0✓ | 14✓ | 22✓ | 27✓ | 22✓ | 20✓ | 14✓ | 0✓ |
| R7 | 0✓ | 0✓ | 12✓ | 21✓ | 26✓ | 20✓ | 19✓ | 13✓ | 0✓ |
| R8 | 0✓ | 0✓ | 15✓ | 22✓ | 24✓ | 16✓ | 10✓ | 3✓ | 0✓ |
| Criteria R9-R16 | 18 | 28 | 34 | 32 | 37 | 41 | 36 | 27 | 21 |
| R9A | 0✓ | 0✓ | 14✓ | 22✓ | 24✓ | 15✓ | 9✓ | 4✓ | 0✓ |
| R9B | 0✓ | 0✓ | 13✓ | 22✓ | 25✓ | 15✓ | 9✓ | 3✓ | 0✓ |
| R10A | 5✓ | 8✓ | 16✓ | 28✓ | 36✓ | 30✓ | 27✓ | 21✓ | 7✓ |
| R10B | 0✓ | 4✓ | 12✓ | 24✓ | 32✓ | 27✓ | 24✓ | 18✓ | 3✓ |
| R11A | 3✓ | 6✓ | 14✓ | 25✓ | 33✓ | 28✓ | 25✓ | 19✓ | 4✓ |
| R11B | 0✓ | 0✓ | 1✓ | 12✓ | 20✓ | 15✓ | 10✓ | 1✓ | 0✓ |
| R12 | 0✓ | 0✓ | 2✓ | 14✓ | 20✓ | 14✓ | 10✓ | 1✓ | 0✓ |
| R13 | 0✓ | 0✓ | 2✓ | 14✓ | 20✓ | 14✓ | 10✓ | 1✓ | 0✓ |
| R14 | 0✓ | 0✓ | 0✓ | 5✓ | 8✓ | 4✓ | 0✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 4✓ | 12✓ | 19✓ | 15✓ | 12✓ | 3✓ | 0✓ |
| R16 | 0✓ | 0✓ | 5✓ | 12✓ | 17✓ | 14✓ | 11✓ | 3✓ | 0✓ |

✓ Complies * Non-compliance

Dubbo Regional Council
Noise Impact Assessment



Table 7-5: Scenario 2 – Predicted Noise Levels – L_{A10(15 Minutes)} Day – Operational Activities dB(A) – With Noise Controls – No Wall

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 34 | 40 | 41 | 44 | 50 | 46 | 35 | 23 |
| R1 | 0✓ | 6✓ | 24✓ | 31✓ | 38✓ | 33✓ | 29✓ | 23✓ | 9✓ |
| R2 | 1✓ | 7✓ | 25✓ | 32✓ | 40✓ | 34✓ | 30✓ | 25✓ | 12✓ |
| R3 | 1✓ | 8✓ | 25✓ | 33✓ | 40✓ | 34✓ | 31✓ | 25✓ | 13✓ |
| R4 | 2✓ | 9✓ | 26✓ | 34✓ | 41✓ | 35✓ | 31✓ | 26✓ | 14✓ |
| R5 | 2✓ | 8✓ | 26✓ | 34✓ | 41✓ | 35✓ | 30✓ | 25✓ | 13✓ |
| R6 | 0✓ | 6✓ | 23✓ | 29✓ | 36✓ | 31✓ | 27✓ | 21✓ | 8✓ |
| R7 | 0✓ | 5✓ | 22✓ | 27✓ | 34✓ | 28✓ | 25✓ | 20✓ | 6✓ |
| R8 | 2✓ | 6✓ | 25✓ | 29✓ | 34✓ | 27✓ | 21✓ | 15✓ | 3✓ |
| Criteria R9-R16 | 18 | 28 | 32 | 32 | 37 | 40 | 35 | 29 | 21 |
| R9A | 2✓ | 6✓ | 24✓ | 29✓ | 33✓ | 26✓ | 17✓ | 12✓ | 0✓ |
| R9B | 3✓ | 6✓ | 24✓ | 28✓ | 33✓ | 25✓ | 16✓ | 10✓ | 0✓ |
| R10A | 11✓ | 17✓ | 24✓ | 33* | 43* | 38✓ | 33✓ | 28✓ | 16✓ |
| R10B | 7✓ | 14✓ | 21✓ | 30✓ | 38* | 35✓ | 31✓ | 25✓ | 12✓ |
| R11A | 9✓ | 15✓ | 23✓ | 30✓ | 40* | 36✓ | 31✓ | 26✓ | 13✓ |
| R11B | 0✓ | 2✓ | 11✓ | 18✓ | 26✓ | 23✓ | 17✓ | 8✓ | 0✓ |
| R12 | 0✓ | 3✓ | 11✓ | 20✓ | 27✓ | 23✓ | 17✓ | 8✓ | 0✓ |
| R13 | 0✓ | 3✓ | 11✓ | 20✓ | 27✓ | 23✓ | 17✓ | 8✓ | 0✓ |
| R14 | 0✓ | 0✓ | 2✓ | 11✓ | 15✓ | 12✓ | 5✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 12✓ | 18✓ | 25✓ | 22✓ | 19✓ | 10✓ | 0✓ |
| R16 | 0✓ | 0✓ | 14✓ | 19✓ | 27✓ | 24✓ | 20✓ | 11✓ | 0✓ |

✓ Complies * Non-compliance



Table 7-6: Scenario 2 – Predicted Noise Levels – L_{A10(15 Minutes)} Evening – Operational Activities
dB(A) – With Noise Controls – No Wall

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 31 | 37 | 38 | 41 | 43 | 41 | 33 | 22 |
| R1 | 0✓ | 6✓ | 24✓ | 31✓ | 38✓ | 33✓ | 29✓ | 23✓ | 9✓ |
| R2 | 1✓ | 7✓ | 25✓ | 32✓ | 40✓ | 34✓ | 30✓ | 25✓ | 12✓ |
| R3 | 1✓ | 8✓ | 25✓ | 33✓ | 40✓ | 34✓ | 31✓ | 25✓ | 13✓ |
| R4 | 2✓ | 9✓ | 26✓ | 34✓ | 41✓ | 35✓ | 31✓ | 26✓ | 14✓ |
| R5 | 2✓ | 8✓ | 26✓ | 34✓ | 41✓ | 35✓ | 30✓ | 25✓ | 13✓ |
| R6 | 0✓ | 6✓ | 23✓ | 29✓ | 36✓ | 31✓ | 27✓ | 21✓ | 8✓ |
| R7 | 0✓ | 5✓ | 22✓ | 27✓ | 34✓ | 28✓ | 25✓ | 20✓ | 6✓ |
| R8 | 2✓ | 6✓ | 25✓ | 29✓ | 34✓ | 27✓ | 21✓ | 15✓ | 3✓ |
| Criteria R9-R16 | 18 | 28 | 34 | 32 | 37 | 41 | 36 | 27 | 21 |
| R9A | 2✓ | 6✓ | 24✓ | 29✓ | 33✓ | 26✓ | 17✓ | 12✓ | 0✓ |
| R9B | 3✓ | 6✓ | 24✓ | 28✓ | 33✓ | 25✓ | 16✓ | 10✓ | 0✓ |
| R10A | 11✓ | 17✓ | 24✓ | 33* | 43* | 38✓ | 33✓ | 28* | 16✓ |
| R10B | 7✓ | 14✓ | 21✓ | 30✓ | 38* | 35✓ | 31✓ | 25✓ | 12✓ |
| R11A | 9✓ | 15✓ | 23✓ | 30✓ | 40* | 36✓ | 31✓ | 26✓ | 13✓ |
| R11B | 0✓ | 2✓ | 11✓ | 18✓ | 26✓ | 23✓ | 17✓ | 8✓ | 0✓ |
| R12 | 0✓ | 3✓ | 11✓ | 20✓ | 27✓ | 23✓ | 17✓ | 8✓ | 0✓ |
| R13 | 0✓ | 3✓ | 11✓ | 20✓ | 27✓ | 23✓ | 17✓ | 8✓ | 0✓ |
| R14 | 0✓ | 0✓ | 2✓ | 11✓ | 15✓ | 12✓ | 5✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 12✓ | 18✓ | 25✓ | 22✓ | 19✓ | 10✓ | 0✓ |
| R16 | 0✓ | 0✓ | 14✓ | 19✓ | 27✓ | 24✓ | 20✓ | 11✓ | 0✓ |

✓ Complies * Non-compliance

Dubbo Regional Council
Noise Impact Assessment



Table 7-7: Scenario 2 – Predicted Noise Levels – L_{A10(15 Minutes)} Night – Operational Activities dB(A)
– With Noise Controls – No Wall

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 24 | 30 | 29 | 34 | 34 | 29 | 36 | 26 |
| R1 | 0✓ | 1✓ | 22✓ | 24✓ | 30✓ | 25✓ | 16✓ | 9✓ | 0✓ |
| R2 | 0✓ | 2✓ | 23✓ | 25✓ | 30✓ | 26✓ | 17✓ | 10✓ | 0✓ |
| R3 | 0✓ | 3✓ | 24✓ | 25✓ | 31✓ | 26✓ | 17✓ | 10✓ | 0✓ |
| R4 | 0✓ | 3✓ | 24✓ | 26✓ | 32✓ | 27✓ | 18✓ | 11✓ | 0✓ |
| R5 | 0✓ | 3✓ | 25✓ | 28✓ | 34✓ | 28✓ | 19✓ | 12✓ | 0✓ |
| R6 | 0✓ | 0✓ | 22✓ | 26✓ | 32✓ | 27✓ | 18✓ | 11✓ | 0✓ |
| R7 | 0✓ | 0✓ | 21✓ | 24✓ | 29✓ | 24✓ | 15✓ | 8✓ | 0✓ |
| R8 | 0✓ | 3✓ | 24✓ | 28✓ | 33✓ | 26✓ | 17✓ | 11✓ | 0✓ |
| Criteria R9-R16 | 18 | 26 | 31 | 30 | 37 | 40 | 37 | 38 | 39 |
| R9A | 0✓ | 4✓ | 24✓ | 28✓ | 33✓ | 26✓ | 17✓ | 11✓ | 0✓ |
| R9B | 1✓ | 5✓ | 23✓ | 28✓ | 33✓ | 25✓ | 16✓ | 10✓ | 0✓ |
| R10A | 11✓ | 15✓ | 24✓ | 33* | 42* | 36✓ | 33✓ | 27✓ | 13✓ |
| R10B | 6✓ | 12✓ | 20✓ | 30✓ | 37✓ | 33✓ | 30✓ | 24✓ | 9✓ |
| R11A | 9✓ | 14✓ | 22✓ | 30✓ | 39* | 34✓ | 31✓ | 25✓ | 10✓ |
| R11B | 0✓ | 0✓ | 10✓ | 17✓ | 26✓ | 21✓ | 16✓ | 6✓ | 0✓ |
| R12 | 0✓ | 2✓ | 11✓ | 19✓ | 26✓ | 21✓ | 16✓ | 7✓ | 0✓ |
| R13 | 0✓ | 2✓ | 11✓ | 19✓ | 26✓ | 21✓ | 16✓ | 7✓ | 0✓ |
| R14 | 0✓ | 0✓ | 1✓ | 11✓ | 14✓ | 10✓ | 4✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 11✓ | 14✓ | 18✓ | 15✓ | 7✓ | 0✓ | 0✓ |
| R16 | 0✓ | 0✓ | 13✓ | 15✓ | 20✓ | 18✓ | 9✓ | 0✓ | 0✓ |

✓ Complies * Non-compliance

Dubbo Regional Council
Noise Impact Assessment



Table 7-8: Scenario 3 – Predicted Noise Levels - Mechanical Plant dB(A) – With Noise Controls – No Wall

| Receptor | Project Criteria $L_{eq}(15 \text{ minute})$ | | | Project Criteria L_{Amax} | Predicted Noise Levels | | | |
|----------|---|---------|-------|-----------------------------------|---|---|---|---|
| | Day | Evening | Night | | Day Predicted $L_{eq}(15 \text{ minute})$ | Evening Predicted $L_{eq}(15 \text{ minute})$ | Night Predicted $L_{eq}(15 \text{ minute})$ | Predicted Sleep Disturbance L_{Amax} |
| R1 | 53 | 43 | 38 | 53 | 36✓ | 35✓ | 30✓ | 44✓ |
| R2 | 53 | 43 | 38 | 53 | 37✓ | 36✓ | 31✓ | 46✓ |
| R3 | 53 | 43 | 38 | 53 | 36✓ | 36✓ | 31✓ | 45✓ |
| R4 | 53 | 43 | 38 | 53 | 36✓ | 35✓ | 31✓ | 44✓ |
| R5 | 53 | 43 | 38 | 53 | 34✓ | 34✓ | 30✓ | 45✓ |
| R6 | 53 | 43 | 38 | 53 | 32✓ | 31✓ | 27✓ | 46✓ |
| R7 | 53 | 43 | 38 | 53 | 30✓ | 30✓ | 26✓ | 44✓ |
| R8 | 53 | 43 | 38 | 53 | 34✓ | 33✓ | 30✓ | 50✓ |
| R9A | 44 | 43 | 38 | 55 | 36✓ | 35✓ | 32✓ | 52✓ |
| R9B | 44 | 43 | 38 | 55 | 37✓ | 36✓ | 32✓ | 56* |
| R10A | 44 | 43 | 38 | 55 | 41✓ | 40✓ | 35✓ | 59* |
| R10B | 44 | 43 | 38 | 55 | 33✓ | 33✓ | 28✓ | 51✓ |
| R11A | 44 | 43 | 38 | 55 | 38✓ | 37✓ | 32✓ | 55✓ |
| R11B | 44 | 43 | 38 | 55 | 32✓ | 31✓ | 26✓ | 49✓ |
| R12 | 44 | 43 | 38 | 55 | 24✓ | 23✓ | 19✓ | 39✓ |
| R13 | 44 | 43 | 38 | 55 | 24✓ | 23✓ | 19✓ | 37✓ |
| R14 | 44 | 43 | 38 | 55 | 12✓ | 11✓ | 7✓ | 25✓ |
| R15 | 44 | 43 | 38 | 55 | 23✓ | 23✓ | 19✓ | 34✓ |
| R16 | 44 | 43 | 38 | 55 | 25✓ | 24✓ | 20✓ | 35✓ |
| R17 | 58 | 48 | 43 | - | 34✓ | 33✓ | 29✓ | - |
| R18 | | 45 | | - | 24✓ | 23✓ | 20✓ | - |
| R19 | 58 | 48 | 43 | - | 27✓ | 26✓ | 22✓ | - |
| R20 | 58 | 48 | 43 | - | 32✓ | 31✓ | 28✓ | - |
| R21A | | 48 | | - | 33✓ | 32✓ | 27✓ | - |
| R21B | | 48 | | - | 40✓ | 39✓ | 34✓ | - |
| R21C | | 48 | | - | 38✓ | 37✓ | 32✓ | - |
| R22 | | 48 | | - | 25✓ | 24✓ | 19✓ | - |
| R23 | | 48 | | - | 29✓ | 28✓ | 23✓ | - |
| R24 | 58 | 48 | 43 | - | 25✓ | 24✓ | 20✓ | - |

✓ Complies * Non-compliance

Ref: 181004_NIA_REV3
April 2018

Benbow Environmental
Page: 57



7.1.2 1.8 m Wall

Table 7-9: Scenario 1 – Predicted Noise Levels – LA10(15 Minutes) Day – Operational Activities dB(A) – With Noise Controls – No Wall – 1.8 m Wall

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 34 | 40 | 41 | 44 | 50 | 46 | 35 | 23 |
| R1 | 0✓ | 1✓ | 17✓ | 29✓ | 36✓ | 30✓ | 27✓ | 21✓ | 6✓ |
| R2 | 0✓ | 2✓ | 19✓ | 30✓ | 37✓ | 31✓ | 28✓ | 23✓ | 9✓ |
| R3 | 0✓ | 3✓ | 19✓ | 31✓ | 37✓ | 31✓ | 29✓ | 23✓ | 10✓ |
| R4 | 0✓ | 3✓ | 19✓ | 32✓ | 38✓ | 31✓ | 28✓ | 23✓ | 10✓ |
| R5 | 0✓ | 3✓ | 19✓ | 31✓ | 37✓ | 30✓ | 27✓ | 22✓ | 9✓ |
| R6 | 0✓ | 1✓ | 15✓ | 25✓ | 31✓ | 26✓ | 24✓ | 18✓ | 5✓ |
| R7 | 0✓ | 0✓ | 14✓ | 24✓ | 30✓ | 24✓ | 23✓ | 17✓ | 2✓ |
| R8 | 0✓ | 1✓ | 16✓ | 23✓ | 25✓ | 17✓ | 11✓ | 5✓ | 0✓ |
| Criteria R9-R16 | 18 | 28 | 32 | 32 | 37 | 40 | 35 | 29 | 21 |
| R9A | 0✓ | 1✓ | 15✓ | 23✓ | 25✓ | 16✓ | 11✓ | 5✓ | 0✓ |
| R9B | 0✓ | 0✓ | 14✓ | 23✓ | 25✓ | 16✓ | 10✓ | 5✓ | 0✓ |
| R10A | 4✓ | 7✓ | 15✓ | 26✓ | 34✓ | 28✓ | 26✓ | 21✓ | 7✓ |
| R10B | 2✓ | 6✓ | 13✓ | 25✓ | 33✓ | 28✓ | 25✓ | 19✓ | 5✓ |
| R11A | 4✓ | 7✓ | 14✓ | 25✓ | 32✓ | 27✓ | 25✓ | 19✓ | 4✓ |
| R11B | 0✓ | 0✓ | 2✓ | 13✓ | 20✓ | 16✓ | 12✓ | 2✓ | 0✓ |
| R12 | 0✓ | 0✓ | 3✓ | 14✓ | 22✓ | 16✓ | 12✓ | 3✓ | 0✓ |
| R13 | 0✓ | 0✓ | 3✓ | 14✓ | 22✓ | 16✓ | 12✓ | 3✓ | 0✓ |
| R14 | 0✓ | 0✓ | 0✓ | 7✓ | 10✓ | 6✓ | 0✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 6✓ | 15✓ | 22✓ | 18✓ | 17✓ | 8✓ | 0✓ |
| R16 | 0✓ | 0✓ | 8✓ | 16✓ | 24✓ | 21✓ | 18✓ | 9✓ | 0✓ |

✓ Complies * Non-compliance



Table 7-10: Scenario 1 – Predicted Noise Levels – LA10(15 Minutes) Evening – Operational Activities dB(A) – With Noise Controls – 1.8 m Wall

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 31 | 37 | 38 | 41 | 43 | 41 | 33 | 22 |
| R1 | 0✓ | 1✓ | 17✓ | 29✓ | 36✓ | 30✓ | 27✓ | 21✓ | 6✓ |
| R2 | 0✓ | 2✓ | 19✓ | 30✓ | 37✓ | 31✓ | 28✓ | 23✓ | 9✓ |
| R3 | 0✓ | 3✓ | 19✓ | 31✓ | 37✓ | 31✓ | 29✓ | 23✓ | 10✓ |
| R4 | 0✓ | 3✓ | 19✓ | 32✓ | 38✓ | 31✓ | 28✓ | 23✓ | 10✓ |
| R5 | 0✓ | 3✓ | 19✓ | 31✓ | 37✓ | 30✓ | 27✓ | 22✓ | 9✓ |
| R6 | 0✓ | 1✓ | 15✓ | 25✓ | 31✓ | 26✓ | 24✓ | 18✓ | 5✓ |
| R7 | 0✓ | 0✓ | 14✓ | 24✓ | 30✓ | 24✓ | 23✓ | 17✓ | 2✓ |
| R8 | 0✓ | 1✓ | 16✓ | 23✓ | 25✓ | 17✓ | 11✓ | 5✓ | 0✓ |
| Criteria R9-R16 | 18 | 28 | 34 | 32 | 37 | 41 | 36 | 27 | 21 |
| R9A | 0✓ | 1✓ | 15✓ | 23✓ | 25✓ | 16✓ | 11✓ | 5✓ | 0✓ |
| R9B | 0✓ | 0✓ | 14✓ | 23✓ | 25✓ | 16✓ | 10✓ | 5✓ | 0✓ |
| R10A | 4✓ | 7✓ | 15✓ | 26✓ | 34✓ | 28✓ | 26✓ | 21✓ | 7✓ |
| R10B | 2✓ | 6✓ | 13✓ | 25✓ | 33✓ | 28✓ | 25✓ | 19✓ | 5✓ |
| R11A | 4✓ | 7✓ | 14✓ | 25✓ | 32✓ | 27✓ | 25✓ | 19✓ | 4✓ |
| R11B | 0✓ | 0✓ | 2✓ | 13✓ | 20✓ | 16✓ | 12✓ | 2✓ | 0✓ |
| R12 | 0✓ | 0✓ | 3✓ | 14✓ | 22✓ | 16✓ | 12✓ | 3✓ | 0✓ |
| R13 | 0✓ | 0✓ | 3✓ | 14✓ | 22✓ | 16✓ | 12✓ | 3✓ | 0✓ |
| R14 | 0✓ | 0✓ | 0✓ | 7✓ | 10✓ | 6✓ | 0✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 6✓ | 15✓ | 22✓ | 18✓ | 17✓ | 8✓ | 0✓ |
| R16 | 0✓ | 0✓ | 8✓ | 16✓ | 24✓ | 21✓ | 18✓ | 9✓ | 0✓ |

✓ Complies * Non-compliance

Dubbo Regional Council
Noise Impact Assessment



Table 7-11: Scenario 1 – Predicted Noise Levels – $L_{A10(15 \text{ Minutes})}$ Night – Operational Activities dB(A)
– With Noise Controls – 1.8 m Wall

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 31 | 37 | 38 | 41 | 43 | 41 | 33 | 22 |
| R1 | 0✓ | 0✓ | 15✓ | 24✓ | 30✓ | 25✓ | 22✓ | 16✓ | 2✓ |
| R2 | 0✓ | 0✓ | 16✓ | 25✓ | 32✓ | 26✓ | 23✓ | 17✓ | 4✓ |
| R3 | 0✓ | 0✓ | 16✓ | 26✓ | 33✓ | 26✓ | 23✓ | 18✓ | 4✓ |
| R4 | 0✓ | 0✓ | 17✓ | 27✓ | 34✓ | 27✓ | 24✓ | 19✓ | 6✓ |
| R5 | 0✓ | 0✓ | 17✓ | 27✓ | 33✓ | 26✓ | 23✓ | 18✓ | 5✓ |
| R6 | 0✓ | 0✓ | 14✓ | 22✓ | 27✓ | 22✓ | 20✓ | 14✓ | 0✓ |
| R7 | 0✓ | 0✓ | 12✓ | 21✓ | 26✓ | 20✓ | 19✓ | 13✓ | 0✓ |
| R8 | 0✓ | 0✓ | 15✓ | 22✓ | 24✓ | 16✓ | 10✓ | 3✓ | 0✓ |
| Criteria R9-R16 | 18 | 28 | 34 | 32 | 37 | 41 | 36 | 27 | 21 |
| R9A | 0✓ | 0✓ | 14✓ | 22✓ | 24✓ | 15✓ | 9✓ | 4✓ | 0✓ |
| R9B | 0✓ | 0✓ | 13✓ | 22✓ | 25✓ | 15✓ | 9✓ | 3✓ | 0✓ |
| R10A | 3✓ | 6✓ | 15✓ | 26✓ | 33✓ | 27✓ | 25✓ | 21✓ | 7✓ |
| R10B | 0✓ | 4✓ | 12✓ | 24✓ | 32✓ | 27✓ | 24✓ | 18✓ | 3✓ |
| R11A | 3✓ | 6✓ | 13✓ | 24✓ | 32✓ | 27✓ | 25✓ | 19✓ | 4✓ |
| R11B | 0✓ | 0✓ | 1✓ | 12✓ | 20✓ | 15✓ | 10✓ | 1✓ | 0✓ |
| R12 | 0✓ | 0✓ | 2✓ | 14✓ | 19✓ | 14✓ | 10✓ | 1✓ | 0✓ |
| R13 | 0✓ | 0✓ | 2✓ | 14✓ | 19✓ | 14✓ | 10✓ | 1✓ | 0✓ |
| R14 | 0✓ | 0✓ | 0✓ | 5✓ | 8✓ | 4✓ | 0✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 4✓ | 12✓ | 19✓ | 15✓ | 12✓ | 3✓ | 0✓ |
| R16 | 0✓ | 0✓ | 5✓ | 12✓ | 17✓ | 14✓ | 11✓ | 3✓ | 0✓ |

✓ Complies ✗ Non-compliance

Dubbo Regional Council
Noise Impact Assessment



Table 7-12: Scenario 2 – Predicted Noise Levels – L_{A10(15 Minutes)} Day – Operational Activities dB(A)
– With Noise Controls – 1.8 m Wall

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 34 | 40 | 41 | 44 | 50 | 46 | 35 | 23 |
| R1 | 0✓ | 6✓ | 24✓ | 31✓ | 38✓ | 33✓ | 29✓ | 23✓ | 9✓ |
| R2 | 1✓ | 7✓ | 25✓ | 32✓ | 40✓ | 34✓ | 30✓ | 25✓ | 12✓ |
| R3 | 1✓ | 8✓ | 25✓ | 33✓ | 40✓ | 34✓ | 31✓ | 25✓ | 13✓ |
| R4 | 2✓ | 9✓ | 26✓ | 34✓ | 41✓ | 35✓ | 31✓ | 26✓ | 14✓ |
| R5 | 2✓ | 8✓ | 26✓ | 34✓ | 41✓ | 35✓ | 30✓ | 25✓ | 13✓ |
| R6 | 0✓ | 6✓ | 23✓ | 29✓ | 36✓ | 31✓ | 27✓ | 21✓ | 8✓ |
| R7 | 0✓ | 5✓ | 22✓ | 27✓ | 34✓ | 28✓ | 25✓ | 20✓ | 6✓ |
| R8 | 2✓ | 6✓ | 25✓ | 29✓ | 34✓ | 27✓ | 21✓ | 15✓ | 3✓ |
| Criteria R9-R16 | 18 | 28 | 32 | 32 | 37 | 40 | 35 | 29 | 21 |
| R9A | 2✓ | 6✓ | 24✓ | 29✓ | 33✓ | 26✓ | 17✓ | 12✓ | 0✓ |
| R9B | 3✓ | 6✓ | 24✓ | 28✓ | 33✓ | 25✓ | 16✓ | 10✓ | 0✓ |
| R10A | 9✓ | 15✓ | 24✓ | 31✓ | 40* | 35✓ | 32✓ | 28✓ | 16✓ |
| R10B | 7✓ | 14✓ | 21✓ | 30✓ | 38* | 35✓ | 31✓ | 25✓ | 12✓ |
| R11A | 9✓ | 15✓ | 22✓ | 30✓ | 38* | 35✓ | 31✓ | 26✓ | 13✓ |
| R11B | 0✓ | 2✓ | 11✓ | 18✓ | 26✓ | 23✓ | 17✓ | 8✓ | 0✓ |
| R12 | 0✓ | 3✓ | 11✓ | 20✓ | 27✓ | 23✓ | 17✓ | 8✓ | 0✓ |
| R13 | 0✓ | 3✓ | 11✓ | 20✓ | 27✓ | 23✓ | 17✓ | 8✓ | 0✓ |
| R14 | 0✓ | 0✓ | 2✓ | 11✓ | 15✓ | 12✓ | 5✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 12✓ | 18✓ | 25✓ | 22✓ | 19✓ | 10✓ | 0✓ |
| R16 | 0✓ | 0✓ | 14✓ | 19✓ | 27✓ | 24✓ | 20✓ | 11✓ | 0✓ |

✓ Complies * Non-compliance

Dubbo Regional Council
Noise Impact Assessment



Table 7-13: Scenario 2 – Predicted Noise Levels – $L_{A10(15 \text{ Minutes})}$ Evening – Operational Activities dB(A) – With Noise Controls – 1.8 m Wall

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 31 | 37 | 38 | 41 | 43 | 41 | 33 | 22 |
| R1 | 0✓ | 6✓ | 24✓ | 31✓ | 38✓ | 33✓ | 29✓ | 23✓ | 9✓ |
| R2 | 1✓ | 7✓ | 25✓ | 32✓ | 40✓ | 34✓ | 30✓ | 25✓ | 12✓ |
| R3 | 1✓ | 8✓ | 25✓ | 33✓ | 40✓ | 34✓ | 31✓ | 25✓ | 13✓ |
| R4 | 2✓ | 9✓ | 26✓ | 34✓ | 41✓ | 35✓ | 31✓ | 26✓ | 14✓ |
| R5 | 2✓ | 8✓ | 26✓ | 34✓ | 41✓ | 35✓ | 30✓ | 25✓ | 13✓ |
| R6 | 0✓ | 6✓ | 23✓ | 29✓ | 36✓ | 31✓ | 27✓ | 21✓ | 8✓ |
| R7 | 0✓ | 5✓ | 22✓ | 27✓ | 34✓ | 28✓ | 25✓ | 20✓ | 6✓ |
| R8 | 2✓ | 6✓ | 25✓ | 29✓ | 34✓ | 27✓ | 21✓ | 15✓ | 3✓ |
| Criteria R9-R16 | 18 | 28 | 34 | 32 | 37 | 41 | 36 | 27 | 21 |
| R9A | 2✓ | 6✓ | 24✓ | 29✓ | 33✓ | 26✓ | 17✓ | 12✓ | 0✓ |
| R9B | 3✓ | 6✓ | 24✓ | 28✓ | 33✓ | 25✓ | 16✓ | 10✓ | 0✓ |
| R10A | 9✓ | 15✓ | 24✓ | 31✓ | 40* | 35✓ | 32✓ | 28* | 16✓ |
| R10B | 7✓ | 14✓ | 21✓ | 30✓ | 38* | 35✓ | 31✓ | 25✓ | 12✓ |
| R11A | 9✓ | 15✓ | 22✓ | 30✓ | 38* | 35✓ | 31✓ | 26✓ | 13✓ |
| R11B | 0✓ | 2✓ | 11✓ | 18✓ | 26✓ | 23✓ | 17✓ | 8✓ | 0✓ |
| R12 | 0✓ | 3✓ | 11✓ | 20✓ | 27✓ | 23✓ | 17✓ | 8✓ | 0✓ |
| R13 | 0✓ | 3✓ | 11✓ | 20✓ | 27✓ | 23✓ | 17✓ | 8✓ | 0✓ |
| R14 | 0✓ | 0✓ | 2✓ | 11✓ | 15✓ | 12✓ | 5✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 12✓ | 18✓ | 25✓ | 22✓ | 19✓ | 10✓ | 0✓ |
| R16 | 0✓ | 0✓ | 14✓ | 19✓ | 27✓ | 24✓ | 20✓ | 11✓ | 0✓ |

✓ Complies * Non-compliance

Dubbo Regional Council
Noise Impact Assessment



Table 7-14: Scenario 2 – Predicted Noise Levels – LA10(15 Minutes) Night – Operational Activities dB(A) – With Noise Controls – 1.8 m Wall

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 24 | 30 | 29 | 34 | 34 | 29 | 36 | 26 |
| R1 | 0✓ | 1✓ | 22✓ | 24✓ | 30✓ | 25✓ | 16✓ | 9✓ | 0✓ |
| R2 | 0✓ | 2✓ | 23✓ | 25✓ | 30✓ | 26✓ | 17✓ | 10✓ | 0✓ |
| R3 | 0✓ | 3✓ | 24✓ | 25✓ | 31✓ | 26✓ | 17✓ | 10✓ | 0✓ |
| R4 | 0✓ | 3✓ | 24✓ | 26✓ | 32✓ | 27✓ | 18✓ | 11✓ | 0✓ |
| R5 | 0✓ | 3✓ | 25✓ | 28✓ | 34✓ | 28✓ | 19✓ | 12✓ | 0✓ |
| R6 | 0✓ | 0✓ | 22✓ | 26✓ | 32✓ | 27✓ | 18✓ | 11✓ | 0✓ |
| R7 | 0✓ | 0✓ | 21✓ | 24✓ | 29✓ | 24✓ | 15✓ | 8✓ | 0✓ |
| R8 | 0✓ | 3✓ | 24✓ | 28✓ | 33✓ | 26✓ | 17✓ | 11✓ | 0✓ |
| Criteria R9-R16 | 18 | 26 | 31 | 30 | 37 | 40 | 37 | 38 | 39 |
| R9A | 0✓ | 4✓ | 24✓ | 28✓ | 33✓ | 26✓ | 17✓ | 11✓ | 0✓ |
| R9B | 1✓ | 5✓ | 23✓ | 28✓ | 33✓ | 25✓ | 16✓ | 10✓ | 0✓ |
| R10A | 9✓ | 14✓ | 23✓ | 31* | 39* | 33✓ | 31✓ | 26✓ | 13✓ |
| R10B | 6✓ | 12✓ | 20✓ | 30✓ | 37✓ | 33✓ | 30✓ | 24✓ | 9✓ |
| R11A | 9✓ | 14✓ | 21✓ | 30✓ | 38* | 33✓ | 30✓ | 25✓ | 10✓ |
| R11B | 0✓ | 0✓ | 10✓ | 17✓ | 26✓ | 21✓ | 16✓ | 6✓ | 0✓ |
| R12 | 0✓ | 2✓ | 11✓ | 19✓ | 26✓ | 21✓ | 16✓ | 7✓ | 0✓ |
| R13 | 0✓ | 2✓ | 11✓ | 19✓ | 26✓ | 21✓ | 16✓ | 7✓ | 0✓ |
| R14 | 0✓ | 0✓ | 1✓ | 11✓ | 14✓ | 10✓ | 4✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 11✓ | 14✓ | 18✓ | 15✓ | 7✓ | 0✓ | 0✓ |
| R16 | 0✓ | 0✓ | 13✓ | 15✓ | 20✓ | 18✓ | 9✓ | 0✓ | 0✓ |

✓ Complies * Non-compliance

Dubbo Regional Council
Noise Impact Assessment



Table 7-15: Scenario 3 – Predicted Noise Levels - Mechanical Plant dB(A) – With Noise Controls – 1.8 m Wall

| Receptor | Project Criteria $L_{eq}(15 \text{ minute})$ | | | Project Criteria L_{Amax} | Predicted Noise Levels | | | Predicted Sleep Disturbance L_{Amax} |
|----------|---|---------|-------|-----------------------------------|---|---|---|---|
| | Day | Evening | Night | | Day Predicted $L_{eq}(15 \text{ minute})$ | Evening Predicted $L_{eq}(15 \text{ minute})$ | Night Predicted $L_{eq}(15 \text{ minute})$ | |
| R1 | 53 | 43 | 38 | 53 | 36✓ | 35✓ | 30✓ | 44✓ |
| R2 | 53 | 43 | 38 | 53 | 37✓ | 36✓ | 31✓ | 46✓ |
| R3 | 53 | 43 | 38 | 53 | 36✓ | 36✓ | 31✓ | 45✓ |
| R4 | 53 | 43 | 38 | 53 | 36✓ | 35✓ | 31✓ | 44✓ |
| R5 | 53 | 43 | 38 | 53 | 34✓ | 33✓ | 30✓ | 45✓ |
| R6 | 53 | 43 | 38 | 53 | 31✓ | 31✓ | 27✓ | 46✓ |
| R7 | 53 | 43 | 38 | 53 | 30✓ | 30✓ | 26✓ | 44✓ |
| R8 | 53 | 43 | 38 | 53 | 34✓ | 33✓ | 30✓ | 50✓ |
| R9A | 44 | 43 | 38 | 55 | 35✓ | 35✓ | 32✓ | 52✓ |
| R9B | 44 | 43 | 38 | 55 | 37✓ | 36✓ | 32✓ | 56* |
| R10A | 44 | 43 | 38 | 55 | 37✓ | 36✓ | 31✓ | 53✓ |
| R10B | 44 | 43 | 38 | 55 | 33✓ | 32✓ | 28✓ | 51✓ |
| R11A | 44 | 43 | 38 | 55 | 34✓ | 33✓ | 29✓ | 49✓ |
| R11B | 44 | 43 | 38 | 55 | 32✓ | 31✓ | 26✓ | 49✓ |
| R12 | 44 | 43 | 38 | 55 | 23✓ | 22✓ | 18✓ | 36✓ |
| R13 | 44 | 43 | 38 | 55 | 23✓ | 22✓ | 18✓ | 37✓ |
| R14 | 44 | 43 | 38 | 55 | 12✓ | 11✓ | 6✓ | 25✓ |
| R15 | 44 | 43 | 38 | 55 | 23✓ | 23✓ | 19✓ | 34✓ |
| R16 | 44 | 43 | 38 | 55 | 25✓ | 24✓ | 20✓ | 35✓ |
| R17 | 58 | 48 | 43 | - | 34✓ | 33✓ | 29✓ | 40✓ |
| R18 | | 45 | | - | 24✓ | 23✓ | 20✓ | 38✓ |
| R19 | 58 | 48 | 43 | - | 26✓ | 26✓ | 22✓ | 40✓ |
| R20 | 58 | 48 | 43 | - | 31✓ | 30✓ | 27✓ | 47✓ |
| R21A | | 48 | | - | 33✓ | 32✓ | 27✓ | 48✓ |
| R21B | | 48 | | - | 40✓ | 39✓ | 34✓ | 46✓ |
| R21C | | 48 | | - | 38✓ | 37✓ | 32✓ | 43✓ |
| R22 | | 48 | | - | 25✓ | 24✓ | 19✓ | 38✓ |
| R23 | | 48 | | - | 29✓ | 28✓ | 23✓ | 42✓ |
| R24 | 58 | 48 | 43 | - | 25✓ | 24✓ | 20✓ | 36✓ |

✓ Complies * Non-compliance



7.1.3 3 m Wall

Table 7-16: Scenario 1 – Predicted Noise Levels – LA10(15 Minutes) Day – Operational Activities dB(A)
– With Noise Controls – No Wall – 3 m Wall

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 34 | 40 | 41 | 44 | 50 | 46 | 35 | 23 |
| R1 | 0✓ | 1✓ | 17✓ | 29✓ | 36✓ | 30✓ | 27✓ | 21✓ | 6✓ |
| R2 | 0✓ | 2✓ | 19✓ | 30✓ | 37✓ | 31✓ | 28✓ | 23✓ | 9✓ |
| R3 | 0✓ | 3✓ | 19✓ | 31✓ | 37✓ | 31✓ | 29✓ | 23✓ | 10✓ |
| R4 | 0✓ | 3✓ | 19✓ | 32✓ | 38✓ | 31✓ | 28✓ | 23✓ | 10✓ |
| R5 | 0✓ | 3✓ | 19✓ | 31✓ | 37✓ | 30✓ | 27✓ | 22✓ | 9✓ |
| R6 | 0✓ | 1✓ | 15✓ | 25✓ | 31✓ | 26✓ | 24✓ | 18✓ | 5✓ |
| R7 | 0✓ | 0✓ | 14✓ | 24✓ | 30✓ | 24✓ | 23✓ | 17✓ | 2✓ |
| R8 | 0✓ | 1✓ | 16✓ | 23✓ | 25✓ | 17✓ | 11✓ | 5✓ | 0✓ |
| Criteria R9-R16 | 18 | 28 | 32 | 32 | 37 | 40 | 35 | 29 | 21 |
| R9A | 0✓ | 1✓ | 15✓ | 23✓ | 25✓ | 16✓ | 11✓ | 5✓ | 0✓ |
| R9B | 0✓ | 0✓ | 14✓ | 23✓ | 25✓ | 16✓ | 10✓ | 5✓ | 0✓ |
| R10A | 2✓ | 4✓ | 13✓ | 24✓ | 32✓ | 26✓ | 23✓ | 17✓ | 2✓ |
| R10B | 2✓ | 6✓ | 13✓ | 25✓ | 33✓ | 28✓ | 25✓ | 19✓ | 5✓ |
| R11A | 2✓ | 4✓ | 12✓ | 23✓ | 30✓ | 25✓ | 21✓ | 15✓ | 0✓ |
| R11B | 0✓ | 0✓ | 2✓ | 13✓ | 20✓ | 16✓ | 12✓ | 2✓ | 0✓ |
| R12 | 0✓ | 0✓ | 3✓ | 14✓ | 22✓ | 16✓ | 12✓ | 3✓ | 0✓ |
| R13 | 0✓ | 0✓ | 3✓ | 14✓ | 22✓ | 16✓ | 12✓ | 3✓ | 0✓ |
| R14 | 0✓ | 0✓ | 0✓ | 7✓ | 10✓ | 6✓ | 0✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 6✓ | 15✓ | 22✓ | 18✓ | 17✓ | 8✓ | 0✓ |
| R16 | 0✓ | 0✓ | 8✓ | 16✓ | 24✓ | 21✓ | 18✓ | 9✓ | 0✓ |

✓ Complies * Non-compliance



Table 7-17: Scenario 1 – Predicted Noise Levels – LA10(15 Minutes) Evening – Operational Activities dB(A) – With Noise Controls – 3 m Wall

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 31 | 37 | 38 | 41 | 43 | 41 | 33 | 22 |
| R1 | 0✓ | 1✓ | 17✓ | 29✓ | 36✓ | 30✓ | 27✓ | 21✓ | 6✓ |
| R2 | 0✓ | 2✓ | 19✓ | 30✓ | 37✓ | 31✓ | 28✓ | 23✓ | 9✓ |
| R3 | 0✓ | 3✓ | 19✓ | 31✓ | 37✓ | 31✓ | 29✓ | 23✓ | 10✓ |
| R4 | 0✓ | 3✓ | 19✓ | 32✓ | 38✓ | 31✓ | 28✓ | 23✓ | 10✓ |
| R5 | 0✓ | 3✓ | 19✓ | 31✓ | 37✓ | 30✓ | 27✓ | 22✓ | 9✓ |
| R6 | 0✓ | 1✓ | 15✓ | 25✓ | 31✓ | 26✓ | 24✓ | 18✓ | 5✓ |
| R7 | 0✓ | 0✓ | 14✓ | 24✓ | 30✓ | 24✓ | 23✓ | 17✓ | 2✓ |
| R8 | 0✓ | 1✓ | 16✓ | 23✓ | 25✓ | 17✓ | 11✓ | 5✓ | 0✓ |
| Criteria R9-R16 | 18 | 28 | 34 | 32 | 37 | 41 | 36 | 27 | 21 |
| R9A | 0✓ | 1✓ | 15✓ | 23✓ | 25✓ | 16✓ | 11✓ | 5✓ | 0✓ |
| R9B | 0✓ | 0✓ | 14✓ | 23✓ | 25✓ | 16✓ | 10✓ | 5✓ | 0✓ |
| R10A | 2✓ | 4✓ | 13✓ | 24✓ | 32✓ | 26✓ | 23✓ | 17✓ | 2✓ |
| R10B | 2✓ | 6✓ | 13✓ | 25✓ | 33✓ | 28✓ | 25✓ | 19✓ | 5✓ |
| R11A | 2✓ | 4✓ | 12✓ | 23✓ | 30✓ | 25✓ | 21✓ | 15✓ | 0✓ |
| R11B | 0✓ | 0✓ | 2✓ | 13✓ | 20✓ | 16✓ | 12✓ | 2✓ | 0✓ |
| R12 | 0✓ | 0✓ | 3✓ | 14✓ | 22✓ | 16✓ | 12✓ | 3✓ | 0✓ |
| R13 | 0✓ | 0✓ | 3✓ | 14✓ | 22✓ | 16✓ | 12✓ | 3✓ | 0✓ |
| R14 | 0✓ | 0✓ | 0✓ | 7✓ | 10✓ | 6✓ | 0✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 6✓ | 15✓ | 22✓ | 18✓ | 17✓ | 8✓ | 0✓ |
| R16 | 0✓ | 0✓ | 8✓ | 16✓ | 24✓ | 21✓ | 18✓ | 9✓ | 0✓ |

✓ Complies * Non-compliance

Dubbo Regional Council
Noise Impact Assessment



Table 7-18: Scenario 1 – Predicted Noise Levels – $L_{A10(15 \text{ Minutes})}$ Night – Operational Activities dB(A)
– With Noise Controls – 3 m Wall

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 31 | 37 | 38 | 41 | 43 | 41 | 33 | 22 |
| R1 | 0✓ | 1✓ | 17✓ | 29✓ | 36✓ | 30✓ | 27✓ | 21✓ | 6✓ |
| R2 | 0✓ | 2✓ | 19✓ | 30✓ | 37✓ | 31✓ | 28✓ | 23✓ | 9✓ |
| R3 | 0✓ | 3✓ | 19✓ | 31✓ | 37✓ | 31✓ | 29✓ | 23✓ | 10✓ |
| R4 | 0✓ | 3✓ | 19✓ | 32✓ | 38✓ | 31✓ | 28✓ | 23✓ | 10✓ |
| R5 | 0✓ | 3✓ | 19✓ | 31✓ | 37✓ | 30✓ | 27✓ | 22✓ | 9✓ |
| R6 | 0✓ | 1✓ | 15✓ | 25✓ | 31✓ | 26✓ | 24✓ | 18✓ | 5✓ |
| R7 | 0✓ | 0✓ | 14✓ | 24✓ | 30✓ | 24✓ | 23✓ | 17✓ | 2✓ |
| R8 | 0✓ | 1✓ | 16✓ | 23✓ | 25✓ | 17✓ | 11✓ | 5✓ | 0✓ |
| Criteria R9-R16 | 18 | 28 | 34 | 32 | 37 | 41 | 36 | 27 | 21 |
| R9A | 0✓ | 1✓ | 15✓ | 23✓ | 25✓ | 16✓ | 11✓ | 5✓ | 0✓ |
| R9B | 0✓ | 0✓ | 14✓ | 23✓ | 25✓ | 16✓ | 10✓ | 5✓ | 0✓ |
| R10A | 2✓ | 4✓ | 13✓ | 24✓ | 32✓ | 26✓ | 23✓ | 17✓ | 2✓ |
| R10B | 2✓ | 6✓ | 13✓ | 25✓ | 33✓ | 28✓ | 25✓ | 19✓ | 5✓ |
| R11A | 2✓ | 4✓ | 12✓ | 23✓ | 30✓ | 25✓ | 21✓ | 15✓ | 0✓ |
| R11B | 0✓ | 0✓ | 2✓ | 13✓ | 20✓ | 16✓ | 12✓ | 2✓ | 0✓ |
| R12 | 0✓ | 0✓ | 3✓ | 14✓ | 22✓ | 16✓ | 12✓ | 3✓ | 0✓ |
| R13 | 0✓ | 0✓ | 3✓ | 14✓ | 22✓ | 16✓ | 12✓ | 3✓ | 0✓ |
| R14 | 0✓ | 0✓ | 0✓ | 7✓ | 10✓ | 6✓ | 0✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 6✓ | 15✓ | 22✓ | 18✓ | 17✓ | 8✓ | 0✓ |
| R16 | 0✓ | 0✓ | 8✓ | 16✓ | 24✓ | 21✓ | 18✓ | 9✓ | 0✓ |

✓ Complies ✗ Non-compliance

Dubbo Regional Council
Noise Impact Assessment



Table 7-19: Scenario 2 – Predicted Noise Levels – L_{A10(15 Minutes)} Day – Operational Activities dB(A)
– With Noise Controls – 3 m Wall

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 34 | 40 | 41 | 44 | 50 | 46 | 35 | 23 |
| R1 | 0✓ | 6✓ | 24✓ | 31✓ | 38✓ | 33✓ | 29✓ | 23✓ | 9✓ |
| R2 | 1✓ | 7✓ | 25✓ | 32✓ | 40✓ | 34✓ | 30✓ | 25✓ | 12✓ |
| R3 | 1✓ | 8✓ | 25✓ | 33✓ | 40✓ | 34✓ | 31✓ | 25✓ | 13✓ |
| R4 | 2✓ | 9✓ | 26✓ | 34✓ | 41✓ | 35✓ | 31✓ | 26✓ | 14✓ |
| R5 | 2✓ | 8✓ | 26✓ | 34✓ | 41✓ | 35✓ | 30✓ | 25✓ | 13✓ |
| R6 | 0✓ | 6✓ | 23✓ | 29✓ | 36✓ | 31✓ | 27✓ | 21✓ | 8✓ |
| R7 | 0✓ | 5✓ | 22✓ | 27✓ | 34✓ | 28✓ | 25✓ | 20✓ | 6✓ |
| R8 | 2✓ | 6✓ | 25✓ | 29✓ | 34✓ | 27✓ | 21✓ | 15✓ | 3✓ |
| Criteria R9-R16 | 18 | 28 | 32 | 32 | 37 | 40 | 35 | 29 | 21 |
| R9A | 2✓ | 6✓ | 24✓ | 29✓ | 33✓ | 26✓ | 17✓ | 12✓ | 0✓ |
| R9B | 3✓ | 6✓ | 24✓ | 28✓ | 33✓ | 25✓ | 16✓ | 10✓ | 0✓ |
| R10A | 6✓ | 12✓ | 22✓ | 29✓ | 39* | 34✓ | 29✓ | 23✓ | 11✓ |
| R10B | 7✓ | 14✓ | 21✓ | 30✓ | 38* | 35✓ | 31✓ | 25✓ | 12✓ |
| R11A | 6✓ | 13✓ | 21✓ | 28✓ | 37✓ | 32✓ | 27✓ | 21✓ | 8✓ |
| R11B | 0✓ | 2✓ | 11✓ | 18✓ | 26✓ | 23✓ | 17✓ | 8✓ | 0✓ |
| R12 | 0✓ | 3✓ | 11✓ | 20✓ | 27✓ | 23✓ | 17✓ | 8✓ | 0✓ |
| R13 | 0✓ | 3✓ | 11✓ | 20✓ | 27✓ | 23✓ | 17✓ | 8✓ | 0✓ |
| R14 | 0✓ | 0✓ | 2✓ | 11✓ | 15✓ | 12✓ | 5✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 12✓ | 18✓ | 25✓ | 22✓ | 19✓ | 10✓ | 0✓ |
| R16 | 0✓ | 0✓ | 14✓ | 19✓ | 27✓ | 24✓ | 20✓ | 11✓ | 0✓ |

✓ Complies * Non-compliance



Table 7-20: Scenario 2 – Predicted Noise Levels – L_{A10(15 Minutes)} Evening – Operational Activities
dB(A) – With Noise Controls – 3 m Wall

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 31 | 37 | 38 | 41 | 43 | 41 | 33 | 22 |
| R1 | 0✓ | 6✓ | 24✓ | 31✓ | 38✓ | 33✓ | 29✓ | 23✓ | 9✓ |
| R2 | 1✓ | 7✓ | 25✓ | 32✓ | 40✓ | 34✓ | 30✓ | 25✓ | 12✓ |
| R3 | 1✓ | 8✓ | 25✓ | 33✓ | 40✓ | 34✓ | 31✓ | 25✓ | 13✓ |
| R4 | 2✓ | 9✓ | 26✓ | 34✓ | 41✓ | 35✓ | 31✓ | 26✓ | 14✓ |
| R5 | 2✓ | 8✓ | 26✓ | 34✓ | 41✓ | 35✓ | 30✓ | 25✓ | 13✓ |
| R6 | 0✓ | 6✓ | 23✓ | 29✓ | 36✓ | 31✓ | 27✓ | 21✓ | 8✓ |
| R7 | 0✓ | 5✓ | 22✓ | 27✓ | 34✓ | 28✓ | 25✓ | 20✓ | 6✓ |
| R8 | 2✓ | 6✓ | 25✓ | 29✓ | 34✓ | 27✓ | 21✓ | 15✓ | 3✓ |
| Criteria R9-R16 | 18 | 28 | 34 | 32 | 37 | 41 | 36 | 27 | 21 |
| R9A | 2✓ | 6✓ | 24✓ | 29✓ | 33✓ | 26✓ | 17✓ | 12✓ | 0✓ |
| R9B | 3✓ | 6✓ | 24✓ | 28✓ | 33✓ | 25✓ | 16✓ | 10✓ | 0✓ |
| R10A | 6✓ | 12✓ | 22✓ | 29✓ | 39* | 34✓ | 29✓ | 23✓ | 11✓ |
| R10B | 7✓ | 14✓ | 21✓ | 30✓ | 38* | 35✓ | 31✓ | 25✓ | 12✓ |
| R11A | 6✓ | 13✓ | 21✓ | 28✓ | 37✓ | 32✓ | 27✓ | 21✓ | 8✓ |
| R11B | 0✓ | 2✓ | 11✓ | 18✓ | 26✓ | 23✓ | 17✓ | 8✓ | 0✓ |
| R12 | 0✓ | 3✓ | 11✓ | 20✓ | 27✓ | 23✓ | 17✓ | 8✓ | 0✓ |
| R13 | 0✓ | 3✓ | 11✓ | 20✓ | 27✓ | 23✓ | 17✓ | 8✓ | 0✓ |
| R14 | 0✓ | 0✓ | 2✓ | 11✓ | 15✓ | 12✓ | 5✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 12✓ | 18✓ | 25✓ | 22✓ | 19✓ | 10✓ | 0✓ |
| R16 | 0✓ | 0✓ | 14✓ | 19✓ | 27✓ | 24✓ | 20✓ | 11✓ | 0✓ |

✓ Complies * Non-compliance



Table 7-21: Scenario 2 – Predicted Noise Levels – LA10(15 Minutes) Night – Operational Activities
dB(A) – With Noise Controls – 3 m Wall

| | 31.5Hz | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criteria R1-R8 | 18 | 24 | 30 | 29 | 34 | 34 | 29 | 36 | 26 |
| R1 | 0✓ | 1✓ | 22✓ | 24✓ | 30✓ | 25✓ | 16✓ | 9✓ | 0✓ |
| R2 | 0✓ | 2✓ | 23✓ | 25✓ | 30✓ | 26✓ | 17✓ | 10✓ | 0✓ |
| R3 | 0✓ | 3✓ | 24✓ | 25✓ | 31✓ | 26✓ | 17✓ | 10✓ | 0✓ |
| R4 | 0✓ | 3✓ | 24✓ | 26✓ | 32✓ | 27✓ | 18✓ | 11✓ | 0✓ |
| R5 | 0✓ | 3✓ | 25✓ | 28✓ | 34✓ | 28✓ | 19✓ | 12✓ | 0✓ |
| R6 | 0✓ | 0✓ | 22✓ | 26✓ | 32✓ | 27✓ | 18✓ | 11✓ | 0✓ |
| R7 | 0✓ | 0✓ | 21✓ | 24✓ | 29✓ | 24✓ | 15✓ | 8✓ | 0✓ |
| R8 | 0✓ | 3✓ | 24✓ | 28✓ | 33✓ | 26✓ | 17✓ | 11✓ | 0✓ |
| Criteria R9-R16 | 18 | 26 | 31 | 30 | 37 | 40 | 37 | 38 | 39 |
| R9A | 0✓ | 4✓ | 24✓ | 28✓ | 33✓ | 26✓ | 17✓ | 11✓ | 0✓ |
| R9B | 1✓ | 5✓ | 23✓ | 28✓ | 33✓ | 25✓ | 16✓ | 10✓ | 0✓ |
| R10A | 6✓ | 11✓ | 22✓ | 29✓ | 38* | 32✓ | 28✓ | 22✓ | 7✓ |
| R10B | 6✓ | 12✓ | 20✓ | 30✓ | 37✓ | 33✓ | 30✓ | 24✓ | 9✓ |
| R11A | 6✓ | 11✓ | 20✓ | 28✓ | 36✓ | 30✓ | 26✓ | 20✓ | 5✓ |
| R11B | 0✓ | 0✓ | 10✓ | 17✓ | 26✓ | 21✓ | 16✓ | 6✓ | 0✓ |
| R12 | 0✓ | 2✓ | 11✓ | 19✓ | 26✓ | 21✓ | 16✓ | 7✓ | 0✓ |
| R13 | 0✓ | 2✓ | 11✓ | 19✓ | 26✓ | 21✓ | 16✓ | 7✓ | 0✓ |
| R14 | 0✓ | 0✓ | 1✓ | 11✓ | 14✓ | 10✓ | 4✓ | 0✓ | 0✓ |
| R15 | 0✓ | 0✓ | 11✓ | 14✓ | 18✓ | 15✓ | 7✓ | 0✓ | 0✓ |
| R16 | 0✓ | 0✓ | 13✓ | 15✓ | 20✓ | 18✓ | 9✓ | 0✓ | 0✓ |

✓ Complies * Non-compliance

Dubbo Regional Council
Noise Impact Assessment



Table 7-22: Scenario 3 – Predicted Noise Levels - Mechanical Plant dB(A) – With Noise Controls – 3 m Wall

| Receptor | Project Criteria $L_{eq}(15 \text{ minute})$ | | | Project Criteria L_{Amax} | Predicted Noise Levels | | | |
|----------|---|---------|-------|-----------------------------------|---|---|---|---|
| | Day | Evening | Night | | Day Predicted $L_{eq}(15 \text{ minute})$ | Evening Predicted $L_{eq}(15 \text{ minute})$ | Night Predicted $L_{eq}(15 \text{ minute})$ | Predicted Sleep Disturbance L_{Amax} |
| R1 | 53 | 43 | 38 | 53 | 36✓ | 35✓ | 30✓ | 44✓ |
| R2 | 53 | 43 | 38 | 53 | 37✓ | 36✓ | 31✓ | 46✓ |
| R3 | 53 | 43 | 38 | 53 | 36✓ | 36✓ | 31✓ | 45✓ |
| R4 | 53 | 43 | 38 | 53 | 36✓ | 35✓ | 31✓ | 44✓ |
| R5 | 53 | 43 | 38 | 53 | 34✓ | 34✓ | 30✓ | 45✓ |
| R6 | 53 | 43 | 38 | 53 | 32✓ | 31✓ | 27✓ | 46✓ |
| R7 | 53 | 43 | 38 | 53 | 30✓ | 30✓ | 26✓ | 44✓ |
| R8 | 53 | 43 | 38 | 53 | 34✓ | 33✓ | 30✓ | 50✓ |
| R9A | 44 | 43 | 38 | 55 | 36✓ | 35✓ | 32✓ | 52✓ |
| R9B | 44 | 43 | 38 | 55 | 37✓ | 36✓ | 32✓ | 56* |
| R10A | 44 | 43 | 38 | 55 | 34✓ | 33✓ | 29✓ | 49✓ |
| R10B | 44 | 43 | 38 | 55 | 33✓ | 32✓ | 27✓ | 51✓ |
| R11A | 44 | 43 | 38 | 55 | 32✓ | 31✓ | 27✓ | 46✓ |
| R11B | 44 | 43 | 38 | 55 | 31✓ | 30✓ | 25✓ | 49✓ |
| R12 | 44 | 43 | 38 | 55 | 22✓ | 21✓ | 18✓ | 35✓ |
| R13 | 44 | 43 | 38 | 55 | 22✓ | 22✓ | 18✓ | 37✓ |
| R14 | 44 | 43 | 38 | 55 | 12✓ | 11✓ | 6✓ | 25✓ |
| R15 | 44 | 43 | 38 | 55 | 23✓ | 23✓ | 19✓ | 34✓ |
| R16 | 44 | 43 | 38 | 55 | 25✓ | 24✓ | 20✓ | 35✓ |
| R17 | 58 | 48 | 43 | - | 34✓ | 33✓ | 29✓ | - |
| R18 | | 45 | | - | 24✓ | 23✓ | 20✓ | - |
| R19 | 58 | 48 | 43 | - | 26✓ | 26✓ | 22✓ | - |
| R20 | 58 | 48 | 43 | - | 31✓ | 31✓ | 27✓ | - |
| R21A | | 48 | | - | 33✓ | 32✓ | 27✓ | - |
| R21B | | 48 | | - | 40✓ | 39✓ | 34✓ | - |
| R21C | | 48 | | - | 38✓ | 37✓ | 32✓ | - |
| R22 | | 48 | | - | 25✓ | 24✓ | 19✓ | - |
| R23 | | 48 | | - | 29✓ | 28✓ | 23✓ | - |
| R24 | 58 | 48 | 43 | - | 25✓ | 24✓ | 20✓ | - |

✓ Complies * Non-compliance

Ref: 181004_NIA_REV3
April 2018

Benbow Environmental
Page: 71



7.2 DISCUSSION

7.2.1 Scenario 1

With the recommended controls implemented, scenario 1 predicted noise levels for the background amplified music and small crowd noise complied with the liquor and gaming criteria at all residential receptors during day, evening and night periods. Compliance is predicted, irrespective if there is a 3 m wall, 1.8 m wall or no wall in front of resident R10.

7.2.2 Scenario 2

Scenario 2 predicted noise levels for the live music and crowd noise comply with the liquor and gaming criteria at all residential receptors during the day and evening period except at R10 and R11. Almost all of the predicted exceedances are in the 500 Hz octave band. Table 7-23 presents the predicted exceedances in the 500 Hz octave band at R10 and R11, for no wall, a 1.8 m wall and a 3 m wall.

Table 7-23: Scenario 2 Results Summary – Day, evening and night periods for 500 Hz band

| Wall | Outdoor PA Use | R10 | | R11 | |
|------------|----------------|-----------------------------|---------------------------|-----------------------------|---------------------------|
| | | Predicted Exceedance 500 Hz | Significance ¹ | Predicted Exceedance 500 Hz | Significance ¹ |
| No Wall | Outdoor PA | 6 dB(A) | Significant | 3 dB(A) | Marginal |
| | No Outdoor PA | 5 dB(A) | Moderate | 2 dB(A) | Negligible |
| 1.8 m Wall | Outdoor PA | 3 dB(A) | Marginal | 1 dB(A) | Negligible |
| | No Outdoor PA | 2 dB(A) | Negligible | 1 dB(A) | Negligible |
| 3 m Wall | Outdoor PA | 2 dB(A) | Negligible | 0 dB(A) | - |
| | No Outdoor PA | 1 dB(A) | Negligible | 0 dB(A) | - |

1) According to Table 4.1 of the Noise Policy for Industry

There are planning issues surrounding the construction of a noise wall including:

- A noise wall, particularly a 3 m wall, would be consistently targeted with graffiti and vandalism given its location, isolation and size. Graffiti is known to create social amenity issues including increased fears towards personal security.
- A noise wall of this nature would restrict access to managed public open space located between the subject site and No. 54 Stonehaven Avenue.
- The noise wall, particularly a 3 m wall, would have a negative impact on the amenity of the area.
- The noise wall, particularly a 3 m wall, would have engineering issues with constructing such a wall given the topography.

Given these planning issues and the exceedances shown in Table 7-23 the 1.8 m high wall is considered the most reasonable/feasible noise solution.



7.2.3 Scenario 3

Scenario 3 mechanical plant and car parking is predicted to comply with the $L_{Aeq(15 \text{ minutes})}$ Noise Policy for Industry criteria for day evening and night time at all considered sensitive receptors. With the noise controls including the 1.8 m high wall the scenario 3 L_{Amax} levels comply with the sleep disturbance criteria at all considered sensitive receptors except R9 where a residual noise level of 1 dB(A) was predicted. The residual L_{Amax} noise levels were due to vehicle movements. According to Table 4.1 and Table 4.2 of the Noise Policy for Industry a residual noise level of ≤ 2 dB(A) is considered of negligible significance. The policy recommends that negligible residual noise levels are not discernible by the receiver and therefore do not warrant receiver based treatment or controls. Therefore, further noise controls are not considered warranted.

7.2.4 Live Music

Attended measurements were undertaken during a live band event on 2nd March 2018. During the measurements, the music was clearly audible at the nearest residences and based on the L_{Cmax} levels observed, the noise levels from the music at that event would have likely exceeded the Liquor and Gaming criteria at the low frequency bands (31.5 Hz-500 Hz). Furthermore it is likely that this event from the existing operations may not represent a worst case scenario as the carpark and outdoor terraces were observed to be mostly empty.

Therefore it is recommended that in addition to a RMS compressor/limiter or sound pressure measurement limiter, compliance monitoring be undertaken within the first year of operation along with a noise management plan for live music events.



8. ROAD TRAFFIC NOISE IMPACT ASSESSMENT

The summary of the Club's existing traffic generation detailed in the Parking & Traffic Assessment Report Prepared by Stanbury Traffic Planning is detailed below:

Table 8-1: Existing Traffic Generation

| | Average Daily Generation | Maximum Daily Generation | Average Peak Hourly Generation | Maximum Peak Hourly Generation | Time of Peak Hourly Generation |
|-----------|--------------------------|--------------------------|--------------------------------|--------------------------------|--------------------------------|
| Monday | 497 | 657 | 61 | 83 | 5pm-6pm |
| Tuesday | 552 | 694 | 73 | 82 | 5pm-6pm |
| Wednesday | 644 | 675 | 80 | 89 | 6pm-7pm |
| Thursday | 734 | 936 | 88 | 117 | 1pm-2pm |
| Friday | 793 | 879 | 99 | 130 | 5pm-6pm |
| Saturday | 777 | 831 | 98 | 106 | 6pm-7pm |
| Sunday | 595 | 665 | 83 | 97 | 5pm-6pm |

According to the traffic assessment: the Club expansion is therefore projected to result in an additional peak hourly and daily traffic generation of 23 and 167 trips, over and above that currently generated, respectively.

This would result in a maximum daily generation of 1103 trips and a maximum hourly generation of 153.

The traffic assessment also stated the majority of movements have origins and destination from and to the north.

As the majority of vehicle movements would occur between 7am-10pm, 1103 trips have been modelled during the day time travelling to and from the north.

The Parking & Traffic Assessment Report Prepared by Stanbury Traffic Planning showed the maximum hourly traffic volumes between 10pm-midnight was 30 trips/hour. Using the methodology used in the traffic assessment of increasing the current volumes based on an increase in floor area the maximum proposed trips would be 35 trips/hour. Therefore as the club will only operate until midnight 70 trips have been modelled during the night period (10pm-7am) travelling to and from the north.

The closest residential receptor along Whylandra Road to the north is 119 Whylandra Street Dubbo. Road traffic noise impacts have been analysed at the potentially most impacted road traffic receiver at 119 Whylandra Street (R7).

Vehicles are assumed to travel at the posted speed of 60 km/h.

The $L_{Aeq, 15 \text{ hour}}$ and $L_{Aeq, 9 \text{ hour}}$ noise descriptors have been calculated at the most affected residential receptor R7 along Whylandra Road. The predicted noise levels are displayed in Table 8-2. The highest contribution from the route to/from the site is predicted at this location, therefore it is the only results displayed.



Table 8-2: Predicted Levels for Road Traffic Noise

| Receptor | Noise Criteria | | Site Contribution | |
|--------------------------------|----------------------------|---------------------------|----------------------------|---------------------------|
| | Day | Night | Day | Night |
| | $L_{Aeq, 15 \text{ hour}}$ | $L_{Aeq, 9 \text{ hour}}$ | $L_{Aeq, 15 \text{ hour}}$ | $L_{Aeq, 9 \text{ hour}}$ |
| R7, 119 Whylandra Street Dubbo | 60 | 55 | 37 ✓ | 30 ✓ |

For residential dwellings that front onto Whylandra Road, the predicted noise levels associated with the vehicle movements from the site would be below the daytime criteria of $L_{Aeq(15 \text{ hour})}$ 60 dBA and $L_{Aeq(9 \text{ hour})}$ 55 dBA for arterial roads. Furthermore, given the current volumes along Whylandra Road, the proposal will not increase the cumulative road traffic noise levels during the day or night periods.

Step 3 of Section 3.4.1 of the RNP identifies possible reasonable and feasible control measures when exceedances of either of the outlined criteria. As no exceedances are predicted, the proposed vehicle movements comply with the RNP, and no additional mitigation strategies are recommended.



9. CONSTRUCTION NOISE IMPACT ASSESSMENT

9.1 CONSTRUCTION ACTIVITIES

Construction activities are proposed to include removal of some internal layout of the club and constructing extensions to the gaming dining and terrace areas.

9.2 MODELLED NOISE GENERATING SCENARIOS

Considering the construction activities outlined in Section 9.1, the five construction scenarios listed in Table 9-1 are modelled for:

- Concreting works for the new terrace areas 2, 3 and 4 (scenario 1);
- Structure works for the new terrace areas 2, 3 and 4 (scenario 2);
- Concreting works for the new outdoor gaming area (scenario 3);
- Structure works for the new outdoor gaming area (scenario 4);
- Structure works for the lounge area (scenario 5);

The noise generating scenarios consider a situation in which all equipment was running for 100% of the time over the 15 minute assessment period. The equipment list for the scenario is detailed in Table 9-1, with equipment location diagrams in Figure 9-1 to Figure 9-5.

All works are proposed to be undertaken during standard construction hours, that is:

- Monday to Friday, 7am to 6pm;
- Saturday 8am to 1pm ; and
- No work on Sundays or public holidays.

Table 9-1: Modelled Noise Scenarios for Proposed Construction Works

| Scenario | Time of the day | Noise Sources for Worst 15-minute Period |
|----------------------------------|-----------------|---|
| 1. Concreting construction works | Standard hours | <ul style="list-style-type: none"> • Concrete mixer truck • Concrete pump • Hand tools |
| 2. Structure construction works | Standard hours | <ul style="list-style-type: none"> • Truck • Welder • Hand Tools |
| 3. Concreting construction works | Standard hours | <ul style="list-style-type: none"> • Concrete mixer truck • Concrete pump • Hand tools |
| 4. Structure construction works | Standard hours | <ul style="list-style-type: none"> • Truck • Welder • Hand Tools |
| 5. Structure construction works | Standard hours | <ul style="list-style-type: none"> • Truck • Welder • Hand Tools |



Figure 9-1: Construction Scenario 1





Figure 9-2: Construction Scenario 2





Figure 9-3: Construction Scenario 3





Figure 9-4: Construction Scenario 4



Figure 9-5: Construction Scenario 5



9.3 MODELLING METHODOLOGY

9.3.1 Noise Model

Noise propagation modelling for the construction activities was carried out using the ISO 9613 algorithm within SoundPLAN v7.3. The construction scenarios were modelled using the $L_{Aeq, 15 \text{ minutes}}$ descriptor.

Assumptions made in the noise modelling of the construction noise scenarios are as follows:

- The relevant assessment period for operational noise emissions has been considered to be 15 minutes. Construction scenarios assume all equipment is running 100% of the time during the 15 minute assessment period, to provide a worst case scenario;
- Topographical information was obtained from Google Earth;
- All receptors were modelled at 1.5 m above ground level;



- All ground areas surrounding the subject site and the nearest nominated occupancies have been modelled considering different ground factors ranging from 0 to 1. The site and nearby industrial precinct have been modelled with a ground absorption factor of 0 (hard). The residential areas further from the site have been modelled with a ground absorption factor of 0.5. Grasslands and bushland have been modelled with an absorption factor of 1.0 (soft).
- All noise sources associated with the construction works have been modelled as point sources.

9.3.2 Noise Sources

A-weighted octave band centre frequency sound power levels are presented shown in Table 9-2 below. The sound power levels for the relevant noise sources have been calculated from measurements of sound pressure levels undertaken by an acoustic engineer from Benbow Environmental at similar sites and sourced from Benbow Environmental's noise source database, as well as taken from AS 2436: 2010 and the UK Department for Environmental Food and Rural Affairs (DEFRA) database, *Update of noise database for prediction of noise on construction and open sites*.

Table 9-2: A-weighted Sound Power Levels Associated with Construction Activities, dB(A)

| Noise Source | Overall | Octave Band Centre Frequency (Hz) | | | | | | | |
|---------------------|------------|-----------------------------------|-----|-----|-----|-----|-----|----|----|
| | | 63 | 125 | 250 | 500 | 1k | 2k | 4k | 8k |
| Truck | 106 | 76 | 84 | 89 | 104 | 95 | 93 | 88 | 88 |
| Concrete truck | 108 | 85 | 86 | 85 | 94 | 98 | 107 | 89 | 82 |
| Concrete pump truck | 105 | 77 | 92 | 97 | 99 | 100 | 95 | 95 | 89 |
| Welders | 108 | 83 | 90 | 93 | 99 | 105 | 102 | 98 | 93 |

9.4 CONSTRUCTION PREDICTED NOISE LEVELS

Results of the predictive noise modelling of the construction activities are shown in Table 9-3. Predicted worst case noise levels exceed the "noise affected" criteria at 15 considered receptors by up to 19 dB(A). The predicted worst case exceedances are well below the 75 dB(A) "highly noise affected" criteria in the Interim Construction Noise Guideline.

Construction activities are therefore proposed to take place during standard **construction** hours as follows:

| | |
|-----------------------------|--------------------|
| Monday to Friday: | 7am to 5pm |
| Saturday: | 8am to 1pm |
| Sunday and Public Holidays: | No works permitted |

Table 9-3: Noise Modelling Results Associated with Construction Activities for L_{eq} , dB(A)

| Receiver | PSNL ($L_{eq,15 \text{ minute}}$ dB(A)) | | Scenario (Standard Hours) (L_{eq} , dB(A)) | | | | |
|----------|--|--|---|-----|-----|-----|-----|
| | Standard Hours | | 1 | 2 | 3 | 4 | 5 |
| R1 | 58 | | 33✓ | 34✓ | 62* | 62* | 61* |
| R2 | 58 | | 34✓ | 35✓ | 62* | 62* | 62* |
| R3 | 58 | | 35✓ | 39✓ | 62* | 62* | 63* |
| R4 | 58 | | 53✓ | 49✓ | 62* | 62* | 64* |
| R5 | 58 | | 55✓ | 55✓ | 61* | 60* | 64* |
| R6 | 58 | | 56✓ | 56✓ | 58✓ | 57✓ | 60* |
| R7 | 58 | | 55✓ | 55✓ | 56✓ | 56✓ | 59* |
| R8 | 58 | | 60* | 60* | 57✓ | 57✓ | 62* |
| R9A | 49 | | 61* | 61* | 46✓ | 50* | 63* |
| R9B | 49 | | 69* | 68* | 39✓ | 41✓ | 62* |
| R10A | 49 | | 65* | 66* | 35✓ | 36✓ | 58* |
| R10B | 49 | | 56* | 56* | 31✓ | 31✓ | 53* |
| R11A | 49 | | 63* | 63* | 34✓ | 35✓ | 57* |
| R11B | 49 | | 55* | 55* | 31✓ | 31✓ | 52* |
| R12 | 49 | | 47✓ | 48✓ | 27✓ | 29✓ | 45✓ |
| R13 | 49 | | 46✓ | 47✓ | 26✓ | 27✓ | 43✓ |
| R14 | 49 | | 33✓ | 34✓ | 14✓ | 15✓ | 32✓ |
| R15 | 49 | | 26✓ | 27✓ | 50* | 49* | 49* |
| R16 | 49 | | 26✓ | 27✓ | 52* | 52* | 50* |
| R17 | 63 | | 32✓ | 33✓ | 60✓ | 60✓ | 59✓ |
| R18 | 55 | | 48✓ | 47✓ | 47✓ | 48✓ | 49✓ |
| R19 | 63 | | 50✓ | 51✓ | 49✓ | 50✓ | 51✓ |
| R20 | 63 | | 56✓ | 55✓ | 55✓ | 55✓ | 58✓ |
| R21A | 60 | | 54✓ | 54✓ | 31✓ | 31✓ | 35✓ |
| R21B | 60 | | 36✓ | 37✓ | 66* | 65* | 50✓ |
| R21C | 60 | | 34✓ | 34✓ | 64* | 64* | 59✓ |
| R22 | 60 | | 48✓ | 48✓ | 24✓ | 25✓ | 45✓ |
| R23 | 60 | | 52✓ | 52✓ | 29✓ | 29✓ | 31✓ |
| R24 | 63 | | 28✓ | 30✓ | 47✓ | 47✓ | 41✓ |

✓ Complies * Non-compliance



9.5 CONSTRUCTION NOISE CONTROLS

A number of exceedances of the 'noise affected RBL + 10 dB' level were predicted at receivers during construction activities. Therefore, management and mitigation measures are recommended to reduce the potential for construction noise impacts from the site. Proposed noise management procedures and mitigation measures include:

- Hours of Work (Section 9.5.1); and
- Mitigation Measures (Section 9.5.2);

9.5.1 Demolition Hours of Work

Due to the noise impacts predicted during construction works in Section 9.4, it is proposed that construction works take place during standard hours.

The proposed hours of operations for all **construction** works are as follows:

| | |
|-----------------------------|---|
| Monday to Friday: | 7am to 5pm (with no hammering to occur before 7.30am) |
| Saturday: | 8am to 1pm (with no hammering to occur before 8.30am) |
| Sunday and Public Holidays: | No works permitted |

9.5.2 Mitigation Measures

A number of mitigation measures are recommended to be adopted:

9.5.2.1 Universal work practices

Universal work practices from section 6 of the *Industrial Construction Noise Guideline* are recommended to be adopted, including the following:

- Regularly train workers and contractors (such as at toolbox talks) to use equipment in ways to minimise noise.
- Ensure site managers periodically check the site and nearby residences and other sensitive land uses for noise problems so that solutions can be quickly applied.
- Include in tenders, employment contracts, subcontractor agreements and work method statements clauses that require minimisation of noise and compliance with directions from management to minimise noise.
- Avoid the use of radios or stereos outdoors where neighbours can be affected.
- Avoid the overuse of public address systems.
- Avoid shouting, and minimise talking loudly and slamming vehicle doors.
- Keep truck drivers informed of designated vehicle routes, parking locations, acceptable delivery hours or other relevant practices (for example, minimising the use of engine brakes or compression braking, and no extended periods of engine idling).
- Develop a one-page summary of approval or consent conditions that relate to relevant work practices, and pin it to a noticeboard so that all site operators can quickly reference noise information.
- Workers may at times need to discuss or negotiate practices with their managers.



9.5.2.2 Plant and Equipment

As per section 6 of the *Industrial Construction Noise Guideline* controlling construction and demolition noise at the source is recommended to be done by the following means:

Use quieter methods

- Use alternatives to diesel and petrol engines and pneumatic units, such as hydraulic or electric controlled units where feasible and reasonable. Where there is no electricity supply, use an electrical generator located away from residences.

Use quieter equipment

- Examine different types of machines that perform the same function and compare the noise level data to select the least noisy machine.
- Pneumatic equipment is traditionally a problem – select silenced jackhammers and damped bits where possible.
- When renting, select quieter items of plant and equipment where feasible and reasonable.
- When purchasing, select, where feasible and reasonable, the most effective mufflers, enclosures and low-noise tool bits and blades. Always seek the manufacturer's advice before making modifications to plant to reduce noise.

Operate plant in a quiet and efficient manner

- Reduce throttle setting and turn off equipment when not being used.

Maintain equipment

- Regularly inspect and maintain equipment to ensure it is in good working order. Also check the condition of mufflers.
- Equipment must not be operated until it is maintained or repaired, where maintenance or repair would address the annoying character of noise identified.
- Return any hired equipment that is causing noise that is not typical for the equipment – the increased noise may indicate the need for repair.
- Ensure air lines on pneumatic equipment do not leak.

9.5.2.3 On Site

On site location of plant should be considered where possible, as per section 6 of the *Industrial Construction Noise Guideline*:

Location of plant

- Place as much distance as possible between the plant or equipment and residences and other sensitive land uses.
- Restrict areas in which mobile plant can operate so that it is away from residences and other sensitive land uses at particular times.
- Locate site vehicle entrances away from residences and other sensitive land uses.

Dubbo Regional Council
Noise Impact Assessment



Alternatives to reversing alarms

- Avoid use of reversing alarms by designing site layout to avoid reversing, such as by including drive through for parking and deliveries, and using spotters and traffic controllers.
- Install where feasible and reasonable less annoying alternatives to the typical 'beeper' alarms taking into account the requirements of the Occupational Health and Safety legislation; examples are smart alarms that adjust their volume depending on the ambient level of noise and multi frequency alarms that emit noise over a wide range of frequencies.
- In all circumstances, the requirements of the relevant Occupational Health and Safety legislation must be complied with. For information on replacing audible warning alarms on mobile plant with less annoying alternatives, see Appendix C.

*Ref: 181004_NIA_REV3
April 2018*

*Benbow Environmental
Page: 86*



10. VIBRATION IMPACT ASSESSMENT

In the NSW TfNSW Construction Noise Strategy document and Assessing Vibration – a Technical Guideline, construction equipment that may cause vibration impacts includes hydraulic hammers, vibratory pile drivers, pile boring, jackhammers, wacker packers, concrete vibrators and pavement breakers, amongst other equipment. The construction work proposed would not use this type of equipment and is not expected to cause vibration impacts. A detailed Vibration Impact Assessment is therefore not considered warranted.



11. CONCLUDING REMARKS

Benbow Environmental has been engaged by Dubbo Regional Council to undertake a Noise Impact Assessment of the proposed redevelopment of Club Dubbo located at 82 Whylandra Street, Dubbo NSW.

The proposed development will involve upgrading the internal arrangements of the facility to include new indoor and outdoor gaming areas, TAB facilities, outdoor dining and terrace areas.

This report provides a quantitative assessment of the potential noise impacts associated with the Club's activities.

Long term and short term monitoring were undertaken at the surrounding residential receptors in order to determine the existing background and ambient noise levels in the area.

The noise impact assessment was undertaken in accordance with the following guidelines:

- Liquor and Gaming NSW Noise Criteria;
- NSW Noise Policy for Industry (EPA, 2017);
- NSW Road Noise Policy (RNP) (DECCW, 2011); and
- NSW Interim Construction Noise Guideline (DECC, 2009).

Assessment criteria for noise emissions from the subject site were used to determine whether the potential noise impacts from the site were within the derived limits or in exceedance of the guidelines.

The site operations, construction scenarios and road traffic impacts were modelled using the predictive noise software, Sound Plan V7.3. Recommendations for noise controls are given in Section 7, including a noise wall and door requirements, terrace use restrictions and limitations on live band use.

This concludes the report.

Handwritten signature of Emma Hansma in blue ink.

Emma Hansma
Acoustic Engineer

Handwritten signature of R T Benbow in blue ink.

R T Benbow
Principal Consultant



12. LIMITATIONS

Our services for this project are carried out in accordance with our current professional standards for site assessment investigations. No guarantees are either expressed or implied.

This report has been prepared solely for the use of Dubbo Regional Council, as per our agreement for providing environmental services. Only Dubbo Regional Council is entitled to rely upon the findings in the report within the scope of work described in this report. Otherwise, no responsibility is accepted for the use of any part of the report by another in any other context or for any other purpose.

Although all due care has been taken in the preparation of this study, no warranty is given, nor liability accepted (except that otherwise required by law) in relation to any of the information contained within this document. We accept no responsibility for the accuracy of any data or information provided to us by Dubbo Regional Council for the purposes of preparing this report.

Any opinions and judgements expressed herein, which are based on our understanding and interpretation of current regulatory standards, should not be construed as legal advice.

ATTACHMENTS

Attachment 1: Noise Terminology

'A' FREQUENCY WEIGHTING

The 'A' frequency weighting roughly approximates to the Fletcher-Munson 40 phon equal loudness contour. The human loudness perception at various frequencies and sound pressure levels is equated to the level of 40 dB at 1 kHz. The human ear is less sensitive to low frequency sound and very high frequency sound than midrange frequency sound (i.e. 500 Hz to 6 kHz). Humans are most sensitive to midrange frequency sounds, such as a child's scream. Sound level meters have inbuilt frequency weighting networks that very roughly approximates the human loudness response at low sound levels. It should be noted that the human loudness response is not the same as the human annoyance response to sound. Here low frequency sounds can be more annoying than midrange frequency sounds even at very low loudness levels. The 'A' weighting is the most commonly used frequency weighting for occupational and environmental noise assessments. However, for environmental noise assessments, adjustments for the character of the sound will often be required.

AMBIENT NOISE

The ambient noise level at a particular location is the overall environmental noise level caused by all noise sources in the area, both near and far, including all forms of traffic, industry, lawnmowers, wind in foliage, insects, animals, etc. Usually assessed as an energy average over a set time period 'T' ($L_{Aeq,T}$).

AUDIBLE

Audible refers to a sound that can be heard. There are a range of audibility grades, varying from "barely audible", "just audible" to "clearly audible" and "prominent".

BACKGROUND NOISE LEVEL

Total silence does not exist in the natural or built-environments, only varying degrees of noise. The Background Noise Level is the minimum repeatable level of noise measured in the absence of the noise under investigation and any other short-term noises such as those caused by all forms of traffic, industry, lawnmowers, wind in foliage, insects, animals, etc.. It is quantified by the noise level that is exceeded for 90 % of the measurement period 'T' ($L_{A90, T}$). Background Noise Levels are often determined for the day, evening and night time periods where relevant. This is done by statistically analysing the range of time period (typically 15 minute) measurements over multiple days (often 7 days). For a 15 minute measurement period the Background Noise Level is set at the quietest level that occurs at 1.5 minutes.

'C' FREQUENCY WEIGHTING

The 'C' frequency weighting approximates the 100 phon equal loudness contour. The human ear frequency response is more linear at high sound levels and the 100 phon equal loudness contour attempts to represent this at various frequencies at sound levels of approximately 100 dB.

DECIBEL

The decibel (dB) is a logarithmic scale that allows a wide range of values to be compressed into a more comprehensible range, typically 0 dB to 120 dB. The decibel is ten times the logarithm of the ratio of any two quantities that relate to the flow of energy (i.e. power). When used in acoustics it is the ratio of square of the sound pressure level to a reference sound pressure level, the ratio of the sound power level to a reference sound power level, or the ratio of the sound intensity level to a reference sound intensity level. See also Sound Pressure Level and Sound Power Level. Noise levels in decibels cannot be added arithmetically since they are logarithmic numbers. If one machine is generating a noise level of 50 dB, and another similar machine is placed beside it, the level will increase to 53 dB (from $10 \log_{10} (10^{(50/10)} + 10^{(50/10)})$) and not 100 dB. In theory, ten similar machines placed side by side will increase the sound level by 10 dB, and one hundred machines increase the sound level by 20 dB. The human ear has a vast sound-sensitivity range of over a thousand billion to one so the logarithmic decibel scale is useful for acoustical assessments.

dBA – See 'A' frequency weighting

dBC – See 'C' frequency weighting

EQUIVALENT CONTINUOUS SOUND LEVEL, LAeq

Many sounds, such as road traffic noise or construction noise, vary repeatedly in level over a period of time. More sophisticated sound level meters have an integrating/averaging electronic device inbuilt, which will display the energy time-average (equivalent continuous sound level - LAeq) of the 'A' frequency weighted sound pressure level. Because the decibel scale is a logarithmic ratio, the higher noise levels have far more sound energy, and therefore the LAeq level tends to indicate an average which is strongly influenced by short term, high level noise events. Many studies show that human reaction to level-varying sounds tends to relate closer to the LAeq noise level than any other descriptor.

'F'(FAST) TIME WEIGHTING

Sound level meter design-goal time constant which is 0.125 seconds.

FLETCHER–MUNSON EQUAL LOUDNESS CONTOUR CURVES

The Fletcher–Munson curves are one of many sets of equal loudness contours for the human ear, determined experimentally by Harvey Fletcher and Wilden A. Munson, and reported in a 1933 paper entitled "Loudness, its definition, measurement and calculation" in the Journal of the Acoustic Society of America.

FREE FIELD

In acoustics a free field is a measurement area not subject to significant reflection of acoustical energy. A free field measurement is typically not closer than 3.5 metres to any large flat object (other than the ground) such as a fence or wall or inside an anechoic chamber.

FREQUENCY

The number of oscillations or cycles of a wave motion per unit time, the SI unit is the hertz (Hz). 1 Hz is equivalent to one cycle per second. 1000 Hz is 1 kHz.

IMPACT ISOLATION CLASS (IIC)

The American Society for Testing and Materials (ASTM) has specified that the IIC of a floor/ceiling system shall be determined by operating an ISO 140 Standard Tapping Machine on the floor and measuring the noise generated in the room below. The IIC is a number found by fitting a reference curve to the measured octave band levels and then deducting the sound pressure level at 500 Hz from 110 decibels. Thus the higher the IIC, the better the impact sound isolation. Not commonly used in Australia.

'I' (IMPULSE) TIME WEIGHTING

Sound level meter time constant now not in general use. The 'I' (impulse) time weighting is not suitable for rating impulsive sounds with respect to their loudness. It is also not suitable for assessing the risk of hearing impairment or for determining the 'impulsiveness' of a sound.

IMPACT SOUND INSULATION ($L_{nT,w}$)

Australian Standard AS ISO 717.2 – 2004 has specified that the Impact Sound Insulation of a floor/ceiling system be quantified by operating an ISO 140 Standard Tapping Machine on the floor and measuring the noise generated in the room below. The Weighted Standardised Impact Sound Pressure Level ($L_{nT,w}$) is the sound pressure level at 500 Hz for a reference curve fitted to the measured 1/3 octave band levels. Thus the lower $L_{nT,w}$ the better the impact sound insulation.

IMPULSE NOISE

An impulse noise is typified by a sudden rise time and a rapid sound decay, such as a hammer blow, rifle shot or balloon burst.

LOUDNESS

The volume to which a sound is audible to a listener is a subjective term referred to as loudness. Humans generally perceive an approximate doubling of loudness when the sound level increases by about 10 dB and an approximate halving of loudness when the sound level decreases by about 10 dB.

MAXIMUM NOISE LEVEL, L_{AFmax}

The root-mean-square (rms) maximum sound pressure level measured with sound level meter using the 'A' frequency weighting and the 'F' (Fast) time weighting. Often used for noise assessments other than aircraft.

MAXIMUM NOISE LEVEL, L_{ASmax}

The root-mean-square (rms) maximum sound pressure level measured with sound level meter using the 'A' frequency weighting and the 'S' (Slow) time weighting. Often used for aircraft noise assessments.

NOISE RATING NUMBERS

A set of empirically developed equal loudness curves has been adopted as Australian Standard AS1469-1983. These curves allow the loudness of a noise to be described with a single NR number. The Noise Rating number is that curve which touches the highest level on the measured spectrum of the subject noise. For broadband noise such as fans and engines, the NR number often equals the 'A' frequency weighted dB level minus five.

NOISE

Noise is unwanted, harmful or inharmonious (discordant) sound. Sound is wave motion within matter, be it gaseous, liquid or solid. Noise usually includes vibration as well as sound.

NOISE REDUCTION COEFFICIENT – See: "Sound Absorption Coefficient"

OFFENSIVE NOISE

Reference: Dictionary of the NSW Protection of the Environment Operations Act (1997).

"Offensive Noise means noise:

(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

(i) is harmful to (or likely to be harmful to) a person who is outside the premise from which it is emitted, or

(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or

(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances prescribed by the regulations."

PINK NOISE

Pink noise is a broadband noise with an equal amount of energy in each octave or third octave band width. Because of this, Pink Noise has more energy at the lower frequencies than White Noise and is used widely for Sound Transmission Loss testing.

REVERBERATION TIME, T₆₀

The time in seconds, after a sound signal has ceased, for the sound level inside a room to decay by 60 dB. The first 5 dB decay is often ignored, because of fluctuations that occur while reverberant sound conditions are being established in the room. The decay time for the next 30 dB is measured and the result doubled to determine the T₆₀. The Early Decay Time (EDT) is the slope of the decay curve in the first 10 dB normalised to 60 dB.

SOUND ABSORPTION COEFFICIENT, α

Sound is absorbed in porous materials by the viscous conversion of sound energy to a small amount of heat energy as the sound waves pass through it. Sound is similarly absorbed by the flexural bending of internally damped panels. The fraction of incident energy that is absorbed is termed the Sound Absorption Coefficient, α . An absorption coefficient of 0.9 indicates that 90 % of the incident sound energy is absorbed. The average α from 250 to 2 kHz is termed the Noise Reduction Coefficient (NRC).

'S' (SLOW) TIME WEIGHTING

Sound level meter design-goal time constant which is 1 second.

SOUND ATTENUATION

A reduction of sound due to distance, enclosure or some other device. If an enclosure is placed around a machine, or an attenuator (muffler or silencer) is fitted to a duct, the noise emission is reduced or attenuated. An enclosure that attenuates the noise level by 20 dB reduces the sound energy by one hundred times.

SOUND EXPOSURE LEVEL (LAE)

Integration (summation) rather than an average of the sound energy over a set time period. Use to assess single noise events such as truck or train pass by or aircraft flyovers. The sound exposure level is related to the energy average ($L_{Aeq, T}$) by the formula $L_{Ae} = L_{Aeq, T} + 10 \log_{10} T$. The abbreviation (SEL) is sometimes inconsistently used in place of the symbol (L_{Ae}).

SOUND PRESSURE

The rms sound pressure measured in pascals (Pa). A pascal is a unit equivalent to a newton per square metre (N/m^2).

SOUND PRESSURE LEVEL, L_p

The level of sound measured on a sound level meter and expressed in decibels (dB). Where $L_p = 10 \log_{10} (P_a/P_0)^2$ dB (or $20 \log_{10} (P_a/P_0)$ dB) where P_a is the rms sound pressure in Pascal and P_0 is a reference sound pressure conventionally chosen is $20 \mu Pa$ (20×10^{-6} Pa) for airborne sound. L_p varies with distance from a noise source.

SOUND POWER

The rms sound power measured in watts (W). The watt is a unit defined as one joule per second. A measures the rate of energy flow, conversion or transfer.

SOUND POWER LEVEL, L_w

The sound power level of a noise source is the inherent noise of the device. Therefore sound power level does not vary with distance from the noise source or with a different acoustic environment. $L_w = L_p + 10 \log_{10} 'a'$ dB, re: 1pW, (10^{-12} watts) where 'a' is the measurement noise-emission area (m^2) in a free field.

SOUND TRANSMISSION CLASS (STC)

An internationally standardised method of rating the sound transmission loss of partition walls to indicate the sound reduction from one side of a partition to the other in the frequency range of 125 Hz to 4000 kHz. (Refer: Australian Standard AS 1276 – 1979). Now not in general use in Australia see: weighted sound reduction index.

SOUND TRANSMISSION LOSS

The amount in decibels by which a random sound is reduced as it passes through a sound barrier. A method for the measurement of airborne Sound Transmission Loss of a building partition is given in Australian Standard AS 1191 - 2002.

STATISTICAL NOISE LEVELS, Ln.

Noise which varies in level over a specific period of time 'T' (standard measurement times are 15 minute periods) may be quantified in terms of various statistical descriptors for example:-

- The noise level, in decibels, exceeded for 1 % of the measurement time period, when 'A' frequency weighted and 'F' time weighted is reference to as $L_{AF1, T}$. This may be used for describing short-term noise levels such as could cause sleep arousal during the night.
- The noise level, in decibels, exceeded for 10 % of the measurement time period, when 'A' frequency weighted and 'F' time weighted is reference to as $L_{AF10, T}$. In most countries the $L_{AF10, T}$ is measured over periods of 15 minutes, and is used to describe the average maximum noise level.
- The noise level, in decibels, exceeded for 90 % of the measurement time period, when 'A' frequency weighted and 'F' time weighted is reference to as $L_{AF90, T}$. In most countries the $L_{AF90, T}$ is measured over periods of 15 minutes, and is used to describe the average minimum or background noise level.

STEADY NOISE

Noise, which varies in level by 6 dB or less, over the period of interest with the time-weighting set to "Fast", is considered to be "steady". (Refer AS 1055.1 1997).

WEIGHTED SOUND REDUCTION INDEX, R_w

This is a single number rating of the airborne sound insulation of a wall, partition or ceiling. The sound reduction is normally measured over a frequency range of 100 Hz to 3.150 kHz and averaged in accordance with ISO standard weighting curves (Refer AS/NZS 1276.1:1999). Internal partition wall $R_w + C$ ratings are frequency weighted to simulate insulation from human voice noise. The $R_w + C$ is similar in value to the STC rating value. External walls, doors and windows may be $R_w + C_{tr}$ rated to simulate insulation from road traffic noise. The spectrum adaptation term C_{tr} adjustment factor takes account of low frequency noise. The weighted sound reduction index is normally similar or slightly lower number than the STC rating value.

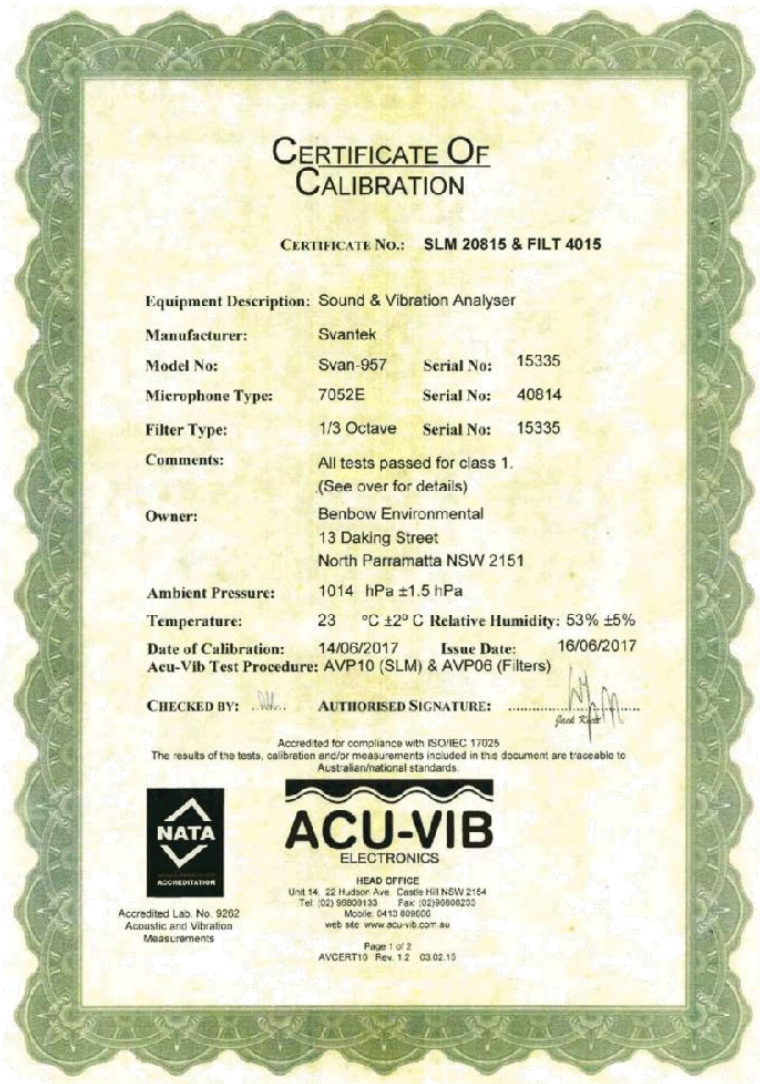
WHITE NOISE

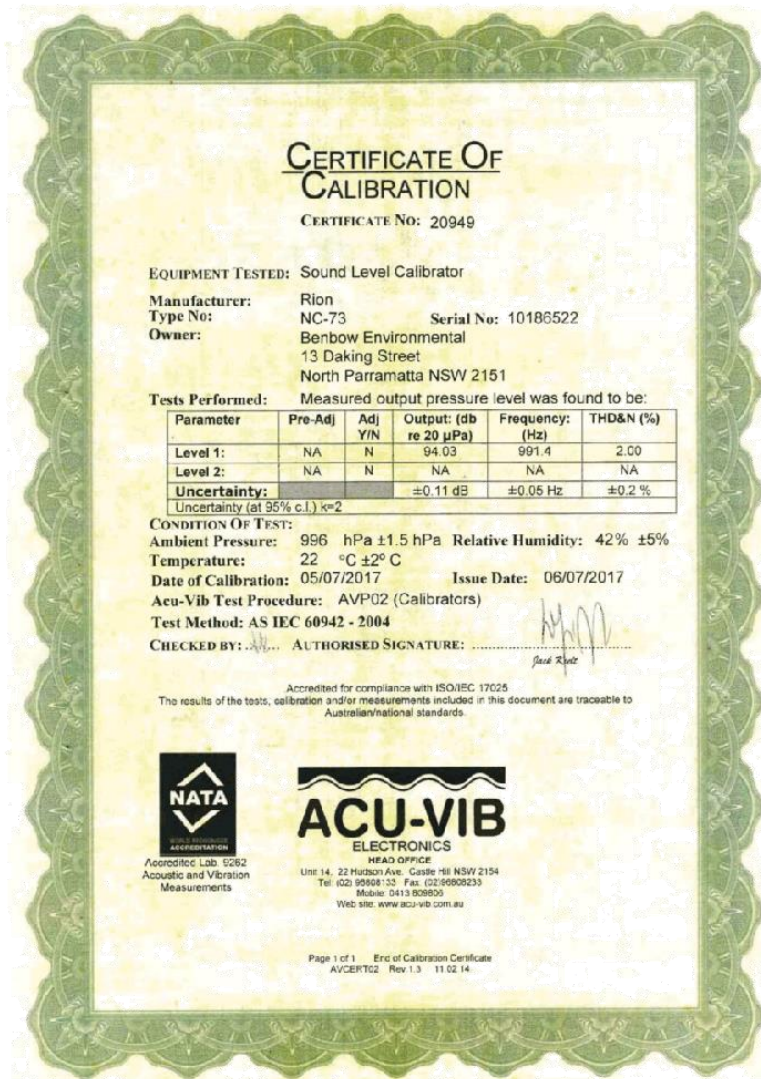
White noise is broadband random noise whose spectral density is constant across its entire frequency range. The sound power is the same for equal bandwidths from low to high frequencies. Because the higher frequency octave bands cover a wider spectrum, white noise has more energy at the higher frequencies and sounds like a hiss.


'Z' FREQUENCY WEIGHTING

The 'Z' (Zero) frequency weighting is 0 dB within the nominal 1/3 octave band frequency range centred on 10 Hz to 20 kHz. This is within the tolerance limits given in AS IEC 61672.1-2004: 'Electroacoustics - Sound level meters - Specifications'.

Attachment 2: Calibration Certificates







Acoustic Research Labs Pty Ltd

Level 7 Building 2 423 Pennant Hills Rd
 Pennant Hills NSW AUSTRALIA 2120
 Ph: +61 2 9484 0800 A.B.N. 65 160 399 119
 www.acousticresearch.com.au

Sound Level Meter IEC 61672-3:2013 Calibration Certificate

Calibration Number **C17612**


Client Details Benbow Environmental
 13 daking Street
 North Parramatta NSW 2151

Equipment Tested/ Model Number : ARL Ngara
Instrument Serial Number : 8780AD
Microphone Serial Number : 317856
Pre-amplifier Serial Number : 27983

| | |
|--|---|
| Pre-Test Atmospheric Conditions | Post-Test Atmospheric Conditions |
| Ambient Temperature : 22.7°C | Ambient Temperature : 22.3°C |
| Relative Humidity : 48.7% | Relative Humidity : 49.1% |
| Barometric Pressure : 99.83kPa | Barometric Pressure : 99.76kPa |

Calibration Technician : Vicky Jaiswal
Calibration Date : 15/11/2017

Secondary Check: Riley Cooper
Report Issue Date : 15/11/2017

Approved Signatory:  Ken Williams

| Clause and Characteristic Tested | Result | Clause and Characteristic Tested | Result |
|---|--------|---|--------|
| 12: Acoustical Stp tests of a frequency weighting | Pass | 17: Level linearity incl. the level range control | Pass |
| 13: Electrical Stp tests of frequency weightings | Pass | 18: Toneburst response | Pass |
| 14: Frequency and time weightings at 1 kHz | Pass | 19: C Weighted Peak Sound Level | Pass |
| 15: Long Term Stability | Pass | 20: Overload indication | Pass |
| 16: Level linearity on the reference level range | Pass | 21: High Level Stability | Pass |

The sound level meter submitted for testing has successfully completed the class 1 periodic tests of IEC 61672-3:2006, for the environmental conditions under which the tests were performed.

However, no general statement or conclusion can be made about conformance of the sound level meter to the full requirements of IEC 61672-1:2002 because evidence was not publicly available. From an independent testing organisation responsible for pattern approvals, it demonstrates that the model of sound level meter fully conforms to the requirements in IEC 61672-1:2002, and because the periodic tests of IEC 61672-3:2006 covers only a limited subset of the specifications in IEC 61672-1:2002.

| | |
|----------------------------|---------------------------------|
| Acoustic Tests | Environmental Conditions |
| 31.5 Hz to 900 Hz: ±0.15dB | Temperature: ±0.09°C |
| 12.5 Hz: ±0.2dB | Relative Humidity: ±0.40% |
| 1 kHz: ±0.29dB | Barometric Pressure: ±0.017kPa |
| Electrical Tests | |
| 31.5 Hz to 20 kHz: ±0.15dB | |

All uncertainties are derived at the 95% confidence level with a coverage factor of 2.


This calibration certificate is to be read in conjunction with the calibration test report.

Acoustic Research Labs Pty Ltd is NATA Accredited Laboratory Number 14173.
 Accredited for compliance with ISO/IEC 17025.

The results of the tests, calibrations and/or measurements included in this document are traceable to Australian/International standards.

NATA is a signatory to the BAC Mutual Recognition Arrangements for the mutual recognition of the equivalence of testing, medical testing, calibration and inspection reports.

Page 1 of 1



Acoustic Research Labs Pty Ltd

Level 7 Building 2 423 Pennant Hills Rd
 Pennant Hills NSW AUSTRALIA 2120
 Ph: +61 2 9684 0800 A.B.N. 65 160 399 119
 www.acousticresearch.com.au

Sound Level Meter
IEC 61672-3:2013

Calibration Certificate

Calibration Number C17611


Client Details Benbow Environmental
13 Daking Street
North Parramatta NSW 2151

Equipment Tested/ Model Number : ARL Ngara
Instrument Serial Number : 8780AC
Microphone Serial Number : 317859
Pre-amplifier Serial Number : 27984

| | |
|---|---|
| <p>Pre-Test Atmospheric Conditions Ambient Temperature : 22.5°C Relative Humidity : 50.23% Barometric Pressure : 99.88kPa</p> | <p>Post-Test Atmospheric Conditions Ambient Temperature : 22.3°C Relative Humidity : 49.2% Barometric Pressure : 99.84kPa</p> |
|---|---|

Calibration Technician : Vicky Jaiswal
Calibration Date : 15/11/2017

Secondary Check: Riley Cooper
Report Issue Date : 15/11/2017

Approved Signatory :  **Ken Williams**

| Clause and Characteristic Tested | Result | Clause and Characteristic Tested | Result |
|--|--------|---|--------|
| 12: Acoustical Sig. tests of a frequency weighting | Pass | 17: Level linearity incl. the level range control | Pass |
| 13: Electrical Sig. tests of frequency weightings | Pass | 18: Touchstart response | Pass |
| 14: Frequency and time weightings at 1 kHz | Pass | 19: C Weighted Peak Sound Level | Pass |
| 15: Long Term Stability | Pass | 20: Overload Indication | Pass |
| 16: Level linearity on the reference level range | Pass | 21: High Level Stability | Pass |

The sound level meter submitted for testing has successfully completed the class 1 periodic tests of IEC 61672-3:2006, for the environmental conditions under which the tests were performed.

However, no general statement or conclusion can be made about conformance of the sound level meter to the full requirements of IEC 61672-3:2006 because evidence was not publicly available, from an independent testing organisation responsible for pattern approvals, to demonstrate that the model of sound level meter fully conformed to the requirements in IEC 61672-3:2006 and because the acoustic tests of IEC 61672-3:2006 cover only a limited subset of the specifications in IEC 61672-3:2006.

| | | | |
|---|---------|---------------------------------|-----------|
| Level Uncertainties of Measurement - | | | |
| Acoustic Tests | | Environmental Conditions | |
| 31.5 Hz to 8kHz | ±0.16dB | Temperature | ±0.05°C |
| 12.5kHz | ±0.20dB | Relative Humidity | ±0.46% |
| 150Hz | ±0.29dB | Barometric Pressure | ±0.017kPa |
| Electrical Tests | | | |
| 31.5 Hz to 20 kHz | ±0.17dB | | |

All uncertainties are derived at the 95% confidence level with a coverage factor of 2.


This calibration certificate is to be read in conjunction with the calibration test report.

Acoustic Research Labs Pty Ltd is NATA Accredited Laboratory Number 14172
 Accredited for compliance with ISO/IEC 17025

The results of the tests, calibrations and/or measurements included in this document are traceable to Australiannational standards

NATA is a signatory to the ILAC Mutual Recognition Arrangement for the mutual recognition of the equivalence of testing, medical testing, calibration and inspection reports

PAGE 1 OF 1



**Acoustic
Research
Labs Pty Ltd**

Level 7 Building 2 423 Pennant Hills Rd
Pennant Hills NSW AUSTRALIA 2120
Ph: +61 2 9484 0800 A.B.N. 65 160 399 119
www.acousticresearch.com.au

Sound Level Meter
IEC 61672-3:2013

Calibration Certificate

Calibration Number **C17613**

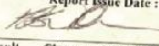
Client Details Benbow Environmental
13 Dakin Street
North Parramatta NSW 2151

Equipment Tested/ Model Number : ARL Ngara
Instrument Serial Number : 8780AE
Microphone Serial Number : 321775
Pre-amplifier Serial Number : 27982

| | |
|---|--|
| <p>Pre-Test Atmospheric Conditions Ambient Temperature : 22.6°C Relative Humidity : 48.7% Barometric Pressure : 99.74kPa</p> | <p>Post-Test Atmospheric Conditions Ambient Temperature : 22.5°C Relative Humidity : 46.1% Barometric Pressure : 99.68kPa</p> |
|---|--|

Calibration Technician : Vicky Jaiswal
Calibration Date : 15/11/2017

Secondary Check: Riley Cooper
Report Issue Date : 15/11/2017

Approved Signatory :  Ken Williams

| Clause and Characteristic Tested | Result | Clause and Characteristic Tested | Result |
|--|--------|---|--------|
| 12: Acoustical Sig. tests of a frequency weighting | Pass | 17: Level linearity incl. the level range control | Pass |
| 13: Electrical Sig. tests of frequency weightings | Pass | 18: Toneburst response | Pass |
| 14: Frequency and time weightings at 1 kHz | Pass | 19: C Weighted Peak Sound Level | Pass |
| 15: Long Term Stability | Pass | 20: Overload Indication | Pass |
| 16: Level linearity on the reference level range | Pass | 21: High Level Stability | Pass |

The sound level meter submitted for testing has successfully completed the class 1 periodic tests of IEC 61672-3:2006, for the environmental conditions under which the tests were performed.

However, no general statement or conclusion can be made about conformance of the sound level meter to the full requirements of IEC 61672-1:2002 because evidence was not publicly available from an independent testing organisation responsible for pattern approvals, to demonstrate that the model of sound level meter fully conformed to the requirements of IEC 61672-1:2002 and because the periodic tests of IEC 61672-3:2006 cover only a limited subset of the specifications in IEC 61672-1:2002.

| Least Uncertainties of Measurement - | | | |
|--------------------------------------|---------|--------------------------|-----------|
| | | Environmental Conditions | |
| Acoustic Tests | | Temperature | ±0.05°C |
| 31.5 Hz to 8kHz | ±0.16dB | Relative Humidity | ±0.46% |
| 12.5Hz | ±0.2dB | Barometric Pressure | ±0.017kPa |
| 16kHz | ±0.29dB | | |
| Electrical Tests | | | |
| 31.5 Hz to 20 kHz | ±0.12dB | | |

All uncertainties are derived at the 95% confidence level with a coverage factor of 2.

This calibration certificate is to be read in conjunction with the calibration test report.

Acoustic Research Labs Pty Ltd is NATA Accredited Laboratory Number 14172
Accredited for compliance with ISO/IEC 17025.

The results of the tests, calibrations and/or measurements included in this document are traceable to Australian/national standards.

NATA is a signatory to the ILAC Mutual Recognition Arrangement for the mutual recognition of the equivalence of testing, medical testing, calibration and inspection reports.

PAGE 1 OF 1

Attachment 3: QA/QC Procedures

Calibration of Sound Level Meters

A sound level meter requires regular calibration to ensure its measurement performance remains within specification. Benbow Environmental sound level meters are calibrated by a National Association of Testing Authority (NATA) registered laboratory or a laboratory approved by the NSW Environment Protection Authority (EPA) every two years and after each major repair, in accordance with AS 1259-1990.

The calibration of the sound level meter was checked immediately before and after each series of measurements using an acoustic calibrator. The acoustic calibrator provides a known sound pressure level, which the meter indicates when the calibrator is activated while positioned on the meter microphone.

The sound level meters also incorporate an internal calibrator for use in setting up. This provides a check of the electrical calibration of the meter, but does not check the performance of the microphone. Acoustical calibration checks the entire instrument including the microphone. Calibration certificates for the instrument sets used have been included as Attachment 1.

Care and Maintenance of Sound Level Meters

Noise measuring equipment contains delicate components and therefore must be handled accordingly. The equipment is manufactured to comply with international and national standards and is checked periodically for compliance. The technical specifications for sound level meters used in Australia are defined in Australian Standard AS 1259 – 1990 “*Sound Level Meters*”.

The sound level meters and associated accessories are protected during storage, measurement and transportation against dirt, corrosion, rapid changes of temperature, humidity, rain, wind, vibration, electric and magnetic fields. Microphone cables and adaptors are always connected and disconnected with the power turned off. Batteries are removed (with the instrument turned off) if the instrument is not to be used for some time.

Investigation Procedures

All investigative procedures were conducted in accordance with AS 1055.1-1997 *Acoustics – “Description and Measurement of Environmental Noise (Part 1: General Procedures)”*.

The following information was recorded and kept for reference purposes:

- type of instrumentation used and measurement procedure conducted;
- description of the time aspect of the measurements, ie. measurement time intervals; and
- positions of measurements and the time and date were noted.

As per AS 1055.1-1997, all measurements were carried out at least 3.5 m from any reflecting structure other than the ground. The preferred measurement height of 1.2 m above the ground was utilised. A sketch of the area was made identifying positions of measurement and the approximate location of the noise source and distances in meters (approx.).

Unattended Noise Monitoring

NOISE MONITORING EQUIPMENT

ARL noise loggers type Ngara and EL-215 were used to conduct the long-term unattended noise monitoring. This equipment complies with Australian Standard 1259.2-1990 "Acoustics – Sound Level Meters" and is designated as a Type 1 and Type 2 instrument suitable for field use.

The measured data is processed statistically and stored in memory every 15 minutes. The equipment was calibrated prior and subsequent to the measurement period using a Rion NC-73 sound level calibrator. There were no significant variances observed in the reference signal between the pre-measurement and post-measurement calibrations. Instrument calibration certificates have also been included in Attachment 1.

METEOROLOGICAL CONSIDERATION DURING MONITORING

For the long-term attended monitoring, meteorological data for the relevant period were provided by the Bureau of Meteorology, which was considered representative of the site for throughout the monitoring period.

DESCRIPTORS & FILTERS USED FOR MONITORING

Noise levels are commonly measured using A-weighted filters and are usually described as dB(A). The "A-weighting" refers to standardised amplitude versus frequency curve used to "weight" sound measurements to represent the response of the human ear. The human ear is less sensitive to low frequency sound than it is to high frequency sound. Overall A-weighted measurements quantify sound with a single number to represent how people subjectively hear different frequencies at different levels.

Noise environments can be described using various descriptors depending on characteristics of noise or purpose of assessments. For this survey the L_{A90} was used to analyse the monitoring results. The statistical descriptors L_{A90} measures the noise level exceeded for 90% of the sample measurement time, and is used to describe the "Background noise". Background noise is the underlying level of noise present in the ambient noise, excluding extraneous noise or the noise source under investigation.

Measurement sample periods were fifteen minutes. The Noise -vs- Time graphs representing measured noise levels at the noise monitoring location are presented in Attachment 3.

ATTENDED NOISE MONITORING*NOISE MONITORING EQUIPMENT*

The attended short-term noise monitoring was carried out using a SVANTEK SVAN957 Class 1 Precision Sound Level Meter. The instrument was calibrated by a NATA accredited laboratory within two years of the measurement period. The instrument sets comply with AS 1259 and was set on A-weighted, fast response.

The microphone was positioned at 1.5 metres above ground level and was fitted with a windsock. The instrument was calibrated using a Rion NC-73 sound level calibrator prior and subsequent to the measurement period to ensure the reliability and accuracy of the instrument sets. There were no significant variances observed in the reference signal between the pre-measurement and post-measurement calibrations. Instrument calibration certificates have also been included in Attachment 1.

WEATHER CONDITIONS

It was partially cloudy, fine without significant breeze.

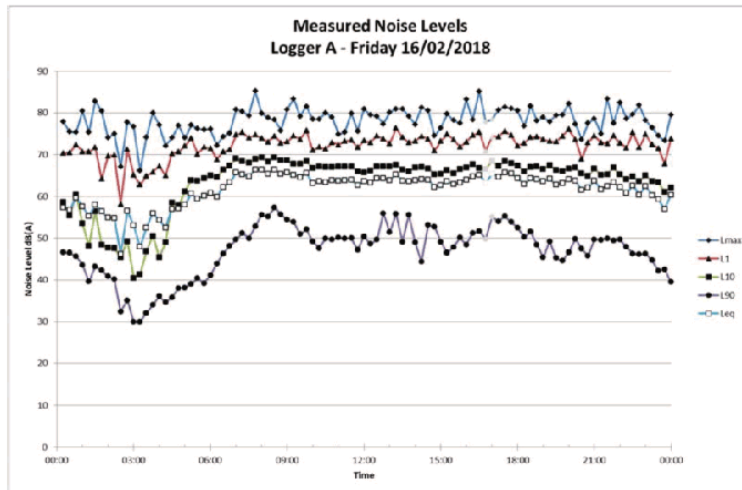
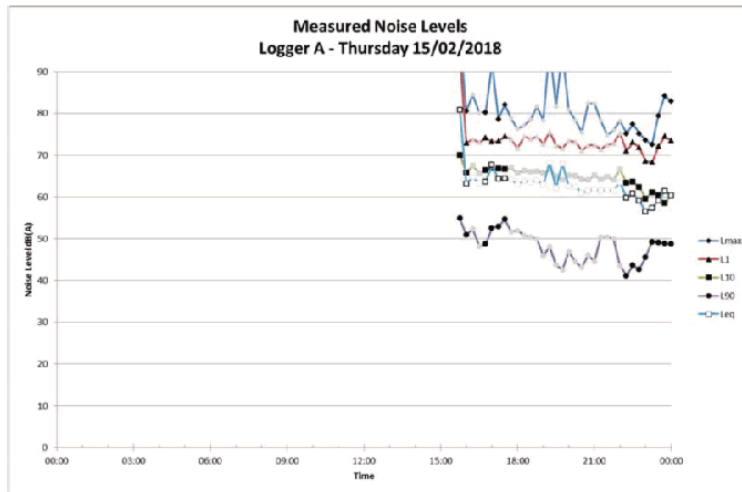
METHODOLOGY

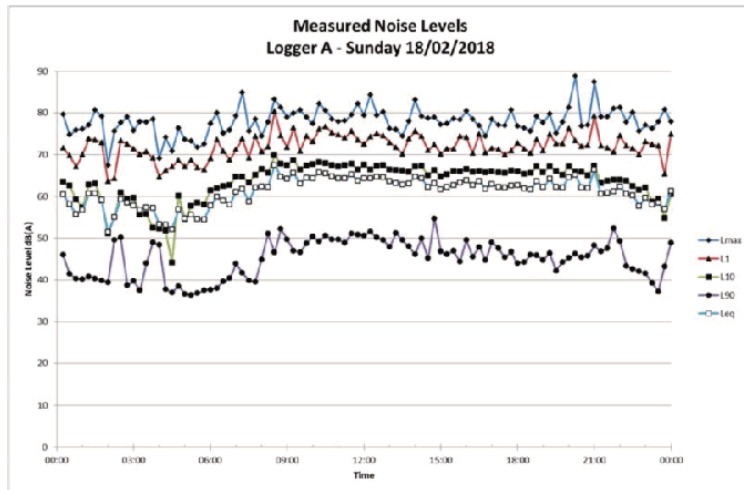
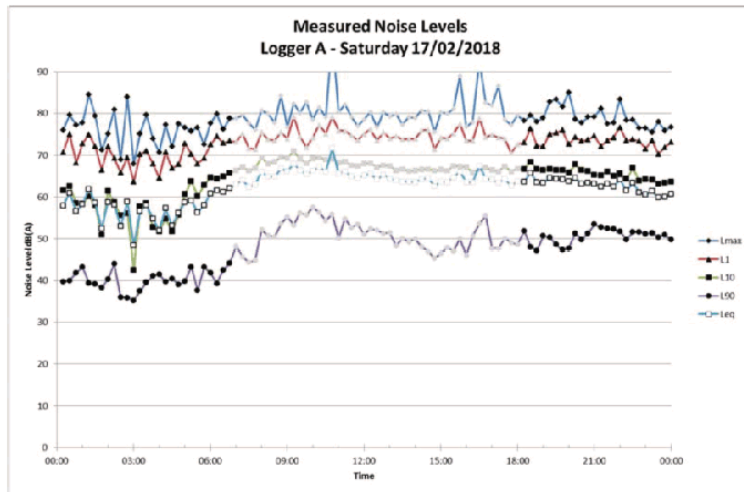
The attended noise measurements were carried out generally in accordance with Australian Standard AS 1055-1997 "Acoustics – Description and Measurement of Environmental Noise".

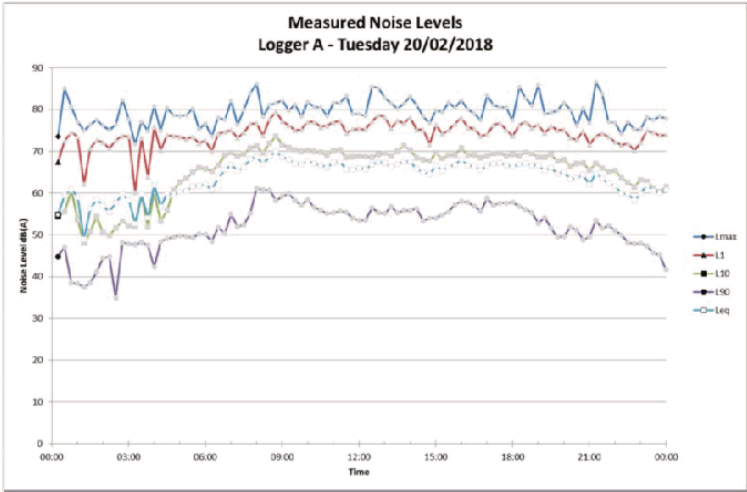
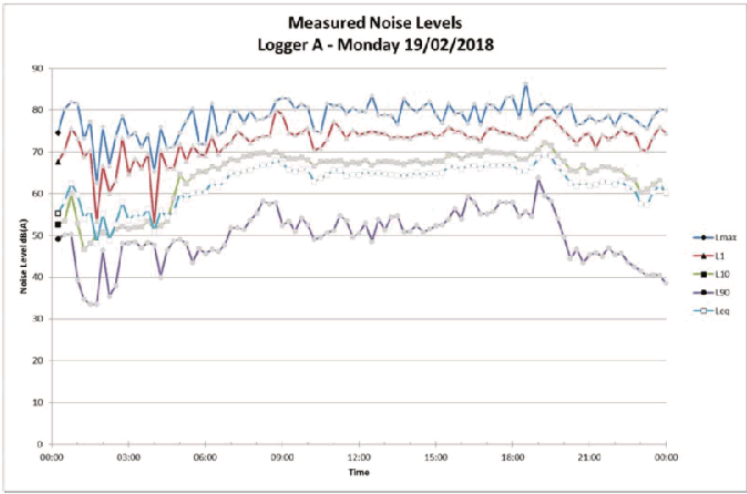
Attachment 4: Daily Noise Logger Charts

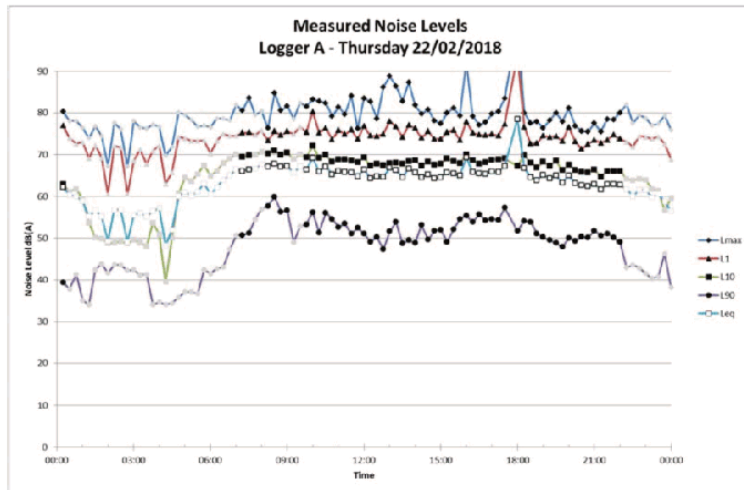
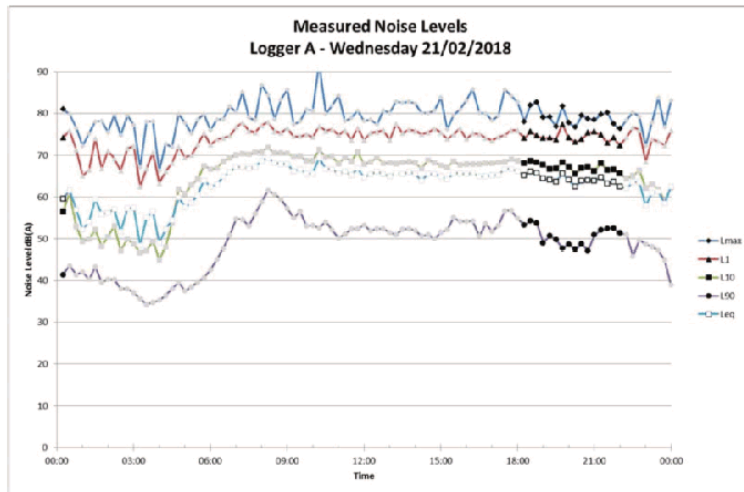
Measured Noise Levels - Logger A

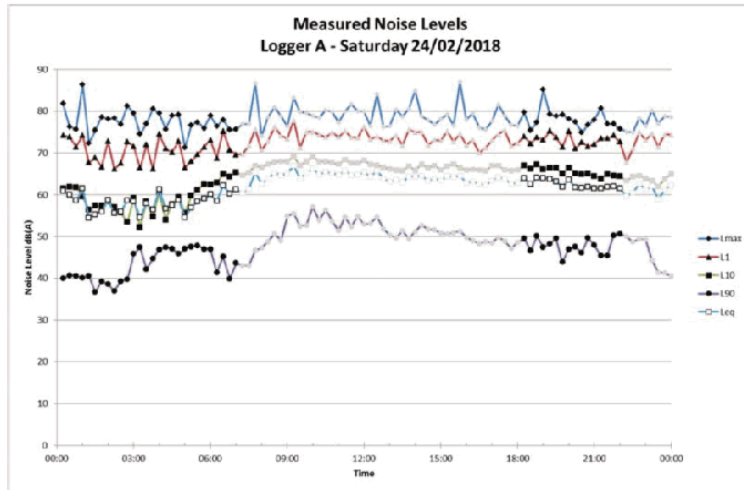
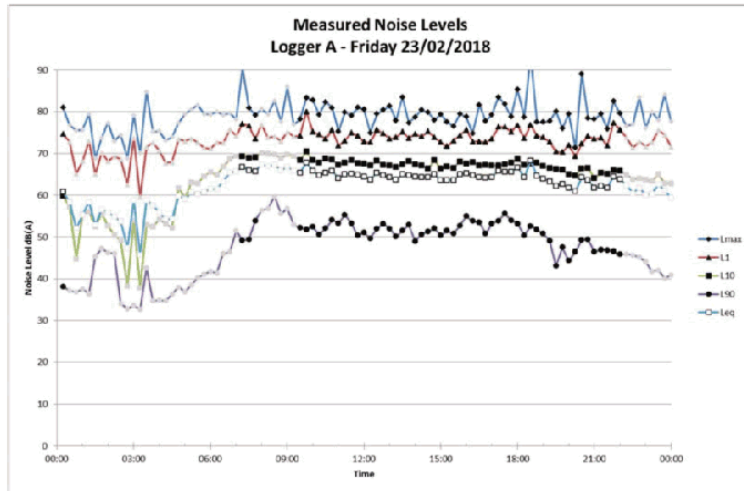
| | Average L1 | | | Average L10 | | | ABL (L90) | | | Leq | | |
|---------------------|------------|---------|-------|-------------|---------|-------|-----------|---------|-------|-----|---------|-------|
| | Day | Evening | Night | Day | Evening | Night | Day | Evening | Night | Day | Evening | Night |
| 15/02/2018 | 77 | - | 72 | 67 | - | 61 | 50 | - | 42 | 74 | - | 60 |
| 16/02/2018 | 74 | 73 | 70 | 67 | 66 | 57 | 48 | 45 | 33 | 64 | 63 | 59 |
| 17/02/2018 | - | 74 | 71 | - | 66 | 60 | - | 48 | 38 | - | 64 | 59 |
| 18/02/2018 | 73 | 73 | 70 | 67 | 66 | 59 | 45 | 44 | 37 | 64 | 63 | 58 |
| 19/02/2018 | - | - | - | - | - | - | - | - | - | - | - | - |
| 20/02/2018 | - | - | - | - | - | - | - | - | - | - | - | - |
| 21/02/2018 | - | 74 | - | - | 67 | - | - | 48 | - | - | 64 | - |
| 22/02/2018 | 76 | 74 | - | 69 | 67 | - | 49 | 49 | - | 68 | 64 | - |
| 23/02/2018 | 74 | 73 | - | 68 | 66 | - | 50 | 45 | - | 65 | 64 | - |
| 24/02/2018 | - | 73 | 71 | - | 66 | 59 | - | 46 | 39 | - | 63 | 59 |
| 25/02/2018 | - | - | - | - | - | - | - | - | - | - | - | - |
| 26/02/2018 | - | - | 70 | - | - | 58 | - | - | 41 | - | - | 59 |
| 27/02/2018 | - | - | - | - | - | - | - | - | - | - | - | - |
| 28/02/2018 | 75 | 74 | - | 68 | 66 | - | 48 | 46 | - | 66 | 64 | - |
| 1/03/2018 | 75 | 73 | 72 | 68 | 66 | 57 | 48 | 44 | 36 | 66 | 63 | 60 |
| 2/03/2018 | - | - | - | - | - | - | - | - | - | - | - | - |
| Average | 75 | 74 | 71 | 68 | 66 | 59 | 48 | 46 | 38 | 67 | 63 | 59 |
| Median | 75 | 73 | 71 | 68 | 66 | 59 | 48 | 46 | 38 | 66 | 64 | 59 |
| Logarithmic Average | 75 | 74 | 71 | 68 | 66 | 59 | 48 | 46 | 39 | 68 | 64 | 59 |

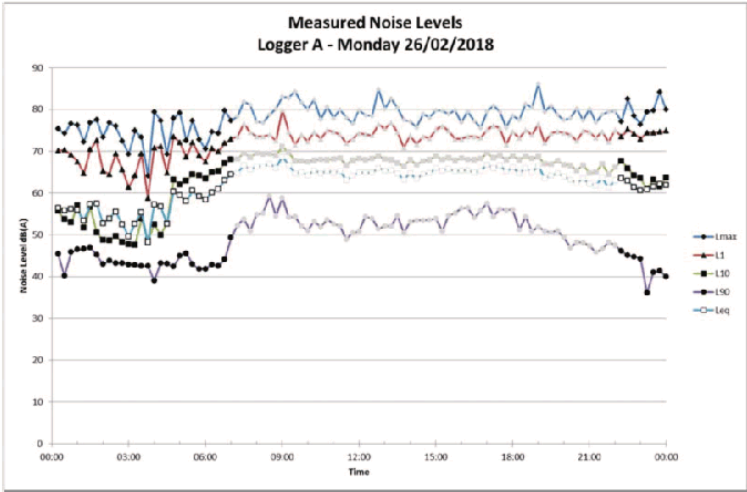
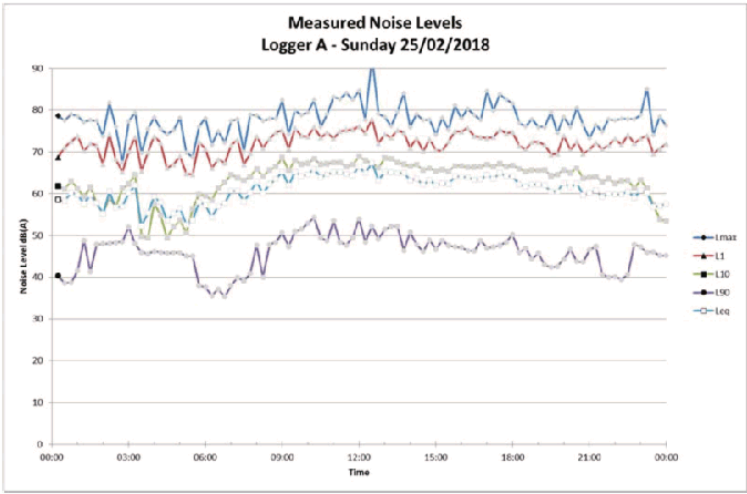


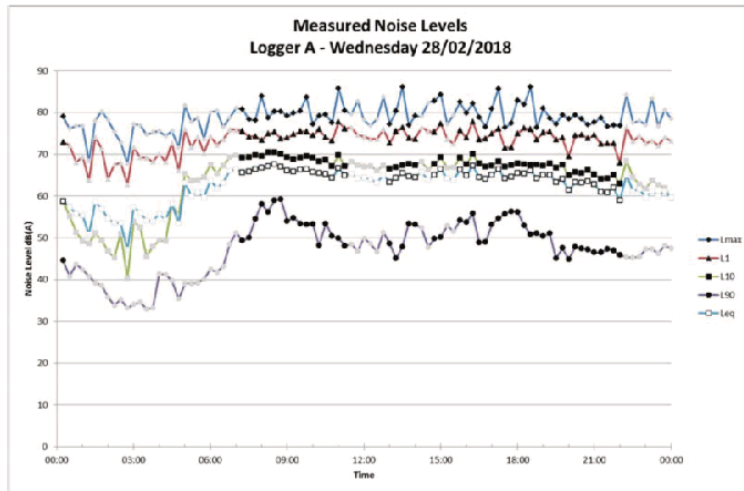
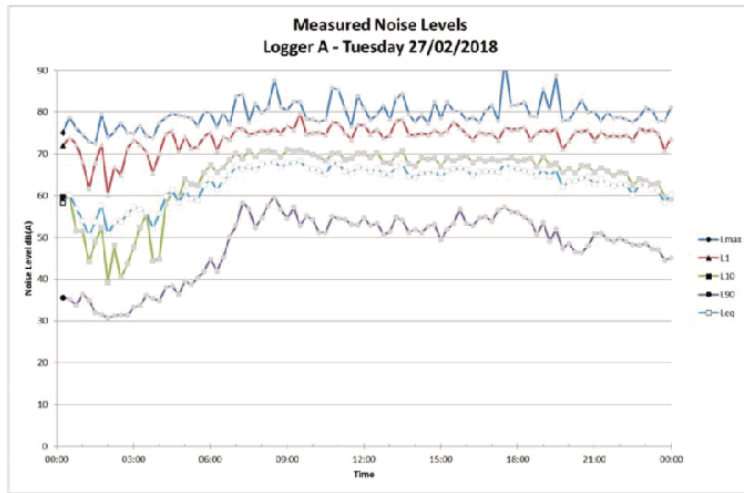


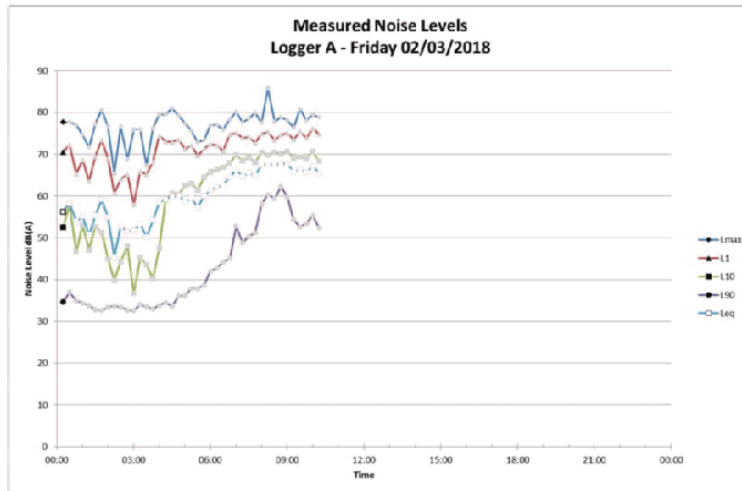
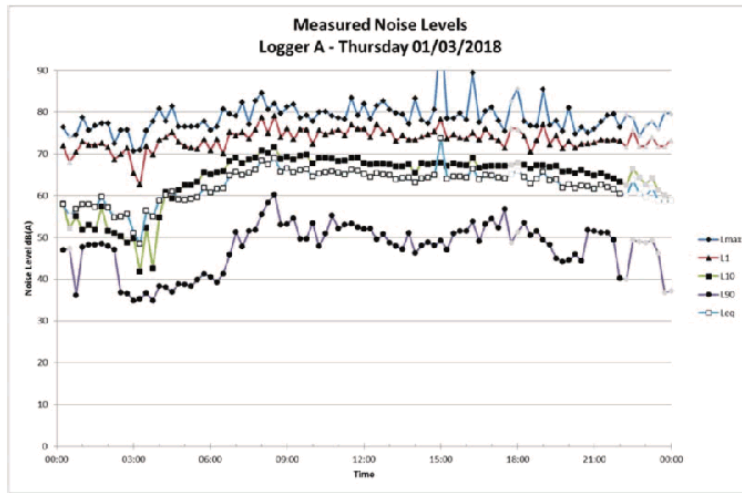








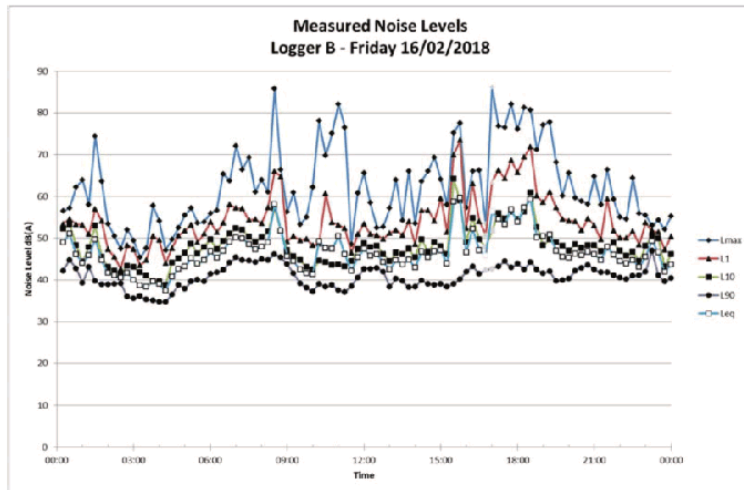
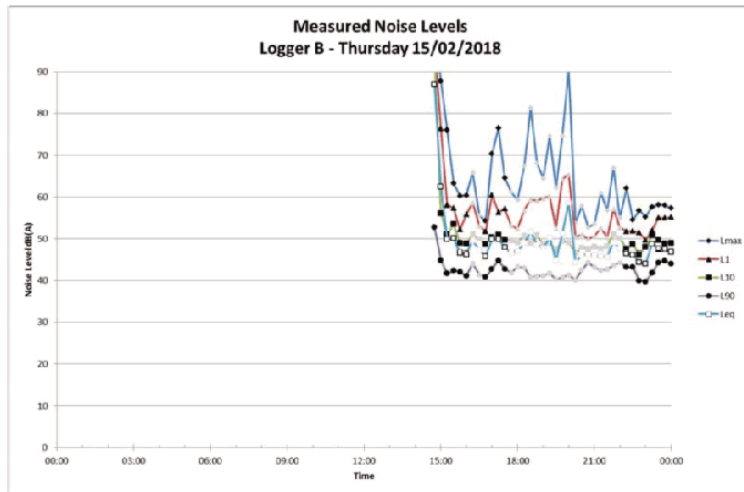


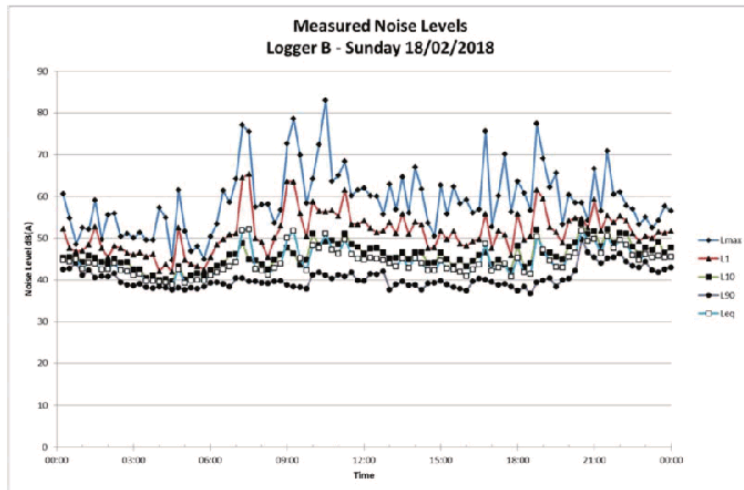
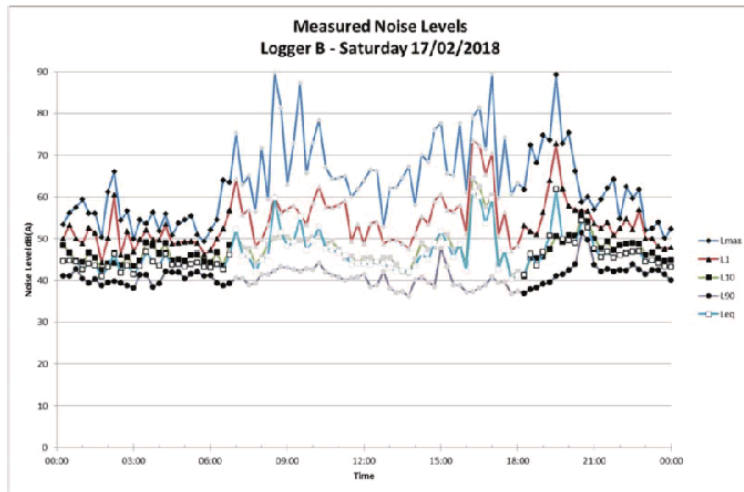


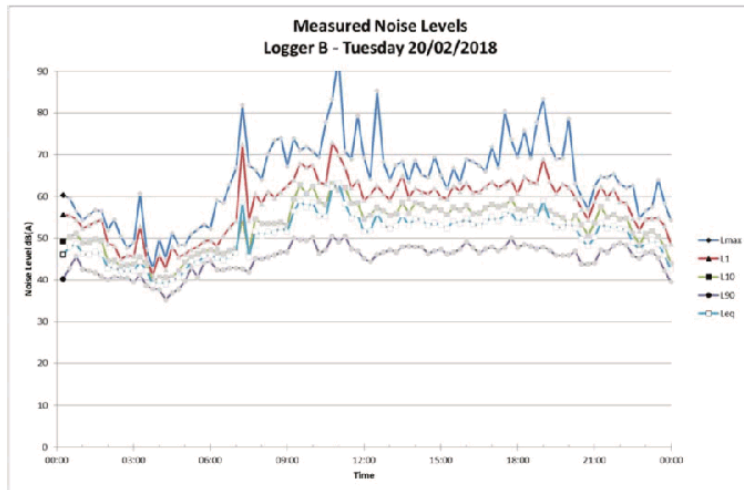
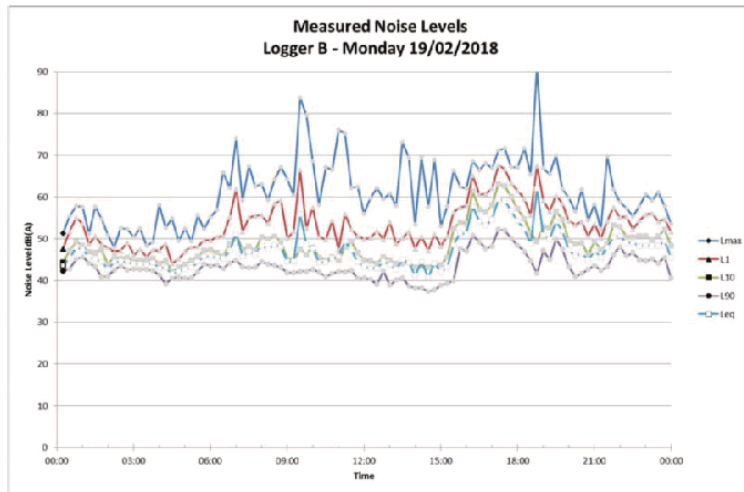
Measured Noise Levels - Logger B

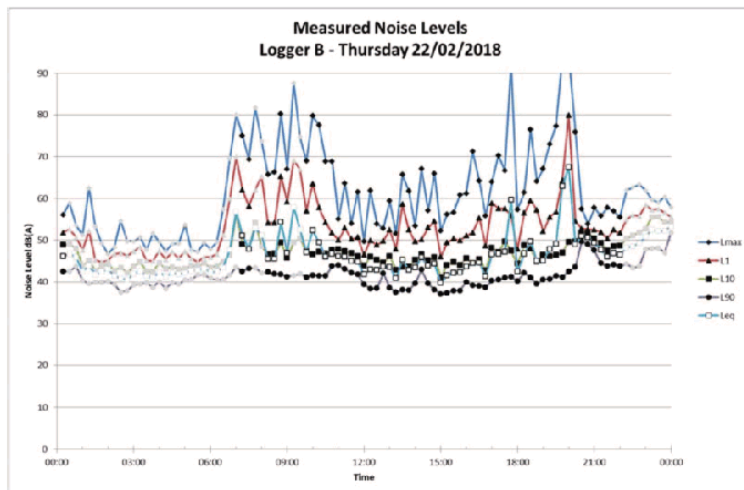
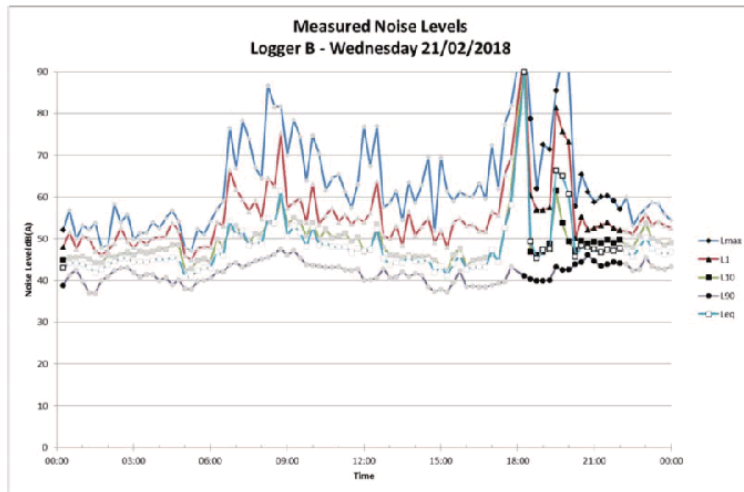
| | Day | Average L1 | | Average L10 | | | ABL (L90) | | | Leq | | |
|---------------------|-----|------------|-------|-------------|---------|-------|-----------|---------|-------|-----|---------|-------|
| | | Evening | Night | Day | Evening | Night | Day | Evening | Night | Day | Evening | Night |
| 15/02/2018 | 62 | - | 53 | 55 | - | 49 | 41 | - | 40 | 77 | - | 47 |
| 16/02/2018 | 56 | 57 | 51 | 49 | 50 | 46 | 38 | 40 | 35 | 51 | 51 | 45 |
| 17/02/2018 | - | 56 | 50 | - | 49 | 46 | - | 38 | 39 | - | 52 | 44 |
| 18/02/2018 | 53 | 54 | 48 | 46 | 48 | 44 | 38 | 38 | 38 | 46 | 48 | 43 |
| 19/02/2018 | - | - | - | - | - | - | - | - | - | - | - | - |
| 20/02/2018 | - | - | - | - | - | - | - | - | - | - | - | - |
| 21/02/2018 | - | 61 | - | - | 52 | - | - | 40 | - | - | 78 | - |
| 22/02/2018 | 53 | 56 | - | 46 | 48 | - | 38 | 41 | - | 48 | 57 | - |
| 23/02/2018 | 56 | 55 | - | 49 | 48 | - | 39 | 39 | - | 49 | 51 | - |
| 24/02/2018 | - | 55 | 50 | - | 51 | 47 | - | 43 | 41 | - | 50 | 47 |
| 25/02/2018 | - | - | - | - | - | - | - | - | - | - | - | - |
| 26/02/2018 | - | - | 49 | - | - | 46 | - | - | 40 | - | - | 45 |
| 27/02/2018 | - | - | - | - | - | - | - | - | - | - | - | - |
| 28/02/2018 | 57 | 57 | - | 50 | 52 | - | 40 | 43 | - | 50 | 54 | - |
| 1/03/2018 | 69 | 73 | 52 | 61 | 66 | 49 | 41 | 44 | 42 | 64 | 63 | 48 |
| Average | 58 | 58 | 50 | 51 | 52 | 47 | 39 | 41 | 39 | 55 | 56 | 46 |
| Median | 56 | 56 | 50 | 49 | 50 | 46 | 39 | 40 | 40 | 50 | 52 | 45 |
| Logarithmic Average | 62 | 64 | 51 | 54 | 57 | 47 | 40 | 41 | 40 | 69 | 69 | 46 |

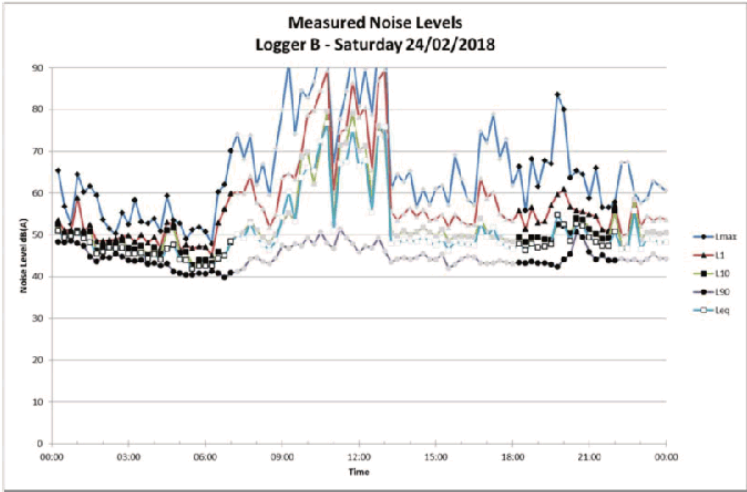
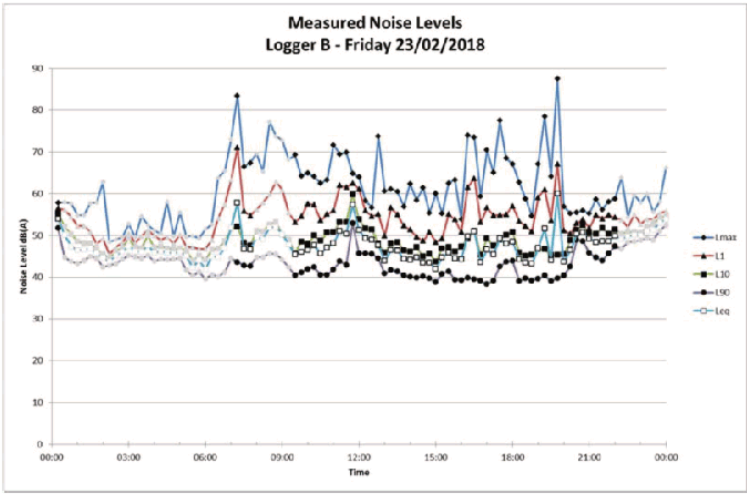
excluded

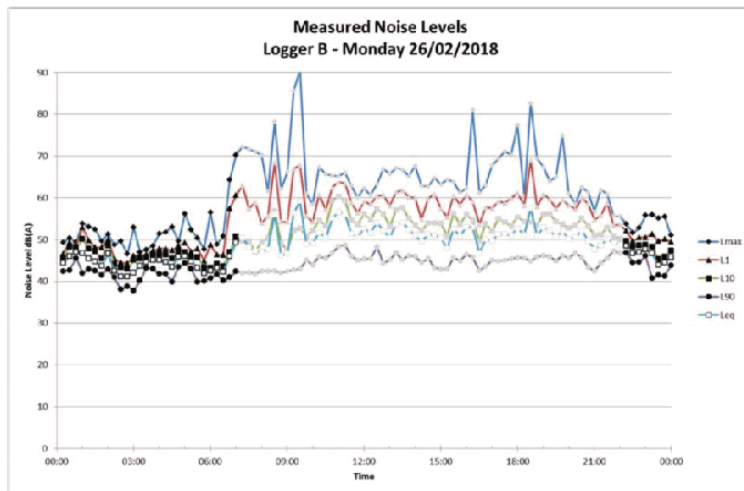
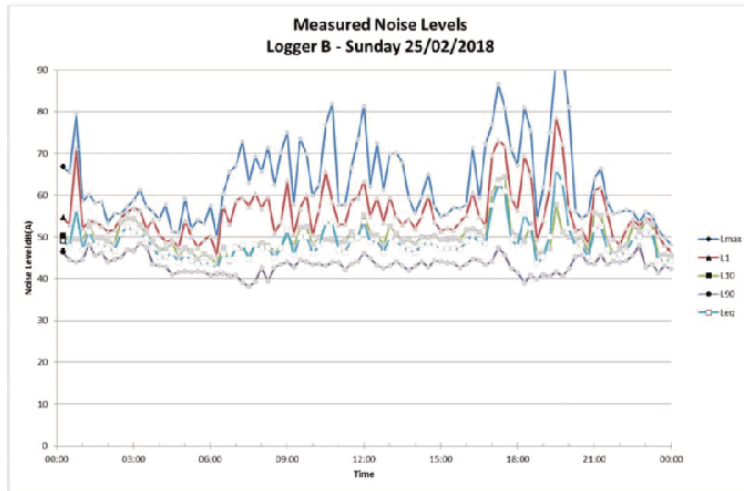


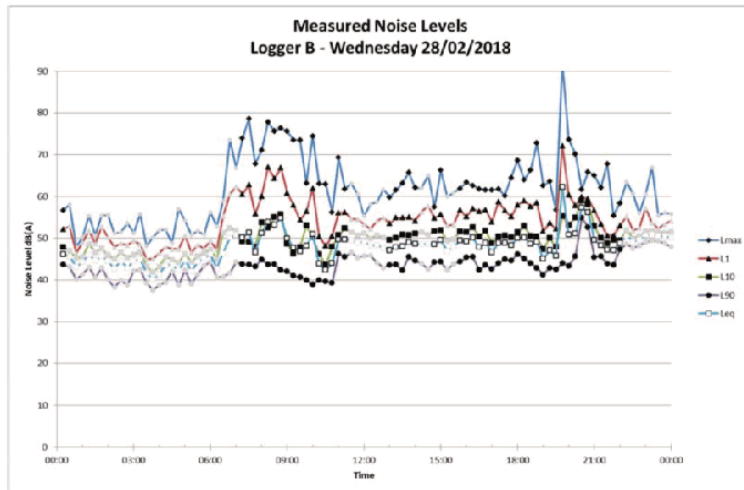
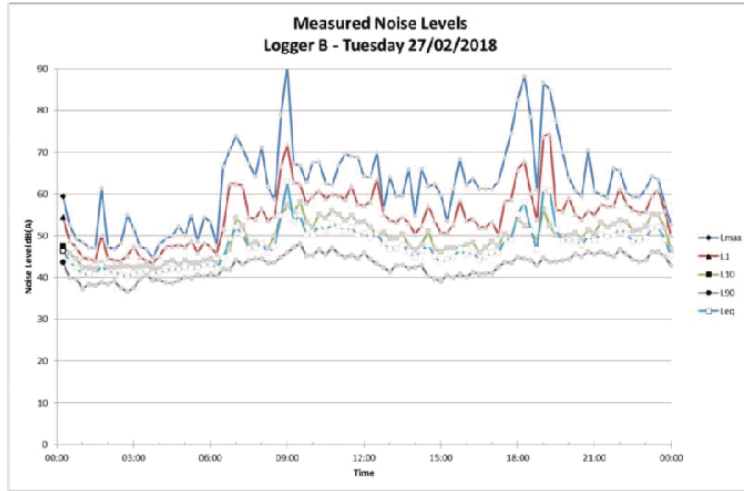


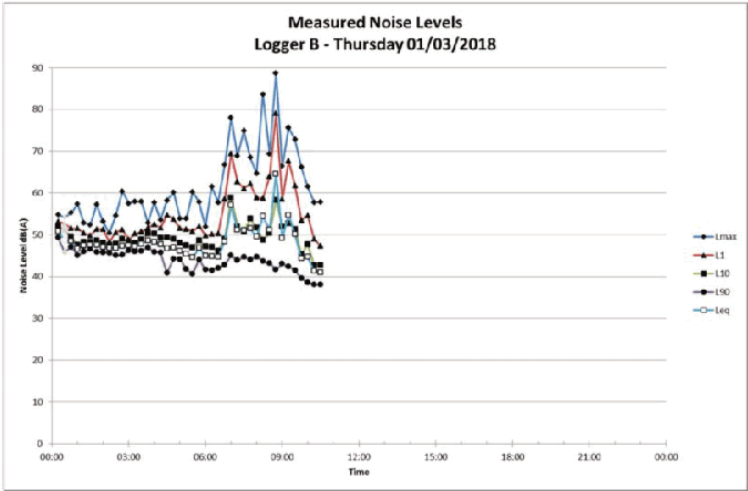










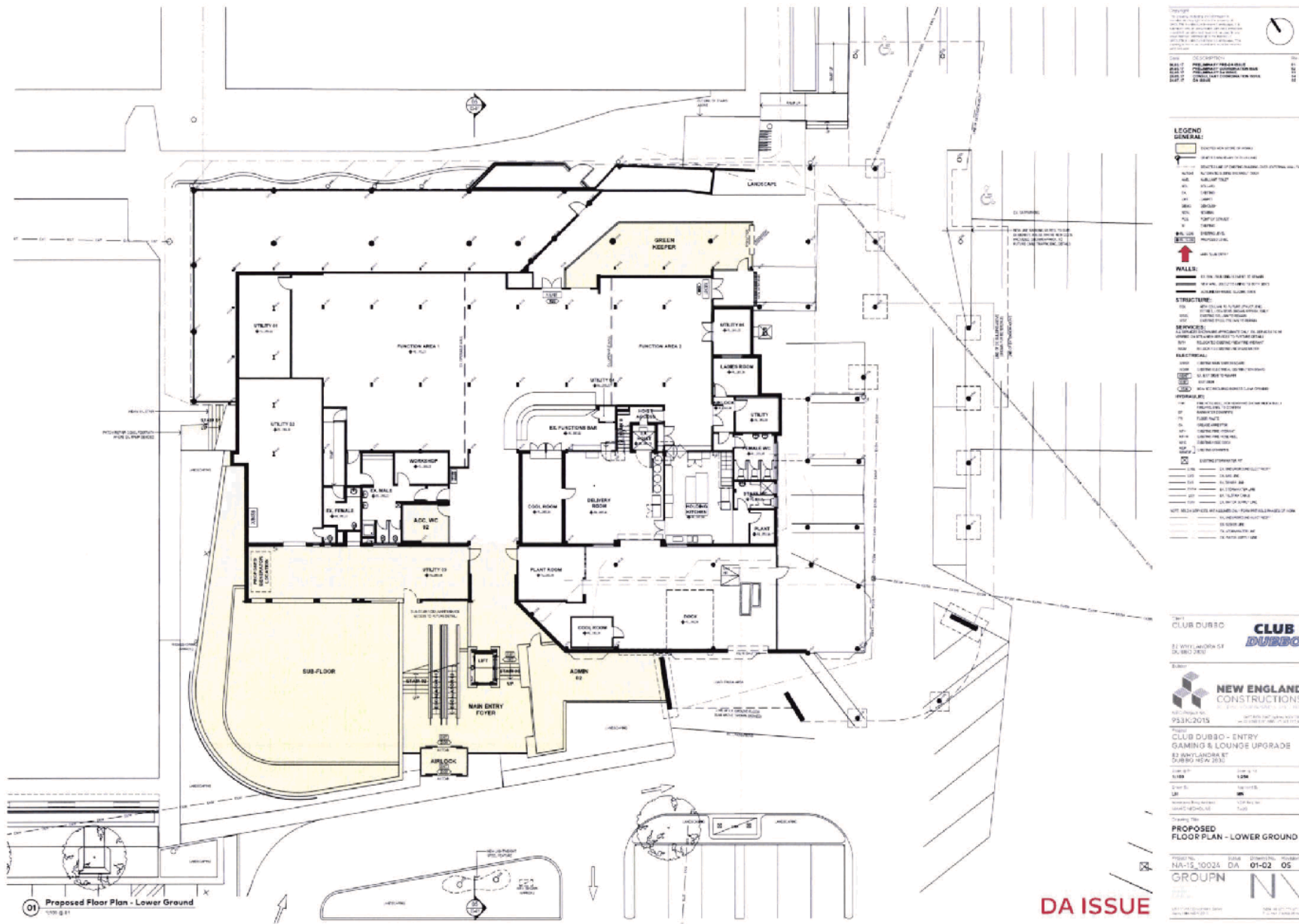


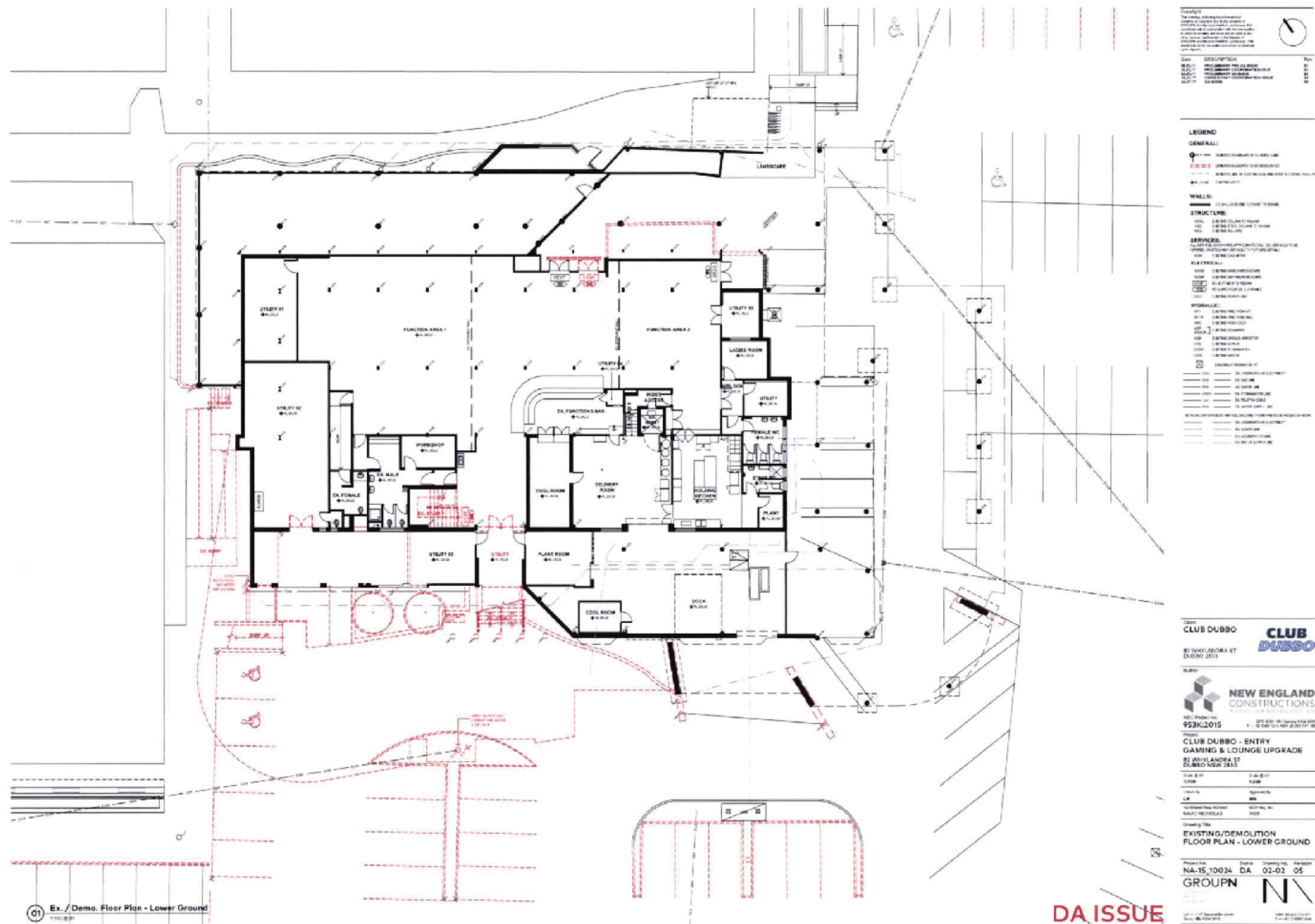
Supporting Documentation

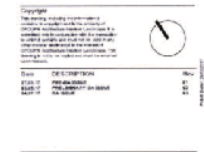
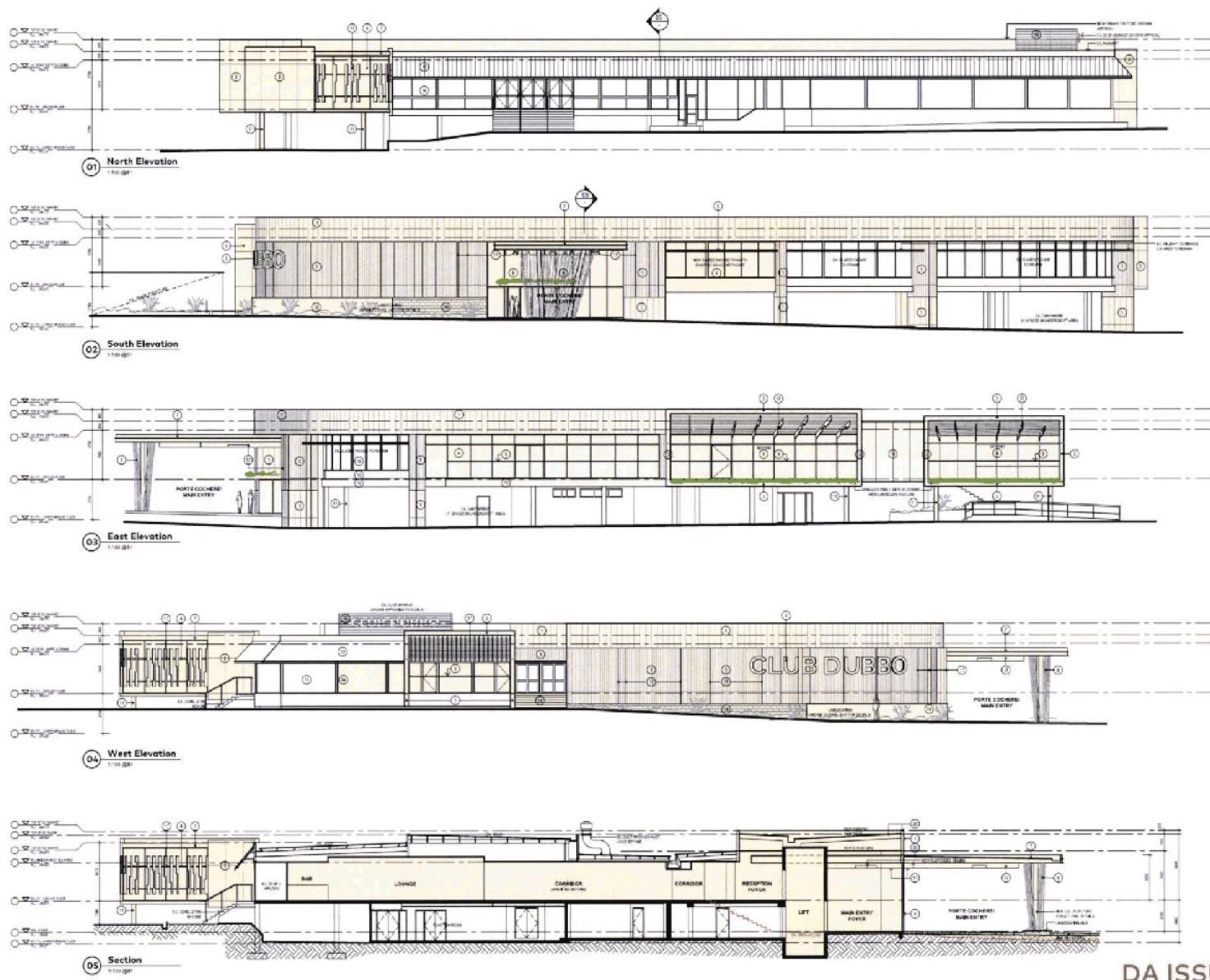
DA Architectural and Landscape Drawings

Prepared by GROUPN Architecture, Interior, Landscape

| Document No. | Document Title | Revision |
|-------------------|---|----------|
| NA_15-10024_00-01 | PROPOSED SITE PLAN | 07 |
| NA_15-10024_01-01 | PROPOSED FLOOR PLAN - GROUND | 05 |
| NA_15-10024_01-02 | PROPOSED FLOOR PLAN - LOWER GROUND | 05 |
| NA_15-10024_02-01 | EXISTING/DEMOLITION FLOOR PLAN - GROUND | 06 |
| NA_15-10024_02-02 | EXISTING/DEMOLITION FLOOR PLAN - LOWER GROUND | 05 |
| NA_15-10024_03-01 | ELEVATIONS AND SECTION | 03 |
| NA_15-10024_05-04 | CONSTRUCTION STAGING/EGRESS PLAN - GROUND | 01 |
| NA_15-10024_05-05 | CONSTRUCTION STAGING/EGRESS PLAN - LOWER GROUND | 01 |
| NA_15-10024_18-01 | PROPOSED LANDSCAPE PLAN | 04 |
| NA_15-10024_19-04 | NOTIFICATION PLAN | 01 |







- LEGEND**
- GENERAL:**
- KEYWAY
 - DETECTED AND NEW EXISTING WORK
- ELEVATION ELEMENTS:**
1. EXISTING FACADE WALLS TO REMAIN UNCHANGED
 2. NEW FACADE WALLS TO BE CONSTRUCTED
 3. NEW GLASS WALLS TO BE CONSTRUCTED
 4. NEW GLASS WALLS TO BE CONSTRUCTED WITH EXISTING WALLS
 5. NEW GLASS WALLS TO BE CONSTRUCTED WITH EXISTING WALLS
 6. NEW GLASS WALLS TO BE CONSTRUCTED WITH EXISTING WALLS
 7. NEW GLASS WALLS TO BE CONSTRUCTED WITH EXISTING WALLS
 8. NEW GLASS WALLS TO BE CONSTRUCTED WITH EXISTING WALLS
 9. NEW GLASS WALLS TO BE CONSTRUCTED WITH EXISTING WALLS
 10. NEW GLASS WALLS TO BE CONSTRUCTED WITH EXISTING WALLS
 11. NEW GLASS WALLS TO BE CONSTRUCTED WITH EXISTING WALLS
 12. NEW GLASS WALLS TO BE CONSTRUCTED WITH EXISTING WALLS
 13. NEW GLASS WALLS TO BE CONSTRUCTED WITH EXISTING WALLS
 14. NEW GLASS WALLS TO BE CONSTRUCTED WITH EXISTING WALLS
 15. NEW GLASS WALLS TO BE CONSTRUCTED WITH EXISTING WALLS
 16. NEW GLASS WALLS TO BE CONSTRUCTED WITH EXISTING WALLS
 17. NEW GLASS WALLS TO BE CONSTRUCTED WITH EXISTING WALLS
 18. NEW GLASS WALLS TO BE CONSTRUCTED WITH EXISTING WALLS
 19. NEW GLASS WALLS TO BE CONSTRUCTED WITH EXISTING WALLS
 20. NEW GLASS WALLS TO BE CONSTRUCTED WITH EXISTING WALLS

Client: CLUB DUBBO

82 WYLLANDRA ST DUBBO NSW

NEW ENGLAND CONSTRUCTIONS

953K/2015

Project: CLUB DUBBO - ENTRY GAMING & LOUNGE UPGRADE 82 WYLLANDRA ST DUBBO NSW 2830

Scale: 1:100

Author: JRM

Check: WJM

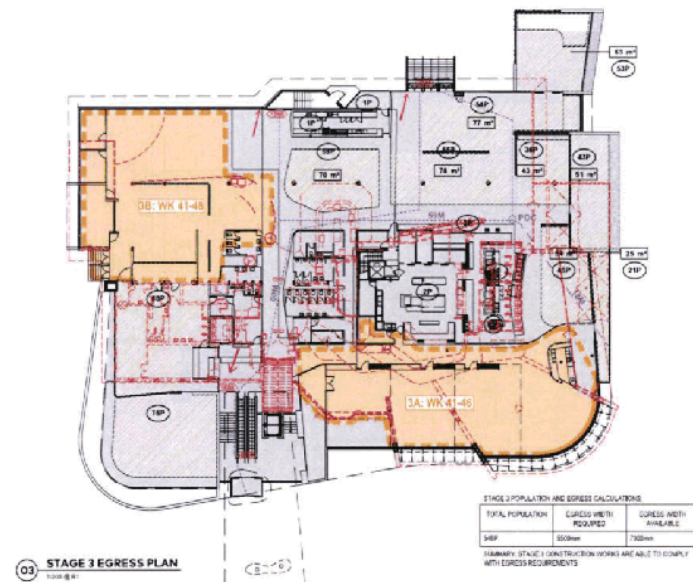
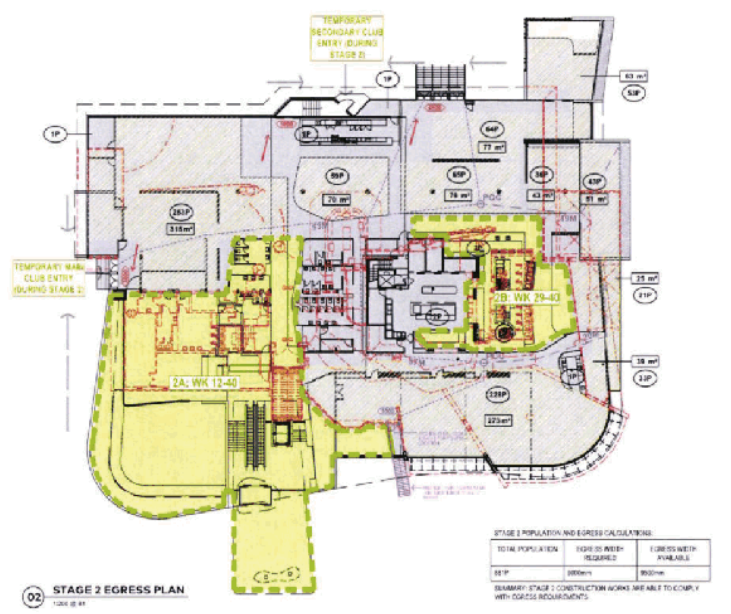
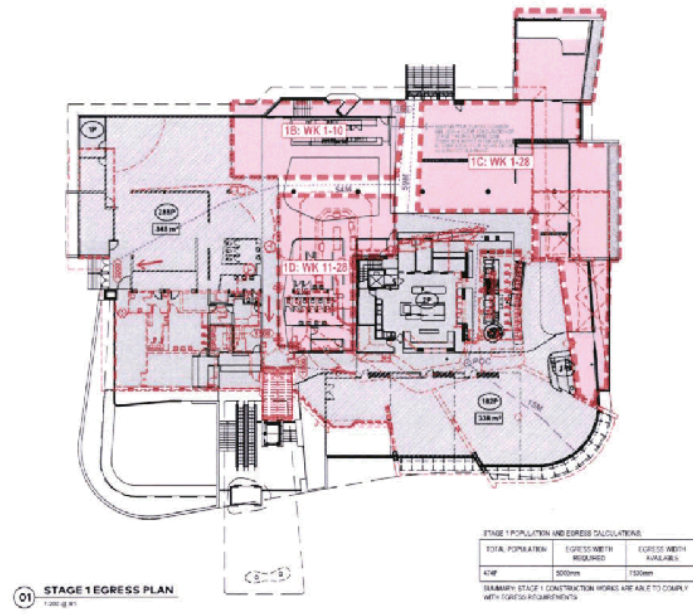
Drawn: JRM

Project No: NA-15-10024

DA No: DA 03-01

Group: GROUP N

DA ISSUE



LEGEND

- CONSTRUCTION ELEMENTS TO BE DEMOLISHED
- REMOVED AMOUNT OF PEOPLE BY POPULATION GENERATING AREA
- 170P
- 205m²
- NON-PURPOSED CIRCULATION AREA OF CLUB DURING STAGED WORKS
- NON-PURPOSED CIRCULATION AREA OF CLUB DURING STAGED WORKS

ACCESS AND EGRESS:

- TRAVEL PATH TO POINT OF EGRESS
- CLEAR WIDTH OF EGRESS
- 60M
- 20M
- POC

CONSTRUCTION STAGING

- STAGE 1 CONSTRUCTION WORKS (NOT ACCESSIBLE TO PUBLIC)
- ISOLATED POPULATION GENERATING PUBLIC AREA DURING STAGE 1 WORKS
- STAGE 2 CONSTRUCTION WORKS (NOT ACCESSIBLE TO PUBLIC)
- ISOLATED POPULATION GENERATING PUBLIC AREA DURING STAGE 2 WORKS
- STAGE 3 CONSTRUCTION WORKS (NOT ACCESSIBLE TO PUBLIC)
- ISOLATED POPULATION GENERATING PUBLIC AREA DURING STAGE 3 WORKS

NOTED: PROPOSED EGRESS DURING CONSTRUCTION INDICATES ONLY FOR DA PURPOSES. COMPLIANCE OF EGRESS PLANS FOR FINISHED INCLUDING DETAILS OF FINAL HARDWARE EGRESS TO BE CONFIRMED BY SUBMITTER. SUBMITTER TO ALSO PROVIDE EMERGENCY EVACUATION PLAN FOR CONSTRUCTION STAFF. FINAL PLANS TO BE REVIEWED APPROVED BY CERTIFIER PRIOR TO EACH CONSTRUCTION STAGE.

Site: CLUB DUBBO
 82 ARMY AVENUE ST DUBBO NSW 2890

Client: NEW ENGLAND CONSTRUCTIONS
 1/111 PROJECTS
 5/23K/2015

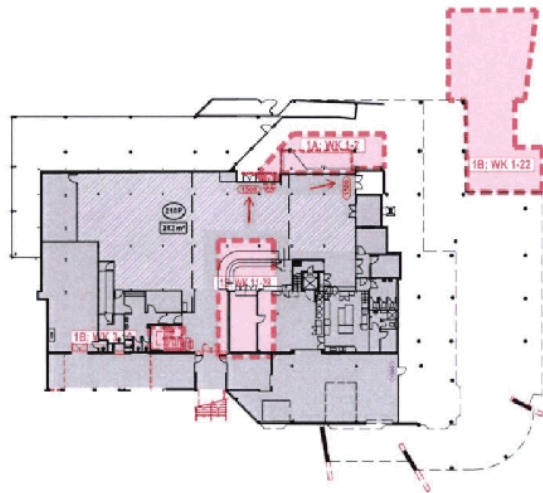
Project: CLUB DUBBO - ENTRY GAMING & LOUNGE UPGRADE
 82 ARMY AVENUE ST DUBBO NSW 2890

Scale: 1:100
 Date: 05-04-2015

Drawn by: MARIAN NICOLAS
 Checked by: MARIAN NICOLAS

Group: CONSTRUCTION STAGING/EGRESS PLANS - GROUND

Project No: NA-S_10024 DA 05-04 01
 GROUPN

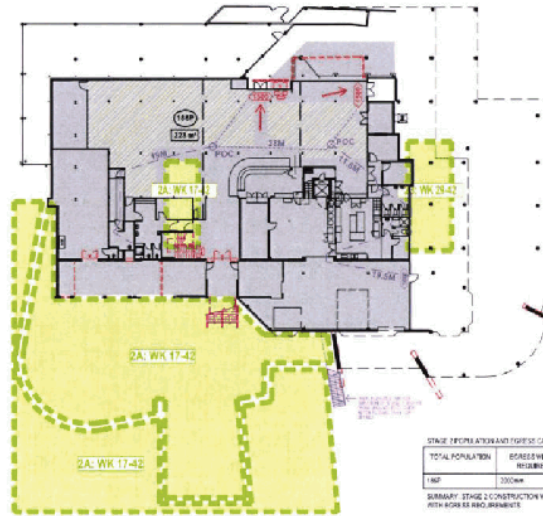


STAGE 1 POPULATION AND EGRESS CALCULATIONS

| TOTAL POPULATION | EGRESS WIDTH REQUIRED | EGRESS WIDTH AVAILABLE |
|------------------|-----------------------|------------------------|
| 170P | 250mm | 430mm |

SUMMARY: STAGE 1 CONSTRUCTION WORKS ARE ABLE TO COMPLY WITH EGRESS REQUIREMENTS

01 STAGE 1 EGRESS PLAN
1:200 @ A1



STAGE 2 POPULATION AND EGRESS CALCULATIONS

| TOTAL POPULATION | EGRESS WIDTH REQUIRED | EGRESS WIDTH AVAILABLE |
|------------------|-----------------------|------------------------|
| 118P | 330mm | 430mm |

SUMMARY: STAGE 2 CONSTRUCTION WORKS ARE ABLE TO COMPLY WITH EGRESS REQUIREMENTS

02 STAGE 2 EGRESS PLAN
1:200 @ A1

Drawn by: [Name]
Checked by: [Name]
Date: 05/05/2018
Scale: A1

LEGEND

- (Red dashed) --- EXISTING ELEMENTS TO BE DEMOLISHED
- (170P) CIRCLES INDICATE NUMBER OF PEOPLE IN PUBLIC ACCESSIBLE AREAS
- 205m² (Yellow dashed) CIRCLES INDICATE AREA OF PUBLIC ACCESSIBLE AREAS
- (Grey shaded) CONSTRUCTION STAGING AREAS (NOT ACCESSIBLE TO PUBLIC)
- (Red arrow) ACCESS AND EGRESS: INDICATES PATH TO POINT OF EGRESS
- (Red arrow) CLEAR WIDTH OF EGRESS
- (Dotted line) PATH OF TRAVEL EGRESS BETWEEN ADJACENT EGRESS
- (600m) WIDTH OF TRAVEL EGRESS (MAX 21 - 18150)
- (20M) WIDTH OF TRAVEL EGRESS TO POINT OF CHOICE (MAX 20M)
- (POC) POINT OF CHOICE
- (Red dashed) STAGE 1 CONSTRUCTION WORKS (NOT ACCESSIBLE TO PUBLIC)
- (Grey shaded) DENOTES POPULATION GENERATING PUBLIC AREAS DURING STAGE 1 WORKS
- (Yellow dashed) STAGE 2 CONSTRUCTION WORKS (NOT ACCESSIBLE TO PUBLIC)
- (Grey shaded) DENOTES POPULATION GENERATING PUBLIC AREAS DURING STAGE 2 WORKS

NOTE: PROPOSED EGRESS DURING CONSTRUCTION INDICATED ONLY FOR INFORMATION PURPOSES. COMPLIANCE OF EGRESS PLANS FOR ALL STAGES INCLUDING ALL OF FINAL REQUIREMENTS MUST BE CONFIRMED BY BUILDER. BUILDER TO ALSO PROVIDE EMERGENCY FACILITIES AND FOR CONSTRUCTION STAGING AREAS TO BE PROVIDED APPROVED BY CERTIFIER PRIOR TO EACH CONSTRUCTION STAGE.

Client: CLUB DUBBO
82 WHYLANDRA ST DUBBO NSW

Club Dubbo Logo

NEW ENGLAND CONSTRUCTIONS
NSW 953K:2015

Project: CLUB DUBBO - ENTRY GAMING & LOUNGE UPGRADE
82 WHYLANDRA ST DUBBO NSW 2836

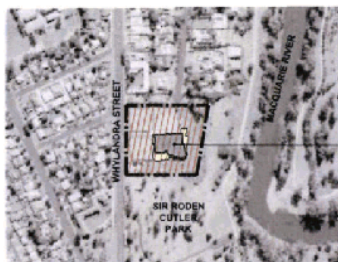
Date: 05/05/2018
Scale: A1

Drawn by: [Name]
Checked by: [Name]
Date: 05/05/2018

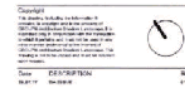
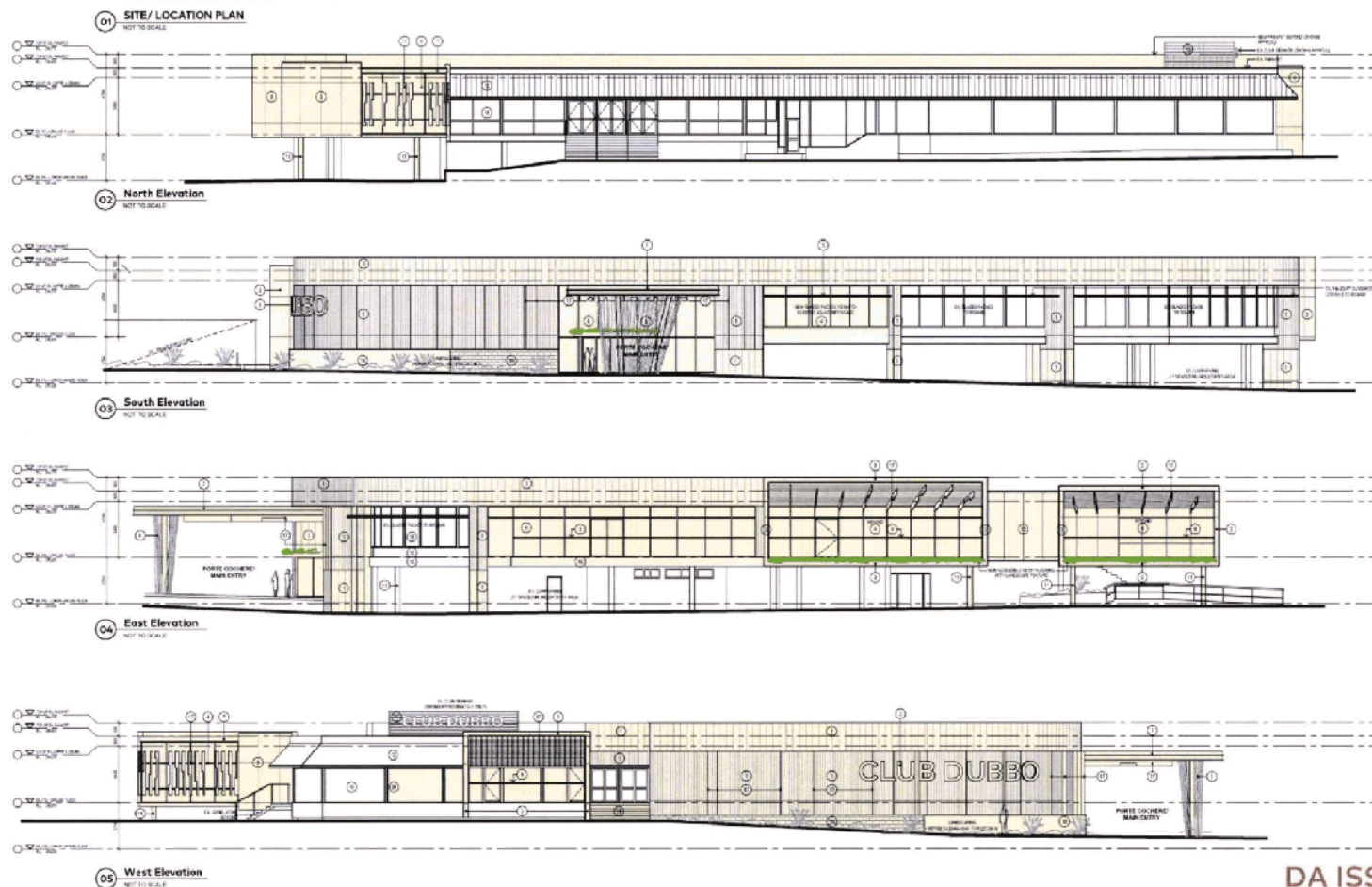
Group: CONSTRUCTION STAGING/ EGRESS PLANS - LOWER GROUND

Project No: NA-15 10024 DA 05-05 01

GROUPN



SUBJECT SITE



- LEGEND**
- GENERAL:**
- 1. EXISTING
 - 2. PROPOSED
- ELEVATION ELEMENTS:**
1. 200mm BRICK WALL WITH CORNER STRENGTHENING AND FINISH
 2. 100mm BRICK WALL
 3. BRICK TO CLASSIFIED FIRE RATED WALL
 4. 2.5mm THICK SLAB WITH 100mm TO 150mm CONCRETE
 5. 100mm THICK CONCRETE SLAB WITH 100mm CONCRETE
 6. 2.5mm THICK SLAB WITH 100mm CONCRETE
 7. 100mm THICK WALL
 8. 100mm THICK WALL
 9. 100mm THICK WALL
 10. 100mm THICK WALL
 11. 100mm THICK WALL
 12. 100mm THICK WALL
 13. 100mm THICK WALL
 14. 100mm THICK WALL
 15. 100mm THICK WALL
 16. 100mm THICK WALL
 17. 100mm THICK WALL
 18. 100mm THICK WALL
 19. 100mm THICK WALL
 20. 100mm THICK WALL
 21. 100mm THICK WALL
 22. 100mm THICK WALL
 23. 100mm THICK WALL
 24. 100mm THICK WALL
 25. 100mm THICK WALL
 26. 100mm THICK WALL
 27. 100mm THICK WALL
 28. 100mm THICK WALL
 29. 100mm THICK WALL
 30. 100mm THICK WALL
 31. 100mm THICK WALL
 32. 100mm THICK WALL
 33. 100mm THICK WALL
 34. 100mm THICK WALL
 35. 100mm THICK WALL
 36. 100mm THICK WALL
 37. 100mm THICK WALL
 38. 100mm THICK WALL
 39. 100mm THICK WALL
 40. 100mm THICK WALL
 41. 100mm THICK WALL
 42. 100mm THICK WALL
 43. 100mm THICK WALL
 44. 100mm THICK WALL
 45. 100mm THICK WALL
 46. 100mm THICK WALL
 47. 100mm THICK WALL
 48. 100mm THICK WALL
 49. 100mm THICK WALL
 50. 100mm THICK WALL

Club Dubbo

NEW ENGLAND CONSTRUCTIONS

CLUB DUBBO - ENTRY GAMING & LOUNGE UPGRADE

NOTIFICATION PLAN

NA-15-10024 DA 15-04-01

GROUPN

DA ISSUE



DUBBO REGIONAL
COUNCIL

REPORT: Rescinding of Local Purchasing Policy

AUTHOR: Manager Financial Operations
REPORT DATE: 17 April 2018
TRIM REFERENCE: ID18/690

EXECUTIVE SUMMARY

At the Ordinary meeting of Council held 26 February 2018, Council adopted a Community Support Based Procurement Policy. This policy superseded Council's previous Local Purchasing Policy. This report recommends the rescinding of the previous Local Purchasing Policy as an administrative matter.

ORGANISATIONAL VALUES

Customer Focused: The Community Support Based Procurement Policy aims to support local businesses, the local economy and support community groups by offering a 2% price comparison advantage to eligible local businesses when Council is procuring goods or services.

Integrity: The Community Support Based Procurement Policy provides transparency to the community on how Community Support Based Procurement will be implemented.

One Team: The Community Support Based Procurement Policy is managed and coordinated across all of Council's operations.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

Council's previous Local Purchasing Policy shall be obsolete upon adoption of this report.

RECOMMENDATION

That Council's Local Purchasing Policy be rescinded effective immediately.

Jane Bassingthwaighe
Manager Financial Operations

REPORT

At its Ordinary meeting held 26 August 2016, Council re-adopted a Local Purchasing Policy which provided a 2% price comparative advantage for suppliers that had been approved as Local Suppliers.

Council subsequently adopted a new policy titled the Community Support Based Procurement Policy on 26 February 2018 which provided a similar 2% price comparative advantage however it also expanded the criteria to allow other factors in determining eligible businesses. As an administrative matter the previous Local Purchasing Policy now needs to be formally rescinded.